



CHAPTER V.

An Act to transfer to and vest in the Honley Urban District Council the undertaking of the Honley Gas Company Limited and to confer upon that Council powers for the supply of gas and for other purposes.

[2nd July 1901.]

WHEREAS the parish or township of Honley in the West Riding of the county of York is an urban district (in this Act called "the district") and is under the jurisdiction of the Honley Urban District Council in this Act called "the Council":

And whereas the district is now supplied with gas by the Honley Gas Company Limited (in this Act called "the Company") who were incorporated under the provisions of the Joint Stock Companies Act 1856 and empowered to construct gasworks and supply gas by the Honley Gas Order 1886 (confirmed by the Gas Orders Confirmation (No. 2) Act 1886) in this Act referred to as "the 50Vict.c.xix. Order":

And whereas the capital of the Company consists of eight thousand shares of one pound each which shares are fully paid up and of the sums of money which the Company are authorised to borrow they have borrowed and now owe the sum of two thousand pounds secured by bonds:

And whereas by an agreement dated the twenty-second day of October one thousand nine hundred and made between the Council of the one part and the Company of the other part the Council agreed to purchase the undertaking of the Company and the Company agreed to sell the same to the Council freed and discharged from the said bonds and all incumbrances at the price of eighteen thousand five hundred pounds with interest thereon as in the said agreement is provided:

And whereas it is expedient that the undertaking of the Company should be transferred to and vested in the Council upon the terms

[Price 1s. 3d.]

[Ch. v.] *Honley Urban District Council (Gas) Act, 1901.* [1 EDW. 7.]

A.D. 1901. of the said agreement and that powers should be conferred upon the Council as by this Act provided :

And whereas it is expedient that the Council be authorised to borrow money for the purposes of this Act :

And whereas the objects and purposes of this Act cannot be effected without the authority of Parliament :

And whereas an absolute majority of the whole number of the Council at a meeting held on the tenth day of December one thousand nine hundred after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the *Huddersfield Daily Examiner* a local newspaper circulating in the district of the Council such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the general district fund or rate of the district :

And whereas such resolution was published twice in the said *Huddersfield Daily Examiner* and has received the approval of the Local Government Board :

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the Council at a further special meeting held in pursuance of a similar notice on the thirty-first day of December one thousand nine hundred being not less than fourteen days after the deposit of the Bill for this Act in Parliament :

And whereas the owners and ratepayers of the district by resolution in the manner provided in the Third Schedule of the Public Health Act 1875 have consented to the promotion of the Bill for this Act :

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

Short title.

1. This Act may be cited as the *Honley Urban District Council (Gas) Act 1901.*

Incorporation of Acts.

2. The following Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with and form part of this Act namely :—

The Lands Clauses Acts (except the provisions of those Acts relating to the purchase and taking of lands otherwise than by agreement) ;

The Gasworks Clauses Act 1847 (except the provisions thereof with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for their benefit and with respect to the yearly receipt and expenditure of the undertakers); and

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The Gasworks Clauses Act 1871 (except sections 8 and 35 thereof).

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction. And in this Act unless the subject or context otherwise requires—

Interpretation.

“The Council” means the Council of the urban district of Honley;

“The district” means the urban district of Honley;

“The district fund” and “the general district rate” mean respectively the district fund and the general district rate of the district;

“The Company” means the Honley Gas Company Limited;

“The undertaking of the Company” includes all the gasworks engines mains pipes machinery lands buildings plant stock-in-trade gas coal and other stores and all other the real and personal property assets and effects of whatever nature (except money or securities for money and choses in action) and all the rights powers and privileges vested in or belonging to or had or enjoyed by the Company under the Order but shall not include the books and papers relating exclusively to the shareholders in and the members and constitution of the Company;

“The gas undertaking” means the undertaking of the Company as transferred by this Act to the Council;

“Statutory security” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security (not being annuities rentcharges or securities payable to bearer) authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or of any local authority as defined by section 34 of the Local Loans Act 1875 other than the Council.

[Ch. v.] *Honley Urban District Council (Gas) Act, 1901.* [1 Edw. 7.]

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Company
to sell their
undertaking
to Council.

4.—(1) The Company shall sell to the Council and the Council shall purchase the undertaking of the Company as from the thirty-first day of December one thousand eight hundred and ninety-nine for the sum of eighteen thousand five hundred pounds.

(2) The Council shall within three months after the passing of this Act pay the said purchase money to the Company together with interest thereon after the rate of four pounds per centum per annum from the said thirty-first day of December one thousand eight hundred and ninety-nine to the said day of payment and on such payment the undertaking shall by virtue of this Act be transferred to and vested in the Council freed and discharged as between the Company and the Council from all incumbrances and debts of the Company and such transfer and vesting are in this Act referred to as "the transfer."

Receipt for
purchase
money.

5. The receipt in writing of three directors of the Company for money paid to the Company by the Council shall effectually discharge the Council from the sum which in such receipt shall be acknowledged to have been received and from being bound to see to the application thereof and from being answerable or accountable for the loss misapplication or non-application thereof. Provided that if from any cause the Council are unable to obtain such receipt from the Company they may pay the money into the Bank of England in the name of the Paymaster-General for and on behalf of the Supreme Court to an account to be opened in the matter of this Act and a receipt shall be given to the Council by the cashier of the said bank for the money which shall have the same effect as the receipt of three directors of the Company.

Pending
actions.

6. If at the date of the transfer any action, arbitration or proceeding or any cause of action, arbitration or proceeding is pending or existing against or in favour of the Company the same shall not abate or be discontinued or in any wise prejudicially affected by reason of the transfer or of anything in this Act but the same (if against or in favour of the Company) may be continued prosecuted and enforced against or in favour of the Council as and when it might have been continued prosecuted and enforced against or in favour of the Company if this Act had not been passed but not further or otherwise.

Contracts
of Company
to be binding
on Council.

7. All agreements contracts conveyances deeds and other instruments affecting the Company (other than the bonds of the Company) and in force at the time of the transfer shall after the transfer be as binding and of as full force and effect against or in

favour of the Council and may be enforced as fully and effectually as if instead of the Company the Council had been a party thereto. A.D. 1901.

8. The Company shall hold the purchase money paid to them by the Council under this Act in trust for and shall apply the same to the following purposes and not otherwise :—

Application of purchase money payable to Company.

Firstly For the payment thereof of such costs charges and expenses of the Company incurred by them in connexion with the transfer of their undertaking under this Act as shall not be paid by the Council ;

Secondly For the repayment of all moneys borrowed upon mortgage of or secured by a charge upon the undertaking together with all interest thereon due or payable at the date of transfer ; and

Thirdly In paying and distributing the purchase-money then remaining amongst the shareholders and stockholders in the Company in such manner as the Company shall determine and for the purpose of such distribution the several persons whose names shall appear in the books of the Company at the date of the transfer to be the proprietors of shares or stock therein shall unless the contrary be proved to the satisfaction of the directors be considered to be shareholders or stockholders of the Company and the receipt in writing of such persons or of their executors or administrators or of the committee or guardian of the estate of any of such persons who shall be an idiot lunatic or minor shall be an effectual discharge to the Company and the directors thereof for the money therein expressed to be received and shall exonerate them from any obligation affecting the shares stock or interest in respect whereof that money is paid.

9. Where the directors of the Company are for six months after the transfer unable after diligent inquiry to ascertain the person to whom any part of the purchase money of the Company's undertaking is payable or where any part thereof is payable to a person by or on behalf of whom an effectual receipt cannot be given or on account of any other reasonable cause the directors may pay the same under any Act for the time being in force for the relief of trustees into the Supreme Court or if not exceeding five hundred pounds into the county court of Yorkshire holden at Huddersfield and every such payment into court shall conclusively discharge the Company and directors from all further liability with respect to the money so paid.

Payment into court by directors.

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Company
to pay out-
goings and
to be entitled
to rents &c.

10.—(1) The Company shall pay and discharge all outgoings and liabilities of every kind properly chargeable to revenue up to the thirty-first day of December one thousand eight hundred and ninety-nine and shall be entitled to all rents profits and other receipts on revenue account from the undertaking up to that date and shall account to the Council for all moneys received or paid by them from the said date up to the transfer.

(2) Such outgoings rents profits and receipts shall if necessary for the purpose of giving effect to this enactment be apportioned between the Company and the Council and any such rents profits or sums of money attributable to the period prior to the said date but not due or paid at the time of the transfer may be recovered by the Council who shall pay to the Company the proportion of such rents profits and sums of money due to them up to the time of the transfer.

Books &c.
to remain
evidence.

11. All books and documents which if the transfer had not been made would have been evidence in respect of any matter for or against the Company shall be admitted in evidence in respect of the same or the like matter for or against the Council.

Maintenance

of under-
taking by
Company
till transfer.

12. Until the transfer the undertaking of the Company shall be maintained and carried on by the Company as heretofore in the ordinary course of business as agents for the Council but the Company shall not without the previous consent of the Council under the hand of their clerk make or enter into any new contract agreement or obligation except such as shall be in the ordinary course of the maintenance of the works and the proper conduct of the undertaking.

Winding-up
and dissolu-
tion of
Company.

13. The Company shall be wound up under the Companies Acts 1862 to 1900 and when and as soon as their affairs have been wound up and all their debts and liabilities paid and satisfied the Company shall be by virtue of this Act dissolved.

Repeal of
Company's
Order.

14. As from the transfer of the undertaking of the Company to the Council the Honley Gas Order 1886 as confirmed by the Gas Orders Confirmation (No. 2) Act 1886 shall be and the same is hereby repealed.

Limits of
supply.

15. The limits within which the Council may supply gas under the provisions of this Act shall extend to and include the district and so much of the parish of Thurstonland in the West Riding of the county of York as is not included in the limits of supply of the Kirkburton Gaslight Company Limited as defined in

the Kirkburton Gas Order 1884 scheduled to and confirmed by the Gas Orders Confirmation (No. 2) Act 1884. A.D. 1901.

16. Subject to the provisions of this Act the Council may maintain alter improve enlarge extend and renew or discontinue the gasworks for the time being belonging to them by virtue of this Act upon the lands on which the same are erected or any part thereof and which are described in Part I. of the schedule to this Act and they may also on the lands now belonging to them and described in Part II. of the said schedule erect lay down provide and maintain alter improve enlarge extend and renew or discontinue additional and other gasworks and works machinery apparatus and appliances and may do all such acts as they think proper for making and storing gas and for supplying gas within the limits of this Act for all purposes and may make store and supply gas accordingly and may manufacture produce and deal in coke tar pitch asphaltum oil lime and all other products or residuum of any materials employed in or resulting from the manufacture of gas.

Powers as to construction and maintenance of gasworks &c.

17. If at any time after the passing of this Act any local authority whose district is beyond the district of the Council but as to the whole or any part thereof within their limits for the supply of gas shall give not less than six months' notice in writing to the Council of their desire to purchase such portion of the gasworks and plant of the Council as is contained within the district of any such local authority and shall obtain the consent of the Local Government Board to such purchase and shall apply to Parliament or the Local Government Board for power to purchase such portion of the gasworks and plant of the Council (except the mains and pipes or other apparatus which shall be necessary for supplying with gas any other part of the limits of the Council for the supply of gas) and to supply gas within such district then it shall not be lawful for the Council to oppose such application (except as to the details thereof) and if such powers of purchase and supply be granted the Council shall sell and such local authority shall purchase the portion of the gasworks and plant of the Council (except as aforesaid) within the district of such local authority at such price being a sum in gross and upon such terms and conditions as shall be fixed in default of agreement by arbitration under the provisions of the Lands Clauses Acts Any such purchase shall be deemed to be a purpose of the Public Health Act 1875 The Council shall apply the proceeds of any sale under this section in the same manner as they are required to apply money received from sales of land under this Act Provided that after the com-

Provision for sale of plant outside district.

A.D. 1901. — pletion of such purchase all obligations on the part of the Council to supply gas within the district of the purchasing authority shall cease and determine.

Power to purchase lands by agreement.

Gas not to be manufactured except on lands scheduled.

Restriction on taking houses of labouring class.

18. The Council may for the purposes of their undertaking purchase take and hold (by agreement but not otherwise) in addition to the lands described in the schedule to this Act any lands and hereditaments not exceeding in the whole two acres which the Council may require for the purposes of their works and undertaking but the Council shall not create or permit a nuisance on any such lands and no lands shall be used by the Council for the purpose of manufacturing gas or residual products except the lands described in the schedule to this Act.

19.—(1) The Council shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

(2) If the Council acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the Court may if it think fit reduce such penalty.

(3) For the purposes of this section—

The expression "house" means any house or part of a house occupied as a separate dwelling; and

The expression "labouring class" means mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

20. Notwithstanding anything contained in the Lands Clauses Consolidation Act 1845 the Council may sell lease and dispose of any lands acquired by or vested in them under this Act and not for the time being required for the purposes thereof.

Power to sell &c. lands.

A.D. 1901.

Pressure of
gas.

24.—(1) All gas supplied by the Council to any consumer of gas shall be supplied at such pressure as to balance a column of water from midnight to sunset not less than six-tenths of an inch and from sunset to midnight not less than eight-tenths of an inch in height at the main as near as may be to the junction therewith of the service pipe supplying such consumer.

(2) Any gas examiner appointed under the Gasworks Clauses Act 1871 may subject to the terms of his appointment test the pressure at which the gas is supplied and may for that purpose open any street road passage or place vested in or under the control of any local or road authority and the provisions of the Gasworks Clauses Act 1871 with reference to testing of gas and to penalties shall apply to such testing of pressure and two hours' previous notice shall be given to the Council of the time and place at which such testing shall be conducted.

Quality of
gas.

25. The prescribed number of candles shall be not less than fifteen.

Testing
place.

26. Within six months from the transfer a testing place or testing places shall be provided at some convenient part or parts of the gasworks of the Council or at the offices of the Council.

Burner.

27. The prescribed burner shall be an Argand twenty-four hole burner with a seven-inch chimney or any other burner or chimney approved for this purpose by the Board of Trade on the application of the Council.

Council to
pay interest
on money
deposited as
security for
meters.

28. If any person is required by the Council to give to them security for the payment of the price or rent of or the return of a meter the Council shall pay interest at the rate of four per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

No penalty
in case of
unavoidable
cause.

29. No penalty shall be incurred by the Council for neglect or refusal to give a supply of gas in accordance with the provisions of this Act or for insufficiency of pressure defect of illuminating power or excess of impurity in the gas supplied by them in any case in respect of which the court having cognizance of the case are of opinion that such neglect refusal insufficiency defect or excess was caused by circumstances beyond the control of the Council or was of so slight or unimportant a character as not materially to affect the value of the supply. Provided that the want of sufficient funds shall not be held to be a circumstance beyond the control of the Council.

21. The Council may purchase supply let for hire and deal in fix and set up alter repair remove and re-fix but shall not manufacture meters prepayment meters fittings gas engines stoves ranges pipes burners and other apparatus and appliances for all purposes for which gas can or may be used and may provide all materials and contract for and do all work necessary or proper in that behalf and may require and take such remuneration in money or such rents and charges for and make such terms and conditions with respect to the sale supply letting fixing setting up altering repairing or removing of such meters prepayment meters fittings engines stoves ranges pipes and other apparatus and appliances as aforesaid and for securing (both as regards the consumer and third parties) their safety and return to the Council as may be agreed upon between the Council and the person to or for whom the same are sold supplied let fixed set up altered repaired or removed. The prepayment meters engines stoves ranges pipes fittings and other apparatus and appliances let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent nor to be taken in execution under any process of a court of law or equity or any proceedings in bankruptcy against the persons in whose possession the same may be. Provided that such prepayment meters engines stoves ranges pipes fittings apparatus and appliances have upon them a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Council as the real owners thereof.

A.D. 1901.

Power to supply gas apparatus &c.

22. The Council may upon the application of the owner or occupier of any premises abutting on or being erected in any road laid out but not dedicated to public use within the limits of this Act supply such premises with gas and may lay down take up alter relay or renew in across or along such road such mains and pipes as may be requisite or proper for furnishing such supply and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes so far as they are applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof.

Power to lay pipes in streets not dedicated to public use.

23. From and after the transfer the price to be charged by the Council for gas supplied by them to persons who shall burn the same by meter shall not at any time exceed four shillings and four pence for every thousand cubic feet and so in proportion for every smaller quantity.

Limiting price of gas to ordinary consumers.

30. The Council may contract with any local authority company or person beyond the Council's limits of supply (but only with the consent in writing of the local authority of and of any company or person supplying gas under parliamentary powers within the district within which the supply is to be given) for the supply to them respectively of gas in bulk upon such terms and conditions and for such periods not exceeding in any case seven years from the making of the contract as shall be agreed upon.

A.D. 1901.

Council may contract with local authority for supply in bulk.

31. If a person requiring a supply of gas from the Council has previously quitted premises at which gas was supplied to him by the Council without paying to them all gas or meter rent due from him to the Council they may refuse to furnish to him a supply of gas until he pays the same.

Power to refuse to supply persons in debt for other property.

32. Twenty-four hours' notice in writing shall be given to the Council by every gas consumer before he shall quit any premises supplied with gas by meter by the Council and in default of such notice the consumer so quitting shall be liable to pay to the Council the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such premises shall require the Council to supply gas to such premises whichever shall first occur. Notice of the effect of this enactment shall be endorsed on every demand note for gas rent.

Gas consumers to give notice before removing.

33. A notice to the Council from a consumer for the discontinuance of a supply of gas shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the Council. Notice of the effect of this enactment shall be endorsed upon all demand notes for gas rent.

Notice of discontinuance.

34. In the event of any meter used by a consumer of gas being tested in manner provided by the Sale of Gas Act 1859 and being proved to register erroneously within the meaning of the said Act such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter. The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Council shall be paid by or to the Council to or by the consumer as the case may be and shall be recoverable in the like manner as gas rents are recoverable by the Council.

Period of error in defective meters.

A.D. 1901.

Specification
for and
inspection of
gas fittings
in new
buildings.

35. In order to prevent danger or escape of gas and to enable the Council to ensure a satisfactory supply of gas the following provisions shall have effect with respect to pipes or other fittings for the supply of gas by the Council in any new house building or premises within the gas limits of the Council:—

- (1) The Council may specify the size and material of the pipes and fittings thereof which are to be laid by the consumer between the Council's mains and the meter and (so far as the same are intended to be covered over) the pipes and fittings to be placed in any such house building or premises:
- (2) The Council may if they think fit make different specifications for different classes of premises having regard to the probable maximum consumption of gas thereon at any one time:
- (3) The specification shall be published twice in some newspaper circulating in the district and a copy thereof shall be kept exhibited in the office of the Council:
- (4) Every meter to be used in any such house building or premises shall be placed as near as reasonably practicable to the Council's main but within the outside wall of the building:
- (5) When any such meter pipes or fittings as aforesaid have been laid or placed notice thereof shall be given to the Council and the pipes shall not be covered over until after the expiration of twenty-four hours from the service of such notice on the Council. Any officer of the Council duly appointed may between nine o'clock in the morning and five o'clock in the afternoon attend and inspect such meter pipes and fittings and if the officer is not permitted to make the inspection or if the pipes or fittings are not according to the Council's specification or if the meter is not placed as required by this section the Council may refuse to supply gas to the premises until the provisions of this section have been complied with:
- (6) Any person to whom the Council refuse a supply of gas under the provisions of this section may appeal to a petty sessional court against such refusal and the court may after hearing the parties and considering any questions as to the reasonableness of the Council's specification make such order as seems to them proper in the circumstances and may order by which of the parties the costs of and incident to the appeal shall be paid.

Power to
borrow.

36.—(1) The Council may independently of any other borrowing power borrow at interest money for the following purposes not

exceeding in the aggregate the sum of forty-nine thousand pounds (that is to say) :— A.D. 1901.

(a) For the purchase of the undertaking of the Company the sum of eighteen thousand five hundred pounds ;

(b) For paying the costs and expenses of this Act as herein-after provided the sum requisite for that purpose :

And with the approval of the Local Government Board such further moneys as the Council may require for any of the purposes of this Act or otherwise in relation to the gas undertaking of the Council.

(2) In order to secure the repayment of the moneys borrowed under this section and the payment of the interest thereon the Council may mortgage or charge the revenue of the gas undertaking and if they think fit as a collateral security the district fund and general district rate.

37. ~~The powers of borrowing money by this Act given shall not~~ Certain regu-
lations of
Public
Health Act
as to bor-
rowing not
to apply.
be restricted by any of the regulations contained in section 234 of the Public Health Act 1875 and in calculating the amount which the Council may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

38. The Council may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of ~~debentures or annuity certificates under and~~ Mode of
raising
money. ~~and subject to the provisions~~ of the Local Loans Act 1875 or partly in one way and partly in another Provided that the provisions contained in the section of this Act whereof the marginal note is "Sinking fund" shall apply to sinking funds formed for the repayment of moneys borrowed under the Local Loans Act 1875 instead of the provisions of section 15 of that Act.

39. Sections 236 to 239 of the Public Health Act 1875 (as to the form register and transfer of mortgages) shall extend and apply to mortgages granted under this Act. Provisions of
Public Health
Act as to mort-
gages to apply.

40. A person lending money to the Council shall not be bound to inquire as to the observance by them of any provisions of this Act or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent or of any part thereof. Protection of
lenders from
inquiry.

41. The Council shall pay off all moneys borrowed by them under this Act within the respective periods following (herein-after referred to as "the prescribed period") (that is to say) :— Periods for
payment off
of money
borrowed.

As to moneys borrowed for the purchase of the undertaking of the Company thirty years from the date or dates of the borrowing of the same ;

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As to moneys borrowed for paying the costs and expenses of this Act five years from the date or dates of the borrowing of the same ;

As to moneys borrowed with the approval of the Local Government Board such period not exceeding sixty years as they may think fit to sanction.

Mode of
payment off
of money
borrowed.

42. The Council shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest or by means of a sinking fund or partly by such instalments and partly by a sinking fund. The first payment by instalment or to a sinking fund shall be made within twelve months from the date of borrowing the money in respect of which such payment is to be made.

Sinking
fund.

43. If the Council determine to pay off by means of a sinking fund any moneys borrowed under the authority of this Act the following regulations shall be observed :—

- (1) The Council in every year shall appropriate and set apart out of the revenue or rate chargeable with the same in pursuance of this Act such equal annual sums as will with the accumulations thereof by way of compound interest at a rate not exceeding three per centum per annum (in this section referred to as "the prescribed rate") be sufficient to pay off the principal moneys borrowed (so far as the same are repayable by means of a sinking fund) within the prescribed period :
- (2) The yearly sums so to be appropriated and set apart shall be invested from time to time and accumulated in the way of compound interest by investing the same and the dividends interest and annual income thereof respectively in statutory securities and any such investments may be from time to time varied or transposed. Provided that if in any year the income arising from the investments of the sinking fund does not equal the prescribed rate any deficiency shall be made good out of the rate and revenue from which the annual payments to such fund are made and that if in any year such income exceeds the prescribed rate any excess may be applied in reduction of the annual payments which would otherwise be required to be made to such fund :
- (3) The Council may at any time apply the whole or part of the sinking fund in or towards the repayment of the borrowed moneys for the repayment of which it was set apart in such

order and manner as they deem proper Provided as follows A.D. 1901.
(that is to say) :—

That in such case they pay into such sinking fund in each year afterwards and accumulate as herein-before prescribed until the whole of the borrowed moneys to which such sinking fund is applicable are discharged a sum equal to the interest produced by the sinking fund or part thereof so applied at the prescribed rate ;

That whenever and so long as the value of the securities standing to the credit of the sinking fund taken at the market price of the day shall be equal to the amount of the borrowed moneys then outstanding for the repayment of which it was set aside the Council may in lieu of investing the yearly income of such fund apply the same in payment of interest on moneys in respect of which the fund was set aside and may during such periods discontinue the payment to the sinking fund of the yearly sums required to be paid thereto.

44.—(1) The clerk to the Council shall within twenty-one days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Act 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 be prescribed by that Board and if required by that Board verified by statutory declaration of the clerk to the Council showing for the next year 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 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

Return
respecting
sinking fund
to Local
Government
Board.

A.D. 1901. 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 Council have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by this Act 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 purposes other than those authorised the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default has been made shall be paid 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.

Power to re-borrow.

45. If the Council pay off any part of any money borrowed by them under the powers of this Act otherwise than by means of instalments or a sinking fund or out of the proceeds of the sale exchange or disposition of lands or out of fines or premiums on leases or other moneys received on capital account not being borrowed moneys they may from time to time re-borrow the same but all moneys so re-borrowed shall be repaid within the period prescribed for the repayment of the moneys in lieu of which such re-borrowing shall have been made and any amounts from time to time re-borrowed shall be deemed to form the same loan as the moneys in lieu of which such re-borrowing shall have been made and the obligations of the Council with respect to the repayment of such moneys shall not be in any way affected by such re-borrowing.

Application of proceeds of sale &c. of lands.

46. The Council shall apply all moneys from time to time received by them in respect of any sales exchanges or disposition of lands and premises by this Act authorised or by way of fine or premium on any lease in or towards paying off moneys borrowed and for the time being owing under this Act or if there shall be no moneys owing under this Act such proceeds shall be applied in or towards paying off any other moneys for the time being owing by the Council Provided that such proceeds when used to pay off borrowed moneys shall not be applicable to the payment of instalments or to payments into the sinking fund except to such extent

and upon such terms as may be approved by the Local Government Board. A.D. 1901.

47. The Council shall not be bound to see to the execution of any trust whether expressed or implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register or books of the Council shall be a sufficient discharge to the Council in respect thereof notwithstanding any trust to which such loan or security may be subject and whether or not the Council have had express or implied notice of any such trust or any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register or books and the Council shall not be bound to see to the application of the money paid on any such receipt or be answerable or accountable for any loss misapplication or non-application of any such money. Council not to regard trusts.

48. All moneys borrowed by the Council under the powers of this Act shall be applied only to the purposes for which they are respectively authorised to be borrowed and to which capital is properly applicable. Application of borrowed moneys.

49. All expenses incurred by the Council in carrying into execution the provisions of this Act (except such as are to be paid out of borrowed money or are otherwise provided for) shall be paid out of the district fund and general district rate. Expenses of execution of Act.

50. The Council shall keep a separate account of their receipts and expenditure for gasworks purposes on capital and revenue account and the provisions of section 58 of the Local Government Act 1894 shall apply to the accounts of the Council and the accounts of their committees officers and assistants under this Act. Separate account of gas undertaking to be kept.

51. The Council shall apply all money from time to time received by them in respect of their gas undertaking except money borrowed and money derived from the sale of surplus lands or other moneys received on capital account as follows (that is to say):— Application of gas revenue.

First In payment of the working and establishment expenses and cost of maintenance of the gas undertaking of the Council ;

Secondly In payment of the interest on moneys borrowed by the Council for the purposes of their gas undertaking ;

A.D. 1901.

Thirdly In providing the requisite appropriations instalments or sinking funds in respect of moneys borrowed by the Council for the purposes of their gas undertaking ;

Fourthly In providing a reserve fund for their gas undertaking if they think fit by setting aside such money as they from time to time think reasonable and investing the same and the resulting income thereof in Government securities or any statutory security and accumulating the same at compound interest until the fund so formed amounts to a sum not exceeding ten per centum of the amount of the capital account of the gas undertaking of the Council for the time being which fund shall be applicable from time to time to answer any deficiency at any time happening in the income of the Council from their gas undertaking or to meet any extraordinary claim or demand at any time arising against the Council in respect of that undertaking and so that if that fund is at any time reduced it may thereafter be again restored to the amount aforesaid and so from time to time as often as such reduction happens ;

Fifthly In improving and extending the gas undertaking :

And the Council shall carry to the district fund any balance remaining in any year after retaining or setting aside such a sum as may in the opinion of the Council be required for carrying on their gas undertaking and paying the current expenses connected therewith.

As to
deficiency
in receipts.

52. Any deficiency in the revenues or receipts of the Council on account of their gas undertaking shall be made good out of the district fund and the next general district rate to be made by the Council shall be increased so far as may be necessary to recoup to the district fund the amount so made good out of that fund.

Inquiries by
Local
Government
Board.

53.—(1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in regard to the exercise of any powers conferred upon them or the giving of any consents under this Act and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

(2) The Council shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned

by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector. A.D. 1901.

54. Where any notice or demand under this Act requires authentication by the Council the signature thereof by their clerk shall be a sufficient authentication. Authentication of notices.

55. The Council shall forward to the Registrar of Joint Stock Companies a printed copy of this Act and it shall be recorded by him and if such copy is not forwarded within three months from the passing of this Act the Council shall incur a penalty not exceeding two pounds for every day after the expiration of those three months during which the copy is omitted to be forwarded and every penalty shall be recovered summarily. Copy of Act to be registered.

There shall be paid to the Registrar by the Council on such copy being recorded the like fee as is for the time being payable under the Companies Act 1862 on registration of any document other than a Memorandum of Association.

56. The costs charges and expenses preliminary to and of and incidental to preparing applying for obtaining and passing of this Act as taxed by the Taxing Officer of the House of Lords or the House of Commons shall be paid by the Council out of the district fund and general district rate or out of moneys borrowed under the authority of this Act. Costs of Act.

A.D. 1901. The SCHEDULE referred to in the foregoing Act.

LANDS ON WHICH THE COUNCIL MAY ERECT GASWORKS
AND MANUFACTURE AND STORE GAS.

PART I.

The lands on which the Company are authorised to manufacture gas and residual products being a piece of land containing two thousand two hundred and thirty square yards or thereabouts in the occupation of the Company situate in Honley and bounded on the north partly by the River Holme and partly by the old highway leading from the Huddersfield and Woodhead turnpike road into the village of Honley bounded on the east by the said road and on the west by the said old highway.

PART II.

Certain lands containing two acres one rood and seventeen perches known as Calf Croft belonging or reputed to belong to the Council situate near the existing works of the Company and bounded on the north by land belonging or reputed to belong to the Earl of Dartmouth on the south by land belonging or reputed to belong to John William Mellor on the east by the River Holme and land belonging or reputed to belong to Charles Bousfield and on the west by property belonging or reputed to belong to John William Mellor Benjamin Mellor the executors of Edward Lees and the executors of Paul Gledhill.

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