



CHAPTER xvi.

An Act to empower the urban district council of Thornton A.D. 1906.
in the county palatine of Lancaster to supply gas and
to provide for the transfer to the Council of such portion
of the gasworks undertaking and plant of the Poulton-
le-Fylde Urban District Council as is contained within
the urban district of Thornton and for other purposes.

[29th May 1906.]

WHEREAS the district of Thornton (in this Act called "the district") in the county palatine of Lancaster is an urban district within the meaning of the Local Government Act 1894 and is under the management and control of the Thornton Urban District Council (in this Act called "the Council"):

And whereas it is expedient that the gas supply of the district should be in the hands of the Council and that they should be authorised to erect and maintain gasworks and works for the manufacture and storage of gas and of matters producible therefrom upon the lands described in the schedule to this Act which lands have been purchased by the Council for the purposes of this Act:

And whereas by the Poulton-le-Fylde Gas Act 1901 (hereinafter referred to as "the Act of 1901") the Poulton-le-Fylde Urban District Council were authorised to supply gas within such part of the urban district of Thornton as is described and defined in Part I. of the schedule to that Act:

And whereas by section 41 of the Act of 1901 it is enacted as follows:—

If at any time after the date of transfer any local authority whose district or any part thereof is within the limits of supply give not less than six months' notice in writing

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to the Council of their desire to purchase such portion of the gasworks undertaking 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 for power to purchase such portions of the said undertaking and plant (except any mains and pipes or other apparatus which shall be necessary for supplying with gas any other part of the limits of supply) and to supply gas within such district then and in that case the Council shall not 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 said undertaking and plant (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 and the Council shall apply the proceeds of any sale under this section in the same manner as they are required to apply the proceeds of the sale of any lands acquired under this Act Any such purchase shall be deemed to be a purpose under the powers of the Public Health Act 1875 except so far as the same may be otherwise provided for by Parliament Provided that after the completion of such purchase all obligations on the part of the Council to supply gas within such district shall cease and determine :

And whereas the Council as the local authority of the district on the twenty-fourth day of October 1905 gave notice in writing to the Poulton-le-Fylde Urban District Council of their desire to purchase such portion of the gasworks undertaking and plant of the Poulton-le-Fylde Urban District Council as is contained within the district :

And whereas the Council are desirous of purchasing in accordance with the provisions of the Act of 1901 and it is expedient that they should be enabled to acquire such portion of the gasworks undertaking and plant as they are by that Act entitled to apply for powers to purchase and that the powers contained in this Act with reference to such purchase should be conferred upon the Council :

And whereas it is expedient that the Council should be authorised to raise further money by rates and by borrowing for the purposes of this Act :

[6 EDW. 7.] *Thornton Urban District Gas Act, 1906.* [Ch. xvi.]

And whereas estimates have been prepared by the Council for the purposes hereinafter mentioned and such estimates are as follows:—

	£
For the purchase of lands for and for the construction of the gasworks	15,000
For working capital	1,500

And whereas such gasworks are permanent works and it is expedient that the cost thereof should be spread over a term of years:

And whereas an absolute majority of the whole number of the Council at a meeting held on the twenty-second day of November one thousand nine hundred and five after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the *Blackpool Gazette-News* a local newspaper circulating in the district 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 district fund and general district rate:

And whereas such resolution was published twice in the said *Blackpool Gazette-News* 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 twenty-second day of January one thousand nine hundred and six being not less than fourteen days after the deposit of the Bill for this Act in Parliament:

And whereas in relation to the promotion of the Bill for this Act the requirements contained in the First Schedule of the *Borough Funds Act 1903* have been observed:

And whereas the purposes of this Act cannot be attained without the authority of Parliament:

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):—

1. This Act may be cited as the *Thornton Urban District Gas Act 1906.* Short title.

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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 section 127 of the Lands Clauses Consolidation Act 1845);

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

The Gasworks Clauses Act 1871 (except sections 7 8 and 35 thereof).

Interpretation.

3. In this Act unless the subject or context otherwise require—

Terms to which meanings are assigned by enactments incorporated with this Act or which have therein special meanings have in this Act and for the purposes of this Act the same respective meanings:

“The district” means the urban district of Thornton:

“The Council” means the urban district council of the district:

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

“The Poulton Council” means the Poulton-le-Fylde Urban District Council:

The expression “the gas undertaking of the Poulton Council” means the portion of the undertaking and plant of the Poulton Council within the district (except any mains and pipes or other apparatus which shall be necessary for supplying with gas any other part of the limits of supply of the Poulton Council) and all the rights powers and privileges vested in or belonging to or had or enjoyed by the Poulton Council in relation to the manufacture sale and supply of gas within the district and shall include all mains pipes or other apparatus laid or erected by the Poulton Council within the district after the passing of this Act but prior to the date of transfer as hereinafter defined:

The expression "the clerk" means the clerk to the Council: A.D. 1906.

The expression "the Act of 1901" means the Poulton-le-Fylde Gas Act 1901:

"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 or debenture debenture stock stock or other security 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 but does not include securities of the Council or annuities rentcharges or securities payable to bearer.

4. The limits of this Act for the supply of gas (in this Act referred to as "the limits of supply") shall be and include the district. Limits of Act.

5.—(1) The Poulton Council shall sell and the Council shall purchase the gas undertaking of the Poulton Council in accordance with and subject to the provisions of section 41 of the Act of 1901. Power to Council to acquire portion of gas undertaking of Poulton Council and provisions as to transfer.

(2) The sale and purchase shall be for such price or consideration (being a sum in gross) and upon such terms and conditions as may be agreed upon between the Poulton Council and the Council or as failing such agreement shall be determined by arbitration under the provisions of the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement and in the construction of the said provisions the expression "the promoters of the undertaking" shall mean the Council and the expression "lands" shall mean the gas undertaking of the Poulton Council and for the purpose of applying the said provisions a notice to treat shall be deemed to have been served on the date of the passing of this Act.

(3) The Council shall pay the price or consideration for the purchase of the gas undertaking of the Poulton Council on such day as may be agreed between the Council and the Poulton Council or failing agreement on the first day of January or the first day of July next after the expiration of two months from the date of the award determining the amount thereof (which day is hereinafter referred to as "the date of transfer") and if the said price or consideration shall not then be paid the Council shall pay to the Poulton Council interest thereon as from that

A.D. 1906. date to the date of actual payment of the said price or consideration at the rate of four per centum per annum and upon payment by the Council of such price or consideration and interest (if any) the gas undertaking of the Poulton Council shall by virtue of the Act of 1901 and of this Act become and shall thenceforth be transferred to and vested in the Council subject and according to the provisions of this Act free as between the Poulton Council and the Council from all contracts obligations debts liabilities and incumbrances affecting the same and thenceforth the Council shall have and hold the gas undertaking of the Poulton Council:

Provided that if the said price or consideration shall not be paid within six months after the date of transfer the Poulton Council may enforce the payment thereof in manner provided by section 12 of the Local Loans Act 1875 and for this purpose the said price or consideration shall be deemed to be charged upon the general district rate of the Council but the mode of enforcing the said payment authorised by this proviso shall be in addition to and shall not prejudice any other remedy whereby the Poulton Council may enforce the said payment.

(4) The Poulton Council shall be entitled to all receipts from and shall pay all charges and outgoings in respect of their undertaking up to the date on which the said price or consideration and interest (if any) shall be paid and from and after that date the Council shall be entitled to all receipts of the gas undertaking of the Poulton Council and pay all charges and outgoings in respect thereof and if necessary any of such receipts charges and outgoings shall be apportioned.

Receipt for
purchase
money.

6. The receipt in writing of the chairman and treasurer of the Poulton Council for such price or consideration or any other sum of money to be paid to them by the Council shall effectually discharge the Council from the sum so paid and from being concerned 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 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 the said chairman and treasurer.

7. Until the said price or consideration and interest (if any) shall have been paid by the Council the gas undertaking of the Poulton Council shall be maintained and carried on by the Poulton Council as heretofore in the ordinary course of business and from and after the passing of this Act the Poulton Council shall not without the previous consent of the Council under the hand of their clerk enter into any new liability contract or agreement or other obligation solely in respect of the gas undertaking of the Poulton Council except such as may be in the ordinary course of the proper conduct of their business.

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Poulton
Council to
carry on
undertaking
till transfer.

8. From and after the payment by the Council of the said price or consideration and interest (if any) the Council may exercise and enjoy all the rights powers privileges and authorities which were vested in the Poulton Council before such purchase as the same respectively related to the gas undertaking of the Poulton Council or were exerciseable by the Poulton Council within the district and subject as in this section provided all rights powers and obligations of the Poulton Council to supply gas within the district shall cease and determine and the Act of 1901 shall cease to apply to the gas undertaking of the Poulton Council:

Council may
exercise
powers &c.
of Poulton
Council.

Provided that the Council and the Poulton Council may enter into and carry into effect agreements for the supply of gas by the Poulton Council in bulk to the Council upon and subject to such terms and conditions as may be agreed between the Council and the Poulton Council.

9. No action suit prosecution or other proceeding whatsoever commenced either by or against the Poulton Council shall abate or be discontinued or prejudicially affected by reason of the transfer to and vesting in the Council of the gas undertaking of the Poulton Council but the same shall continue and take effect either in favour of or against the Poulton Council in the same manner in all respects as the same would have continued and taken effect in relation to the Poulton Council if the transfer had not been made and all penalties incurred by reason of any offence against the provisions of any regulations of the Poulton Council binding on the Poulton Council previously to the date of transfer may be sued for and all offences committed against such provisions previously to the date of transfer may be prosecuted in such or the like manner to all intents and purposes as such penalties might have been sued for or such offence prosecuted if the transfer had not taken place and all rents rates and moneys

Actions &c.
not to abate
and penalties
to be recover-
able.

A.D. 1906. payable to the Poulton Council prior to the date of transfer may be sued for and recovered by the Poulton Council in the same manner in all respects as the same might have been sued for and recovered if this Act had not been passed.

Power to erect and maintain gasworks &c.

10. Subject to the provisions of this Act the Council may in or upon the lands described in the schedule to this Act or any part thereof erect maintain and as often as occasion may require enlarge alter improve extend and renew or discontinue gasworks retorts gasometers receivers drains sewers mains pipes meters lamps lamp-posts burners stopcocks machinery and other works and apparatus and conveniences and may do all such acts as they may think proper for making and storing gas and for supplying gas within the limits of supply and for the conversion or utilisation and distribution of materials used in and about the manufacture of gas and of residual products resulting from such manufacture and may make store and supply gas accordingly and the Council may manufacture sell provide and deal in coke coal-tar asphaltum ammoniacal liquor oil and all other refuse or residuary products arising remaining produced by or obtained from the manufacture of gas by them or the materials used therein and may manufacture produce and sell such articles as can be produced from and by means of the several matters and things aforesaid.

For protection of Lancashire and Yorkshire and London and North Western Railway Companies.

11.—(1) Whenever the Council shall require to lay down alter repair enlarge or replace any mains or pipes upon across over or under any railway for the time being belonging to or worked by the Lancashire and Yorkshire Railway Company and the London and North Western Railway Company as owners of the Preston and Wyre Joint Railway (in this section called "the companies") or the stations bridges approaches or other works thereof or to construct any works adjoining or in close proximity to any such railway or upon any lands or property for the time being belonging to or used or occupied by the companies such mains or pipes shall (in all things at the expense of the Council) be laid and such works together with the making good and repairing the roads over any such bridges and approaches which the companies are or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Council under the provisions of this Act shall be constructed and executed by the Council under the superintendence and to the reasonable satisfaction of the principal engineer of the companies and according to plans to be previously reasonably approved

by him and so as not to cause any injury to any such railway or any of the works thereof or to such lands or property or interruption to the passage or conduct of the traffic over or at any such railway or station. A.D. 1906.

(2) If any injury shall owing to or by reason of any of the matters aforesaid arise to any such railway works lands or property or interruption to such traffic the Council shall make full satisfaction in respect thereof to the companies provided that in the event of any dispute as to the amount of such satisfaction the same shall be determined by arbitration in accordance with the provisions of the Arbitration Act 1889.

(3) Before opening or breaking up for any of the purposes of this Act any public road crossing either over or on the level of any such railway the Council shall give not less than fourteen clear days' notice of their intention so to do sent by post in a registered letter addressed to the secretary of the Lancashire and Yorkshire Railway Company except however in any case of emergency arising from defects in any of the pipes or other works of the Council and then as soon as possible after the beginning of the work or the necessity for the same has arisen.

(4) If any difference arise between the Council and the companies as to the mode of laying down repairing altering or enlarging their mains pipes or other works or the facilities to be afforded for the same such difference shall be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party.

(5) Provided always that the provisions of this section of this Act shall not apply to the execution of any works in or upon the lands described in the schedule to this Act.

12. 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 five 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. Power to purchase lands by agreement. Gas not to be manufactured except on lands scheduled.

13. 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 lands.

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Power to supply gas fittings &c. for heating motive and other purposes and fittings not to be subject to distress.

14.—(1) The Council may purchase provide supply sell let for hire or otherwise deal in fix set up alter repair remove and refix but shall not manufacture gas meters and fittings gas engines stoves ranges pipes and other apparatus and appliances articles and things for lighting motive power the warming and ventilating of houses and buildings the cooking of food and for all other purposes for which gas can or may be used and may provide all materials and do all work necessary or proper in that behalf and with respect thereto may demand and take such remuneration or rents and charges and make such terms and conditions as may be agreed upon between the Council and the persons to or for whom the same are sold supplied let fixed set up altered repaired or removed.

(2) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be Provided that such fittings have upon them respectively 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 actual owners thereof.

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

15. The Council may upon the application of the owner or occupier of any premises abutting on or being erected in any street laid out or made but not dedicated to the public use within the limits of supply supply such premises with gas and may lay and repair take up alter relay and renew in across or along such street such 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 down pipes for ancillary purposes.

16. The Council may lay down place repair alter remove and renew subways mains pipes culverts wires and other apparatus within the limits of supply for the purpose of procuring conducting or disposing of any oil and other materials used by them in or resulting from any manufacture of gas or any residual products thereof or for any purpose connected with their business and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid so far as applicable for the

purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof. A.D. 1906.

17. 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 sixpence per thousand cubic feet. Limiting price of gas.

18. For the purposes of the Gasworks Clauses Act 1871 the prescribed testing place shall be a testing place which shall be provided by the Council on the lands described in the schedule to this Act before supplying or within three months after beginning to supply gas under the authority of this Act. Testing place.

19.—(1) The quality of the gas supplied by the Council shall with respect to its illuminating power be such as to produce at the testing place when burned at the rate of five cubic feet per hour a light equal in intensity to the light produced by 14 sperm candles of six to the pound each consuming 120 grains of sperm per hour and shall be in all respects in accordance with the provisions of the Gasworks Clauses Act 1871. Quality.

(2) For testing the illuminating power of the gas the burner to be used shall be that known as the Metropolitan Argand No. 2 the photometer shall be the bar photometer the standard light shall be that supplied by Harcourt's ten-candle pentane lamp and in making the test the burner shall be so used as to obtain from the gas when burned at the rate aforesaid the greatest amount of light. Provided that the Board of Trade may on the application of the Council or any five consumers approve the use of any other burner photometer or standard light which may appear to the Board to be more suitable for the testing.

(3) The Council shall before supplying or within three months after beginning to supply gas under this Act provide all the apparatus required by this Act for the testing of gas and shall at all times keep the same in proper order and repair.

20.—(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 not less than eight-tenths of one inch in height at the main or as near as may be to the junction therewith of the service pipe supplying the consumer. Pressure of gas.

(2) Any gas examiner appointed under the Gasworks Clauses Act 1871 may for the purposes of this Act subject to the terms of his appointment at the testing place or elsewhere not being

A.D. 1906. — the immediate approach to any railway bridge or railway station as and when he thinks fit test the pressure at which the gas is supplied and for that purpose may open any street road passage or place vested in or under the control of any local or road authority The Council shall afford to the examiner all reasonable facilities for making the test and two hours' previous notice shall be given to the Council of the time and place at which any testing for pressure elsewhere than at the testing place will be conducted.

Saving as to penalties.

21. No penalty shall be incurred by the Council 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 it is proved that such insufficiency defect or excess was produced by an unavoidable cause or accident.

Anti-fluctuators for gas engines.

22. Every consumer of gas supplied by the Council who uses a gas engine shall if required to do so by the Council use an anti-fluctuator and shall at all times at his own expense keep such anti-fluctuator in proper order and if any consumer shall make default in complying with the provisions of this section the Council may cease to supply him with gas The Council shall have access to and be at liberty to take off remove test inspect and replace any such anti-fluctuator at all reasonable times such taking off removal testing inspecting and replacing to be done at the expense of the Council if the anti-fluctuator be found in proper order but otherwise at the expense of such consumer.

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

23. If any person is required by the Council to give to them security for the payment of the price or rent 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.

Charges for gas supplied by means of prepayment meters.

24.—(1) The Council may charge for any gas supplied through a prepayment meter a not greater charge rate or rent than for gas supplied to private consumers within the limits of supply through any other kind of meter or by any other method of supply.

(2) The Council shall not charge for the hire of any prepayment meter and fittings to be used therewith any sum other than a sum of money calculated according to the quantity of gas supplied through such prepayment meters and the maximum sum to be so charged shall be at the rate of tenpence per one thousand cubic feet supplied in manner aforesaid such sum to include the hire of meter and the fittings used therewith:

The said charge shall include the providing letting fixing repairing and maintenance of the meter and fittings and the cost of collection and other costs incurred by the Council in connection with the meter and fittings.

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(3) The maximum charge for the hire of a prepayment meter without fittings shall be at the rate of sixpence per one thousand cubic feet of gas and the provisions of this Act applicable to ordinary meters shall so far as applicable apply to prepayment meters.

(4) For the purposes of this section the expression "prepayment meter" means any meter or appliance by which the quantity of gas supplied is regulated according to the amount of money prepaid therefor.

25. Subject to the provisions of this Act the Council may enter into and carry into effect agreements with the Poulton Council or any other local authority company or person for the purchase by the Council of gas in bulk for the purposes of this Act.

Power to take a supply of gas in bulk.

26. The Council may contract with any local authority company or persons beyond the Council's limits of supply (but only with the consent in writing of the local authority of the district within which the supply is to be given and of any company or person supplying gas under parliamentary powers in that district) 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.

Council may contract with local authority &c. for supply in bulk.

27. 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 and has not paid all gas or meter rent due the Council 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.

28. 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 upon every demand note for gas rent payable to the Council.

Gas consumers to give notice before removing.

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Notice of dis-
continuance.

29. 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.

As to con-
struction and
placing of
pipes &c. be-
tween mains
and meters.

30. In order to enable the Council to ensure a satisfactory supply of gas to their consumers the following provisions shall have effect:—

- (1) The Council may specify the size and material of the pipes with the fittings thereof which are to be laid by the consumer either in the first instance or on the occasion of any renewal between the Council's mains and the meter and (so far as the same are intended to be covered over) on the consumer's 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 limits of supply and a copy thereof shall be kept exhibited in the office of the Council :
- (4) Every meter to be used in a new building or a building not previously supplied with gas or in connection with a new or substituted pipe laid by the consumer between the main and the consumer's meter 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 pipe or meter as aforesaid has been laid or placed notice thereof shall be given to the Council and the pipe 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 pipes (with their fittings) and meter 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 refuses 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 question 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. A.D. 1906.

31. 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 and the amount of the allowance to be made to or of the surcharges 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.

32. The Council may if they think fit allow discounts or rebates to consumers of gas in consideration of prompt payment of gas rents not exceeding in any case ten per centum and in addition thereto or irrespective thereof they may if they think fit allow discounts or rebates to large consumers or for motive power not exceeding in any case fifteen per centum. Provided that such discounts or rebates shall be of equal amount under like circumstances to all consumers. Provided further that notice of the effect of this enactment shall be endorsed on every demand note for gas rent. Discounts.

33. The Council may purchase or take on lease and may erect fit up maintain and let upon the lands for the time being belonging to or leased by them for the purposes of their gas undertaking dwelling-houses for persons employed by them for the purposes of their gas undertaking. Dwelling-houses for persons in employ of Council.

34. The Council may acquire take and use any leave licence or authority to work use exercise and put in practice any invention under letters patent made or to be made granting any right or privilege of working using exercising or vending any invention in relation to the production utilisation and distribution of gas the production of coke tar pitch asphaltum ammoniacal oil and the products from coal and other substances employed in or Power to take licences for use of patents.

A.D. 1906. — resulting from the manufacture of gas or otherwise in relation thereto but not so as to acquire any exclusive right to the working use exercising or putting in practice of any such invention.

Power to borrow.

35.—(1) The Council may independently of any other borrowing power borrow at interest money for the following purposes (that is to say):—

- (A) For the purchase of the gas undertaking of the Poulton Council and for defraying the costs charges and expenses incident to such purchase and to the transfer of the undertaking to the Council (other than the costs of this Act) the sums requisite for those purposes:
- (B) For the purchase of the lands described in the schedule to this Act and for the construction of the gasworks the sum of fifteen thousand pounds:
- (C) For working capital the sum of one thousand five hundred pounds:
- (D) For paying the costs and expenses of this Act 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 their gas undertaking.

(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 their gas undertaking and if they think fit as a collateral security the district fund and general district rate of the district.

Certain regulations of Public Health Act as to borrowing not to apply.

36. The powers of borrowing money by this Act given shall not 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.

Mode of raising money.

37. 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 subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another or others 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.

38. 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.

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Provisions of
Public Health
Act as to mort-
gages to apply.

39. The Council shall pay off all money borrowed by them under this Act within the respective periods (in this Act referred to as "the prescribed periods") following (that is to say):—

Periods for
repayment
of money
borrowed.

As to money borrowed for the purpose (A) mentioned in the section of this Act the marginal note whereof is "Power to borrow" within thirty years from the date or dates of the borrowing of the same:

As to money borrowed for the purpose (B) in the said section mentioned within thirty-five years from the date or dates of the borrowing of the same:

As to money borrowed for the purpose (C) in the said section mentioned within ten years from the date or dates of the borrowing of the same:

As to money borrowed for the purpose (D) in the said section mentioned within five years from the passing of this Act:

As to moneys borrowed with the sanction of the Local Government Board within such period not exceeding sixty years as that Board may in each case prescribe.

40. The Council shall pay off all moneys borrowed by them 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 and the payment of the first instalment or the first payment to the sinking fund shall be made within twelve months if by yearly repayments or within six months if by half-yearly repayments from the time of borrowing the sum in respect of which the payment is made.

Mode of pay-
ment off of
money bor-
rowed.

41.—(1) If the Council determine to repay by means of a sinking fund any moneys borrowed by virtue of this Act such sinking fund shall be formed and maintained either—

Sinking fund.

(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 hereinafter 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

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a rate not exceeding three 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 hereinafter called an accumulating sinking fund.

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in statutory securities the Council being at liberty from time to time to vary and transpose such investments.

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

(4) The Council may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed. Provided that in the case of an accumulating sinking fund the Council shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5)—(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 annual payments to the fund are based any deficiency shall be made good by the Council:

(B) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any such excess may be applied towards such annual payments.

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

(7) If it appears to the Council at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act 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 Council to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose. Provided always that if it appears to the Local Government Board that any such increase is necessary the Council shall increase the payments to such extent as the Board may direct. A.D. 1906.

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

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Act 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 Council may reduce the payments to be made to the sinking fund either temporarily or permanently to such amount as will in the opinion of the Local Government Board be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed.

(10) 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 Council may with the consent of that Board discontinue the annual payments to such sinking fund until the Local Government Board shall otherwise direct.

(11) 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 as the Council with the consent of the Local Government Board may determine.

42. A person lending money to the Council under this Act shall not be bound to inquire as to the observance by the Council 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 lender from inquiry.

43. The Council shall not be bound to see to the execution of any trust whether express implied or constructive to which Council not to regard trusts.

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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 of mortgages of the Council shall be sufficient discharge to the Council in respect thereof notwithstanding any trusts 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 of any charge or incumbrance upon or transfer of such loan or security or any part thereof or any interest thereon not entered in their register.

Power to re-borrow.

44. The Council may except as hereinafter provided re-borrow for the purpose of paying off any moneys borrowed or reborrowed under this Act 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 Council within twelve months before the reborrowing and which at the time of the repayment it was intended to reborrow Provided that the Council shall not have power to reborrow 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 reborrowed shall be deemed to form the same loan as the money for the repayment of which the reborrowing has been made and shall be repaid within the prescribed period.

Return to Local Government Board as to repayment of debt.

45.—(1) The clerk 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 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 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.

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(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 shall have 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.

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

Application of money borrowed.

47. The Council shall apply all moneys from time to time received by them in respect of any sales exchanges or disposition of lands purchased by them for the purposes of this Act or by way of fine or premium on any lease of such lands 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 and such proceeds 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.

Application of moneys arising from sale of lands.

48. The Council shall apply all money received by them in respect of their gas undertaking except money borrowed and

Application of revenue of gas undertaking.

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money received from the sale of surplus lands or other moneys received on capital account as follows (that is to say):—

First In payment of the working and establishment expenses and cost of maintenance of their gas undertaking:

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

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

Fourthly In extending improving and constructing (if the Council think fit) any works for the purposes of their gas undertaking:

Fifthly In providing a reserve fund (if the Council think fit) by setting aside such money as they think reasonable and investing the same and the resulting income thereof in statutory securities and accumulating the same at compound interest until the fund so formed amounts to one-fifth of the aggregate capital expenditure for the time being upon the gas undertaking of the Council which fund shall be applicable 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 be at any time reduced it may thereafter be again restored to the prescribed limit and so from time to time as often as such reduction happens Provided that resort may be had to the reserve fund under the foregoing provisions although such fund may not at the time have reached or may have been reduced below the full amount of one-fifth of the said aggregate capital expenditure:

And the Council shall carry to the district fund so much of any balance remaining in any year of the income of their gas undertaking (including the interest on the reserve fund when such fund amounts to one-fifth of the said aggregate capital expenditure) as may in the opinion of the Council not be required for carrying on improving or extending their gas undertaking and paying the current expenses connected therewith.

As to deficiency in receipts.

49. 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. A.D. 1906.

50. Any expenses of the execution by the Council of this Act with respect to which no other provision is made may be defrayed by the Council out of the district fund and general district rate. Expenses of execution of Act.

51. Section 58 of the Local Government Act 1894 shall apply to the accounts of the Council and their committees and officers under this Act and to the audit of such accounts. Audit of accounts.

52.—(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 purpose 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. Inquiries by Local Government Board.

(2) The Council shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries referred to in 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.

53. All penalties recovered under this Act or under any byelaw thereunder shall except in the case of penalties recovered against the Council be paid to the treasurer of the Council and be by him carried to the credit of the gas undertaking. Application of penalties.

54.—(1) Where any notice or demand under this Act requires authentication by the Council the signature of the clerk or other duly authorised officer of the Council shall be sufficient authentication. Authentication and service of notices.

(2) Notices demands orders and other documents required or authorised to be served under this Act may be served in the same manner as notices under the Public Health Act 1875 are by section 267 of that Act authorised to be served Provided that in the case of any company any such notice demand order or document shall be delivered or sent by post addressed to the secretary of the company at their principal office or place of business.

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Expenses of
Act.

55. The costs charges and expenses preliminary to and of and incidental to preparing and obtaining this Act shall after taxation by the taxing officer of the House of Lords or of the House of Commons be paid by the Council out of moneys to be borrowed by the Council under this Act but may in the first instance be paid by the Council out of any of their rates or funds and moneys so paid shall be recouped by and charged to the moneys to be borrowed under this Act.

The **SCHEDULE** referred to in the foregoing Act.

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

All those two pieces and parcels of land situate in the parish and urban district of Thornton aforesaid and being numbered 383 and 381 respectively on the $\frac{1}{2500}$ Ordnance map Lancashire XLIII. 5 and 9 1891-2 edition and which said pieces or parcels of land adjoin and are bounded on the north side thereof by land belonging or reputed to belong to Catterall and Swarbrick's Brewery Limited on the south side thereof by land belonging or reputed to belong to the Reverend Thomas Meadows on the east side thereof by the joint railway of the Lancashire and Yorkshire and London and North Western Railway Companies and on the west side by a private road leading from Heys Street to the works of the United Alkali Company Limited and known as "Butts Road" and which said pieces of land together contain by admeasurement 5 acres 0 roods and 34 perches or thereabouts.

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