



CHAPTER cxci.

An Act to enable the Oldbury Local Board of Health to purchase from the Corporation of Birmingham so much of the Gas Undertaking belonging to them as is situate in the district of Oldbury in the county of Worcester, and to light with Gas the said district ; and for other purposes.

A.D. 1876.

[24th July 1876.]

WHEREAS the district of the Oldbury Local Board of Health, in the parish of Halesowen and county of Worcester, is a sanitary district within the meaning of the Public Health Act, 1875 ; and such district is herein-after called "the district of Oldbury :"

And whereas by an Act passed in the sixth year of the reign of King George the Fourth, intituled "An Act to establish an additional company for more effectually lighting with gas the town of Birmingham, and certain other parishes and places in the counties of Warwick and Stafford," the Birmingham and Staffordshire Gaslight Company (in this Act referred to as the Staffordshire Company) were incorporated, and by divers subsequent Acts the powers of that company were enlarged, and power was among other things conferred upon the Staffordshire Company to light with gas the district of Oldbury as a portion of the district which extended several miles beyond the town or borough of Birmingham in different directions :

6 Geo. 4.
c. lxxix.

And whereas by "The Birmingham (Corporation) Gas Act, 1875," (in this Act referred to as "the Corporation Act,") the sale and transfer to the mayor, aldermen, and burgesses of the borough of Birmingham (in this Act referred to as "the corporation") of the undertakings respectively of the Birmingham Gaslight and Coke Company and of the Staffordshire Company were authorised, and by virtue of that Act the undertakings and property of those companies respectively are vested in the corporation :

38 & 39 Vict.
c. clxxviii.

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And whereas whilst the Corporation Act was pending in Parliament the acquisition of any powers or jurisdiction affecting the district of Oldbury was opposed by the Local Board, and upon their opposition and that of the representatives of other districts included within the limits of the Staffordshire Company, provisions were introduced into the Corporation Act as follows :

(Section 40.) “ If any local or sanitary authority or authorities
“ within the limits of supply of the Staffordshire Company
“ shall bring in a Bill in the next or next succeeding session
“ of Parliament for the purchase of that portion of the gas
“ undertaking now of the Staffordshire Company which is
“ contained within the district of such local or sanitary
“ authority or authorities, save and except the land of the
“ company and the West Bromwich works, and the main or
“ mains extending therefrom to the borough, by agreement,
“ or failing agreement by arbitration under the Companies
“ Clauses Consolidation Act, 1845, then the corporation shall
“ not oppose such application to Parliament, except on clauses,
“ and in case such Bill shall pass into law, then in case such
“ local or sanitary authority or authorities give notice of their
“ intention to purchase within two months after the passing
“ of such Act, the corporation shall sell and such local or
“ sanitary authority or authorities shall buy the portion or
“ portions of the said undertaking in the manner herein-before
“ mentioned ; and one such arbitration shall determine the
“ principle of valuation as between the corporation and any
“ other authority or authorities within the limits aforesaid :
“ Provided that before any such arbitration as aforesaid shall
“ be held, one month’s notice in writing shall be given by the
“ corporation to each of the local authorities or sanitary
“ authorities within the limits of this Act of the intention of
“ the holding, and of the time and place of such arbitration,
“ and each of such local or sanitary authorities is hereby
“ authorised to appear and be heard before such arbitrator
“ or arbitrators by their counsel, agents, and witnesses ; and
“ the corporation shall apply the proceeds of any sale under
“ this section in the first place in paying off the amount (if
“ any) payable to the Birmingham Company under the
“ scheduled agreement with them, and in the next place in
“ paying off money owing by them under this Act on mort-
“ gage or corporation debenture stock or gas debenture stock,
“ or in redeeming annuities, or in purchasing other land and
“ property, and constructing works in connexion with their

“ gas undertaking, and for other purposes in connexion there- A.D. 1876.
“ with for which capital is properly applicable : ”

(Section 41.) “The corporation shall be at liberty to retain and
“ use any mains and pipes or other apparatus within the
“ district of any local authority so purchasing which shall
“ be necessary for supplying with gas any other district or
“ districts within the limits of the Staffordshire Company, and
“ such retention shall be upon such terms and conditions as
“ may be agreed upon between the corporation and such local
“ authority, or failing agreement as may be determined by
“ the arbitrator or arbitrators on such purchase as aforesaid ;
“ and the local authority shall afford such facilities as may
“ from time to time be necessary for enabling the corporation
“ to continue the supply of gas to the remaining portions of
“ their undertaking : ”

(Section 42.) “The corporation may at any time after the passing
“ of this Act sell to any sanitary authority within the limits
“ of supply of the Staffordshire Company that portion of the
“ gas undertaking now of the Staffordshire Company which
“ is contained within the district of such sanitary authority
“ (except the mains and pipes or other apparatus which shall
“ be necessary for supplying with gas any other district or
“ districts) upon such terms and conditions as may be agreed
“ on between the parties ; and such sanitary authority may,
“ when duly authorised in that behalf, purchase and hold the
“ same, and the corporation shall apply the proceeds of any
“ sale under this section in the same manner as they are
“ required to apply the proceeds of any sale under section 40
“ of this Act : ”

And whereas the Local Board are desirous of purchasing, in
accordance with the provisions of the Corporation Act, and it is
expedient that they should be enabled to acquire so much of the
gas undertaking of the corporation as they are by that Act entitled
to apply for powers to purchase, and in connexion therewith to
erect gasworks and light the district of Oldbury :

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

And whereas an estimate has been prepared by the Local Board
for the purchase of lands, and the execution of the works by this
Act authorised, and such estimate amounts to the sum of forty
thousand pounds :

A.D. 1876. And whereas such works and such portion of gas undertaking so to be purchased as aforesaid are permanent works within the meaning of the two hundred and thirty-fourth section of "The Public Health Act, 1875 :"

And whereas an absolute majority of the whole number of the Local Board, at a meeting held on the tenth day of November one thousand eight hundred and seventy-five, after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the Weekly News for Oldbury, Smethwick, Halesowen, Rowley, Blackheath, Old Hill, Langley, Spon Lane, Soho, Quinton, et cetera, a local newspaper published or circulating in the district, such notice being in addition to the ordinary notices required for summoning such meeting, resolved that it was expedient to make application for and to promote the Bill for this Act, and that the expenses in relation to such application and promotion be charged upon and paid out of the general district rate :

And whereas such resolution was published twice in the Weekly News for Oldbury, Smethwick, Halesowen, Rowley, Blackheath, Old Hill, Langley, Spon Lane, Soho, Quinton, et cetera, a local newspaper circulating in the district, and has received the approval of the Local Government Board :

And whereas the propriety of the promotion of the said Bill was confirmed by two thirds of the whole number of the Local Board at a further special meeting held in pursuance of similar notice on a day not less than fourteen days after the deposit of the Bill in Parliament :

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

And whereas plans, showing the lands to be taken for the purpose of erecting the gasworks herein-after authorised, and a book of reference to those plans, containing the names of the owners or reputed owners, lessees or reputed lessees, and of the occupiers of those lands respectively, have been deposited with the clerk of the peace for the county of Worcester, at his office at Worcester :

And whereas the objects aforesaid cannot be effected without the authority of Parliament :

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

1. That this Act may for all purposes be cited as "The Oldbury Local Board of Health Act, 1876." Short title.

2. The following enactments, namely, "The Lands Clauses Consolidation Acts 1845, 1860, and 1869," "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,) are so far as the provisions of those Acts respectively are applicable for the purposes of and not expressly varied by or inconsistent with the provisions of this Act, are hereby incorporated with and form part of this Act; and "The Gasworks Clauses Act, 1871," shall apply to the gas undertaking to be acquired by the Local Board as if the same had been authorised by this Act. Provisions of certain general Acts incorporated.

3. The several words and expressions to which by the Acts wholly or partially incorporated with this Act meanings are assigned shall in this Act have the same respective meanings, unless there be something in the subject or context repugnant to such construction: Provided always, that in the Acts wholly or partially incorporated with this Act for the purposes of this Act the expression "the undertakers," or "the company," or any like expression, shall mean the Local Board. Same meanings to words in incorporated Acts as in this Act.

4. In this Act the following words and expressions shall have the meaning hereby assigned to them, unless there be something in the subject or context repugnant to such construction; (that is to say,) Interpretation of terms.

The expression "the whole undertaking" means the undertaking late of the Staffordshire Company as purchased by the corporation under the Corporation Act:

The expression "the gas undertaking" means the portion of the whole undertaking situated in the district of Oldbury which is authorised to be acquired by the Local Board:

The expression "the Oldbury gasworks" means the gas undertaking and the additional gasworks by this Act authorised to be erected, held, and maintained by the Local Board:

The expression "the Local Board" means the Local Board of Health for the district of Oldbury:

The expression "the clerk" means the clerk to the Local Board:

The expressions "superior courts," or "court of competent jurisdiction," or any other like expression in this Act or the Acts incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used

A.D. 1876. were a common contract debt, and not a debt or demand created by statute.

Limits of Act for gas.

5. The gas limits of this Act shall comprise and include the district of the Local Board as defined by the provisional order constituting the Local Board scheduled to the Act of the twentieth year of Victoria, chapter three (and such gas limits are hereinafter referred to as "the gas limits").

Power to Local Board to purchase gas mains, &c.

6. If within two months from the passing of this Act the Local Board shall give notice to the corporation of their intention to purchase that portion of the whole undertaking which is contained within the district of the Local Board, subject to the exception in section forty of the Corporation Act, then the corporation shall sell, and the Local Board shall buy, such portion of the whole undertaking, subject as aforesaid, in the manner prescribed by and in accordance with and subject to the provisions of the Corporation Act and of this Act, together with any extension thereof and any additions thereto, within the district of the Local Board, which may have been made by the corporation in the ordinary course of conducting the gas undertaking; provided that the corporation shall not, pursuant to section forty-one of the Corporation Act, retain and withhold from the said purchase any mains, pipes, or other apparatus, by reason of their being used for the supply of a small detached portion of the parish of Rowley Regis immediately adjoining to the district of the Local Board.

If terms of purchase not agreed on within six months notice of arbitration to be given.

Provisions for carrying into effect purchase.

7. If the Local Board shall not within six months from the passing of this Act agree with the corporation upon the terms of sale and purchase, the corporation shall forthwith at the expiration of such six months give the one month's notice to be given by them, as provided by section forty of the Corporation Act.

8. In carrying into effect the purchase of the gas undertaking the following provisions shall apply :

(1.) The purchase shall be completed at the expiration of two years after the first day of January or the first day of July, whichever day shall first happen, after the publication of the award provided for by section forty of the Corporation Act, or upon such other day as shall be agreed :

(2.) Subject to the provisions of the Corporation Act and this Act, the sale shall comprise all mains, pipes, plant, machinery, apparatus, meters, fittings, implements, and effects situate within the district of the Local Board and belonging to the corporation, together with all the rights, powers, and privileges of the Corporation in relation to the manu-

facture, sale, and supply of gas within the district of the Board; the sale shall not include any of the books or writings of the corporation, or any of the office furniture or effects, stock in trade, tools, or other moveable chattels, except as aforesaid; but the Local Board shall have at their request and cost the right to inspect and take extracts from all or such of the books and writings as relate to or contain particulars or information concerning the gas undertaking: A.D. 1876.

- (3.) Until the purchase shall be actually completed, the corporation shall carry on and manage the gas undertaking as heretofore, and shall be entitled to receive and take the rents, rates, and other revenue arising therefrom, and shall continue to keep the mains, pipes, plant, machinery, apparatus, meters, fitting implements, and effects, forming part of the gas undertaking, in the same state of order and repair as they shall be at the date of the publication of the award, reasonable wear and tear excepted; provided that after the giving of the notice to purchase, the corporation shall not, without the previous consent in writing of the Local Board under the hand of their clerk, contract, make, or enter into any new liability, contract, agreement, or other obligation in respect of the gas undertaking, except such as may be in the ordinary course of the proper conduct of the gas undertaking, and except in cases of emergency:
- (4.) The sale and transfer of the gas undertaking shall be evidenced by a deed duly stamped, in which the consideration shall be truly set forth, and such deed may be in the form set forth in Schedule (A.), or to the like effect; and upon payment of the purchase money and execution of such deed the gas undertaking by virtue thereof, and of the Corporation Act and this Act, shall become and the same shall thenceforth be transferred to and vested in the Local Board free and clear and absolutely discharged from all debts, liabilities, and engagements, whether of the corporation or of the Staffordshire Company, charged upon and affecting the same; and the time of such transfer, and vesting is herein-after referred to as the vesting period:
- (5.) On and from the vesting period, all rights, powers, and obligations of the corporation to supply gas or gas fittings within the district of the Local Board shall cease and determine:
- (6.) The Local Board shall repay to the corporation the cost of any additions or extensions to the gas undertaking made by

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the corporation with the consent of the Local Board, or in the ordinary course of the proper conduct of the gas undertaking, between the date of the publication of the award and the date of the actual completion of the purchase by the Local Board :

- (7.) If the Local Board shall make default in the completion of their purchase at the time herein-before appointed for the completion thereof, and if during such default the West Bromwich Improvement Commissioners shall actually complete their purchase from the corporation of their portion of the whole undertaking, then the corporation shall, at the cost of the Local Board, provide and lay down a gas main to carry a sufficient supply of gas from the works of the corporation at Swan Village, or from some convenient part of the mains of the corporation to the district of the Local Board, in lieu of the main at present used for the purpose, and which, upon the completion of the purchase by the West Bromwich Improvement Commissioners, is to become their property, and when and so soon as the Local Board shall complete their purchase, the main to be so provided and laid down shall be taken up by the corporation at the expense of the Local Board, and delivered to them as their property; and the corporation, the Local Board, and the West Bromwich Improvement Commissioners may enter into and carry into effect agreements in relation to the matters aforesaid :
- (8.) If the purchase money be not paid within twenty-eight days after the day appointed for the completion of the purchase, the corporation may enforce the payment thereof in manner provided by section twelve of "The Local Loans Act, 1875," and for this purpose the purchase money shall be deemed to be charged upon the general district rate of the Local Board.

Local Board
may exercise
powers, &c.
of corpora-
tion.

9. From and after the vesting period, the Local Board may exercise and enjoy all the rights, powers, privileges, and authorities which were vested in the corporation before such transfer, as far as the same respectively related to the gas undertaking, or were exerciseable by the corporation within the gas limits: Provided always, that the gas undertaking in the hands of the Local Board shall be freed and discharged from all annuities, mortgages, debts, claims, and other liabilities of what kind soever, and whether of the corporation or of the Staffordshire Company.

Actions, &c.
not to abate
and penalties
to be reco-
verable.

10. No action, suit, prosecution, or other proceeding whatsoever commenced either by or against the corporation shall abate or be discontinued or prejudicially affected by reason of the transfer to

and vesting in the Local Board of the gas undertaking, but the same shall continue and take effect either in favour of or against the corporation in the same manner in all respects as the same would have continued and taken effect in relation to the corporation if the transfer had not been made; and all penalties incurred by reason of any offence against the provisions of any regulations of the corporation binding on the corporation prior to the transfer may be sued for, and all offences committed against such provisions prior to the 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 payable to the corporation prior to or at the vesting period may be sued for and recovered by the corporation in the same manner in all respects as the same might have been sued for and recovered if this Act had not been passed.

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11. For the purposes of the Oldbury gasworks, the Local Board may purchase by compulsion or by agreement, or (if they think fit) may acquire on lease for a term of not less than nine hundred and ninety-nine years, the lands mentioned in Schedule (B.) to this Act.

Power to purchase lease lands.

12. The powers by this Act granted to the Local Board for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of two years from the passing of this Act.

Period for compulsory purchase of lands.

13. The Local Board may for all or any of the purposes of this Act appoint a gas committee, of such number and with such powers and regulations as may be fixed by them, and may from time to time appoint and dismiss such managers and other officers for the purpose of the Oldbury gasworks as they may think fit: Provided that any such committee shall not be authorised to borrow any money or make any rate, or to enter into any contract involving an amount exceeding one hundred pounds, and shall be subject to any regulations and restrictions which may be imposed by the Local Board.

Power to appoint gas committee.

14. The Local Board may from time to time, in or upon the lands described in Schedule (B.) to this Act, or any part thereof, erect, maintain, and as often as occasion may require enlarge, alter, improve, and renew or discontinue works for the manufacture and storage of gas, and for supplying gas within the limits of the Act, and for the conversion or utilization and distribution of materials used in and about the manufacture of gas, and of residual products resulting from such manufacture; and the Local Board may manufacture, sell, and dispose of coke, coal tar, asphaltum,

Power to erect and maintain gasworks.

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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 and sell such articles as can be produced from or by means of the several matters and things aforesaid, and may contract for, take, and use any leave, license, or authority to work, use, exercise, or put in practice any invention or inventions under any letters patent at any time heretofore made or hereafter to be made granting any right or privilege of working, using, exercising, or vending any invention in relation to the manufacture and distribution of gas, or the utilisation of the residual products arising from the manufacture of gas, or otherwise in relation thereto, but the Local Board shall not acquire any exclusive right to any such invention, and the Local Board may also manufacture and sell, let, or otherwise deal in gas fittings, tubes, meters, pipes, and all other articles and things in any way connected with gasworks, or with the supply of gas to the consumers thereof, in such manner as the Local Board may think proper, and generally carry on the business usually carried on by gas companies, or which is or may become incident thereto; but nothing in this Act contained shall authorise or empower the Local Board to supply gas or gas fittings until after the vesting period.

Power to purchase lands by agreement.

15. The Local Board may for the purposes of their gas undertaking purchase by agreement, or, if they think fit, may acquire on lease for a term of not less than nine hundred and ninety-nine years, any lands and hereditaments not exceeding in the whole five acres, in addition to the lands described in Schedule (B).

Restriction on manufacture of gas.

16. The Local Board shall not manufacture gas or any residual products on any lands other than the lands described in Schedule (B).

Power to Local Board and other local or sanitary authorities to purchase or supply gas in bulk.

17. The Local Board may purchase by agreement from the local or sanitary authority of West Bromwich or Smethwick, or from the corporation, and any of such bodies may sell to the Local Board, gas in bulk or otherwise, and the Local Board may, by agreement, supply gas in bulk or otherwise to the local or sanitary authorities of West Bromwich and Smethwick, and to the corporation; and for the purpose of giving effect to any such agreement, any of such bodies may apply in payment for such supply any funds properly applicable for that purpose, but the powers conferred by this section shall not, without the consent of the corporation, be exerciseable until after the vesting period, and until such sanitary authority of West Bromwich or Smethwick, as the case may be,

shall have purchased the portions of the whole undertaking within their respective districts. A.D. 1876.

18. Save as provided by this Act, it shall not be necessary for the Local Board before they proceed to open or break up for any of the purposes of this Act any public street, bridge, sewer, drain, or tunnel within the gas limits to give any notice of their intention so to do. Streets
under con-
trol of Local
Board.

19. In laying down any mains or pipes, or in constructing any works across or in any way affecting any railway, lands, or property wholly or partly belonging to or worked, used, or occupied by any railway company, or any of the bridges or other works of any such railway, the same shall, except in cases of emergency, be done under the superintendence and to the reasonable satisfaction of the principal engineer of any such company, and such works shall be executed by and in all things at the expense of the Local Board, and so as to cause no injury to any such railway, bridges, works, lands, or property, or interruption to the passage or conduct of the traffic over any such railway or at any station thereof; and if any injury shall arise to any such railway, bridges, works, lands, or property, or interruption to such traffic, the Local Board shall make full compensation to the railway company affected thereby in respect of such injury or interruption. For pro-
tection of
railway com-
panies.

20. All the rights, privileges, powers, and authorities now possessed by the South Staffordshire Waterworks Company in respect of their pipes, works, and undertaking within the Oldbury district shall be and remain in force as if this Act had not passed, and shall, after the vesting period, apply to the Local Board in the same manner as they now apply to the corporation. For pro-
tection of
the South
Staffordshire
Waterworks
Company.

21. If and as often as the company of proprietors of the Birmingham Canal Navigations (herein-after called the canal company) shall have occasion to repair, raise, re-build, or alter any existing bridge belonging to them, and situate within the limits of this Act, or to erect any new bridge within such limits, upon, over, under, through, across, or by the side of which any pipe has been or may be carried or laid under the powers of the recited Acts or this Act, any alteration of such pipe that may be necessary shall, in the case of any existing bridge, or any bridge substituted therefor, be made and the pipe shall be replaced by and at the expense of the Local Board, and in the case of any new bridge other than a substituted bridge, by the Local Board at the expense of the canal company, and whenever the Local Board shall require to lay down, alter, or replace any pipe upon, across, or under, or to construct For pro-
tection of
the Birming-
ham Canal
Company.

A.D. 1876. any work upon any lands of the canal company, such pipe shall be laid, altered, or replaced, and such work constructed to the reasonable satisfaction of the engineer for the time being of that company, and any question or difference arising between the canal company and the Local Board touching the matters aforesaid, or any of them, shall be settled by arbitration in manner provided by "The Railways Clauses Consolidation Act, 1845," with respect to the settlement of disputes by arbitration.

Power to lay pipes against buildings.

22. The Local Board, with the consent of the owner and occupier of any building, may lay any pipe, branch, or other necessary apparatus from any main or branch pipe into, through, or against such building for the purpose of lighting it, or any street, road, market-place, or public building or place, and may with the like consent provide and set up any apparatus necessary for securing to such building, street, road, market-place, or public building or place a proper and complete supply of gas, or for measuring and ascertaining the extent of such supply, and may with the like consent from time to time repair, replace, alter, or discontinue and remove any such pipe, branch, or apparatus.

Limiting charge for supply of gas.

23. The maximum price at which gas shall be sold by the Local Board to all persons who shall burn the same by meter shall not exceed four shillings per one thousand cubic feet.

Application of the Gasworks Clauses Act, 1871.

24. The application of "The Gasworks Clauses Act, 1871," to the Oldbury gasworks shall be subject and according to the following provisions; (that is to say,)

- (1.) With reference to section three, this Act shall be the special Act:
- (2.) With reference to section five, this Act shall be the special Act, and the lands described in Schedule (B.) to this Act shall be deemed to be described in this Act:
- (3.) Sections seven and eight (relating to shareholders and mortgagees) shall not apply to the Local Board:
- (4.) With reference to section eleven, the prescribed pressure shall be such as to balance from midnight to sunset a column of water not less than six tenths of an inch in height, and from sunset to midnight a column of water 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 by which each consumer is supplied; and any gas examiner appointed under "The Gasworks Clauses Act, 1871," may, subject to the terms of his appointment, from time to time test the pressure at which the gas is supplied, and may for that

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purpose open any street, road, passage, or place vested in or under the control of the Local Board, or any public street, road, passage, or place, and the provisions of "The Gasworks Clauses Act, 1871," relating to testing of gas and to penalties shall (with such variations as may be requisite) apply to the testing of pressure, and two hours previous notice shall be given to the Local Board of the time and place at which the testing of pressure shall be conducted :

- (5.) With reference to section twelve, the prescribed number of candles shall be fifteen :
- (6.) With reference to section twenty-eight, the prescribed place shall be some part of the gasworks of the Local Board, and the prescribed time shall be six months after the erection of the gasworks :
- (7.) With reference to Schedule (A.) to that Act, the prescribed burners shall be Sugg's London argand burner No. 1, consuming at the rate of five cubic feet of gas per hour.

25. The Local Board from time to time under the authority of this Act, in addition to any moneys they are authorised to borrow under "The Public Health Act, 1875," may borrow at interest on mortgage of the gas rates and other rates, rents, and revenue arising under this Act from the supply of gas and sale of residual products, and also on mortgage of the general district rates leviable by the Local Board under "The Public Health Act, 1875," or any such securities or revenues, either together or separately, such sum or sums as may be required for the purchase of the gas undertaking (including all costs, charges, and expenses in reference thereto), and the sum of forty thousand pounds, being the estimated cost as herein-before recited of the permanent works by this Act authorised, and also with the sanction of the Local Government Board such further sums as they may from time to time think requisite for any of the purposes of this Act, not exceeding the sum of fifty thousand pounds, and, after having paid off otherwise than by the sinking fund any moneys so borrowed, may re-borrow the amount so paid off, and so from time to time, and upon any such re-borrowing the rate of interest may be increased or diminished.

Power to borrow.

26. The Local Board may from time to time borrow any moneys which they are authorised to borrow by the last preceding section, in manner provided by "The Local Loans Act, 1875," and subject to the provisions thereof, and the Local Board may raise such moneys, or any part thereof, by the issue of debentures, debenture stock, or annuity certificates.

Power to Local Board to borrow under powers of Local Loans Act, 1875.

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Period for
repayment
of borrowed
moneys.

27. The whole of the money borrowed under this Act, whether as a loan or as several loans, shall be discharged within a period not exceeding sixty years from the date of the first advance of money made on account of any loan under this Act, but it shall not be obligatory to set apart or appropriate any moneys for that purpose until the expiration of five years from the passing of this Act.

Sinking
fund.

28. The Local Board may, if they think fit, in manner provided by "The Local Loans Act, 1875," and subject to the provisions thereof, discharge any loan or part of any loan under this Act by a sinking fund, and in that case the prescribed rate of interest shall be three and a half per centum per annum.

Certain
regulations
as to borrow-
ing not to
apply.

29. The powers of borrowing money by this Act given shall not be restricted by any of the regulations contained in the two hundred and thirty-fourth section of the Public Health Act, 1875, and in calculating the amount which the Local Board may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

Money
borrowed to
be applied
for autho-
rised pur-
poses.

30. All money borrowed by the Local Board under this Act shall be carried to a separate account, to be called "the gas account," and shall be applied for the purposes for which it is by this Act expressly authorised to be borrowed.

Power to
borrow to
pay costs of
opposing
Corporation
Act, &c.

31. Whereas in the session of one thousand eight hundred and seventy-five the Board incurred certain costs, charges, and expenses in opposing the Bill for the Corporation Act, and obtaining the insertion therein of the provisions (sections 40, 41, and 42) recited in this Act, and also in opposing the Birmingham and Staffordshire Gas Bill, 1875, and the Birmingham Gas Bill, 1875. (No. 1), and it is expedient that the Board be authorised to borrow a sufficient amount to discharge such costs, charges, and expenses: Therefore, in addition to the sums the Board are herein-before authorised to borrow under the authority of this Act, and "The Public Health Act, 1875," or otherwise, they may also borrow at interest on mortgage of the general district rate, or other rates leviable by them under "The Public Health Act, 1875," or otherwise, a sum not exceeding the sum of one thousand five hundred pounds, for the purpose of paying and discharging the amount of the taxed costs, charges, and expenses incurred by the Board in opposing or otherwise in relation to the Bill for the Corporation Act, and the Birmingham and Staffordshire Gas Bill, 1875, and the Birmingham Gas Bill, 1875 (No. 1), and all the powers of this Act with respect to the borrowing of money on mortgage, so far as the same are

applicable shall, mutatis mutandis, apply to the borrowing of the said sum of one thousand five hundred pounds hereby authorised; provided that the sum so borrowed shall be repaid by equal annual instalments of principal and interest within a period of ten years from the passing of this Act; and in the event of the whole or any portion of such costs, charges, and expenses having been paid by the Board out of the general district fund or general district rate, the amount so paid shall be recouped to such fund or to the account of such rate out of the money borrowed under this section of this Act.

A.D. 1876.

32. The amount of any rate made by the Local Board under "The Public Health Act, 1875," and this Act may, if they think fit, be of such amount as in their judgment may be sufficient to raise or discharge not only the sum in respect of which the rate is made, but also such a sum as will meet the expenses, or what is in their judgment a due proportion of the expenses, incurred in and about making and recovering the rate.

Amount of rate to include expense of recovering it

33. All the moneys from time to time borrowed by the Local Board under this Act, and all moneys from time to time received by or for the use of the Local Board under this Act, or in carrying it into execution, shall from time to time forthwith after the receipt thereof be paid to the treasurer of the Local Board, and be carried by him to the credit of the proper account.

Income of Local Board under Act.

34. The Local Board, in order to defray and provide for the expenses attendant upon or occasioned by any sudden breach or accident to the gasworks, gas mains, engines, plant, or otherwise in relation thereto, and for the purposes of maintaining such gasworks, gas mains, engines, and plant in efficient condition and repair, may appropriate and set apart annually in equal amounts such proportion of their revenue arising from the sale of gas not exceeding one thousand pounds in any one year as they shall think fit, and shall carry the sums so set apart to the credit of the fund called "the depreciation fund;" but the said depreciation fund shall not at any time exceed in the aggregate the sum of three thousand pounds, and so soon as it shall reach that amount such appropriation and setting apart as aforesaid shall be suspended until the said fund shall from any cause fall below the said sum of three thousand pounds, and all sums from time to time in the hands of the Local Board in respect of the depreciation fund shall be invested upon the like securities as are by the Local Loans Act, 1875, prescribed with respect to the investment of the sinking fund, and any interest arising from the said depreciation fund shall be carried from time to time to the credit of the gas account.

Power of Local Board to form a depreciation fund.

A.D. 1876.

Application
of gas
revenues.

35. The Local Board shall apply all rates, rents, revenues, and other moneys from time to time received by them under the powers of this Act (other than money raised by borrowing) in manner and order following; (that is to say,)

First, in payment of the expenses of management and maintaining the Oldbury gasworks :

Secondly, in payment of interest on money borrowed on the security of the Oldbury gasworks :

Thirdly, in setting apart annually the gas sinking fund :

Fourthly, in and towards the formation of the depreciation fund by this Act authorised :

Fifthly, in carrying the powers and provisions of this Act into execution, including any extension or improvement of the Oldbury gasworks :

Sixthly, the surplus (if any) from time to time shall be carried to the credit of the general district rate.

Application
of moneys
borrowed.

36. All moneys from time to time borrowed under this Act shall be applied by the Local Board only as follows :

First, in payment of the costs, charges, and expenses of and incidental to the preparing, applying for, and obtaining and passing of this Act, or otherwise in relation thereto :

Secondly, in completing the purchase of the gas undertaking, and of all matters and things by this Act authorised to be purchased and acquired from the corporation, and in payment of all costs, charges, and expenses of the Local Board incidental thereto :

Thirdly, in the purchase of lands and erection of gasworks by this Act authorised to be made and maintained for affording a supply of gas within the gas limits, and in the purchase of other lands by this Act authorised :

Fourthly, in the extension and improvement of the Oldbury gasworks :

Fifthly, in the exercise of the powers of this Act with respect to the paying off of moneys borrowed and of re-borrowing.

Notice to
Board to
discontinue
supply.

37. A notice to the Local Board to the discontinuance of a supply of gas shall not be of any effect unless it be in writing and be left at the principal office for the time being of the Local Board.

Contract for
supply of
gas not to
disqualify
members of
Local Board.

38. No person shall be disqualified from being, continuing, or acting as a member of the Local Board by reason of his being concerned in any contract entered into by the Local Board for a supply of gas or other matters, articles, or other things under this Act, or

for the sale of any land for the purposes of "The Public Health Act, 1875," or this Act, or of his being interested in any contract with any newspaper in which advertisements are inserted for the Local Board, nor shall any mortgagee of the gas rate and rates to be levied under this Act be disqualified as a member of the Local Board by reason of his being a mortgagee, but no member shall vote upon any question in which he is interested, personally or otherwise, than as a consumer of the gas of the Local Board. A.D. 1876.

39. Any summons, demand, or notice, or other such document to be given by the Local Board under this Act or under "The Public Health Act, 1875," may be in writing or print, or partly in writing and partly in print, and if the same require authentication by the Local Board, the signature thereof by the clerk of the Local Board shall be a sufficient authentication. Authentication of notices.

40. All costs, charges, and expenses of and incident and preparatory to the obtaining and passing of this Act, or otherwise in relation thereto, shall be paid by the Local Board out of the first moneys at their disposal, and ultimately out of moneys borrowed under the authority of this Act, and such costs shall include the costs incurred by the Local Board in complying with the provisions of the Act of the session of Parliament held in the thirty-fifth and thirty-sixth years of the reign of Her present Majesty, chapter ninety-one, with respect to the Bill for this Act, and all matters relating thereto, as taxed and ascertained by the taxing officer of the House of Lords or of the House of Commons. Expenses of Act.

SCHEDULE (B.)

A.D. 1876.

A piece of pasture land in Oldbury, containing five acres or thereabouts, belonging or reputed to belong to Henry Gisborne Cooper, surviving trustee of the late Reverend Edward Palmer, and in the occupation of Noah Parkes and others, bounded on the north partly by a road or lane called Fountain Lane, and partly by other land belonging or reputed to belong to the said Henry Gisborne Cooper as such surviving trustee, and in the occupation of the said Noah Parkes and others; on the south in part by Bromford Lane and Church Street, Oldbury, and in part by a lay-by or basin branching out of the Birmingham Canal Navigations; on the east by lands belonging or reputed to belong to the said Henry Gisborne Cooper as such surviving trustee; and on the west by other land belonging or reputed to belong to the said Henry Gisborne Cooper as such surviving trustee, occupied by the said Noah Parkes and others.

A piece of waste land, containing five acres or thereabouts, and also a dwelling-house and outbuildings on part thereof, situate at Oldbury aforesaid, now or recently belonging or reputed to belong to Timothy Kenrick and Sampson Samuel Lloyd, which dwelling-house, outbuildings, and appurtenances are in the occupation of Ralph Taylor, and the waste land is now void, bounded on the north by a stream or watercourse dividing the last-mentioned land from land belonging or reputed to belong to the Stour Valley Coal and Iron Company, Limited; on the north, north-east, and east by the Dudley and Birmingham turnpike road; on the south by the Birmingham Canal Navigations; on the west and south-west by land belonging or reputed to belong to Edwin Danks; and on the north-west by the stream or watercourse lastly before mentioned.

