



## CHAPTER cxli.

An Act to confirm certain Provisional Orders of the Local Government Board relating to Chorley Dover East Stonehouse Harrogate Saint Helens Scarborough and Tunbridge Wells. A.D. 1897.  
[6th August 1897.]

**W**HEREAS the Local Government Board have made the Provisional Orders set forth in the schedule hereto under the provisions of the Public Health Act 1875 :

38 & 39 Vict.  
c. 55.

And whereas it is requisite that the said Orders should be confirmed by Parliament and that the provision herein contained should be enacted with reference to one of such Orders :

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 Orders as altered and set out in the schedule hereto shall be and the same are hereby confirmed and all the provisions thereof shall have full validity and force. Orders in schedule confirmed.

2. The district council mentioned in the Harrogate Order (No. 2) 1897 hereby confirmed shall not under the powers of that order purchase or acquire either compulsorily or by agreement ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied. Special provision relating to Harrogate as to houses of labouring class.

For the purposes of this section the expression "labouring class" includes mechanics artisans labourers and others working for

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A.D. 1897.      wages hawkers costermongers persons not working for wages but  
—      working at some trade or handicraft without employing others  
except members of their own family and persons other than  
domestic servants whose income does not exceed an average of  
thirty shillings a week and the families of any of such persons  
who may be residing with them.

Short title.      3. This Act may be cited as the Local Government Board's  
Provisional Orders Confirmation (No. 14) Act 1897.

S C H E D U L E.

A.D. 1897.

BOROUGH OF CHORLEY.

*Chorley  
Order.*

*Provisional Order for altering a Local Act.*

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

And to all others whom it may concern.

WHEREAS the Borough of Chorley (herein-after referred to as "the Borough") is an Urban District of which the Mayor Aldermen and Burgesses acting by the Council (herein-after referred to as "the Corporation") are the Urban District Council and the unrepealed provisions of the Chorley Improvement Act 1871 (which Act is herein-after referred to as "the Local Act") as altered by certain Provisional Orders of the Local Government Board duly confirmed by Parliament but which do not affect the subject-matter of this Order are in force in the Borough ;

34 & 35 Vict.  
c. lxvi.

And whereas by Sections 113 114 and 124 of the Local Act provision was made with respect to the drainage of buildings within the Borough and the privy watercloset and ashpit accommodation to be provided for the same ;

And whereas by Section 147 of the Local Act the Chorley Commissioners were empowered to borrow money for the purposes therein mentioned ;

And whereas all the powers rights duties capacities and liabilities vested in or attaching to the Chorley Commissioners under the Local Act are now vested in or attach to the Corporation :

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

38 & 39 Vict.  
c. 55.

Art. I. In this Order unless the subject or context otherwise requires—

"Closet accommodation" means any receptacle for human excreta and the fittings and apparatus connected therewith.

"Water Closet" means closet accommodation on the water carriage system flushed by means of fresh water supply and constructed in accordance with byelaws made by the Corporation in pursuance of this Order.

"Waste-water Closet" means closet accommodation on the water carriage system flushed with slops or waste liquids of the household or rain-water and constructed in accordance with byelaws made by the Corporation in pursuance of this Order.

"New building" means any building which would be a new building within the meaning of Section 159 of the Public Health Act 1875.

"Medical officer of health" "house" and "premises" have the same meanings respectively as in the Public Health Act 1875.

"Daily penalty" means penalty for each day on which any offence is continued by a person after conviction.



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—  
*Chorley*  
*Order.*

Art. II.—(1.) On the erection of any new building the Corporation shall when a sewer and water supply sufficient for the purpose are reasonably available be empowered by written notice to require that such new building shall be provided with proper and sufficient Water Closets and Waste-water Closets or with one or more of either class of closet according as circumstances may require.

(2.) On the erection of any new building the Corporation shall when a sewer and water supply sufficient for a Water Closet or a Waste-water Closet are not reasonably available be empowered by written notice to require one or more proper and sufficient earth-closets or privies and ashpits to be provided at or in connexion with such building.

(3.) Any person offending against any requirement of the Corporation under subdivision (1) or (2) of this Article shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings which shall be recoverable in a court of summary jurisdiction.

Art. III.—(1.) If on the report of the borough surveyor or the medical officer of health the Corporation are satisfied that any house has not sufficient closet accommodation provided thereat or in connexion therewith the Corporation may when a sewer and water supply sufficient for the purpose are reasonably available by written notice to the owner or owners require that such house shall be provided with proper and sufficient Water Closets and Waste-water Closets or with one or more of either class of closet according as circumstances may require.

(2.) If the owner or owners of any such house fail in any respect to comply with a notice of the Corporation under subdivision (1) of this Article the Corporation may at the expiration of a time to be specified in the notice (not being less than fourteen days after the service of the notice) do the work specified in such notice and may recover in a summary manner from the owner or owners the expenses incurred by the Corporation in so doing.

Art. IV.—(1.) When a sewer and water supply sufficient for the purpose are reasonably available the Corporation may from time to time by written notice to the owner or owners of any building require any existing closet accommodation (other than a Water Closet or a Waste-water Closet) provided at or in connexion with such building to be altered so as to be converted into a Water Closet or Waste-water Closet which shall comply with the byelaws for the time being in force and shall communicate with a sewer and they may also require a separate receptacle for ashes and house refuse to be provided at or in connexion with such building.

(2.) If the owner or owners of any such building fail in any respect to comply with a notice from the Corporation under subdivision (1) of this Article the Corporation may at the expiration of a time to be specified in the notice (not being less than fourteen days after the service of the notice) do the work specified in such notice and may recover in a summary manner from the owner or owners the expenses incurred by the Corporation in so doing :

Provided that if in any case such alteration shall be required in respect of any existing closet accommodation which prior to the service of the notice under subdivision (1) of this Article shall not have been certified by the medical officer of health to be insufficient for the necessities of the inhabitants of the building or

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to be in such state as to create a nuisance or to be injurious to health then the cost of providing and laying the drain and of connecting the same with the sewer and of fixing the Water Closet or Waste-water Closet as the case may be shall be borne by the Corporation and the remainder of the said expenses shall be borne by the owner.

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(3.) The Corporation may contribute towards the expenses incurred in making any alteration of any closet accommodation in pursuance of this Article in any case in which they may not be required to bear any part of such expense.

(4.) The notice under the provisions of subdivision (1) of this Article shall state the effect of the provisions of this Article.

Art. V. Where under the provisions of this Order the Corporation shall construct or do any works for the common benefit of two or more buildings belonging to different owners the expenses which under this Order are recoverable by the Corporation from the owners shall be paid by the owners of such buildings in such proportions as shall be determined by the borough surveyor or in case of dispute by a court of summary jurisdiction.

Art. VI. Any moneys expended by the Corporation under the provisions of this Order shall so far as they are not defrayed by means of borrowed moneys be paid out of the general improvement fund and general improvement rates.

Art. VII. Any person duly authorised in writing by the Corporation shall on production of such authority be admitted into any premises for the purposes of this Order and the provisions of Sections 102 and 103 of the Public Health Act 1875 shall (*mutatis mutandis*) apply to such admission.

Art. VIII.—(1.) Where any person deems himself aggrieved by any requirements of the Corporation under subdivision (1) or (2) of Article II. subdivision (1) of Article III. or subdivision (1) of Article IV. of this Order or as to the reasonableness of any expenses wholly or partially recoverable from him under this Order such person may within fourteen days after the service of notice of the requirement or of a demand for payment of the expenses appeal to a court of summary jurisdiction and the court may make such order in the matter as to them may seem equitable and the order so made shall be binding and conclusive on all parties :

Provided nevertheless that the right of appeal subsequent to the service of a demand for payment shall be restricted to the ground of the reasonableness of the amount of the expenses and that the appellant shall be precluded from raising at that stage any other question.

(2.) Pending the decision of the court upon such appeal the Corporation shall not be empowered to execute any works included in the notice and any proceedings which may have been commenced for the recovery of such expenses shall be stayed.

Art. IX.—(1.) The Corporation may from time to time make byelaws with respect to Water Closets and Waste-water Closets and may by means of such byelaws prescribe the description or nature size materials position and level thereof and of the apparatus and the manner of flushing the same.

(2.) The provisions contained in the Public Health Act 1875 with respect to byelaws and the penalties which may be imposed thereby and the recovery and application of penalties shall apply to all byelaws made altered or repealed by



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A.D. 1897.      the Corporation under the provisions of subdivision (1) of this Article and to the penalties imposed thereby.

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*Chorley  
Order.*

Art. X. The Corporation may with the sanction of the Local Government Board and subject to the provisions of this Order borrow on the security of the general improvement fund and general improvement rate of the Borough such sums not exceeding in the whole the sum of sixteen thousand pounds as may from time to time be necessary for the purposes of defraying any expenditure of the Corporation in pursuance of this Order.

Art. XI. For the purpose of raising money by virtue of this Order the provisions of the Local Loans Act 1875 shall be available to the Corporation and Sections 236 to 238 both inclusive of the Public Health Act 1875 shall apply to all moneys raised and borrowed on mortgage by virtue of this Order.

Art. XII. The moneys borrowed by virtue of this Order shall be repaid within such period not exceeding twenty years from the date of borrowing as the Corporation with the sanction of the Local Government Board shall determine and the period so determined and sanctioned is herein-after referred to as "the prescribed period" and shall be the prescribed period for the purpose of the Local Loans Act 1875.

Art. XIII.—(1.) The Corporation shall repay the moneys borrowed by virtue of 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 these methods and partly by another or the others of them.

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

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

(b) by payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three pounds per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such 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 other than the Corporation the Corporation being at liberty from time to time to vary and transpose such 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 Corporation towards the equal annual payments to the fund.

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(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 such 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 such equal annual payments.

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

Art. XIV.—(1.) If it appears to the Corporation at any time that 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 not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Corporation to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose. Provided that if it appears to the Local Government Board that any such increase is necessary the Corporation shall increase the payments to such extent as the Board may direct.

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

(3.) If 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 in the opinion of the Local Government Board 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 that Board shall approve.

(4.) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be sufficient to repay the loan in respect of which it is formed within the prescribed period the Corporation may with the



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A.D. 1897. consent of that Board discontinue the equal annual payments to such sinking fund until the Local Government Board shall otherwise direct.

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Order.*

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

Art. XV. 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 by virtue of 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 :

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 such 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 money for the repayment of which the re-borrowing has been made and shall be repaid within the prescribed period.

Art. XVI.—(1.) The town clerk of the Borough shall within twenty-one days after the Thirty-first day of March in each year if during the twelve months next preceding the said Thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Order or in respect of any money raised thereunder and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may from time to time be prescribed by that Board and if required by that Board verified by statutory declaration of such town clerk showing for the year next preceding the making of such 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 such return such 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 such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Local Government 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



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set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by this Order or by the Local Government 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 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 or applied as in such Order mentioned and any such Order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

A.D. 1897.

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*Chorley*  
*Order.*

Art. XVII. All moneys from time to time borrowed by virtue of this Order shall be applied by the Corporation 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 Corporation with the approval of the Local Government Board determine.

Art. XVIII. 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 that Board in relation to such inquiry (including such reasonable sum not exceeding three guineas a day as that Board may determine for the services of any inspector or officer of the Board engaged in such inquiry) shall be paid by the Corporation and the Local Government Board may certify the amount of the costs so incurred and any sum so certified and directed by that Board to be paid by the Corporation shall be a debt due to the Crown from the Corporation.

Art. XIX.—(1.) Any mortgagee of the Corporation by virtue of this Order may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver. The amount of arrears due to such mortgagee or in the case of a joint application by two or more mortgagees to such mortgagees collectively to authorise the appointment of a receiver shall not be less than five hundred pounds in the whole.

(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.

Art. XX. There shall be exempted from the provisions of Articles II. to VIII. of this Order every building structure or work vested in or in the occupation of Her Majesty Her heirs and successors either beneficially or as part of the hereditary revenues of the Crown or in trust for the public service or for public services also any building structure or work vested in or in the occupation of any department of Her Majesty's Government for public purposes or for the public service.

Art. XXI. This Order may be cited as the Chorley Order 1897.

Given under the Seal of Office of the Local Government Board this  
Third day of May One thousand eight hundred and ninety-seven.

(L.S.)

HENRY CHAPLIN President.  
HUGH OWEN Secretary.

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*Provisional Orders Confirmation (No. 14) Act, 1897.*

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BOROUGH OF DOVER.

*Dover  
Order.*

*Provisional Order for altering a Confirming Act.*

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

And to all others whom it may concern.

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

11 Geo. IV.  
c. cxvii.

And whereas the unrepealed provisions of the Local Act passed in the eleventh year of the reign of King George the Fourth intituled "An Act to amend two Acts of His late Majesty for paving cleansing lighting and watching the Town of Dover and for removing and preventing nuisances and annoyances therein" (herein-after referred to as "the Local Act") as partially repealed and altered by a Provisional Order of the General Board of Health dated the Twenty-third day of May One thousand eight hundred and fifty (confirmed by the Public Health Supplemental Act 1850) by a Provisional Order of the Local Government Board dated the Thirty-first day of May One thousand eight hundred and eighty-nine (confirmed by the Local Government Board's Provisional Orders Confirmation (No. 13) Act 1889) and by the Dover Order 1895 are in force in the Borough ;

13 & 14 Vict.  
c. xxxii.

52 & 53 Vict.  
c. cxv.

59 Vict. c. ix.

And whereas by Article I. of the Dover Order 1895 as confirmed by the Local Government Board's Provisional Orders Confirmation (No. 15) Act 1895 Session 2 (which Order and Act are herein-after respectively referred to as "the Order" and "the Confirming Act") the Local Act was altered so as to empower the Corporation to grant licences for pleasure boats and pleasure vessels to be let for hire or to be used for carrying passengers for gain and to the boatmen or persons in charge of such boats and vessels and to charge a fee of one shilling for every such licence ;

And whereas by Article VIII. of the Order provision was made for an appeal to a petty sessional court by any person deeming himself aggrieved by the granting withholding suspension revocation or endorsement of any licence under the provisions of the Order :

38 & 39 Vict.  
c. 55.

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

Art. I. Article VIII. of the Order shall be repealed and in lieu thereof the following provisions shall take effect viz.,—

- (1.) Any person deeming himself aggrieved by the granting withholding suspension revocation or endorsement of any licence under the provisions of this Order may within fourteen days after the day on which the granting withholding suspension revocation or endorsement of any licence shall have

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taken place appeal against such granting withholding suspension revocation or endorsement to a petty sessional court held in and for the Borough. A.D. 1897.

- (2.) The person so aggrieved shall give seven days written notice of such appeal and the grounds thereof to the town clerk of the Borough and the court shall have power to make such order in the matter as the court may think just and any such order so far as it requires anything to be done or left undone other than the payment of money shall be enforced as provided by Section 34 of the Summary Jurisdiction Act 1879.

*Dover  
Order.*

Art. II. This Order may be cited as the Dover Order 1897 and the Order and this Order may be cited together as the Dover Orders 1895 and 1897.

Given under the Seal of Office of the Local Government Board this  
Eighth day of May One thousand eight hundred and ninety-seven.

(L.S.)

HENRY CHAPLIN President.

HUGH OWEN Secretary.

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URBAN DISTRICT OF EAST STONEHOUSE.

*Provisional Order for altering a Local Act.*

*East  
Stonehouse  
Order.*

To the Urban District Council of East Stonehouse ; —

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

And to all others whom it may concern.

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

And whereas under an Act passed in the thirty-fifth year of the reign of Her Majesty Queen Elizabeth intituled "An Act for bringing fresh water to the Town of Stonehouse in the County of Devon" a supply of water was provided for the inhabitants of such town and by the East Stonehouse Waterworks Act 1851 certain commissioners were appointed and authorised to construct works for the supply of water to the Parish and Township of East Stonehouse and the liberties and precincts thereof ;

35 Eliz. c. 10.

14 & 15 Vict.  
c. cxi.

And whereas by a Provisional Order of the Local Government Board dated the Fourth day of June One thousand eight hundred and seventy-four and duly confirmed by the Local Government Board's Provisional Orders Confirmation Act 1874 (No. 4) all the jurisdiction powers rights lands hereditaments moneys property effects duties rents rates penalties debts and liabilities vested in or attaching to the said commissioners under the above-mentioned Local Acts were transferred to the East Stonehouse Local Board ;

37 & 38 Vict.  
c. clii.

And whereas by the East Stonehouse Water Act 1893 (which Act is herein-after referred to as "the Act of 1893") the East Stonehouse Local Board were empowered to obtain a further supply of water and for such purpose the agreement set forth in the Schedule to that Act was entered into between the

56 Vict. c. lxii.



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*Provisional Orders Confirmation (No. 14) Act, 1897.*

A.D. 1897.      Mayor Aldermen and Burgesses of the Borough of Plymouth and the said Local Board and was confirmed by Section 5 of that Act ;

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Stonehouse  
Order.*

And whereas it is expedient that the said agreement should be altered and the Mayor Aldermen and Burgesses of the Borough of Plymouth and the District Council as the successors of the said Local Board have for that purpose entered into the agreement set forth in the Schedule to this Order ;

And whereas by Section 9 of the Act of 1893 provision was made for the application of moneys received in respect of the sale exchange or other disposition of surplus lands :

38 & 39 Vict.  
c. 55.

Now therefore We the Local Government Board in pursuance of the powers given to Us by Section 303 of the Public Health Act 1875 and by any other Statutes in that behalf do hereby order that from and after the date of the Act of Parliament confirming this Order the Act of 1893 shall be altered so that the following provisions shall take effect viz.,—

Art. I. The agreement contained in the Schedule to this Order is hereby confirmed and made binding upon the Mayor Aldermen and Burgesses of the Borough of Plymouth and upon the District Council.

Art. II. Section 9 of the Act of 1893 shall be repealed and the following provision shall be substituted therefor:—

“ All moneys from time to time received by the District Council under the  
“ provisions of this Act in respect of any sale exchange or disposition of  
“ any surplus lands of the District Council or by way of fine or premium  
“ on lease and any other moneys received by the District Council in  
“ connection with their water undertaking under this or any other Act on  
“ capital account and not being wholly or in part required to be otherwise  
“ applied shall be applied in discharge of moneys borrowed by the District  
“ Council for waterworks purposes but shall not be applied to the payment  
“ of instalments or to payments into a sinking fund except to such extent  
“ and upon such terms as may be approved by the Local Government  
“ Board Provided that if the said moneys cannot be conveniently so  
“ applied they may be applied to any purpose for which the District Council  
“ have an unexhausted borrowing power or to any purpose to which  
“ capital is properly applicable and which may be approved by the Local  
“ Government Board :

“ Provided also that the borrowing powers of the District Council shall  
“ be reduced to the extent of the moneys applied in lieu of borrowing.”

Art. III. In addition to any moneys which the District Council are already authorised to borrow for the purposes of their water undertaking the District Council may with the sanction of the Local Government Board and subject to the provisions of this Order from time to time borrow on the security of the revenue of their water undertaking and the district fund and general district rate of the district such sum or sums not exceeding in the whole the sum of seven thousand and three hundred pounds as may be required for the purposes of the water undertaking or for carrying out the purposes of the Act of 1893 and the agreement confirmed by this Order.

Art. IV. For the purpose of raising money by virtue of this Order the provisions of the Local Loans Act 1875 shall be available to the District

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Council and Sections 236 to 238 both inclusive of the Public Health Act 1875 shall apply to all moneys raised and borrowed on mortgage by virtue of this Order.

A.D. 1897.

*East  
Stonehouse  
Order.*

Art. V. All moneys borrowed by virtue of this Order shall be repaid within such period not exceeding thirty years from the date of borrowing as the District Council with the sanction of the Local Government Board shall determine and the periods so determined and sanctioned are herein-after severally referred to as "the prescribed period" and shall be the prescribed period for the purpose of the Local Loans Act 1875.

Art. VI.—(1.) The District Council shall repay the moneys borrowed by virtue of 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 these methods and partly by another or the others of them.

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

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

(b) by payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three pounds per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such 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 other than the District Council the District Council being at liberty from time to time to vary and transpose such investments.

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

(5.) The District 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 District 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 such sinking fund so applied if invested at the



[Ch. cxli.]                      *Local Government Board's*                      [60 & 61 VICT.]  
*Provisional Orders Confirmation (No. 14) Act, 1897.*

A.D. 1897.      rate per centum per annum on which the annual payments to the sinking fund are based.

*East  
Stonehouse  
Order.*

(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 District 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 such equal annual payments.

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

Art. VII.—(1.) If it appears to the District 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 District 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 District Council shall increase the payments to such extent as the Board may direct.

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

(3.) If 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 in the opinion of the Local Government Board be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the District Council may reduce the payments to be made to the sinking fund either temporarily or permanently to such an extent as that Board shall approve.

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

Art. VIII. The District Council shall except as herein-after provided have power to re-borrow for the purpose of paying off any moneys borrowed or



[60 & 61 VICT.]      *Local Government Board's*      [Ch. cxli.]  
*Provisional Orders Confirmation (No. 14) Act, 1897.*

re-borrowed by virtue of 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 District Council within twelve months before the re-borrowing and which at the time of the repayment it was intended to re-borrow :

A.D. 1897.

*East  
Stonehouse  
Order.*

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

Art. IX.—(1.) The clerk to the District 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 moneys raised thereunder and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may from time to time be prescribed by that Board and if required by that Board verified by statutory declaration of such clerk showing for the year next preceding the making of such 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 such return such 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 such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

(2.) If it appears to the Local Government Board by that return or otherwise that the District 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 such instalment or annual payment or sum is required by this Order or by the Local Government 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 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 or applied as in such Order mentioned and any such Order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

[Ch. cxli.]      *Local Government Board's*      [60 & 61 VICT.]  
*Provisional Orders Confirmation (No. 14) Act, 1897.*

A.D. 1897.

*East  
Stonehouse  
Order.*

Art. X. All moneys from time to time borrowed by virtue of this Order shall be applied by the District Council 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 District Council with the approval of the Local Government Board determine.

Art. XI. Where the Local Government Board cause any local inquiry to be held with reference to any of the purposes of the Act of 1893 or this Order the costs incurred by that Board in relation to such inquiry (including such reasonable sum not exceeding three guineas a day as that Board may determine for the services of any inspector or officer of the Board engaged in such inquiry) shall be paid by the District Council and the Local Government Board may certify the amount of the costs so incurred and any sum so certified and directed by that Board to be paid by the District Council shall be a debt due to the Crown from the District Council.

Art. XII.—(1.) Any mortgagee of the District Council by virtue of this Order may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver. The amount of arrears due to such mortgagee or in the case of a joint application by two or more mortgagees to such mortgagees collectively to authorise the appointment of a receiver shall not be less than five hundred pounds in the whole.

(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.

Art. XIII. This Order may be cited as the East Stonehouse Order 1897.

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S C H E D U L E.

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AN AGREEMENT made the Twelfth day of February One thousand eight hundred and ninety-seven between the Mayor Aldermen and Burgesses of the Borough of Plymouth (herein-after called "the Corporation") of the one part and the East Stonehouse Urban District Council (herein-after called "the Council") of the other part whereby it is agreed by and between the Corporation and the Council as follows:—

1. These presents are supplemental to a Memorandum of Agreement dated the Twenty-seventh day of April One thousand eight hundred and ninety-three and made between the Corporation of the one part and the Council then the Local Board for the Urban Sanitary District of East Stonehouse in the County of Devon of the other part set out in the Schedule to the East Stonehouse Water Act 1893 and confirmed by Section 5 of that Act which Act is herein-after called "the Act of 1893" and which Memorandum of Agreement is herein-after called "the 1893 Agreement."

[60 & 61 VICT.]      *Local Government Board's*      [Ch. cxli.]  
*Provisional Orders Confirmation (No. 14) Act, 1897.*

2. From the time of this Agreement being confirmed and made binding on the Corporation and the Council by a Provisional Order duly made and confirmed the second clause of the 1893 Agreement shall become void and of no effect and the right to a supply to be given in pursuance of such second clause from the Hartley Reservoir belonging to the Corporation shall cease.
3. The supply to be given pursuant to the first clause of the 1893 Agreement shall at all times after this Agreement shall have been so confirmed and made binding as aforesaid be given by means of a connecting pipe to the fifteen-inch main belonging to the Corporation in the North Road in Plymouth aforesaid herein-after called "the North Road Main" and the Main belonging to the Council at the Boundary in North Road between the Borough of Plymouth and the District of the Council which connecting pipe shall be provided and laid by and at the cost of the Corporation as soon as possible. The pressure at the junction of the said connecting pipe with the said main of the Council shall at all times except when the same shall not be reasonably practicable on account of accident or any other reasonable cause be equal to Eighty Pounds pressure to the square inch.
4. The Council shall pay to the Corporation in addition to the annual rental and other moneys payable under the 1893 Agreement and the next succeeding clause of this Agreement interest after the rate of Five Pounds per centum per annum on one moiety of the cost of so much of the connecting pipe to be laid under the last preceding clause of this Agreement as will lie between Arundel Crescent in the Borough of Plymouth and the boundary in North Road between the Borough of Plymouth and the District of the Council.
5. The Council shall pay to the Corporation in addition to the annual rental and other moneys payable to the Corporation under the 1893 Agreement the annual rent of two hundred Pounds during the term of Thirty Years commencing on the first day of July One thousand eight hundred and ninety-eight and after the expiration of that term and in perpetuity the annual rent of one hundred and fifty pounds such one of the said annual rents as for the time being shall be payable is to be paid by equal quarterly payments on the first day of October the first day of January the first day of April and the first day of July in every year and the first payment of the said rent of two hundred pounds is to be made on the first day of October One thousand eight hundred and ninety-eight and the first payment of the said rent of one hundred and fifty pounds is to be made on the first day of October One thousand nine hundred and twenty-eight.
6. The existing connexion through which the supply to the Pounds Reservoir is now being received shall remain undisturbed and in case at any time or times hereafter and whenever by reason of accident or any other reasonable cause the supply to be given in pursuance hereof shall not be given by means of the connecting pipe herein-before provided for such supply shall be given by means of the said existing connection with the Pounds Reservoir.
- Provided always that the Council may terminate their right to be supplied with water by means of such existing connexion upon giving notice to that effect to the Corporation and upon such notice the rights of the Council under this clause shall cease and the said existing connexion shall become and be the absolute property of the Corporation.
7. The Corporation shall be at liberty to supply consumers within the Borough of Plymouth with water from the said existing connexion referred to in the preceding clause.

A.D. 1897.

*East  
Stonehouse  
Order.*



[Ch. cxli.]      *Local Government Board's*      [60 & 61 VICT.]  
*Provisional Orders Confirmation (No. 14) Act, 1897.*

A.D. 1897.

*East  
Stonehouse  
Order.*

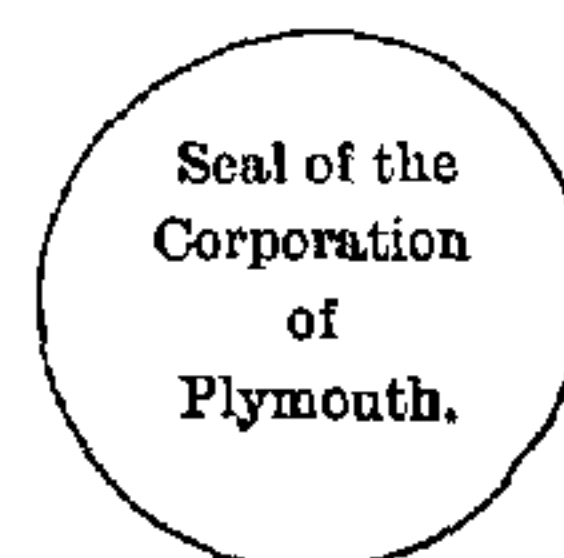
8. The 1893 Agreement with the exception of the second clause thereof shall remain in full force and shall operate and take effect as if the third fourth and fifth clauses of this Agreement had been contained therein instead of the second clause thereof. The right of the Corporation to enforce the performance on the part of the Council of the second clause of the 1893 Agreement and all claims of the Corporation against the Council in respect of the non-performance of the said second clause of the 1893 Agreement shall be deemed to be released and extinguished.
9. This Agreement is conditional on such a Provisional Order as aforesaid being made and confirmed during the present session of Parliament And in case such Provisional Order shall not be so duly made and confirmed every clause and thing herein-before contained shall become void and of no effect.

In witness whereof the said parties hereto have hereunto caused their respective common seals to be affixed the day and year first before written.

Given under the Common Seal of the Corporation in  
the presence of

CHARLES H. RADFORD  
Mayor.

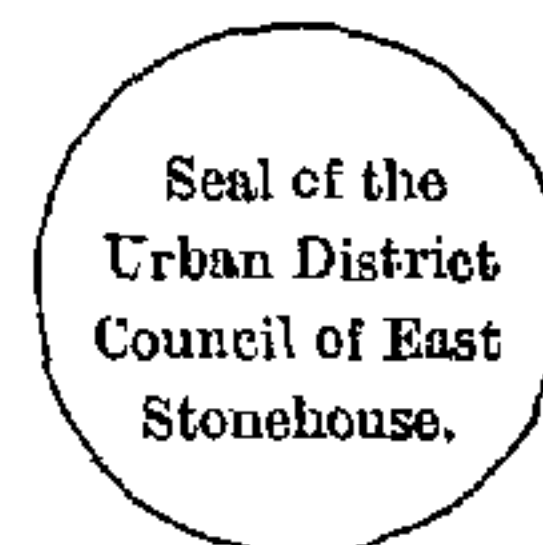
J. H. ELLIS  
Town Clerk.



The Common Seal of the East Stonehouse Urban District Council was hereunto affixed in the presence of

SAML. VOSPER  
Chairman.

R. ROBINSON RODD JR.  
Clerk.



Given under the Seal of Office of the Local Government Board this  
Eighth day of May One thousand eight hundred and ninety-  
seven.

(L.S.)

HENRY CHAPLIN President.  
HUGH OWEN Secretary.

*Harrogate  
Order.  
(2.)*

BOROUGH OF HARROGATE.

*Provisional Order for altering a Local Act and a Confirming Act.*

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

WHEREAS the Borough of Harrogate (herein-after referred to as "the Borough") is an Urban District of which the Mayor Aldermen and Burgesses acting by the council (herein-after referred to as "the Corporation") are the

[60 & 61 VICT.]      *Local Government Board's*      [Ch. cxli.]  
*Provisional Orders Confirmation (No. 14) Act, 1897.*

Urban District Council and as such Council are the local authority for the Borough within the meaning of the Public Health Act 1875 ;

A.D. 1897.

*Harrogate*  
*Order.*

(2.)  
 4 Vict. c. xvi.

And whereas the unrepealed provisions of an Act passed in the Fourth year of the reign of Her present Majesty Queen Victoria intituled "An Act for improving certain parts of the Townships of Bilton with Harrowgate and Pannal called High and Low Harrowgate in the West Riding of the County of York for protecting the mineral springs and regulating the Stinted Pasture in the said Townships" (herein-after referred to as "the Act of 1841") as altered by a Provisional Order dated the Ninth day of June One thousand eight hundred and sixty-eight and confirmed by the Local Government Act 1868 (No. 6) (which Order and Act are herein-after referred to as "the Order" and "the Confirming Act") and by other Provisional Orders duly confirmed by Parliament which do not affect the subject-matter of this Order and the Harrogate Corporation Act 1893 (herein-after referred to as "the Act of 1893") are in force in the Borough ;

31 & 32 Vict.  
 c. clii.

56 & 57 Vict.  
 c. ccix.

And whereas the public wells or springs of medicinal or mineral waters mentioned in the Act of 1841 the property of the Commissioners for the improvement of High and Low Harrogate became vested in the Harrogate Local Board (the predecessors of the Corporation) and by the Order that Local Board were empowered to provide and maintain reservoirs tanks and cisterns for collecting storing and supplying waters from the mineral wells and springs and to construct and maintain all conduits pipes and apparatus necessary for those purposes and acquire by agreement by purchase or otherwise lands within their district for those purposes and for the other purposes mentioned in the Order ;

And whereas by Section 71 of the Act of 1893 the Corporation were empowered to borrow money with the sanction of the Local Government Board for (inter alia) bath and mineral water purposes :

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 Act of 1893 and the Confirming Act so far as it relates to the Order shall be altered so as to provide as follows viz.,—

38 & 39 Vict.  
 c. 55.

Art. I. The Corporation may with the sanction of the Local Government Board acquire by agreement by purchase or otherwise any lands not exceeding five acres forming part of the estate known as the Beckwith Low Farm in the Parish of Pannal in the West Riding of the County of York and any rights easements and appurtenances in respect of or in connexion with any lands forming part of that estate and may construct lay down and maintain the necessary works machinery pipes and other apparatus for taking and conveying waters from the mineral wells and springs from such lands to the baths or reservoirs of the Corporation within the Borough.

Art. II. The purposes of this Order shall be deemed to be purposes of the Act of 1893 for which the Corporation with the sanction of the Local Government Board may borrow money under Section 71 of that Act.

[Ch. cxli.]      *Local Government Board's*      [60 & 61 VICT.]  
*Provisional Orders Confirmation (No. 14) Act, 1897.*

A.D. 1897.  
*Harrogate*  
*Order.*  
(2.)

Art. III. The Act of 1841 may be cited as the Harrogate Improvement Act 1841 and this Order may be cited as the Harrogate Order (No. 2) 1897.

Given under the Seal of Office of the Local Government Board this  
Eighth day of May One thousand eight hundred and ninety-seven.

(L.S.)

HENRY CHAPLIN President.  
HUGH OWEN Secretary.

*St. Helens*  
*Order.*

BOROUGH OF ST. HELENS.

*Provisional Order for altering certain Local Acts.*

To the Mayor Aldermen and Burgesses of the Borough of St. Helens ;—

And to all others whom it may concern.

32 & 33 Vict.  
c. cxx.

56 & 57 Vict.  
c. ccxv.

WHEREAS the Borough of St. Helens (herein-after referred to as "the Borough") is an Urban Sanitary District of which the Mayor Aldermen and Burgesses acting by the council (herein-after referred to as "the Corporation") are the Urban Sanitary Authority and the unrepealed provisions of the St. Helens Improvement Act 1869 (as altered by certain Provisional Orders of the Local Government Board duly confirmed by Parliament which do not affect the subject-matter of this Order) and the St. Helens Corporation Act 1893 (which Acts are herein-after together 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 Borough ;

And whereas by Section 243 of the Act of 1869 the Corporation are empowered to appropriate any lands vested in them and to purchase any lands within the Borough or in the neighbourhood thereof and to appropriate the same for the purposes of parks or places of public resort or recreation and to fence in and from time to time enlarge improve and maintain the same parks or places and make approaches thereto and to do all such acts as appear to the Corporation to be necessary for the better formation improvement maintenance use and enjoyment of every such park and place ;

And whereas by Section 336 of the Act of 1869 the Corporation are empowered from time to time to sell lease exchange or otherwise dispose of any building or lands or any part thereof acquired by them under that Act and not wanted for the purposes thereof and to make execute and do any deed act or thing proper for effectuating any such sale lease exchange or other disposition ;



[60 & 61 VICT.]      *Local Government Board's*      [Ch. cxli.]  
*Provisional Orders Confirmation (No. 14) Act, 1897.*

And whereas by Section 102 of the Act of 1893 the Corporation were empowered to borrow money for the purposes in that section mentioned ;

A.D. 1897.

*St. Helens  
Order.*

And whereas by a deed of grant dated the Twelfth day of December One thousand eight hundred and eighty-four and under the powers of the Act of 1869 certain land known as Thatto Heath was granted and conveyed by the Queen's most Excellent Majesty by and with the advice and consent of the Chancellor and Council of Her Duchy of Lancaster but subject to certain exceptions unto and to the use of the Corporation their successors and assigns upon trust either to use the same exclusively for the purposes of a place of recreation for the inhabitants of and visitors to the Borough and its neighbourhood (subject to such rules and regulations as the Corporation might from time to time make respecting that user) or in case and so far as the premises should not be exclusively used for those purposes then to use the same for those purposes mainly and primarily and for such other public purposes as the Corporation or their successors might with the assent of the Local Government Board from time to time determine ;

And whereas by an Indenture dated the Twenty-fifth day of November One thousand eight hundred and eighty-six and made between Samuel Taylor of the one part and the Corporation of the other part the Corporation acquired all the estate right title interest and claim of the said Samuel Taylor in and to the portions of Thatto Heath lying to the north of Elephant Lane and Scholes Lane including with certain exceptions all mines and minerals under the same upon trusts similar to those of the deed of the Twelfth day of December One thousand eight hundred and eighty-four ;

And whereas the Corporation purchased in the year One thousand eight hundred and ninety-two under the powers of the Act of 1869 certain further lands containing by admeasurement five acres two roods or thereabouts adjoining the Thatto Heath and have borrowed and expended the sum of three thousand two hundred and twenty-five pounds in that purchase and in fencing draining and laying out those lands and the portion of the Thatto Heath lying to the east of the Thatto Heath Road as the public park and recreation ground now known as the Thatto Heath Park ;

And whereas the Corporation are the owners of another park known as the Taylor Park which is situate in the immediate vicinity of the Thatto Heath Park ;

And whereas the Thatto Heath Park containing by admeasurement seventeen acres two roods twenty-five poles or thereabouts and the Taylor Park containing by admeasurement forty-eight acres two roods or thereabouts afford sufficient accommodation for the use and enjoyment of the inhabitants of the Borough ;

And whereas the portions of the lands acquired in the year One thousand eight hundred and eighty-four which are herein-after more particularly described and contain by admeasurement five acres or thereabouts have never been enclosed and are separated from the Thatto Heath Park by the Thatto Heath Road and the Victoria Road respectively and are not required and cannot conveniently be used for the purposes mentioned in the deed of one thousand eight hundred and eighty-four and it is expedient

[Ch. cxli.]      *Local Government Board's*      [60 & 61 VICT.]  
*Provisional Orders Confirmation (No. 14) Act, 1897.*

A.D. 1897.      that the Corporation should be enabled with the consent of the Chancellor and  
*St. Helens*      Council of the Duchy of Lancaster on behalf of Her most Excellent Majesty  
*Order.*      to sell let on lease or otherwise dispose of such portions of land ;

And whereas it is expedient that the Corporation should also be empowered to lend money to other local authorities having jurisdiction in the Borough ;

And whereas the Corporation have adopted the provisions of Part V. of the Public Health Acts Amendment Act 1890 and those provisions are accordingly in force in the Borough ;

And whereas by an Order dated the Third day of July One thousand eight hundred and ninety-one and made under the provisions of Part V. of the Public Health Acts Amendment Act 1890 which Order was duly confirmed by Order in Council on the Twenty-sixth day of September One thousand eight hundred and ninety-one the Local Government Board prescribed regulations (hereinafter referred to as "the regulations") in regard to the creation issue transfer and redemption of and other dealings with any stock which an Urban Sanitary Authority (having adopted Part V. of the said Act) might create and issue with the consent of the Local Government Board under the regulations in exercise of any statutory borrowing power ;

And whereas except where otherwise expressly provided expressions in this Order have the same meaning as the like expressions in the regulations :

38 & 39 Vict.  
c. 55.

Now therefore We the Local Government Board in pursuance of the powers given to Us by Section 303 of the Public Health Act 1875 and by any other Statutes in that behalf do hereby order that from and after the date of the Act of Parliament confirming this Order the Local Acts shall be altered so that the following provisions shall have effect viz.,—

Art. I. The Corporation may with the consent of the Chancellor and Council of the Duchy of Lancaster on behalf of the Queen's most Excellent Majesty and in lieu of using the same for the purposes mentioned in the deeds of One thousand eight hundred and eighty-four and One thousand eight hundred and eighty-six sell let on lease or otherwise dispose of the portions of the Thatto Heath which are more particularly described in the Schedule to this Order.

Art. II. The Corporation may from time to time if they think fit by resolution determine that any sum or sums which a borrowing authority may be by law authorised to borrow or re-borrow upon the security of any rates or funds and which the borrowing authority may be desirous of borrowing from the Corporation shall be lent by the Corporation accordingly and for the purposes of this Order the term "borrowing authority" means and includes the guardians of the poor of the Prescott Union and any school board for any school district comprising the Borough.

Art. III. Any sum or sums which the Corporation shall resolve to lend as aforesaid may be raised either by the issue of stock created and issued by the Corporation under and in accordance with the provisions of Part V. of the Public Health Acts Amendment Act 1890 or by borrowing or re-borrowing the same on mortgage of the borough fund and borough rate and the provisions of Sections 236 to 238 both inclusive of the Public Health Act 1875 shall apply to all money raised by borrowing on mortgage under this Order.



Art. IV. The following provisions shall apply to moneys borrowed or raised for the purpose of loans to the borrowing authority :—

A.D. 1897  
St. Helens  
*Order.*

- (1.) The sum shall be lent by the Corporation to the borrowing authority for a period not exceeding that for which the borrowing authority is authorised to borrow or re-borrow the same and with a provision for repayment by equal annual instalments of principal or of principal and interest combined.
- (2.) If any sum payable to the Corporation for principal in respect of any sum lent to the borrowing authority shall not be received within six months of the time appointed for the payment thereof a like sum shall be set apart out of the borough fund and if after the application or investment of the sum so set apart or the payment thereof into the stock (redemption) fund the whole or any part thereof shall be received by the Corporation the sum so received shall be carried to the credit of the borough fund.

Art. V. The following provisions shall apply to moneys borrowed for the purpose of loans to the borrowing authority and not raised by the issue of stock :—

- (1.) Every sum so borrowed shall be repaid by the Corporation within a period to expire not more than one year after that for which the same was lent by them to the borrowing authority.
- (2.) All sums received from the borrowing authority for interest shall be applied towards the payment of interest payable in respect of moneys so borrowed the balance (if any) being carried to the credit of the borough fund.
- (3.) All sums received from the borrowing authority for principal (except sums which are to be carried to the credit of the borough fund under the provisions of subdivision (2) of Article IV. of this Order) and all sums set apart out of the borough fund under that subdivision shall be applied towards the repayment of the principal payable in respect of moneys so borrowed and until so applied shall be invested in statutory securities as defined by Section 5 of the Act of 1893 the Corporation being at liberty from time to time to vary and transpose such investments The interest derived from such investments shall be applied in making good any loss or deficiency of or in the principal moneys so invested that may arise by depreciation of the investments or otherwise and if not required for that purpose shall be applied as if the same had been received for interest from the borrowing authority.

Art. VI. The following provisions shall apply to moneys raised by the issue of stock for the purpose of loans to the borrowing authority :—

- (1.) All sums received from the borrowing authority for interest shall be paid into the stock (dividends) fund :

Provided that if the sums so received shall be in excess of the dividends payable in respect of the proportion of stock issued to raise money to lend to the borrowing authority such excess may be carried to the credit of the borough fund.



[Ch. cxli.]                      *Local Government Board's*                      [60 & 61 VICT.]  
*Provisional Orders Confirmation (No. 14) Act, 1897.*

A.D. 1897.  
*St. Helens*  
*Order.*

(2.) All sums received from the borrowing authority for principal (except sums which are to be carried to the credit of the borough fund under the provisions of subdivision (2) of Article IV. of this Order) and all sums set apart out of the borough fund in pursuance of that subdivision shall be paid into the stock (redemption) fund.

Art. VII. If any doubt shall arise as to how much of any sum received by the Corporation from the borrowing authority is to be regarded as principal or interest the question shall be determined by the Local Government Board.

Art. VIII.—(1.) The treasurer of the Borough shall within twenty-one days after the Thirty-first day of March in each year if during the twelve months next preceding the said Thirty-first day of March any sum is payable to the Corporation in respect of moneys lent by them to the borrowing authority and raised otherwise than by the issue of stock and at any other time when the Local Government Board may require such a return to be made 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 received from the borrowing authority for principal the amounts which have been applied directly towards the repayment of the principal payable in respect of moneys raised under this Order and the amounts which have been invested and the description of the securities upon which any investment has been made and the purposes to which any portion of the investment 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 such return such treasurer 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 such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Local Government 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 apply or invest in statutory securities as defined as aforesaid any sum required to be applied or invested or have misapplied any of the investments or the produce of the sale thereof the Local Government Board may by Order direct that the sum in such Order mentioned not exceeding double the amount in respect of which such default or misapplication has occurred shall be applied directly towards repayment of principal or be invested and any such Order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

Art. IX.—(1.) Any mortgagee of the Corporation in respect of any moneys borrowed on 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. The amount of arrears due to such mortgagee or in the case of a joint application by two or more mortgagees to such mortgagees collectively to authorise the appointment of a receiver shall not be less than five hundred pounds in the whole.

(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

[60 & 61 VICT.]      *Local Government Board's*      [Ch. cxli.]  
*Provisional Orders Confirmation (No. 14) Act, 1897.*

as it thinks fit and may at any time discharge the receiver and otherwise exercise full jurisdiction over him.      A.D. 1897.

Art. X. This Order may be cited as the St. Helens Order 1897.

*St. Helens  
Order.*

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The SCHEDULE above referred to.

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All those parts of Thatto Heath containing by admeasurement five acres or thereabouts which are coloured red on two plans sealed with the official seal of the Local Government Board one of which is deposited in their office and the other of which shall be deposited by the town clerk of the Borough at his office within fourteen days after the date of this Order.

Given under the Seal of Office of the Local Government Board this  
Fifth day of May One thousand eight hundred and ninety-seven.

(L.S.)

HENRY CHAPLIN President.

HUGH OWEN Secretary.

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BOROUGH OF SCARBOROUGH.

*Scarborough  
Order.*

*Provisional Order for altering certain Local Acts.*

To the Mayor Aldermen and Burgesses of the Borough of Scarborough ;

And to all others whom it may concern.

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

And whereas the unrepealed provisions of the Scarborough Corporation Water Act 1878 and the Scarborough Improvement Act 1889 (each of which Acts is herein-after referred to as the Act of the year in which it was passed and which Acts are herein-after together referred to as "the Local Acts") are in force in the Borough ;

41 Vict.  
c. lxxv.  
52 & 53 Vict.  
c. clxiv.

And whereas by the Act of 1878 the Corporation were authorised to invest the sinking funds under that Act in any securities authorised by law for investment by trustees ;

And whereas by the Act of 1889 the Corporation were authorised to invest the sinking funds prescribed by that Act in statutory securities as defined in Section 207 of that Act ;

And whereas by Section 190 of the Act of 1889 the Corporation were authorised to advance money by way of loan to the Scarborough School Board and to borrow any sum or sums required by them for a loan to the School

[Ch. cxli.]      *Local Government Board's*      [60 & 61 Vict.]  
*Provisional Orders Confirmation (No. 14) Act, 1897.*

A.D. 1897. Board subject to the provisions contained in the said section and to the other provisions of the said Act ;

*Scarborough  
Order.*

And whereas by Section 192 of the Act of 1889 the Corporation were authorised to borrow for the purposes of the new carriage road or drive promenade and sea wall mentioned in Section 168 of that Act the sum of seventy thousand pounds but it was enacted that no part of the said sum should be borrowed for that purpose without the consent of the owners and ratepayers of the Borough to be expressed by resolution in the manner provided in the fourth section of the Borough Funds Act 1872 ;

35 & 36 Vict.  
c. 91.

And whereas it is expedient that further borrowing powers for the last-mentioned purposes should be given and the owners and ratepayers of the Borough have expressed their consent in the manner prescribed by the last-mentioned section to the borrowing for such purposes of a further sum of ten thousand pounds ;

And whereas by Section 49 of the Act of 1889 it was enacted that every building used as a workshop manufactory or school should be provided with sufficient privy earth-closet or watercloset and urinal accommodation and that all such urinals privies and waterclosets should be provided with a proper water supply for flushing purposes :

38 & 39 Vict.  
c. 55.

Now therefore We the Local Government Board in pursuance of the powers given to Us by Section 303 of the Public Health Act 1875 and by any other Statutes in that behalf do hereby order that from and after the date of the Act of Parliament confirming this Order the Local Acts shall be altered so as to provide as follows viz,—

Art. I. Any sinking fund set aside for the repayment of moneys authorised to be borrowed under the Act of 1878 may be invested by the Corporation in statutory securities as defined in Section 207 of the Act of 1889.

Art. II.—(1.) Section 190 of the Act of 1889 shall be altered as follows :—

(a) by the omission from sub-section (1) of the words “ (herein-after referred to as ‘ the school board ’ ) ” and by the insertion in lieu thereof of the words “ the Guardians of the Poor of the Scarborough Union and the Scarborough Burial Board (each of which authorities is herein-after referred to as ‘ the borrowing authority ’ ) ” ;

(b) by the substitution of the words “ borrowing authority ” for the words “ school board ” throughout the remainder of that section.

(2.) Section 200 of the Act of 1889 shall be altered by the substitution of the words “ under Section 190 of this Act ” for the words “ for loans to the school board ”.

Art. III. The Corporation may with the sanction of the Local Government Board and subject to the provisions of this Order borrow for the purposes of the new carriage road or drive promenade and sea wall upon the security of the tolls receivable in respect thereof and of the district fund and general district rate of the Borough or upon either of such securities such sums not exceeding in the whole the sum of ten thousand pounds as may from time to time be necessary for the said purposes in addition to the said sum of seventy thousand pounds.



[60 & 61 VICT.]      *Local Government Board's*      '[Ch. cxli.]  
*Provisional Orders Confirmation (No. 14) Act, 1897.*

Art. IV. For the purpose of raising money by virtue of this Order the provisions of the Local Loans Act 1875 shall be available to the Corporation and Sections 236 to 238 both inclusive of the Public Health Act 1875 shall apply to all moneys raised and borrowed on mortgage by virtue of this Order.

A.D. 1897.  
—  
*Scarborough*  
*Order.*

Art. V. The moneys borrowed by virtue of this Order shall be repaid within such period not exceeding thirty years from the date of borrowing as the Corporation with the sanction of the Local Government Board shall determine and the period so determined and sanctioned is herein-after referred to as "the prescribed period" and shall be the prescribed period for the purpose of the Local Loans Act 1875.

Art. VI.—(1.) The Corporation shall repay the moneys borrowed by virtue of 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 these methods and partly by another or the others of them.

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

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

(b) by payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three pounds per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such 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 other than the Corporation the Corporation being at liberty from time to time to vary and transpose such 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 such sinking fund or part of a sinking fund so applied if

[Ch. cxli.]                      *Local Government Board's*                      [60 & 61 Vict.]  
*Provisional Orders Confirmation (No. 14) Act, 1897.*

A.D. 1897.      invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

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*Scarborough*  
*Order.*

(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 such equal annual payments.

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

Art. VII.—(1.) If it appears to the Corporation at any time that 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 not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Corporation to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose. Provided that if it appears to the Local Government Board that any such increase is necessary the Corporation shall increase the payments to such extent as the Board may direct.

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

(3.) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Order together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board 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 that Board shall approve.

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

Art. VIII. The Corporation shall except as herein-after provided have power to re-borrow for the purpose of paying off moneys borrowed or re-borrowed by



[60 & 61 VICT.]      *Local Government Board's*      [Ch. cxli.]  
*Provisional Orders Confirmation (No. 14) Act, 1897.*

virtue of 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 :

A.D. 1897.

—  
*Scarborough*  
*Order.*

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 such 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 money for the repayment of which the re-borrowing has been made and shall be repaid within the prescribed period.

Art. IX. All moneys from time to time borrowed by virtue of this Order shall be applied by the Corporation 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 Corporation with the approval of the Local Government Board determine.

Art. X.—(1.) Any mortgagee of the Corporation by virtue of this Order may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver. The amount of arrears due to such mortgagee or in the case of a joint application by two or more mortgagees to such mortgagees collectively to authorise the appointment of a receiver shall not be less than five hundred pounds in the whole.

(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.

Art. XI.—(1.) The treasurer of the Borough shall within twenty-one days after the Thirty-first day of March in each year if during the twelve months next preceding the said Thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Order or in respect of any money raised thereunder and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may from time to time be prescribed by that Board and if required by that Board verified by statutory declaration of such treasurer showing for the year next preceding the making of such 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



[Ch. cxli.]      *Local Government Board's*      [60 & 61 VICT.]  
*Provisional Orders Confirmation (No. 14) Act, 1897.*

A.D. 1897.  
—  
*Scarborough*  
*Order.*

his failing to make such return the said treasurer 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 such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Local Government 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 such instalment or annual payment or sum is required by this Order or by the Local Government 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 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 or applied as in such Order mentioned and any such Order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

Art. XII. 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 that Board in relation to such inquiry (including such reasonable sum not exceeding three guineas a day as that Board may determine for the services of any inspector or officer of the Board engaged in such inquiry) shall be paid by the Corporation and the Local Government Board may certify the amount of the costs so incurred and any sum so certified and directed by that Board to be paid by the Corporation shall be a debt due to the Crown from the Corporation.

Art. XIII. In Articles XIV. to XX. of this Order unless the subject or context otherwise requires—

“Closet accommodation” means any receptacle for human excreta and the fittings and apparatus connected therewith.

“Water Closet” means closet accommodation on the water carriage system flushed by means of fresh water supply and constructed in accordance with byelaws made by the Corporation in pursuance of this Order.

“New building” means any building which would be a new building within the meaning of Section 159 of the Public Health Act 1875 and of Section 101 of the Act of 1889.

“Medical officer of health” “house” and “premises” have the same meanings respectively as in the Public Health Act 1875.

“Daily penalty” means penalty for each day on which any offence is continued by a person after conviction.

Art. XIV. On the erection of any new building the Corporation shall when a sewer and water supply sufficient for the purpose are reasonably available be empowered by written notice to require that such new building shall be provided with one or more proper and sufficient Water Closets according as circumstances may require.

(2.) On the erection of any new building the Corporation shall when a sewer and water supply sufficient for a Water Closet are not reasonably available be

[60 & 61 VICT.]      *Local Government Board's*      [Ch. cxli.]  
*Provisional Orders Confirmation (No. 14) Act, 1897.*

empowered by written notice to require one or more proper and sufficient earth-closets or privies and ashpits to be provided at or in connexion with such building.

A.D. 1897.

*Scarborough  
Order.*

(3.) Any person offending against any requirement of the Corporation under subdivision (1) or (2) of this Article shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings which shall be recoverable in a court of summary jurisdiction.

Art. XV.—(1.) If on the report of the borough surveyor or the medical officer of health the Corporation are satisfied that any house has not sufficient closet accommodation provided thereat or in connexion therewith the Corporation may when a sewer and water supply sufficient for the purpose are reasonably available by written notice to the owner or owners require that such building shall be provided with one or more proper and sufficient Water Closets according as circumstances may require.

(2.) If the owner or owners of any such house fail in any respect to comply with a notice of the Corporation under subdivision (1) of this Article the Corporation may at the expiration of a time to be specified in the notice (not being less than fourteen days after the service of the notice) do the work specified in such notice and may recover in a summary manner from the owner or owners the expenses incurred by the Corporation in so doing.

Art. XVI. Where under the provisions of this Order the Corporation shall construct or do any works for the common benefit of two or more buildings belonging to different owners the expenses which under this Order are recoverable by the Corporation from the owners shall be paid by the owners of such buildings in such proportions as shall be determined by the borough surveyor or in case of dispute by a court of summary jurisdiction.

Art. XVII. Any moneys expended by the Corporation under the provisions of Articles XIV. to XIX. of this Order shall be paid out of the district fund and general district rates.

Art. XVIII. Any person duly authorised in writing by the Corporation shall on production of such authority be admitted into any premises for the purposes of this Order and the provisions of Sections 102 and 103 of the Public Health Act 1875 shall (*mutatis mutandis*) apply to such admission.

Art. XIX.—(1.) Where any person deems himself aggrieved by any requirements of the Corporation under subdivision (1) or (2) of Article XIV. or subdivision (1) of Article XV. of this Order or as to the reasonableness of any expenses wholly or partially recoverable from him under this Order such person may within fourteen days after the service of notice of the requirement or of a demand for payment of the expenses appeal to a court of summary jurisdiction and the court may make such order in the matter as to them may seem equitable and the order so made shall be binding and conclusive on all parties :

Provided nevertheless that the right of appeal subsequent to the service of a demand for payment shall be restricted to the ground of the reasonableness of the amount of the expenses and that the appellant shall be precluded from raising at that stage any other question.

[Ch. cxli.]      *Local Government Board's*      [60 & 61 VICT.]  
*Provisional Orders Confirmation (No. 14) Act, 1897.*

A.D. 1897.      (2.) Pending the decision of the court upon such appeal the Corporation shall not be empowered to execute any works included in the notice and any proceedings which may have been commenced for the recovery of such expenses shall be stayed.

*Scarborough  
Order.*

Art. XX.—(1.) The Corporation may from time to time make byelaws with respect to Water Closets and may by means of such byelaws prescribe the description or nature size materials position and level thereof and of the apparatus and the manner of flushing the same.

(2.) The provisions contained in the Public Health Act 1875 with respect to byelaws and the penalties which may be imposed thereby and the recovery and application of penalties shall apply to all byelaws made altered or repealed by the Corporation under the provisions of subdivision (1) of this Article and to the penalties imposed thereby.

Art. XXI. There shall be exempted from the provisions of Articles XIV. to XVI. of this Order any building structure or work vested in or in the occupation of Her Majesty Her heirs and successors either beneficially or as part of the hereditary revenues of the Crown or in trust for the public service or for public services also any building structure or work vested in or in the occupation of any Department of Her Majesty's Government for public purposes or for the public service.

Art. XXII. This Order may be cited as the Scarborough Order 1897.

Given under the Seal of Office of the Local Government Board this  
 Seventh day of May One thousand eight hundred and ninety-seven.

(L.S.)

HENRY CHAPLIN President.  
 HUGH OWEN Secretary.

*Tunbridge  
Wells  
Order.*

BOROUGH OF TUNBRIDGE WELLS.

*Provisional Order for altering certain Local Acts and  
 Confirming Acts.*

To the Mayor Aldermen and Burgesses of the Borough of Tunbridge Wells ;—

And to all others whom it may concern.

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

And whereas the unrepealed provisions of the Tunbridge Wells Water Act 1865 as altered by certain Provisional Orders affecting the Borough which were confirmed by the Local Government Supplemental Act 1867 (No. 5) and the Local Government Supplemental Act 1868 (No. 3) and the Tunbridge Wells Improvement Act 1890 (each of which Acts is herein-after referred to as the Act of the year in which it was passed and which Acts are herein-after together

28 & 29 Vict.  
 c. cciv.  
 30 & 31 Vict.  
 c. lxxxiii.  
 31 & 32 Vict.  
 c. clii.  
 53 & 54 Vict.  
 c. ccxxxv.



[60 & 61 VICT.]      *Local Government Board's*      [Ch. cxli.]  
*Provisional Orders Confirmation (No. 14) Act, 1897.*

referred to as "the Local Acts") as altered by other Provisional Orders duly confirmed by Parliament but which do not affect the subject-matter of this Order are in force in the Borough ;

A.D. 1897.  


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*Tunbridge Wells*  
*Order.*

And whereas under the Local Acts and the Confirming Acts the Corporation were authorised to borrow money for the purposes of their water undertaking and it is expedient that further borrowing powers for such purposes should be given ;

And whereas by Section 74 of the Act of 1865 it was enacted that all moneys received under that Act other than moneys received from the general district rate and moneys borrowed on mortgage might be applied for (inter alia) repaying moneys advanced for the purposes of that Act out of the general district rate and not repaid ;

And whereas by Section 274 of the Act of 1890 the Corporation were empowered to pay or contribute towards the payment of a public band of music for the Borough to perform in any public park or other place of public resort within the Borough the amount of such payment or contribution to be paid out of the district fund and not in any one year to exceed the sum of two hundred pounds :

Now therefore We the Local Government Board in pursuance of the powers given to Us by Sections 297 and 303 of the Public Health Act 1875 and by any other Statutes in that behalf do hereby order that from and after the date of the Act of Parliament confirming this Order the Local Acts and Confirming Acts shall be altered so as to provide as follows viz.,—

38 & 39 Vict.  
c. 55.

Art. I. 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 arising from their water undertaking and of the district fund and general district rate or upon either of such securities such sums not exceeding in the whole the sum of fifty thousand pounds as may from time to time be necessary for the purposes of their water undertaking in addition to the sums which they are authorised to borrow for such purposes under the said Acts.

Art. II. For the purpose of raising money by virtue of this Order the provisions of the Local Loans Act 1875 shall be available to the Corporation and Sections 236 to 238 both inclusive of the Public Health Act 1875 shall apply to all moneys raised and borrowed on mortgage by virtue of this Order.

Art. III. The moneys borrowed by virtue of this Order shall be repaid within such period not exceeding fifty years from the date of borrowing as the Corporation with the sanction of the Local Government Board shall determine and the period so determined and sanctioned is herein-after referred to as "the prescribed period" and shall be the prescribed period for the purpose of the Local Loans Act 1875.

Art. IV.—(1.) The Corporation shall repay the moneys borrowed by virtue of 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 these methods and partly by another or the others of them.

[Ch. cxli.]      *Local Government Board's*      [60 & 61 VICT.]  
*Provisional Orders Confirmation (No. 14) Act, 1897.*

A.D. 1897.

*Tunbridge  
Wells  
Order.*

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

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

(b) by payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three pounds per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such 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 other than the Corporation the Corporation being at liberty from time to time to vary and transpose such 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 such sinking fund or part of a 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 such equal annual payments.

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



[60 & 61 VICT.] *Local Government Board's* [Ch. cxli.]  
*Provisional Orders Confirmation (No. 14) Act, 1897.*

Art. V.—(1.) If it appears to the Corporation at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Order together with the accumulations thereon (in the case of an accumulating sinking fund) will probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Corporation to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose. Provided that if it appears to the 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. 1897.

*Tunbridge Wells*  
*Order.*

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

(3.) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Order together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board 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 that Board shall approve.

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

Art. VI. The Corporation shall except as herein-after provided have power to re-borrow for the purpose of paying off moneys borrowed or re-borrowed by virtue of 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 :

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 such 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 money for the repayment of which the re-borrowing has been made and shall be repaid within the prescribed period.

Art. VII. All moneys from time to time borrowed by virtue of this Order shall be applied by the Corporation only for the purposes for which the same are respectively authorised to be borrowed excepting that moneys which may have



[Ch. cxli.]      *Local Government Board's*      [60 & 61 VICT.]  
*Provisional Orders Confirmation (No. 14) Act, 1897.*

A.D. 1897.      been borrowed in excess of the amount required shall be applied in such  
*Tunbridge*      manner as the Corporation with the approval of the Local Government Board  
*Wells*      determine.  
*Order.*

Art. VIII.—(1.) Any mortgagee of the Corporation by virtue of this Order may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver. The amount of arrears due to such mortgagee or in the case of a joint application by two or more mortgagees to such mortgagees collectively to authorise the appointment of a receiver shall not be less than five hundred pounds in the whole.

(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.

Art. IX.—(1.) The town clerk of the Borough shall within twenty-one days after the Thirty-first day of March in each year if during the twelve months next preceding the said Thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Order or in respect of any money raised thereunder and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may from time to time be prescribed by that Board and if required by that Board verified by statutory declaration of such town clerk showing for the year next preceding the making of such 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 such return the said 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 such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Local Government 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 such instalment or annual payment or sum is required by this Order or by the Local Government 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 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 or applied as in such Order mentioned and any such Order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

[60 & 61 VICT.]      *Local Government Board's*      [Ch. cxli.]  
*Provisional Orders Confirmation (No. 14) Act, 1897.*

Art. X. Section 74 (A) (sixthly) of the Act of 1865 shall be altered so as to enable the Corporation to repay to the district fund or general district rate all sums paid thereout in respect of the repayment of moneys borrowed for the purposes of the water undertaking of the Corporation or otherwise for water-works purposes under the Local Acts or any other Act or in respect of the interest on such moneys.

A.D. 1897.

*Tunbridge  
Wells  
Order.*

Art. XI. Section 274 of the Act of 1890 shall be altered so as to provide that the amount of any payment or contribution to be made by the Corporation towards the payment of a public band of music under that section may in lieu of the sum of two hundred pounds therein mentioned be such a sum as will not in any one year exceed the amount which would be produced by a rate of one penny in the pound on the assessable value for the time being of the Borough for the purposes of the general district rate.

Art. XII. Where the Local Government Board cause any local inquiry to be held with reference to any of the purposes of the Local Acts or this Order the costs incurred by that Board in relation to such inquiry (including such reasonable sum not exceeding three guineas a day as that Board may determine for the services of any inspector or officer of the Board engaged in such inquiry) shall be paid by the Corporation and the Local Government Board may certify the amount of the costs so incurred and any sum so certified and directed by that Board to be paid by the Corporation shall be a debt due to the Crown from the Corporation.

Art. XIII. This Order may be cited as the Tunbridge Wells Order 1897.

Given under the Seal of Office of the Local Government Board this  
Eighth day of May One thousand eight hundred and ninety-  
seven.

(L.S.)

HENRY CHAPLIN President.  
HUGH OWEN Secretary.

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