



CHAPTER lxxiii.

An Act to confirm certain Provisional Orders of the Local Government Board under the Provisions of the Gas and Water Works Facilities Act, 1870, and the Public Health Act, 1875, relating to the Local Government Districts of Penrith, Silsden, and Ynyscynhaiarn. [28th June 1877.] A.D. 1877.

WHEREAS the Local Government Board have, as regards the districts herein mentioned, made the Provisional Orders set forth in the schedule hereunto annexed, under the provisions of the Public Health Act, 1875 :

And whereas it is requisite that the said Orders should be confirmed by Parliament, and that the provision herein contained should be enacted in reference to one of the said districts :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. The Orders set out in the schedule hereunto annexed shall be confirmed, and the same are hereby confirmed, subject to the modification following; that is to say, in the Order relating to the Local Board of Silsden the proviso to Article twelve shall be altered so that the reference therein shall be made to the seventh Article of the said Order instead of the eighth as therein expressed, and all the provisions thereof shall, from and after the passing of this Act, have full validity and force. The Provisional Orders in schedule confirmed.

2. This Act shall be cited as "The Local Government Board's (Gas) Provisional Orders Confirmation (Penrith, &c.) Act, 1877." Short title.

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SCHEDULE.

LOCAL GOVERNMENT DISTRICT OF PENRITH.

Provisional Order under the Gas and Water Works Facilities Act, 1870.

To the Penrith Local Board of Health, being the Sanitary Authority for the Urban Sanitary District of Penrith, in the County of Cumberland;—

And to all others whom it may concern.

WHEREAS by Section 3 of the Gas and Water Works Facilities Act, 1870, it is enacted that that Act shall apply where powers are required for the purposes of constructing or maintaining and continuing gasworks and works connected therewith, or of manufacturing and supplying gas in any District within which there is not any existing company, corporation, body of commissioners, or person empowered by Act of Parliament to construct such works or to manufacture and supply gas; and that such purposes shall, for the purposes of that Act, be deemed to be included in the term "gas undertaking";

And whereas by Section 4 of the same Act it is enacted that Provisional Orders authorising any gas undertaking under the authority of that Act may be obtained in any District by any company, companies, or person, and that in the construction of that Act the term "undertakers" shall be deemed to include any such company, companies, or person;

And whereas by the same Act it is further enacted that applications for such Provisional Orders shall be made to, and that such Provisional Orders may be made by, the Board of Trade;

And whereas by Section 161 of the Public Health Act, 1875, it is enacted that where there is not any company or person (other than the Urban Sanitary Authority) authorised by or in pursuance of any Act of Parliament or any Order confirmed by Parliament to supply gas for public and private purposes, supplying gas within any part of the District of such Authority, such Authority may themselves undertake to supply gas for such purposes or any of them throughout the whole or any part of their District; and that where an Urban Sanitary Authority may under the said Public Health Act, 1875, themselves undertake to supply gas for the whole or any part of their District, a Provisional Order authorising a gas undertaking may be obtained by such Authority under and subject to the provisions of the said Gas and Water Works Facilities Act, 1870, and any Act amending the same; and that in the construction of the said Act the term "undertakers" shall be deemed to include any such Urban Sanitary Authority, provided that for the purposes of

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the said Public Health Act, 1875, the Local Government Board shall throughout the said Gas and Water Works Facilities Act, 1870, be deemed to be substituted for the Board of Trade; A.D. 1877.

And whereas the Penrith Local Board of Health (herein-after called the Local Board), being the Sanitary Authority for the Urban Sanitary District of Penrith, in the County of Cumberland, and being, under the Public Health Act, 1875, themselves empowered to supply gas for the whole or any part of their District, applied to the Local Government Board to issue a Provisional Order authorising them to maintain and continue, if and when the same shall be acquired by them, the gasworks of a certain registered gas company, known as the Penrith Gaslight and Coke Company, Limited, not being a company authorised by or in pursuance of any Act of Parliament, or any Order confirmed by Parliament, to supply gas for public and private purposes, and to construct other gasworks, and to manufacture and supply gas, and to borrow money for those purposes, and duly complied with the provisions of the said Gas and Water Works Facilities Act, 1870, with respect to the service of notices, publication of advertisements, and deposit of documents;

And whereas the Local Government Board, on receipt of such application, caused public inquiry to be held in the District of the Local Board on the subject thereof, and the same was held, after due notice, and report has been made to them thereon, in accordance with the provisions of Section 13 of the Gas and Water Works Facilities Act, 1870, Amendment Act, 1873;

Now therefore, We, the Local Government Board, in pursuance of the powers given by the Statutes in that behalf, do hereby order that, from and after the date of the Act of Parliament confirming this Order, the following provisions shall take effect; viz. :—

1. This Order may be cited as the Penrith Gas Order, 1877.

2. The Local Board shall in relation to the purposes of this Order, exercise and be subject to all the provisions of the Public Health Act, 1875; and the provisions of the Gasworks Clauses Act, 1847 [except Sections 30 to 38, both inclusive, and Sections 41, 43, 45, 46, and 47 thereof], and of the Gasworks Clauses Act, 1871 [except Sections 24 to 27, both inclusive, Sections 29 and 35, and Schedule B. thereof], are hereby incorporated with this Order, except where the same are expressly varied thereby; and the said provisions of the said Gasworks Clauses Acts shall apply as well to any mains, pipes, or works which may at any time be acquired by the Local Board under or by virtue of the Public Health Act, 1875, as to any mains, pipes, or works which may be laid down or constructed under the authority of this Order.

3. The several words and expressions to which, by the Acts, in whole or in part, incorporated with this Order, and by the Gas and Water Works Facilities Act, 1870, meanings are assigned, have in this Order the same respective meanings.

4. The limits within which the provisions of this Order shall be in force and have effect shall be the District of the Local Board.

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5. The Local Board may borrow any money on the credit of any lands, works, or other property, of which they shall be at any time possessed, for the purposes of the undertaking authorised by this Order, the sanction of the Local Government Board being previously obtained to every sum so to be borrowed, and may mortgage such lands, works, or other property to any person or persons advancing such moneys, in the same manner in all respects as if they were the absolute owner, both at law and in equity, of the lands, works, or other property so mortgaged. The moneys so borrowed shall be applied for the purposes of the said undertaking, but it shall not be in any way incumbent on any mortgagee to see to the application of such moneys, nor shall he be responsible for any misapplication thereof.

6. Any money borrowed by the Local Board under the provisions of Article 5 of this Order, shall be repaid within such period, not exceeding sixty years, as the Local Board, with the sanction of the Local Government Board, shall determine; and, subject as aforesaid, the Local Board shall either pay off the moneys so borrowed by equal annual instalments of principal or of principal and interest, or they [shall in every year set apart as a sinking fund, and accumulate in the way of compound interest by investing the same in the purchase of Exchequer bills or other Government securities, such sum as will with accumulations in the way of compound interest be sufficient, after payment of all expenses, to pay off the moneys so borrowed within the period sanctioned.

7. The Local Board may at any time apply the whole or any part of such sinking fund as aforesaid in or towards the discharge of the moneys for the repayment of which the fund has been established: Provided that they pay into the fund in each year and accumulate until the whole of the moneys borrowed are discharged, a sum equivalent to the interest which would have been produced by the sinking fund or the part of the sinking fund so applied.

8. The Treasurer of the Local Board shall, within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund, or to be paid as an instalment in respect of moneys borrowed on mortgage under the provisions of this Order, transmit to the Local Government Board a return in such form as may be prescribed by that Board, and verified by statutory declaration if so required by them, showing the amount which has been paid as instalments, and the amount which has been invested or applied for the purpose of such sinking fund during the year next preceding the making of such return, and the description of the securities upon which any investment has been made, and the purposes to which any portion of the amount paid as instalments, or of the sinking fund or investment, or of the interest which may have accumulated thereon, has been applied during the same period, and the total amount, if any, remaining invested at the end of the year.

9. If it appears to the Local Government Board by that return, or otherwise, that the Local Board have failed to pay by way of instalment or to set apart the sum required for the sinking fund, or have applied any portion of the money set apart for the sinking fund, or of the interest which may have

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accumulated thereon, to any purposes other than those authorised, they may, after hearing the Local Board, if desirous of being heard, by Order, direct that a sum not exceeding double the amount in respect of which default has been made shall be paid, set apart and invested, or applied as part of the sinking fund; and any such Order shall be enforceable by Writ of Mandamus, to be obtained by the Local Government Board out of Her Majesty's High Court of Justice.

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10. The powers of borrowing conferred by Article 5 of this Order shall, where the sums borrowed do not exceed three fourths of the purchase money of the lands, works, or other property in the said Article referred to, but not otherwise, be deemed to be distinct from and in addition to the powers of borrowing money for supplying gas and for other purposes conferred on the Local Board by the Public Health Act, 1875.

11. The Local Board may pay out of any rates leviable by them, for the purposes of the Public Health Act, 1875, or out of any moneys received by them for supplying gas, or in the execution of the undertaking authorised by this Order, any sums borrowed by them in pursuance of Article 5 of this Order, and the interest on such sums, and also the amounts required in respect of any sinking fund to be set apart on account of such sums.

12. The Local Board may, on the lands described in the Schedule to this Order annexed, if and when the same shall be acquired by them, maintain, continue, and from time to time construct, erect, maintain, alter, enlarge, repair or renew buildings, retorts, gas holders, receivers, purifiers, meters, engines, apparatus, and works for the manufacture and storing of gas and of coke, coal, tar, pitch, asphaltum, ammoniacal liquor, oil, and other refuse or residual products arising, remaining, produced by or obtained from the manufacture of gas and matters producible therefrom; and they may, subject to the provisions of this Order, make gas and may use or supply the same for lighting the streets, markets, and public buildings, and for other public purposes, and may supply and sell the same for private purposes within their District, and may convert or manufacture coke, coal tar, pitch, asphaltum, ammoniacal liquor, oil, and all other refuse or residual products arising, remaining, produced by or obtained from the manufacture of gas by them and the materials used therein or producible therefrom, and may sell and dispose of the same at the works and elsewhere.

13. The Local Board shall not manufacture gas or any residual products arising in the manufacture of gas on any land other than that specified in the Schedule to this Order, neither shall they store gas on any land, other than that specified in the said Schedule, which shall be situate within three hundred yards from any dwelling-house existing at the time when they propose to store gas thereon, without the consent in writing of the owner, lessee, and occupier of such dwelling-house.

14. The quality of the gas supplied by the Local Board shall, with respect to its illuminating power, be such as to produce at the testing place herein-after

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15. The price to be charged by the Local Board for gas supplied by them to consumers shall not exceed 6s. per 1,000 cubic feet, and so in proportion for any less quantity supplied; provided nevertheless that every odd fraction or portion of 100 cubic feet may be charged for as 100 cubic feet.

16. All gas supplied by the Local Board to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than five tenths of an inch in height, and to balance from sunset to midnight a column of water not less than eight tenths of an inch in height at the main or as near as may be to the junction therewith of the service pipe supplying such consumer.

17. For the purposes of the Gasworks Clauses Act, 1871, the prescribed testing place shall be the existing testing place of the Penrith Gaslight and Coke Company, Limited, at their gasworks in Penrith, if and when the Local Board shall acquire such gasworks and testing place; and the burner to be used for testing the gas shall be a Sugg's "London" Argand, No. 1, with a six-inch by one-and-three-quarter-inch glass chimney; and if at any time the gas flame tails over the top of the glass, a six-inch by two-inch chimney shall be used.

18. No penalty shall be incurred by the Local Board for insufficiency of pressure, defect of illuminating power, or for 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 caused by an unavoidable cause or accident.

19. When the Local Board require money to be deposited by any person with them by way of security for the payment to them of all moneys which may become due to them by such person in respect of any supply of gas, or of the purchase or hire of any meter, the Local Board shall pay interest at the rate of four pounds per centum per annum on every sum of ten shillings so deposited for every six months during which the same remains in their hands.

Provided that the Local Board may, if they think fit, invest any money so deposited with them in any Government security of the United Kingdom, and in that case the Local Board shall pay no higher rate of interest than they themselves receive thereon.

20. If any difference arise between the Local Board and any railway, canal, or other Company, into, over, through, across, or under whose land or works they may at any time have power to carry any mains, pipes, or other works, as to the mode of laying down, repairing, altering, or enlarging such mains, pipes, or other works, or as to the facilities to be afforded by such Company for such laying down, repairing, altering, or enlarging, such difference shall, upon the application of the Local Board and the governing body of such Company, be settled by an engineer to be appointed by the Local Government Board, and the costs and expenses of and incidental to such appointment shall be paid by the Local Board and the Company in equal moieties, unless the Local Government Board shall otherwise order.

21. The Local Board shall keep separate accounts of all moneys received and expended in carrying out the provisions of this Order and the undertaking hereby authorised, and if any deficiency occur in carrying on the undertaking authorised by this Order, the same shall be defrayed out of the District Fund and General District Rate of the Local Board ; provided always, that the said District Fund and General District Rate shall not be applicable to meet such deficiency unless all persons supplied with gas by the Local Board have been charged the maximum amount mentioned in Clause 15 of this Order throughout the period during which such deficiency shall have arisen. A.D. 1877.

22. If any surplus of revenue on account of the undertaking hereby authorised remain after payment of all expenses, the same shall be carried to the credit of the District Fund Account of the Local Board : Provided always, that if the price of the gas supplied by the Local Board is at the time of such surplus accruing more than four shillings per 1,000 cubic feet, such surplus shall be applied in reducing the price to be thereafter charged for such gas until it shall be reduced to four shillings per 1,000 cubic feet.

The SCHEDULE above referred to.

All that close of land (formerly part of a close called Friar Gate Close) situate, lying, and being at Netherend in Penrith aforesaid, containing by admeasurement 2,884 square yards or thereabouts, with the rights, members, and appurtenances thereto, together with the gasworks, manufactory, retorts, furnaces, ovens, gasometers, tanks, dwelling-house, buildings, offices, erections, fixtures, weighing machine, and all other machinery and apparatus whatsoever erected, made, and being thereon, commonly called the Penrith Gasworks. And also, all that piece of land adjoining and behind the same, containing by admeasurement 2,842 square yards or thereabouts, recently purchased by the said Penrith Gaslight and Coke Company of the Earl of Lonsdale : all which said premises are now in the possession or under the control or management of the said Penrith Gaslight and Coke Company, Limited, and contain altogether by admeasurement 5,726 square yards, and are bounded on or towards the north-east by lands of the said Earl of Lonsdale, on or towards the south-east by lands of the said Earl, and dwelling-houses and premises of James Graham, on or towards the south-west by the public street called Old London Road, and on or towards the north-west by premises of John Slee, and the lands of the said Earl of Lonsdale.

Given under the Seal of Office of the Local Government Board, this
Twentieth day of April, in the year One thousand eight hundred
and seventy-seven.

(L.S.)

G. SCLATER-BOOTH, President.
JOHN LAMBERT, Secretary.

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A.D. 1877.

LOCAL GOVERNMENT DISTRICT OF SILSDEN.

Provisional Order under the Gas and Water Works Facilities Act, 1870.

To the Silsden Local Board, being the Sanitary Authority for the Urban Sanitary District of Silsden, in the West Riding of the County of York ; —

And to all others whom it may concern.

WHEREAS by Section 3 of the Gas and Water Works Facilities Act, 1870, it is enacted that that Act shall apply where powers are required for the purposes of constructing or maintaining and continuing gasworks and works connected therewith, or of manufacturing and supplying gas in any District within which there is not any existing company, corporation, body of commissioners, or person empowered by Act of Parliament to construct such works or to manufacture and supply gas ; and that such purposes shall, for the purposes of that Act, be deemed to be included in the term " gas undertaking " ;

And whereas by Section 4 of the same Act it is enacted that Provisional Orders authorising any gas undertaking under the authority of that Act may be obtained in any District by any company, companies, or person, and that in the construction of that Act the term " undertakers " shall be deemed to include any such company, companies, or person ;

And whereas by the same Act it is further enacted that applications for such Provisional Orders shall be made to, and that such Provisional Orders may be made by, the Board of Trade ;

And whereas by Section 161 of the Public Health Act, 1875, it is enacted that where there is not any company or person (other than the Urban Sanitary Authority) authorised by or in pursuance of any Act of Parliament or any Order confirmed by Parliament to supply gas for public and private purposes, supplying gas within any part of the District of such Authority, such Authority may themselves undertake to supply gas for such purposes or any of them throughout the whole or any part of their District ; and that where an Urban Sanitary Authority may under the said Public Health Act, 1875, themselves undertake to supply gas for the whole or any part of their District, a Provisional Order authorising a gas undertaking may be obtained by such Authority under and subject to the provisions of the said Gas and Water Works Facilities Act, 1870, and any Act amending the same ; and that in the construction of the said Act the term " undertakers " shall be deemed to include any such Urban Sanitary Authority, provided that for the purposes of the said Public Health Act, 1875, the Local Government Board shall throughout the said Gas and Water Works Facilities Act, 1870, be deemed to be substituted for the Board of Trade ;

And whereas by Section 40 of the Kildwick Parish Gas Act, 1876, it is enacted that for the purpose of Section 161 of the Public Health Act, 1875,

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the District of the Silsden Local Board shall be deemed to be a District in which there is not any company or person (other than the Urban Authority) authorised by or in pursuance of any Act of Parliament to supply gas within such District ; A.D. 1877.

And whereas the Silsden Local Board (herein-after called the Local Board), being the Sanitary Authority for the Urban Sanitary District of Silsden, in the West Riding of the County of York, and being, under the Public Health Act, 1875, and the Kildwick Parish Gas Act, 1876, themselves empowered to supply gas for the whole or any part of their District, applied to the Local Government Board to issue a Provisional Order authorising them to purchase and supply gas within the limits herein-after mentioned, and duly complied with the provisions of the said Gas and Water Works Facilities Act, 1870, with respect to the service of notices, publication of advertisements, and deposit of documents ;

And whereas the Local Government Board, on receipt of such application, caused public inquiry to be held in the District of the Local Board on the subject thereof, and the same was held, after due notice, and report has been made to them thereon, in accordance with the provisions of Section 13 of the Gas and Water Works Facilities Act, 1870, Amendment Act, 1873 ;

Now therefore, We, the Local Government Board, in pursuance of the powers given by the Statutes in that behalf, do hereby order that, from and after the date of the Act of Parliament confirming this Order, the following provisions shall take effect ; viz. :—

1. This Order may be cited as the Silsden Gas Order, 1877.
2. The Local Board shall, in relation to the purposes of this Order, exercise and be subject to all the provisions of the Public Health Act, 1875 ; and the provisions of the Gasworks Clauses Act, 1847 [except Sections 30 to 38, both inclusive, and Sections 45, 46, and 47], and of the Gasworks Clauses Act, 1871 [except Sections 12, 24, 28, 29, 32, and 35, and Schedule B. thereof], are hereby incorporated with this Order, except where the same are expressly varied thereby.
3. The several words and expressions to which, by the Acts, in whole or in part, incorporated with this Order, and by the Gas and Water Works Facilities Act, 1870, meanings are assigned, have in this Order the same respective meanings.
4. The limits within which the provisions of this Order shall be in force and have effect shall be the District of the Local Board.
5. The Local Board may contract with any Company, Individual, Firm, or Public Body, for the purchase of gas in bulk, and may sell gas, and may erect and provide all necessary works and apparatus for storing, distributing, and supplying gas.

Provided that nothing contained in this Order or in any agreement to be made under or in pursuance hereof shall in any way prejudice or affect a certain Memorandum of Agreement, bearing date the Twenty-sixth day of April, One thousand eight hundred and seventy-six, made between William Clough and

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A.D. 1877, Eli Milnes of the one part, and the Local Board for the District of Silsden of the other part, which Memorandum of Agreement is set out in the Second Schedule to the Kildwick Parish Gas Act, 1876.

6. The Local Board may, from time to time, purchase by agreement, and may hold, for any of the purposes of this Order, any land not exceeding three acres.

Provided that the Local Board shall not store gas on any land which shall be situate within three hundred yards from any dwelling-house existing at the time when they propose to store gas thereon, without the consent in writing of the owner, lessee, and occupier of such dwelling-house.

7. The price to be charged by the Local Board for gas supplied by them to consumers shall not exceed 6s. per 1,000 cubic feet, and so in proportion for any less quantity supplied; provided nevertheless that every odd fraction or portion of 100 cubic feet may be charged for as 100 cubic feet.

8. The gas supplied by the Local Board shall, with respect to its quality, illuminating power, pressure, and purity, be equal to the gas supplied to the Local Board.

9. No penalty shall be incurred by the Local Board for insufficiency of pressure, defect of illuminating power, or for 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 resulted from some cause or accident unavoidable as regards the Local Board.

10. When the Local Board require money to be deposited with them by any person by way of security for the payment to them of all moneys which may become due to them by such person in respect of any supply of gas, or of the purchase or hire of any meter, the Local Board shall pay interest at the rate of four pounds per centum per annum on every sum of ten shillings so deposited for every six months during which the same remains in their hands.

Provided that the Local Board may, if they think fit, invest any money so deposited with them in any Government security of the United Kingdom, and in that case the Local Board shall pay no higher rate of interest than they themselves receive thereon.

11. If any difference arise between the Local Board and any railway, canal, or other Company, whose lands or works they have power to cross under the authority of this Order, for the purpose of meeting the demands for gas within their District, as to the mode of laying down, repairing, altering, or enlarging their pipes, or as to the facilities to be afforded for the same, the same shall, upon the application of the Local Board or the Governing Body of such Company, be settled by an engineer to be appointed by the Local Government Board, and the costs and expenses of and incidental to such appointment shall be paid by the Sanitary Authority and the Company in equal moieties, unless the Local Government Board shall otherwise order.

12. The Local Board shall keep separate accounts of all moneys received and expended for the purpose of or in carrying out the provisions of this Order and the undertaking hereby authorised, and if any deficiency occur in carrying on

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the undertaking authorised by this Order, the same shall be defrayed out of the District Fund and General District Rate of the Local Board. A.D. 1877.

Provided that the said District Fund and General District Rate shall not be applicable to meet such deficiency unless all persons supplied with gas by the Local Board have been charged the maximum amount mentioned in Clause 8 of this Order throughout the period during which such deficiency shall have arisen.

13. If any surplus of revenue on account of the undertaking hereby authorised remain after payment of all expenses, the same shall be carried to the credit of the District Fund Account of the Local Board.

Provided, that if the price of the gas supplied by the Local Board is at the time of such surplus accruing more than four shillings per 1,000 cubic feet, such surplus shall be applied in reducing the price to be thereafter charged for such gas until it shall be reduced to four shillings per 1,000 cubic feet.

Given under the Seal of Office of the Local Government Board, this
Twentieth day of April, in the year One thousand eight hundred
and seventy-seven.

(L.S.)

G. SCLATER-BOOTH, President.
JOHN LAMBERT, Secretary.

LOCAL GOVERNMENT DISTRICT OF YNYSCYNHAIARN.

Provisional Order under the Gas and Water Works Facilities Act, 1870.

To the Ynyscynhaiarn Local Board, being the Sanitary Authority for the
Urban Sanitary District of Ynyscynhaiarn, in the County of Car-
narvon ; —

And to all others whom it may concern.

WHEREAS by Section 3 of the Gas and Water Works Facilities Act, 1870, it is enacted that that Act shall apply where powers are required for the purposes of constructing or maintaining and continuing gasworks and works connected therewith, or of manufacturing and supplying gas in any District within which there is not any existing company, corporation, body of commissioners, or person empowered by Act of Parliament to construct such works or to manufacture and supply gas ; and that such purposes shall, for the purposes of that Act, be deemed to be included in the term "gas undertaking" ;

And whereas by Section 4 of the same Act it is enacted that Provisional Orders authorising any gas undertaking under the authority of that Act may be obtained in any District by any company, companies, or person, and that in the construction of that Act the term "undertaker" shall be deemed to include any such company, companies, or person ;

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And whereas by the same Act it is further enacted that applications for such Provisional Orders shall be made to, and that such Provisional Orders may be made by, the Board of Trade ;

And whereas by Section 161 of the Public Health Act, 1875, it is enacted that where there is not any company or person (other than the Urban Sanitary Authority) authorised by or in pursuance of any Act of Parliament or any Order confirmed by Parliament to supply gas for public and private purposes supplying gas within any part of the District of such Authority, such Authority may themselves undertake to supply gas for such purposes or any of them throughout the whole or any part of their District; and that where an Urban Sanitary Authority may under the said Public Health Act, 1875, themselves undertake to supply gas for the whole or any part of their District, a Provisional Order authorising a gas undertaking may be obtained by such Authority under and subject to the provisions of the said Gas and Water Works Facilities Act, 1870, and any Act amending the same; and that in the construction of the said Act the term "undertakers" shall be deemed to include any such Urban Sanitary Authority, provided that for the purposes of the said Public Health Act, 1875, the Local Government Board shall throughout the said Gas and Water Works Facilities Act, 1870, be deemed to be substituted for the Board of Trade ;

And whereas by Section 162 of the last-mentioned Act, it is also enacted that for the purpose of supplying gas within their District or any part thereof, either for public or private purposes, any Urban Sanitary Authority may (with the sanction of the Local Government Board) buy, and the directors of any gas company, in pursuance, in the case of a company registered under the Companies Act, 1862, of a special resolution of the members passed in manner provided by that Act, and in the case of any other company, of a resolution passed by a majority of three fourths in number and value of the members present, either personally or by proxy, at a meeting specially convened with notice of the business to be transacted, may sell and transfer to such Authority, on such terms as may be agreed on between such Authority and the company, all the rights, powers, and privileges and all or any of the lands, premises, works, and other property of the company, but subject to all liabilities attached to the same at the time of such purchase ;

And whereas the Ynyscynhaiarn Local Board (herein-after called the Local Board), being the Sanitary Authority for the Urban Sanitary District of Ynyscynhaiarn, in the County of Carnarvon, have (subject to the sanction of the Local Government Board) agreed to buy, and the directors of the Portmadoc Gas Company (Limited) have, in pursuance of a special resolution of the members passed in manner provided by the Companies Act, 1862, agreed to sell and transfer to the said Local Board all the rights, powers, and privileges, and all lands and premises, works, and other property of the said Company (herein-after called "the undertaking of the Company");

And whereas the Local Board being, under the Public Health Act, 1875, themselves empowered to supply gas for the whole or any part of their

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District, have applied to the Local Government Board to issue a Provisional Order authorising them to maintain and continue, if and when the same shall be acquired by them, the gasworks of the said gas company, not being a company authorised by or in pursuance of any Act of Parliament, or any Order confirmed by Parliament, to supply gas for public and private purposes, and to construct other gasworks, and manufacture and supply gas, and to borrow money for those purposes, and duly complied with the provisions of the said Gas and Water Works Facilities Act, 1870, with respect to the service of notices, publication of advertisements, and deposit of documents;

And whereas the Local Government Board, on receipt of such application, caused public inquiry to be held in the District of the Local Board on the subject thereof, and the same was held, after due notice, and report has been made to them thereon, in accordance with the provisions of Section 13 of the Gas and Water Works Facilities Act, 1870, Amendment Act, 1873:

. Now therefore, We, the Local Government Board, in pursuance of the powers given by the Statutes in that behalf, do hereby order that, from and after the date of the Act of Parliament confirming this Order, the following provisions shall take effect; viz. :—

1. This Order may be cited as the Ynyscynhaiarn Gas Order, 1877.

2. The Local Board shall in relation to the purposes of this Order, exercise and be subject to all the provisions of the Public Health Act, 1875; and the provisions of the Gasworks Clauses Act, 1847 [except Sections 30 to 38, both inclusive, and Sections 41, 43, 45, 46, and 47 thereof], and of the Gasworks Clauses Act, 1871 [except Sections 24 to 27, both inclusive, Sections 29 and 35, and Schedule B. thereof], are hereby incorporated with this Order, except where the same are expressly varied thereby; and the said provisions of the said Gasworks Clauses Acts shall apply as well to any mains, pipes, or works which may at any time be acquired by the Local Board under or by virtue of the Public Health Act, 1875, as to any mains, pipes, or works which may be laid down or constructed under the authority of this Order.

3. The several words and expressions to which, by the Acts, in whole or in part, incorporated with this Order, and by the Gas and Water Works Facilities Act, 1870, meanings are assigned, have in this Order the same respective meanings.

4. The limits within which the provisions of this Order shall be in force and have effect shall be the District of the Local Board.

5. The sale and purchase of the undertaking of the Company shall, when such purchase by the Local Board has been sanctioned by the Local Government Board, be witnessed by a deed of transfer, duly stamped (truly stating the consideration), and when the same has been executed by the said Company, and when the receipt for the amount of the consideration has been signed by the directors or any three of the directors of the said Company, then such undertaking shall by virtue thereof and of this Act be absolutely vested in the Local Board, and they shall, subject to the provisions of this Order, have absolute control of such undertaking.

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6. The Local Board may on the lands described in the Schedule to this Order, when the same have been acquired by them, maintain and continue and from time to time alter and enlarge retorts, gasholders, receivers, purifiers, meters, apparatus and works for the manufacture and storage of gas and of coke and other residual products obtained in the manufacture of gas, and matters producible therefrom; and they may, subject to the provisions of this Order, make gas and supply and sell the same within their District, and may manufacture coal tar, coke, pitch, asphaltum, and ammoniacal liquor, oil, and all other residual products obtained in the manufacture of gas and producible therefrom, and may sell and dispose of the same at the works and elsewhere.

7. The Local Board shall not manufacture gas or any residual products arising in the manufacture of gas on any land other than that specified in the Schedule to this Order, neither shall they store gas on any land, other than that specified in the said Schedule, which shall be situate within three hundred yards from any dwelling-house existing at the time when they propose to store gas thereon, without the consent in writing of the owner, lessee, and occupier of such dwelling-house.

8. If any difference arise between the Local Board and any railway, canal, or other Company, into, over, through, across, or under whose land or works they may at any time have power to carry any mains, pipes, or other works, as to the mode of laying down, repairing, altering, or enlarging such mains, pipes, or other works, or as to the facilities to be afforded by such Company for such laying down, repairing, altering, or enlarging, such difference shall, upon the application of the Local Board and the governing body of such Company, be settled by an engineer to be appointed by the Local Government Board, and the costs and expenses of and incidental to such appointment shall be paid by the Local Board and the Company in equal moieties, unless the Local Government Board shall otherwise order.

9. The quality of gas supplied by the Local Board shall, with respect to its illuminating power, be such as to produce a light equal in intensity to the light produced by fourteen sperm candles of six to the pound, and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act, 1871.

10. The Local Board shall, before supplying gas under the authority of this Order, provide and maintain a suitable photometer and other necessary appliances for the purpose of testing the quality of the gas, and shall at all times keep the same in proper order and repair.

11. The price to be charged by the Local Board for gas supplied by them to consumers shall not exceed 8s. 6d. per 1,000 cubic feet, and so in proportion for any less quantity supplied; provided nevertheless that every odd fraction or portion of 100 cubic feet may be charged for as 100 cubic feet.

12. All gas supplied by the Local Board to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than six tenths of an inch in height, and to balance from sunset to midnight a column of water not less than eight tenths of an inch in height

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at the main or as near as may be to the junction therewith of the service pipe supplying such consumer. A.D. 1877.

13. The Local Board shall, before supplying gas under the authority of this Order, cause to be provided at their works a testing place, with apparatus therein, according to the provisions of the Gasworks Clauses Act, 1871, and the burner to be used for testing the gas shall be a Sugg's London Argand, No. 1, with a six-inch by one-and-three-quarter-inch glass chimney, and if at any time the gas flame tails over the top of the glass, a six-inch by two-inch chimney shall be used; and any gas examiner appointed under the Gasworks Clauses Act, 1871, for the purposes of this Order, may from time to time, subject to the terms of his appointment, at such testing place or elsewhere, 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.

14. The Local Board may borrow and re-borrow any money upon the security of the Gas Rate herein provided for, the District Fund or General District Rate, and of any lands, works, or other property, of which they shall be at any time possessed, or on any one or more of such securities, for the purposes of the undertaking authorised by this Order, the sanction of the Local Government Board being previously obtained to every sum so to be borrowed, and may mortgage such lands, works, or other property to any person or persons advancing such moneys, in the same manner in all respects as if they were the absolute owner, both at law and in equity, of the lands, works, or other property so mortgaged. The moneys so borrowed shall be applied for the purposes of the said undertaking, but it shall not be any way incumbent on any mortgagee to see to the application of such moneys, nor shall he be responsible for any misapplication thereof.

15. For the purposes of such loans the provisions of the Local Loans Act, 1875, except the power of creating Debenture Stock, shall be available to the Local Board.

16. Any money borrowed by the Local Board under the provisions of this Order, or otherwise for the purposes of the said undertaking, whether secured by such mortgage or in any other manner, shall be repaid within such period, not exceeding sixty years, as the Local Board, with the sanction of the Local Government Board, shall determine; and, subject as aforesaid, the Local Board shall either pay off the moneys so borrowed by equal annual instalments of principal or of principal and interest, or they shall in every year set apart as a sinking fund, and accumulate in the way of compound interest by investing the same in the purchase of Exchequer bills or other Government securities, such sum as will, according to a reasonable calculation for the time being, with accumulations in the way of compound interest, be sufficient, after payment of all expenses, to pay off the moneys so borrowed within the period sanctioned.

17. The Local Board may at any time apply the whole or any part of such sinking fund as aforesaid in or towards the discharge of the moneys for the repayment of which the fund has been established: Provided that they pay into

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the fund in each year and accumulate until the whole of the moneys borrowed are discharged, a sum equivalent to the interest which would have been produced by the sinking fund or the part of the sinking fund so applied.

18. The Treasurer of the Local Board shall, within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund, or to be paid as an instalment in respect of moneys borrowed on mortgage under the provisions of this Order, transmit to the Local Government Board a return, in such form as may be prescribed by that Board, and verified by statutory declaration if so required by them, showing the amounts which have been paid as instalments, and the amount which has been invested or applied for the purpose of such sinking fund during the year next preceding the making of such return, and the description of the securities upon which any investment has been made, and the purposes to which any portion of the amounts paid as instalments, or of the sinking fund or investment, or of the interest which may have accumulated thereon, has been applied during the same period, and the total amount, if any, remaining invested at the end of the year.

19. If it appears to the Local Government Board by that return, or otherwise, that the Local Board have failed to pay by way of instalment or to set apart the sum required for the sinking fund, or have applied any portion of the money set apart for the sinking fund, or of the interest which may have accumulated thereon, to any purposes other than those authorised, they may after hearing the Local Board, if desirous of being heard, by order, direct that a sum not exceeding double the amount in respect of which default has been made shall be paid, set apart and invested, or applied as part of the sinking fund; and any such Order shall be enforceable by Writ of Mandamus, to be obtained by the Local Government Board out of Her Majesty's High Court of Justice.

20. The Local Board shall keep a separate account of all their receipts, credits, payments, and liabilities in and about the execution of this Order, and from or on account of gas undertaking hereby authorised, to be called "The Gas Account," which account shall be subject to the same provisions as to audit, examination, report, inspection, copies, and extracts, and production of vouchers as other accounts of the Local Board.

21. All moneys from time to time received by the Local Board by way of revenue under this Order shall be applied for the following purposes:—

First. In payment of the gas establishment charges, that is to say, of the expenses properly chargeable to revenue of establishing, conducting, managing, and maintaining the gasworks, and works connecting therewith;

Secondly. In payment of the interest on the moneys borrowed for the purposes of this Order;

Thirdly. In providing for the discharge of any moneys borrowed under the authority of this Order in accordance with the provisions in that behalf of this Order, or of the Local Loans Act, 1875, according as such moneys have been secured by mortgage under this Order or in manner prescribed

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by the Local Loans Act, 1875, and the balance (if any) shall be carried to the district fund, but no balance shall be so carried to the district fund in any year in which the price charged for gas exceeds four shillings per one thousand cubic feet.

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22. The Local Board shall keep separate records of the quantities of gas supplied to private consumers and for public lighting respectively, and for the purpose of ascertaining the quantity of gas supplied for public lighting, shall provide and maintain meters for the public street lamps in the proportion of not less than one meter for every twelve lamps. Separate accounts of the cost of the public and private lighting shall be kept by the Local Board, and the price charged for gas for each purpose shall be the same.

23. In case the revenue of the Local Board from the gas undertaking shall in any year be insufficient for the payment of the moneys payable in respect of the same and chargeable on revenue, the Local Board may in such year, according to the powers and provisions of the Public Health Act, 1875, make and levy a general district rate, to be called "The Gasworks Rate," for defraying the charges and expenses of carrying this Order into execution, but such rate, or any part thereof, shall not be levied in any year in which the charge for gas is less than the maximum price mentioned in Article 11 of this Order.

24. For the purpose of diminishing the expenses of assessing, making, levying, and collecting the gasworks rate under this Order, the Local Board may include the same in any general district rate under the Public Health Act, 1875, and may make, levy, collect, and recover such gasworks rate as part of any such general district rate.

25. Any rate made by the Local Board under this Order may, if they think fit, be of such amount as in their judgment will be sufficient to raise not only the sum or sums in respect of which the rate is made, but also such a sum as will meet the expenses of what is, in their judgment, a due proportion of the expenses incurred in and about the making and recovering the rate.

26. No penalty shall be incurred by the Local Board for insufficiency of pressure, defect of illuminating power, or for 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 caused by an unavoidable cause or accident.

27. When the Local Board require money to be deposited by any person by way of security for the payment to them of all moneys which may become due to them by such person in respect of any supply of gas, or of the purchase or hire of any meter, the Local Board shall pay interest at the rate of four pounds 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.

Provided that the Local Board may, if they think fit, invest any money so deposited with them in any Government security of the United Kingdom, and in that case the Local Board shall pay no higher rate of interest than they themselves receive thereon.

28. Nothing in this Order contained shall alter, vary, or affect any contract or agreement duly made, or any liability incurred, before the passing of the

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A.D. 1877. Act confirming this Order, with respect to the gasworks of, or the supply of gas by, the Local Board.

The SCHEDULE above referred to.

A plot of land containing 1,301 square yards, or thereabouts, situate at Portmadoc, in the county of Carnarvon, bounded on the north-west side thereof by the public highway or road called Snowdon Street, leading to the new embankment and Traeth, and on all other sides thereof by the Portmadoc Inner Harbour.

Given under the Seal of Office of the Local Government Board, this Eighteenth day of April, in the year One thousand eight hundred and seventy-seven.

(L.S.)

G. SCLATER-BOOTH, President.
JOHN LAMBERT, Secretary.