



### CHAPTER lxx.

An Act to confirm certain Provisional Orders of the Local Government Board relating to Bacup Burnley Middleton Rhyl and Tiverton.      A.D. 1897.  
[15th July 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:

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 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. 5) Act 1897.      Short title.

A.D. 1897.

S C H E D U L E.

*Bacup  
Order.*

**BOROUGH OF BACUP.**

*Provisional Order for altering certain Local Acts.*

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

WHEREAS the Borough of Bacup (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 ;

16 & 17 Vict.  
c. lix.  
57 & 58 Vict.  
c. lxxv.

And whereas the unrepealed provisions of the Rossendale Waterworks Act 1853 as altered by the Bacup Corporation Water Act 1894 (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) and of the Act of 1894 are in force in the Borough ;

And whereas by Section 18 of the Act of 1853 the Rossendale Waterworks Company (herein-after referred to as "the Company") were empowered to construct certain waterworks ;

And whereas by Section 28 of the Act of 1853 the Company were empowered to purchase by agreement or take on lease for the purpose of their water undertaking not exceeding five acres of land in addition to the lands therein-before authorised to be purchased ;

And whereas by Section 2 of the Act of 1894 the Waterworks Clauses Acts 1847 and 1863 were except and subject as therein provided but including Section 12 of the Waterworks Clauses Act 1847 incorporated with the Act of 1894 ;

And whereas by virtue of Section 7 of the Act of 1894 the undertaking of the Company was transferred to and vested in the Corporation ;

And whereas by virtue of Section 34 of the Act of 1894 all the powers rights privileges and authorities of the Company under the Act of 1853 and the Acts therewith incorporated were transferred to vested in and made exercisable by the Corporation and it was by that section provided that the Act of 1853 should be read and have effect as if the Corporation had been named therein instead of the Company subject as therein mentioned ;

And whereas by sub-section (1) of Section 43 of the Act of 1894 the Corporation were empowered to borrow inter alia—

"(c.) For the purposes of the water undertaking any sum not exceeding seven thousand pounds" ;

And whereas it is expedient that the Corporation should be empowered to complete and extend their waterworks and to borrow further moneys for those purposes under the Act of 1894 :

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:—

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Order.*

Art. I. The Corporation may upon land purchased under the powers conferred by the Local Acts construct such permanent works in connexion with their water undertaking as the Local Government Board may from time to time approve.

Art. II. The powers of borrowing conferred by the Act of 1894 as altered by this Order shall be available to the Corporation for the purpose of the works approved by the Local Government Board under the provisions of this Order.

Art. III. Paragraph (c) of sub-section (1) of Section 43 of the Act of 1894 shall be altered by the addition thereto of the words "and with the sanction of the Local Government Board such further sum or sums of money as the Corporation may from time to time require."

Art. IV. Any moneys borrowed by the Corporation with the sanction of the Local Government Board under the powers of Section 43 of the Act of 1894 as altered by Article III. of this Order shall be repaid within such period not exceeding fifty years from the date of borrowing as the Corporation may with the sanction of the Local Government Board determine and the period so determined and sanctioned shall be deemed to be the period prescribed by the Act of 1894 in relation to such moneys.

Art. V. This Order may be cited as the Bacup Order 1897.

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

(L.S.)

HENRY CHAPLIN President.  
S. B. PROVIS Assistant Secretary.

## BOROUGH OF BURNLEY.

*Burnley  
Order.*

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

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

WHEREAS the Borough of Burnley (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 whereas the unrepealed provisions of the Burnley Borough Improvement Act 1871 the Burnley Borough Improvement Act 1883 and the Burnley Corporation 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") as altered by the Burnley Orders 1878 to 1896 which Orders are herein-after together referred to as "the Orders" and by certain other Provisional Orders duly confirmed by Parliament which do not affect the subject-matter of this Order are in force in the Borough;

34 & 35 Vict.  
c. cliv.  
46 & 47 Vict.  
c. lxxvii.  
52 & 53 Vict.  
c. lv.



[Ch. lxx.]                      *Local Government Board's*                      [60 & 61 VICT.]  
*Provisional Orders Confirmation (No. 5) Act, 1897.*

A.D. 1897.

*Burnley  
Order.*

And whereas by the Local Acts and the Orders or some of them powers of borrowing have been conferred upon the Corporation ;

And whereas by Articles IV. to VIII. of the Burnley Order 1896 (hereinafter referred to as "the Order of 1896") provision is made with respect to the raising and repayment of the moneys to be thereafter borrowed under the powers of borrowing conferred by the Local Acts or the Orders ;

And whereas it is expedient that the Corporation should be empowered to borrow further moneys for the purposes of the Local Acts :

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 do hereby order that from and after the date of the Act of Parliament confirming this Order the Local Acts and the Acts confirming the Orders so far as such last-mentioned Acts respectively relate to the Orders respectively shall be altered so that the following provisions shall take effect viz. :—

Art. I. In addition to the moneys which the Corporation are now authorised to borrow they may from time to time with the sanction of the Local Government Board and subject to the provisions of this Order borrow upon the security of the borough fund and borough rate of the Borough for such of the purposes of the Local Acts as the Local Government Board shall approve any sum or sums not exceeding the sum of one hundred thousand pounds :

Provided that any moneys borrowed for the purposes of the water undertaking the gas undertaking or the market undertaking may be borrowed on the security of the revenue arising from the undertaking in respect of which the money is borrowed as well as on the security of the borough fund and borough rate.

Art. II. The moneys borrowed under the powers of borrowing conferred by this Order shall be repaid within such period not exceeding sixty years from the date of borrowing as the Corporation with the sanction of the Local Government Board shall in each case determine and the period so determined and sanctioned shall in each case be deemed to be the prescribed period within the meaning of the Local Loans Act 1875 and of Articles IV. to VIII. of the Order of 1896.

Art. III. The provisions of Sections 477 478 480 and 481 of the Act of 1871 of Section 55 of the Act of 1889 and of Articles IV. to VIII. of the Order of 1896 shall apply to all moneys borrowed under the powers conferred by this Order :

Provided that the amount of debt which shall enable a mortgagee or in the case of two or more mortgagees such mortgagees collectively to require the appointment of a receiver under Section 480 of the Act of 1871 shall be one thousand pounds and not one-tenth of the amount for the time being due on mortgages made under this Order.

Art. IV. This Order may be cited as the Burnley Order 1897 and the Burnley Orders 1878 to 1896 and this Order may be cited together as the Burnley Orders 1878 to 1897.

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

(L.S.)

HENRY CHAPLIN President.  
S. B. PROVIS Assistant Secretary.

BOROUGH OF MIDDLETON.

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

A.D. 1897.

*Middleton  
Order.*

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

And to all others whom it may concern.

WHEREAS the Borough of Middleton (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 Middleton and Tonge Improvement Act 1861 (herein-after referred to as "the Local Act") as altered by the Provisional Orders herein-after mentioned but some of which do not affect the subject-matter of this Order are in force in the Borough ;

And whereas by Section 104 of the Local Act as altered by the Middleton Order 1881 the Middleton and Tonge Improvement Commissioners (who were the predecessors of the Corporation) were authorised to borrow for the purposes of their gas undertaking sums amounting in the whole to the sum of fifty-six thousand pounds and it is expedient that further borrowing powers for such purposes should be given :

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 Local Government Board's Provisional Orders Confirmation (Cottingham &c.) Act 1881 so far as it relates to the Middleton Order 1881 shall be altered so as to provide as follows viz.,—

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 gas undertaking and of the consolidated rate of the Borough or upon either of such securities such sums not exceeding in the whole the sum of thirty thousand pounds as may from time to time be necessary for the purposes of their gas undertaking in addition to the said sum of fifty-six thousand pounds.

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 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. IV.—(1.) The Corporation shall repay the moneys borrowed by virtue of this Order (other than moneys borrowed under the provisions of the Local

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Middleton  
Order.

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 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



[60 & 61 VICT.]      *Local Government Board's*      [Ch. lxx.]  
*Provisional Orders Confirmation (No. 5) Act, 1897.*

shall be paid by the Corporation in addition to the payments provided for by this Order.

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Order.*

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.

(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

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*Middleton  
Order.*

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. 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. lxx.]  
*Provisional Orders Confirmation (No. 5) Act, 1897.*

Art. X. Where the Local Government Board cause any local inquiry to be held with reference to any of the purposes of the Local Act the Orders mentioned in the Schedule hereto 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.

A.D. 1897.

*Middleton  
Order.*

Art. XI. Each of the Orders relating to Middleton the dates whereof are mentioned in column 1 of the Schedule hereto may be cited by the short title mentioned in column 3 of that Schedule this Order may be cited as the Middleton Order 1897 and all of the said Orders and the Borough of Middleton Order 1891 and the Middleton Order 1894 may be cited together as the Middleton Orders 1878 to 1897.

The SCHEDULE above referred to.

1.	2.	3.
Date of Order.	Short Title of Confirming Act.	Short Title of Order.
7th May 1878 -	The Local Government Board's Provisional Orders Confirmation (Bournemouth &c.) Act 1878 41 & 42 Vict. c. clxxii.	The Middleton Order 1878.
6th May 1879 -	The Local Government Board's Provisional Orders Confirmation (Rochdale &c.) Act 1879 42 & 43 Vict. c. lxxxvi.	The Middleton Order 1879.
10th May 1880 -	The Local Government Board's Provisional Orders Confirmation (Abingdon &c.) Act 1880 43 & 44 Vict. c. xxxvi.	The Middleton Order 1880.
12th May 1881 -	The Local Government Board's Provisional Orders Confirmation (Cottingham &c.) Act 1881 44 & 45 Vict. c. lxx.	The Middleton Order 1881.
4th June 1889 -	The Local Government Board's Provisional Orders Confirmation (No. 16) Act 1889 52 & 53 Vict. c. cxvii.	The Middleton Order 1889.
5th June 1890 -	The Local Government Board's Provisional Orders Confirmation (No. 12) Act 1890 53 & 54 Vict. c. clxxx.	The Middleton Order 1890.

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

(L.S.)

HENRY CHAPLIN President.

S. B. PROVIS Assistant Secretary.

A.D. 1897.

URBAN DISTRICT OF RHYL.

*Rhyl  
 Order.*

*Provisional Order for altering a Local Act.*

To the Urban District Council of Rhyl ; —

And to all others whom it may concern.

15 Vict.  
 c. xxxii.

WHEREAS the Urban District Council of Rhyl (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 Rhyl (herein-after referred to as "the District") and the unrepealed provisions of the Rhyl Improvement Act 1852 (herein-after referred to as "the Local Act") as altered by certain Provisional Orders made by the Local Government Board and duly confirmed by Parliament but which Orders do not affect the subject-matter of this Order are in force in the district ;

And whereas by the Local Act the Rhyl Improvement Commissioners who were the predecessors of the District Council were empowered to provide a public market place or places for supplying the inhabitants of Rhyl and the neighbourhood with marketable commodities and to demand and take from any person occupying or using any room office stall shed or stand in any such market place or in the public streets or bringing therein any cattle animal provisions or things specified in the Schedule B. annexed to the Local Act such stallages rents and tolls as the Commissioners or their lessee should from time to time appoint not exceeding the several stallages rents and tolls specified in that Schedule ;

And whereas it is expedient that the Local Act should be altered in manner herein-after appearing :

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 Act shall be altered so as to provide as follows viz.,—

Art. I. The paragraphs of Schedule B. to the Local Act headed "List of Tolls to be taken for the Market" and "Carts" shall be repealed and the List of Stallages and Tolls set out in the Schedule hereto shall be inserted in Schedule B. to the Local Act in lieu of those paragraphs.

Art. II. This Order may be cited as the Rhyl Order 1897.

The SCHEDULE above referred to.

" LIST OF STALLAGES AND TOLLS TO BE TAKEN FOR THE MARKET.

" STALLAGES.

" For every covered and uncovered shed stall bulk block trestle standing-place  
 " or station used by any person for exposing to sale flesh meat cheese bacon  
 " pickled pork fish or any other live or dead victuals fruit vegetables glass  
 " earthenware or other goods articles commodity or thing whatsoever  
 " (except as herein otherwise specifically charged) stallages not exceeding  
 " the following per day may be taken :—

	£	s.	d.
" Not exceeding forty-five superficial feet                      -                      -                      -	0	1	0
" For every additional superficial foot                      -                      -                      -	0	0	0½



[60 & 61 VICT.]      *Local Government Board's*      [Ch. lxx.]  
*Provisional Orders Confirmation (No. 5) Act, 1897.*

" TOLLS.

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" *Carts.*

*Rhyl*  
*Order.*

" For every cart used by any person for exposing or in which shall  
 " be exposed to sale any article commodity or thing the following  
 " tolls per day :—

	£	s.	d.
" For every one-horse cartload - - - - -	0	0	9
" For every two-horse ditto - - - - -	0	1	0
" Waggon used for the like purpose per day - - - - -	0	1	9
" For every cartload drawn by any animal (except a horse)	0	0	6
" For every cartload drawn by two or more animals (except " horses) - - - - -	0	0	9

" *Flesh Meat Fish Fruit Vegetables &c.*

" For any quantity of flesh meat cheese bacon or pickled pork not  
 " exceeding forty pounds avoirdupois per day - - - - - 0 0 2  
 " For every additional ten pounds or less quantity per day - - - - - 0 0 0½  
 " For every sack bag box hamper or basket or less quantity of fish  
 " per day - - - - - 0 0 1  
 " For every sack bag box hamper or basket or less quantity of  
 " garden produce including fruit potatoes and all kinds of  
 " vegetables per day - - - - - 0 0 1"

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

(L.S.)

HENRY CHAPLIN President.

ALFRED D. ADRIAN Assistant Secretary.

BOROUGH OF TIVERTON.

*Tiverton*  
*Order.*

*Provisional Order for altering certain Confirming Acts.*

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

And to all others whom it may concern.

WHEREAS the Borough of Tiverton (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 a Local Act passed in the thirty-  
 fourth year of His late Majesty King George the Third intituled "An Act for  
 " paving and otherwise improving the Town of Tiverton in the County of 34 Geo. III.  
 " Devon " and of another Local Act passed in the third year of the reign of c. 52.  
 His late Majesty King George the Fourth intituled "An Act for amending and  
 " enlarging the powers and provisions of an Act of His late Majesty King 3 Geo. IV.  
 " George the Third intituled 'An Act for paving and otherwise improving the c. lx.  
 " ' Town of Tiverton in the County of Devon ' and for lighting the said Town "  
 (which Acts are herein-after together referred to as "the Local Acts") as altered  
 by the Provisional Orders herein-after mentioned are in force in the Borough ;

[Ch. lxx.]                      *Local Government Board's*                      [60 & 61 Vict.]  
*Provisional Orders Confirmation (No. 5) Act, 1897.*

A.D. 1897.

*Tiverton  
Order.*

And whereas the Commissioners (herein-after referred to as "the Commissioners") who were appointed to execute the Local Acts within the Town of Tiverton (which was comprised in the Borough) borrowed certain moneys under the provisions of the Local Acts ;

38 & 39 Vict.  
c. lxxvi.

And whereas by a Provisional Order of the Local Government Board dated the Tenth day of May One thousand eight hundred and seventy-five and confirmed by the Local Government Board's Provisional Orders Confirmation Act 1875 (No. 3) (which Order and Act are herein-after respectively referred to as "the Order of 1875" and "the Confirming Act of 1875") the district for which the Commissioners acted was dissolved and all the jurisdiction powers rights lands hereditaments tenements moneys property effects and liabilities vested in or then attaching to the Commissioners under the Local Acts were transferred to the Corporation and the liability for the whole of the debts incurred by the Commissioners and outstanding at the Thirty-first day of December One thousand eight hundred and seventy-five was transferred to the Corporation who were required to make provision for the liquidation of the same out of the borough fund or rate of the Borough within the period therein mentioned and for the purpose of liquidating any such debts the Corporation were empowered to borrow the requisite amount and charge the borough fund or rate with the repayment thereof ;

41 & 42 Vict.  
c. clxiv.

And whereas by another Provisional Order of the Local Government Board dated the Sixth day of May One thousand eight hundred and seventy-eight and confirmed by the Local Government Board's Provisional Orders Confirmation (Abergavenny Union &c.) Act 1878 (which Order and Act are herein-after respectively referred to as "the Order of 1878" and "the Confirming Act of 1878") it was ordered that so much of the debts incurred by the Commissioners as aforesaid and transferred to the said Corporation as should be outstanding on the Thirty-first day of August One thousand eight hundred and seventy-eight together with the interest to accrue due thereon after that date should be transferred from the borough fund or rate of the Borough to the district fund and general district rate when and so soon as such last-mentioned fund and rate should be established in the Borough and that any sum borrowed or to be borrowed for the purpose of liquidating any such debts should be transferred to or charged upon such district fund and general district rate in lieu of the said borough fund or rate ;

And whereas the Corporation have not made adequate provision for the liquidation within the prescribed period of the whole of the debts incurred by the Commissioners and transferred to the Corporation as aforesaid and the sum of seven thousand two hundred and ninety-nine pounds (herein-after referred to as "the debt") is now outstanding in respect of the said debts and the sum of two hundred and sixty pounds seven shillings and one penny was on the Thirty-first day of March One thousand eight hundred and ninety-seven standing to the credit of a sinking fund established for repayment of the debt :

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 of 1875 and the



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*Provisional Orders Confirmation (No. 5) Act, 1897.*

Confirming Act of 1878 so far as those Acts respectively relate to the Order of 1875 and the Order of 1878 shall be altered so that the following provisions shall take effect:—

A.D. 1897.

*Tiverton  
Order.*

Art. I. The Corporation shall repay or make provision for the repayment of the outstanding balance of the debt within a period of twenty-five years from the Thirty-first day of March One thousand eight hundred and ninety-seven which period is herein-after referred to as "the prescribed period."

Art. II.—(1.) The Corporation shall repay or make provision for the repayment of the debt 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 III. of this Order any sinking fund established for the repayment of the debt shall be formed and maintained either—

(a) by payment to the fund throughout the prescribed period of such equal annual sums as will with the said sum of two hundred and sixty pounds seven shillings and one penny 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 with the said sum of two hundred and sixty pounds seven shillings and one penny and the accumulation thereon at the same rate 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.) The Corporation shall forthwith carry the said sum of two hundred and sixty pounds seven shillings and one penny to the credit of any sinking fund established under this Order.

(4.) The said sum of two hundred and sixty pounds seven shillings and one penny with 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 debt 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.

(5.) 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.

(6.) 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

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*Provisional Orders Confirmation (No. 5) Act, 1897.*

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

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(7.)—(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.

(8.) 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. III.—(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 the debt they may increase the amounts payable to the 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 debt 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. IV. The Corporation shall except as herein-after provided have power to re-borrow for the purpose of paying off any part of the debt



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or any moneys 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 :

A.D. 1897.

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*Tiverton*  
*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. V.—(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 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 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. VI. 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

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A.D. 1897. 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.

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*Tiverton  
Order.*

Art. VII. This Order may be cited as the Tiverton Order 1897.

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

(L.S.)

HENRY CHAPLIN President.

ALFRED D. ADRIAN Assistant Secretary.

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