



CHAPTER cxliii.

An Act to confirm certain Provisional Orders of the Local Government Board relating to Aberystwyth Barrow-in-Furness Birmingham Bootle and Swansea. A.D. 1897.

[6th August 1897.]

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

38 & 39 Vict.
c. 55.

And whereas it is requisite that the said Orders should be confirmed by Parliament :

Be it therefore enacted by the 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. This Act may be cited as the Local Government Board's Provisional Orders Confirmation (No. 16) Act 1897. Short title.

[Ch. cxliii.] *Local Government Board's* [60 & 61 Vict.]
Provisional Orders Confirmation (No. 16) Act, 1897.

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S C H E D U L E.

Aberystwyth
Order.

BOROUGH OF ABERYSTWYTH.

Provisional Order for altering a Local Act.

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

WHEREAS the Borough of Aberystwyth (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 ;

5 & 6 Will. 4.
c. xlvj. And whereas the unrepealed provisions of an Act passed in the fifth and sixth years of the reign of His late Majesty King William the Fourth intituled "An Act for improving and regulating the town of Aberystwyth in the County of Cardigan and for supplying the inhabitants thereof with water" and of the 35 & 36 Vict.
c. xxx. Aberystwyth Improvement and Water Act 1872 (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") as altered by certain Provisional Orders duly confirmed by Parliament are in force in the Borough ;

20 & 21 Vict.
c. 98. And whereas by sanction duly given under the Local Government Act 1858 and by the Local Acts the Commissioners and Local Board acting under those Acts were authorised to borrow the sums of money mentioned in column 3 of the Schedule hereto (herein-after referred to as "the Schedule") for the purposes mentioned in column 2 of the Schedule and by Section 97 of the Act of 1872 those moneys were required to be repaid within a period of eighty years from the date of that Act ;

37 Vict. c. i. And whereas by virtue of a Provisional Order of the Local Government Board dated the Ninth day of March One thousand eight hundred and seventy-four and duly confirmed by the Local Government Board's Provisional Orders Confirmation Act 1874 all the jurisdiction powers rights lands hereditaments tenements moneys property effects and liabilities of the Commissioners and Local Board are now vested in the Corporation ;

And whereas the several entries in column 4 of the Schedule show the amounts in each case actually borrowed the amounts mentioned in column 5 of the Schedule having been borrowed in excess of the borrowing power given by the authority mentioned in column 1 of the Schedule ;

And whereas if the provisions of Section 97 of the Act of 1872 had been complied with the several sums mentioned in column 6 of the Schedule would on the Twenty-seventh day of June One thousand eight hundred and ninety-six have been repaid or standing to the credit of sinking funds for repayment of certain of the moneys borrowed as aforesaid :

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Now therefore We the Local Government Board in pursuance of the powers given to Us by Section 303 of the Public Health Act 1875 and by any other Statutes in that behalf do hereby order that from and after the date of the Act of Parliament confirming this Order the Act of 1872 shall be partially repealed and shall be altered so that the following provisions shall take effect viz,—

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38 & 39 Vict.
c. 55.

Art. I.—

Sections 85 and 87 so far as they relate to the borrowing of money for the purposes of the water undertaking of the Corporation and Sections 88 91 94 95 96 97 and 98 of the Act of 1872 shall be repealed except so far as such provisions may have been acted upon ; and

Section 89 of the Act of 1872 shall be altered by the omission therefrom of the words “ or entitled.”

Art. II. The Corporation shall repay the sums mentioned in column 5 of the Schedule within the period of two years commencing from the Thirty-first day of March One thousand eight hundred and ninety-seven.

Art. III. The Corporation shall within the period of seven years from the Thirty-first day of March One thousand eight hundred and ninety-seven and out of the rates funds and revenues out of which the same should have been set aside in accordance with the provisions of the Act of 1872 set apart as a non-accumulating sinking fund the amounts mentioned in column 8 of the Schedule and the provisions herein-after contained in regard to a non-accumulating sinking fund shall apply to the said sinking fund.

Art. IV. All moneys hereafter borrowed under the powers of borrowing conferred by the Act of 1872 shall be borrowed on the following securities in lieu of the securities mentioned in Section 85 of that Act viz,—

(a.) Moneys borrowed for the purposes of markets and slaughter-houses upon the security of the revenue derived from the markets and slaughter-houses of the Corporation and of the district fund and general district rate of the Borough.

(b.) Moneys borrowed for the purposes of the gasworks of the Corporation upon the security of the revenue derived from the gas undertaking of the Corporation and of the district fund and general district rate of the Borough.

Art. V. For the purpose of raising money under the Act of 1872 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 borrowed and re-borrowed on mortgage under the Act of 1872 or re-borrowed under this Order.

Art. VI. The sums specified in column 9 of the Schedule and any moneys which may hereafter be borrowed under the provisions of the Act of 1872 shall in each case be repaid within the period of fifty-six years commencing from the Twenty-seventh day of June One thousand eight hundred and ninety-six being the remaining part of the period allowed for repayment under the Act of 1872 and such period is herein-after referred to as “ the prescribed period ” and shall be the prescribed period for the purpose of the Local Loans Act 1875 :

Provided that the Twenty-seventh day of June One thousand eight hundred and ninety-seven shall in the case of each of the sums specified in column 9 be

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A.D. 1897. deemed the day for the payment of the first instalment or for the first
Aberystwyth payment into a sinking fund under the provisions of this Order.
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Art. VII.—(1.) The Corporation shall repay the sums specified in column 9 of the Schedule or which may hereafter be borrowed under the Act of 1872 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 VIII. of this Order if the Corporation determine to repay by means of a sinking fund any moneys referred to in subdivision (1) hereof 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 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 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

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to the fund are based any such excess may be applied towards such equal annual payments. A.D. 1897.

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(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. VIII.—(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 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. IX. The Corporation shall except as herein-after provided have power to re-borrow for the purpose of paying off any moneys borrowed or re-borrowed by virtue of the Local Acts 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 not be borrowed upon the security of any of the estates

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and property of the Corporation but shall otherwise 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. X.—(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 the Act of 1872 as altered by 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 set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by the Act of 1872 as altered 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. XI. All moneys from time to time borrowed by virtue of the Act of 1872 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. XII.—(1.) Any mortgagee of the Corporation by virtue of the Local Acts or this Order may enforce the payment of arrears of interest or of principal or of

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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.

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(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. 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. XIV. This Order may be cited as the Aberystwyth Order 1897.

SCHEDULE.

Authority for Borrowing.	Purpose of Loan.	Amount of Borrow- ing Power.	Amount Bor- rowed.	Amount Borrowed in excess of Borrow- ing Power.	Amount repayable to 27th June 1896.	Amount repaid to 31st March 1897.	Defi- ciency in Re- payment exclusive of Amounts over- borrowed.	Amount which should have been out- standing.	Balance of Period now remaining for Repayment of Loans in pursuance of the Act of 1872.
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.
		£	£	£	£	£	£	£	
Sanction 11th June 1869 under Local Govern- ment Act 1858.	Sewerage -	1144	1835	191	290	—	290	854	56 years from 27th June 1896.
Acts of 1835 and 1872.	Water Sup- ply and Costs of Act of 1872.	6000	6000	—	8639	3130	569	10901	
		12000	3600	—					
Acts of 1835 and 1872.	Paving and Drainage and Costs of Act of 1872.	6000	6000	—	3294	2410	854	9703	
		7000	7200	200					
Act of 1872 -	Markets and Slaughter- houses and Costs of Act.	7000	500	—	—	—	—	500	
Act of 1872 -	Gasworks and Costs of Act.	7000	—	—	—	—	—	—	

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

(I.S.)

HENRY CHAPLIN President.
 HUGH OWEN Secretary.

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BOROUGH OF BARROW-IN-FURNESS.

*Barrow-in-Furness
Order.*

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

To the Mayor Aldermen and Burgesses of the Borough of
Barrow-in-Furness ; —

And to all others whom it may concern.

31 & 32 Vict.
c. civ.
35 & 36 Vict.
c. cxiii.
36 & 37 Vict.
c. cx.
38 & 39 Vict.
c. cciv.
44 & 45 Vict.
c. cxxi.
55 Vict. c. xiii.

WHEREAS the Borough of Barrow-in-Furness (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 Barrow-in-Furness Corporation Act 1868 the Barrow-in-Furness Corporation Extension and Amendment Act 1872 the Barrow-in-Furness Corporation Act 1873 the Barrow-in-Furness Corporation Act 1875 the Barrow-in-Furness Corporation Act 1881 and the Barrow-in-Furness Corporation Water Act 1892 (all which Acts are herein-after together referred to as "the Local Acts" and each of which Acts is herein-after referred to as the Act of the year in which it was passed) as altered by the Provisional Order herein-after recited are in force in the Borough ;

And whereas by Section 198 of the Act of 1868 it was (inter alia) enacted that all purchase money of consideration for and fines on lands sold leased or exchanged should be paid to the treasurer and by him on receipt carried to the borough fund provided that all sums so paid to the treasurer should if and whenever any principal moneys borrowed under the Act of 1868 should be unpaid be applied in and towards discharging the same principal money and to no other purpose and should until so applied be invested in the same manner as was directed with respect to the sinking fund by that Act required to be provided by the Corporation ;

54 & 55 Vict.
c. clviii.

And whereas by Article VII. of a Provisional Order of the Local Government Board dated the Fifteenth day of May One thousand eight hundred and ninety-one and duly confirmed by the Local Government Board's Provisional Orders Confirmation (No. 12) Act 1891 (which Order and Act are herein-after respectively referred to as "the Order" and "the Confirming Act") provision was made with respect to the period for repayment of moneys borrowed by the Corporation with the approval of the Local Government Board under Section 145 of the Act of 1881 ;

And whereas by the Local Acts and by sanctions of the Local Government Board given in pursuance of Section 145 of the Act of 1881 the Corporation have been empowered to borrow the sums mentioned in column 3 of Schedule A hereto (herein-after referred to as "Schedule A") for the purposes specified opposite those sums in column 2 of Schedule A and had at the Thirty-first day of March One thousand eight hundred and ninety-seven exercised such powers by borrowing the sums mentioned in column 4 of Schedule A for the purposes specified opposite those sums in column 2 of Schedule A ;

And whereas on the Thirty-first day of March One thousand eight hundred and ninety-seven the sums mentioned in column 4 of Schedule B hereto (herein-after referred to as "Schedule B") were outstanding (after deducting the amounts

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repaid or in the sinking fund) in respect of the sums mentioned in column 3 of Schedule B and the last-mentioned sums represent the sums specified in column 4 of Schedule A classified under the several purposes for which those sums have been borrowed as specified in column 2 of Schedule B ;

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—
*Borrow-in-
 Furness
 Order.*

And whereas the Corporation have borrowed certain of the moneys mentioned in column 3 of Schedule B subject to repayment by equal annual instalments of principal and interest combined and the amount included in such instalment in respect of principal exceeds the annual payment which will be required in pursuance of this Order to be made to a sinking fund for the repayment of the whole of the moneys mentioned in column 4 of Schedule B :

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 the Confirming Act so far as it relates to the Order shall be partially repealed and altered so that the following provisions shall take effect viz.,—

38 & 39 Vict.
 c. 55.

Art. I. The following provisions of the Local Acts viz.,—

Of the Act of 1868—

31 & 32 Vict.
 c. civ.

Section 198 so far as it provides for the application and investment of the purchase money of consideration for and fines on lands sold leased or exchanged and

Sections 221 and 224.

Of the Act of 1872—

35 & 36 Vict.
 c. cxiii.

Sections 32 39 and 41.

So much of Section 38 as authorised the borrowing of ten thousand pounds in connexion with dwellings for the labouring classes and as made applicable to moneys borrowed under the Act of 1872 any provisions of the Act of 1868 hereby repealed.

Of the Act of 1873—

36 & 37 Vict.
 c. cx.

Sections 14 15 16 17 50 52 and 53.

So much of Section 49 as relates to the sum of one thousand five hundred pounds included for the purposes of a railway siding in the sum of one hundred and seventy-five thousand pounds mentioned in the section and as made applicable to moneys borrowed under the Act of 1873 any provisions of the Act of 1868 hereby repealed.

Of the Act of 1875—

38 & 39 Vict.
 c. cciv.

So much of Section 130 as made applicable to moneys borrowed under the Act of 1875 any provisions of the Act of 1868 hereby repealed.

Sections 131 133 134 and 135.

Of the Act of 1881—

44 & 45 Vict.
 c. cxxi.

Sections 26 to 60 63 64 146 148 149 150 and 151.

The last paragraph of Section 73.

So much of Section 144 as authorised the borrowing for tramways of sums not exceeding in the whole thirty-five thousand pounds.

Of the Confirming Act—

54 & 55 Vict.
 c. clviii.

So much as relates to Article VII. of the Order.

Of the Act of 1892—

55 Vict. c. xiii.

Sections 19 25 27 28 29 and 32

shall be repealed except so far as the same may have been acted upon.

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—
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Art. II. The Local Acts respectively shall be deemed to have authorised the borrowing by the Corporation for the several purposes mentioned in column 2 of Schedule A of the several sums specified opposite to such purposes respectively in columns 4 and 7 of that Schedule and the several sums mentioned in column 7 of Schedule A shall be deemed to be the borrowing power of the Corporation under the Local Acts which on the Thirty-first day of March One thousand eight hundred and ninety-seven remained unexercised for the purposes mentioned in column 2 opposite such sums and which might thereafter be exercised by the Corporation for those purposes :

Provided that nothing in this Article shall be deemed to restrict or limit the power of the Corporation to hereafter borrow further moneys under the Act of 1881 or the Act of 1892 with the approval of the Local Government Board.

Art. III. The Corporation shall repay the sums mentioned in column 4 of Schedule B within a period of forty-four years from the Thirty-first day of March One thousand eight hundred and ninety-seven which period is herein-after included in the expression "the prescribed period".

Art. IV.—(1.) In order to provide for the repayment of the sums mentioned in column 4 of Schedule B the Corporation shall annually pay into a sinking fund (in this Article referred to as "the sinking fund") such equal annual sums as with accumulations at a rate not exceeding three pounds per centum per annum will be sufficient to provide for the repayment of the whole of those sums within the prescribed period.

(2.) The first annual payment into the sinking fund shall be made on or before the Thirty-first day of March One thousand eight hundred and ninety-eight and the subsequent annual payments on or before the Thirty-first day of March in each succeeding year.

(3.) Every sum paid to the sinking fund and the interest on the investments of the sinking fund shall unless applied in repayment of the sums specified in column 4 of Schedule B 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) 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.) The Corporation may at any time apply the whole or any part of the sinking fund in or towards the discharge of the sums specified in column 4 of Schedule B Provided that the Corporation shall pay into the sinking fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by the sinking fund or the part of the sinking fund so applied if invested at the rate per centum on which the annual payments to the sinking fund are based.

(5.) If and so often as the income of the 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 sinking fund are based any deficiency shall be made good by the Corporation.

(6.) If and so often as the income of the 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

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to the fund are based any such excess may be applied towards such equal annual payments.

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Art. V. For the purpose of raising money by virtue of the powers of the Local Acts as altered by this Order the provisions of the Local Loans Act 1875 shall be available to the Corporation.

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Order.*

Art. VI. The moneys borrowed after the Thirty-first day of March One thousand eight hundred and ninety-seven by the Corporation shall be repaid within the following periods viz.,—

- (a.) The sums specified in column 7 of Schedule A as the amounts which may be borrowed under the Act of 1872 the Act of 1873 and the Act of 1875 within forty-four years from the date of borrowing in each case.
- (b.) The sums specified in column 7 of Schedule A as the amounts which may be borrowed under the Act of 1881 within sixty years from the date of borrowing in each case being the period allowed by that Act.
- (c.) Any moneys borrowed with the approval of the Local Government Board under Section 145 of the Act of 1881 within such period not exceeding sixty years from the date of borrowing as the Corporation may with the sanction of the Local Government Board in each case determine.
- (d.) The sum specified in column 7 of Schedule A as the amount which may be borrowed for waterworks purposes under the Act of 1892 within sixty years from the date of borrowing in each case being the period allowed by that Act.
- (e.) Any moneys borrowed with the approval of the Local Government Board under the Act of 1892 within such period not exceeding sixty years from the date of borrowing as the Corporation may with the sanction of the Local Government Board in each case determine.

Each of the periods referred to in this Article is herein-after included in the expression "the prescribed period" and shall be the prescribed period within the meaning of the Local Loans Act 1875.

Art. VII.—(1.) The Corporation shall repay any moneys borrowed after the Thirty-first day of March One thousand eight hundred and ninety-seven or re-borrowed by virtue of the powers of borrowing conferred by the Local Acts as altered by this Order other than moneys borrowed under the provisions of the Local Loans Act 1875 by equal annual instalments of principal or by equal annual instalments of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or the others of them.

(2.) Subject to the provisions of Article VIII. of this Order if the Corporation determine to repay by means of a sinking fund any moneys borrowed after the Thirty-first day of March One thousand eight hundred and ninety-seven by virtue of the Local Acts 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

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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 under this Article 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 any of the securities mentioned in subdivision (3) of Article IV. of this Order 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 established under this Article 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 under this Article 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 under this Article 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.

Art. VIII.—(1.) If it appears to the Corporation at any time that the amount in any sinking fund established under this Order 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 established under this Order 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

[60 & 61 VICT.] *Local Government Board's* [Ch. cxliii.]
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the sinking fund either temporarily or permanently to such an extent as that Board shall approve. A.D. 1897.

(4.) If the amount in any sinking fund established under this Order 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.

*Barrow-in-Furness
Order.*

(5.) Any surplus of any sinking fund established under this Order 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.

(6.) 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. IX.—(1.) The Corporation shall except as herein-after provided have power to re-borrow for the purpose of paying off any moneys borrowed or hereafter borrowed under the Local Acts 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 except as provided by subdivision (2) of this Article 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 not be borrowed upon the security of any of the estates and property of the Corporation but shall otherwise be secured on the same funds or rates and 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.

(2.) If and so long as the amount included in respect of principal in the instalments payable to the lenders by the Corporation in any year in repayment of any of the moneys mentioned in column 3 of Schedule B shall exceed the sum payable in such year to the sinking fund established under Article IV. of this Order the Corporation shall have power to re-borrow the amount of such excess.

Art. X.—(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

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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 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. XI. The Corporation shall apply all moneys from time to time received by them in respect of any sales exchanges or disposition of lands acquired by them under the Local Acts or by way of fine or premium on any lease of any such lands in or towards paying off moneys borrowed and for the time being owing under those Acts or if there shall be no moneys owing under the Local Acts such proceeds shall be applied in or towards paying off any other moneys for the time being owing by the Corporation and such proceeds shall not be applicable to the payment of instalments or to payments into any sinking fund except to such extent and upon such terms as may be approved by the Local Government Board.

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 the Confirming Act or 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. The Order may be cited as the Barrow-in-Furness Order 1891 this Order may be cited as the Barrow-in-Furness Order 1897 and the said Orders may be cited together as the Barrow-in-Furness Orders 1891 and 1897.

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The SCHEDULES above referred to.

A.D. 1897.

SCHEDULE A.

*Barrow-in-Furness
Order.*

Act.	Purpose.	Bor- rowing Power.	Amount Borrowed.	Amount not Borrowed.	Amount of Borrow- ing Power to be cancelled.	Amount of Borrowing Power which may be exercised in addition to the Sums in Column 4.	Period in which Amounts in Column 7 are to be repaid.
1.	2.	3.	4.	5.	6.	7.	8.
		£	£ s. d.	£ s. d.	£	£ s. d.	Years.
Act of 1868	Gas Works - -	130000	23500 0 0	—	—	—	44 years from the date of the borrow- ing in each case.
	Water Works - -		106500 0 0	—	—	—	
	General Purposes -	20000	20000 0 0	—	—	—	
Act of 1872	Gas Works - -	45000	45000 0 0	—	—	—	
	Water Works - -	20000	20000 0 0	—	—	—	
	Burial Grounds - -	15000	15000 0 0	—	—	—	
	Markets and Slaughter-houses. Town Hall - -	20000	15000 0 0	—	—	—	
		—	5000 0 0	—	—	—	
	Sewers New Streets Roads and Im- provements. Main Drainage - -	45000	—	—	—	—	
		—	45000 0 0	—	—	—	
Act of 1873	Hospitals - -	10000	3531 0 0	6469 0 0	—	6469 0 0	
	Labouring Class Dwellings. General Purposes -	10000	—	10000 0 0	10000	—	
		10000	10000 0 0	—	—	—	
	Gas Works and Railway Siding. Water Works - -	10500	—	10500 0 0	1500	9000 0 0	
	New Streets - -	28000	28000 0 0	—	—	—	
Act of 1875	Town Hall - -	33000	33000 0 0	—	—	—	60 years from the date of the borrow- ing in each case.
	General Purposes -	25000	25000 0 0	—	—	—	
	Gas Works - -	10000	10000 0 0	—	—	—	
	Water Works - -	27000	26920 0 0	80 0 0	—	80 0 0	
Act of 1875	Water Works - -	60000	41743 0 0	18257 0 0	—	18257 0 0	
	Burial Ground - -	15000	14294 0 0	706 0 0	—	706 0 0	
	General Purposes -	10000	10000 0 0	—	—	—	
Act of 1881	Electric Lighting (section 63). Tramways - -	20000	—	20000 0 0	20000	—	
		35000	—	35000 0 0	35000	—	
	Cattle Market and Slaughter-houses. Municipal Offices -	20300	5200 0 0	14800 0 0	—	14800 0 0	
		50000	50000 0 0	—	—	—	
	Police Stations - -	5000	3937 0 0	1063 0 0	—	1063 0 0	
	Recreation Grounds	5000	4877 0 0	123 0 0	—	123 0 0	
	Depôts and Stables	12000	11410 0 0	590 0 0	—	590 0 0	
	Sewage Lands Sewers and Works. New Streets and Street Improvement. General Purposes -	25000	22637 0 0	2363 0 0	—	2363 0 0	
		26500	41500 0 0	—	—	—	
		15000	—	—	—	—	
Sanctions of Local Govern- ment Board under Act of 1881.	Sewers and Street Improvements (section 154). General Purposes (section 154). Municipal Offices -	11600	7439 18 1	—	—	—	The period prescribed by the Sanction of the Local Government Board under which the money is borrowed. 60 years from the date of borrowing.
		—	4160 1 11	—	—	—	
	Street Improvements	5078	4185 2 11	892 17 1	—	892 17 1	
	Road Improvements (Walney). Fire Engines - -	17039	13095 17 1	3943 2 11	—	3943 2 11	
Act of 1892	Water Works - -	300	300 0 0	—	—	—	60 years from the date of borrowing.
	Costs of Act - -	576	576 0 0	—	—	—	
	TOTALS -	836593	710451 0 0	126142 0 0	66500	59642 0 0	

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A.D. 1897.

SCHEDULE B.

Barrow-in-Furness
Order.

Acts.	Purposes.	Total Amount borrowed to 31st March 1897.			Total Amount outstanding after deducting Amount repaid or in Sinking Fund at 31st March 1897.	Period in which Amount in Column 4 is to be repaid.
1.	2.	3.			4.	5.
		£	s.	d.	£	
Acts of 1868 1872 1873 and 1875.	Gasworks - -	95420	0	0	75038	44 years from the 31st day of March 1897.
Acts of 1868 1872 1873 1875 and 1892.	Waterworks - -	238298	7	11	193421	
Acts of 1872 and 1875.	Burial Grounds -	29294	0	0	22108	
Act of 1872 - -	Markets - -	15000	0	0	12256	
Act of 1881 - -	Slaughter-houses -	5200	0	0	5120	
Acts of 1872 1873 1881 and Order of 1891.	Town Hall and Municipal Offices.	84185	2	11	71634	
Acts of 1872 and 1881	Main Drainage Sew- age Lands and Sew- erage Works.	75076	18	1	61771	
Acts of 1868 1872 1873 1875 and 1881 and Sanctions of Local Government Board under Act of 1881.	New Streets Street Improvements and General Purposes.	142055	19	0	118442	
Act of 1872 - -	Hospital - -	3531	0	0	3121	
Act of 1881 - -	Police Stations -	3937	0	0	3488	
Act of 1881 - -	Recreation Grounds -	4877	0	0	4274	
Act of 1881 - -	Depôt and Stables -	11410	0	0	10352	
Act of 1881 and Sanctions of Local Government Board under that Act.	Fire Engines -	576	0	0	492	
Act of 1892 - -	Costs of Act -	1589	12	1	945	
	Totals -	710451	0	0	582462	

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

(L.S.)

HENRY CHAPLIN President.
HUGH OWEN Secretary.

Birmingham
Order.

CITY OF BIRMINGHAM.

Provisional Order for partially repealing and altering the
Birmingham Corporation (Consolidation) Act 1883.

To the Mayor Aldermen and Citizens of the City of Birmingham ; —
And to all others whom it may concern.

WHEREAS the City of Birmingham (herein-after referred to as "the City")
is an Urban Sanitary District of which the Mayor Aldermen and Citizens

[60 & 61 VICT.] *Local Government Board's* [Ch. cxliii.]
Provisional Orders Confirmation (No. 16) Act, 1897.

acting by the council (herein-after referred to as "the Corporation") are the Urban Sanitary Authority and the unrepealed provisions of the Birmingham Corporation (Consolidation) Act 1883 (herein-after referred to as "the Local Act") as altered by certain Provisional Orders duly confirmed by Parliament but which do not affect the subject-matter of this Order are in force in the City;

A.D. 1897.

*Birmingham
Order.*

46 & 47 Vict.
c. lxx.

And whereas by sub-section (1) of Section 238 of the Local Act the Corporation are empowered to grant to any of their officers or servants on his retirement from service such sum or yearly allowance either for the term of his natural life or for such other period or in gross as the Corporation may deem just and proper and to charge every such sum or allowance on a superannuation fund established in pursuance of that Act or on such of their revenues or rates as they may in each case determine or partly in one way and partly in the other ;

And whereas it is expedient that amended provision shall be made for enabling the Corporation to grant and pay superannuation or retiring allowances to all or any of their officers and servants :

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

38 & 39 Vict.
c. 55.

Art. I. Subject to the provisions of this Order Sections 238 to 240 of the Local Act shall be repealed.

Art. II. The Corporation may grant and pay superannuation or retiring allowances to all or any of their officers and servants subject and according to the regulations of a scheme (herein-after referred to as "the scheme") which the Corporation are hereby authorised to make and when made to amend or vary for determining (subject to the provisions of this Order) all such matters as in their opinion may be necessary or proper for carrying into effect the purposes of this Order and of the scheme Provided as follows—

- (a.) The scheme shall be so made as to secure to any officer or servant of the Corporation who before becoming entitled to a superannuation or retiring allowance in pursuance of the scheme or any amendment or variation of the scheme loses his office or employment by reason of a reduction of staff or otherwise ceases to hold his office or employment by reason of bodily injury not occasioned by his own default or of any other cause whatever other than his own misconduct the right to receive a sum equal to the amount of all contributions which in pursuance of the scheme or of any amendment or variation of the scheme have been received from him subject to the condition that if after the receipt of such sum such officer or servant is appointed to another office or is employed in another capacity by the Corporation he shall not be entitled for the purposes of the scheme or of any amendment or variation of the scheme to reckon his service before such last mentioned appointment or employment towards a superannuation or retiring allowance unless upon such appointment or employment he pays such sum to the Corporation.

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Provisional Orders Confirmation (No. 16) Act, 1897.

A.D. 1897.

*Birmingham
Order.*

(b.) Any officer or servant of the Corporation in their service or employment at the commencement of this Order may at any time within three months after the making of the scheme signify in writing to the Corporation his intention not to avail himself of the regulations of the scheme and in that event it shall not be obligatory upon such officer or servant to make any contributions nor shall he be entitled to receive any superannuation or retiring allowance in pursuance of the scheme or of any amendment or variation of the scheme.

(c.) No amendment or variation of the scheme shall prejudicially affect any right or position acquired by any officer or servant of the Corporation under this Order or under the scheme before such amendment or variation.

Art. III.—(1.) Every payment in respect of any superannuation or retiring allowance granted in pursuance of this Order and of the scheme and all other expenditure for any purpose of this Order or of the scheme shall be defrayed out of the borough fund or out of the proceeds of any rate or out of any revenue of the Corporation or partly in one way and partly in the other according as the scheme may provide or the Corporation may otherwise determine.

(2.) Every contribution or payment which in pursuance of the scheme or of this Order may be received from any officer or servant of the Corporation shall be credited to the account of the borough fund or of the proceeds of any rate or of any revenue according as the scheme may provide or the Corporation may otherwise determine and for the purposes of this Order and of the scheme shall form and be applicable as part of the borough fund or of the proceeds of such rate or of such revenue.

Art. IV. Every superannuation or retiring allowance granted to any officer or servant of the Corporation in pursuance of this Order and of the scheme shall be payable to or in trust for such officer or servant and shall not be assignable or chargeable with his debts or other liabilities.

Art. V. Nothing in this Order contained shall affect the payment of any allowance granted by the Corporation before the commencement of this Order to any of their officers or servants on his retirement from service nor any other right or liability acquired or accrued nor anything duly done or suffered before the commencement of this Order and the Corporation may if they see fit grant and pay to any of their officers or servants who has retired from service before the commencement of this Order such sum or yearly allowance in pursuance of the enactments by this Order repealed and of the regulations by the said enactments authorised and for the time being in force in the same manner and subject to the same conditions as if this Order had not been made.

Art. VI. This Order may be cited as the Birmingham Order 1897.

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

(L.S.)

HENRY CHAPLIN President.
HUGH OWEN Secretary.

BOROUGH OF BOOTLE.

A.D. 1897.

*Provisional Order for partially repealing and altering a
Local Act.*

—
*Bootle
Order.*

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

WHEREAS the Borough of Bootle (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 Bootle Corporation Act 1890 (herein-after referred to as "the Local Act") are in force in the Borough ;

53 & 54 Vict.
c. cxxix.

And whereas by Part IV. of the Local Act provision was made with respect to waterclosets privies earth-closets cesspools and ashpits and with respect to passages to afford efficient means of access to privies or ashpits and it was enacted with respect to new buildings that the timbers of the floors of all new buildings should be of the strength and dimensions specified in the Second Schedule to the Local Act and that the provisions and rules of such Schedule should be observed and carried out in the erection of all new buildings :

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 :—

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 clean water supply from any source reasonably available 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 or within Section 38 of the Local Act.

"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. 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

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*Bootle
Order.*

empowered by written notice to the person by whom plans relating to the new building are deposited 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 the person by whom plans relating to the new building are deposited 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 medical officer of health or the borough surveyor or the inspector of nuisances 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 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 to be in such state as to create a nuisance or to be injurious to health then

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one-half of the said expenses shall be borne by the Corporation and the remainder of the said expenses shall be borne by the owner and shall be recoverable from him in a summary manner.

A.D. 1897.

*Booth
Order.*

(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 recoverable from the owner or owners or defrayed by means of borrowed moneys be paid out of the district fund and general district rate.

Art. VII. The Corporation may declare any expenses incurred by them under the provisions of this Order which are recoverable from the owner or owners in a summary manner to be private improvement expenses and thenceforth those expenses may be recovered and shall be charged upon the premises in respect of which they were incurred in accordance with the provisions of Section 257 of the Public Health Act 1875.

Art. VIII. 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. IX.—(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 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. X.—(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

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A.D. 1897. byelaws prescribe the description or nature size materials position and level thereof and of the apparatus and the manner of flushing the same.

*Bootle
Order.*

(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. XI. 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 district fund and general district rate of the Borough such sums not exceeding in the whole the sum of fourteen thousand pounds as may from time to time be necessary for the purposes of defraying any expenditure of the Corporation in pursuance of subdivisions (2) and (3) of Article IV. of this Order.

Art. XII. 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. XIII. 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. XIV.—(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 those methods and partly by another or the others of them.

(2.) Subject to the provisions of Article XV. 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 statutory securities other than securities of 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.

[60 & 61 VICT.] *Local Government Board's* [Ch. cxliii.]
Provisional Orders Confirmation (No. 16) Act, 1897.

(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.

A.D. 1897.

*Bootle
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. XV.—(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.

(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 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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A.D. 1897.

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*Bootle
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(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. XVI. 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. XVII.—(1.) The town clerk of the Borough shall within twenty-one days after the Twenty-fifth day of March in each year if during the twelve months next preceding the said Twenty-fifth 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 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

[60 & 61 VICT.] *Local Government Board's* [Ch. cxliii.]
Provisional Orders Confirmation (No. 16) Act, 1897.

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 had 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.

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*Bootle
Order.*

Art. XVIII. 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. 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.—(1.) Notwithstanding the provisions of Sections 37 and 39 of the Local Act and the Second Schedule thereto the Corporation may forthwith under and in accordance with the provisions of the Public Health Act 1875 and any Act amending or extending that Act make byelaws in regard to the matters referred to in such Sections and Schedule.

(2.) On the expiration of one year from the commencement of this Order or of such longer period not exceeding two years from the commencement of this Order as the Local Government Board may determine Sections 37 and 39 of the Local Act and the Second Schedule thereto shall be repealed except so far as the same may have been acted upon but if before the expiration of such period as aforesaid any byelaws made by the Corporation by virtue of this Article shall come into operation such Sections and Schedule shall except as aforesaid be repealed without waiting for the expiration of the said period.

(3.) Wherever in the unrepealed provisions of the Local Act reference is made to such repealed provisions the same shall be deemed to refer to the byelaws made under this Article.

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

[Ch. cxliii.] *Local Government Board's* [60 & 61 VICT.]
Provisional Orders Confirmation (No. 16) Act, 1897.

A.D. 1897. that Board to be paid by the Corporation shall be a debt due to the Crown from the Corporation.

*Bootle
Order.*

Art. XXII. Without prejudice to any existing right of Her Majesty there shall be exempted from the provisions of Articles II. to V. 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. XXIII. This Order may be cited as the Bootle Order 1897.

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

(L.S.)

HENRY CHAPLIN President.
 HUGH OWEN Secretary.

*Swansea
Order.*

BOROUGH OF SWANSEA.

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

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

And to all others whom it may concern.

26 Vict. c. xiii.

56 & 57 Vict.
c. cxv.

WHEREAS the Borough of Swansea (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 Swansea Municipal Corporation Act 1863 (herein-after referred to as "the Local Act") as altered by a Provisional Order dated the Seventeenth day of March One thousand eight hundred and ninety-three and confirmed by the Local Government Board's Provisional Orders Confirmation (No. 4) Act 1893 (which Order and Act are herein-after referred to as "the Order" and "the Confirming Act") and by another Provisional Order duly confirmed by Parliament but which does not affect the subject-matter of this Order are in force in the Borough;

And whereas by Article I. of the Order the Local Act was altered so as to authorise the Corporation to borrow with the sanction of the Local Government Board and subject to the provisions of the Order on the security of the market tolls and other revenue arising from their market undertaking and of the borough fund and borough rate of the Borough or upon any of such securities together or separately such sums not exceeding in the whole the sum of twenty thousand pounds as might from time to time be necessary for the purposes of their market undertaking :

38 & 39 Vict.
c. 55.

Now therefore We the Local Government Board in pursuance of the powers given to Us by Sections 297 and 303 of the Public Health Act 1875 and by any other Statutes in that behalf do hereby order that from and after the date of the Act of Parliament confirming this Order the Local Act and the Confirming

[60 & 61 VICT.] *Local Government Board's* [Ch. cxliii.]
Provisional Orders Confirmation (No. 16) Act, 1897.

Act so far as it relates to the Order shall be altered so as to provide as follows :—

A.D. 1897
Swansea
Order

Art. I. Article I. of the Order shall be altered by the substitution therein for the words "twenty thousand pounds" of the words "twenty-six thousand pounds".

Art. II. The Order may be cited as the Swansea Order 1898 and this Order may be cited as the Swansea Order 1897 and the said Orders may be cited together as the Swansea Orders 1893 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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