



## CHAPTER xl.

An Act to provide for the transfer of the undertaking of the Shepshed Gas and Coke Company Limited to the Shepshed Urban District Council and to confer further powers on the said Council with respect to the supply of gas and for other purposes. [30th June 1903.]

A.D. 1903.  
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**W**HEREAS the district of Shepshed in the county of Leicester is an urban district within the meaning of the Local Government Act 1894 and is under the management and control of the Shepshed Urban District Council (hereinafter called “the Council”):

And whereas the Shepshed Gas and Coke Company Limited (in this Act called “the company”) were formed for the purpose of making and vending gas and the products arising therefrom in the town and neighbourhood of Shepshed and such company were duly registered on the second day of May one thousand eight hundred and fifty-seven:

And whereas the company have erected gasworks on the lands described in the Schedule to this Act and are now supplying gas within the limits for the supply of gas in this Act mentioned:

And whereas it is expedient that the undertaking of the company should be transferred to and vested in the Council in manner provided by this Act and that powers should be conferred upon the Council as hereinafter provided:

And whereas it is expedient that the Council be authorised to borrow money for the purchase of such undertaking and for the purchase of lands for and the extension and improvement thereof:

And whereas an absolute majority of the whole number of the Council at a meeting held on the twenty-ninth day of December one thousand nine hundred and two after ten clear days’ notice

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A.D. 1903. — by public advertisement of such meeting and of the purpose thereof in the *Loughborough Herald* a local newspaper published and circulated in the district of the Council such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the general district fund or rate of the district :

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

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

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

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

PART I.

PRELIMINARY.

Short title.           **1.** This Act may be cited as the *Shepshed Urban District Council Gas Act 1903.*

Division into  
Parts.               **2.** This Act is divided into Parts as follows :—  
                          Part I. Preliminary.  
                          Part II. Transfer of Undertaking.  
                          Part III. Gas.  
                          Part IV. Financial.  
                          Part V. Miscellaneous.

Part III. not  
to take  
effect until  
transfer.           **3.** The provisions of Part III. of this Act shall not take effect until after the transfer of the undertaking of the company to the Council.

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

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Incorporation of Acts.

The Lands Clauses Acts (except the provisions thereof with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking);

The Gasworks Clauses Act 1847 (except the provisions thereof with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for their benefit and except section 38 relating to accounts); and

The Gasworks Clauses Act 1871 (except section 7 relating to shareholders section 8 relating to the appointment of a receiver and section 35 relating to accounts &c.):

And the provisions of the Gasworks Clauses Act 1847 and of the Gasworks Clauses Act 1871 shall extend and apply to the gas undertaking of the Council and to any existing works mains or pipes of the company as if such undertaking had been authorised by and such works mains and pipes had been constructed laid down and placed by the Council under the powers of this Act.

5. 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 is something in the subject or context repugnant to such construction. Provided that in the Acts wholly or partially incorporated with this Act for the purposes of this Act—

Interpretation.

The expressions “the undertakers” and “the company” mean the Council:

And in this Act unless the context otherwise requires—

The expression “the undertaking of the company” includes all the gasworks engines mains pipes and machinery lands and buildings plant fixed and movable stock-in-trade and all other the real and personal property assets and effects of whatever nature (other than gas coal and other tenant’s stores) and all the rights powers and privileges vested in or belonging to or had or enjoyed by the company at the date of the transfer of the undertaking of the company to the Council under the provisions of this Act except the books and papers relating exclusively to the shareholders in and the constitution of the company;

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“The district” means the urban district of Shepshed ;  
“The district fund” and “general district rate” mean respectively the district fund and the general district rate of the district.

PART II.

TRANSFER OF UNDERTAKING.

Company to  
sell their  
undertaking  
to Council.

6.—(1) The Council shall within six months after the passing of this Act by notice in writing require the company to sell and thereupon the company shall sell and the council shall purchase the undertaking of the company for such price or consideration (being a sum in gross) and on such terms and conditions as may be agreed upon between the company and the Council or as failing such agreement shall be determined by arbitration in accordance with the provisions of the Lands Clauses Acts with reference to the purchase and taking of lands otherwise than by agreement and in the construction of the said provisions the expression “the promoters of the undertaking” shall mean the Council and the expression “lands” shall mean the undertaking of the company.

(2) For the purpose of determining the price or consideration to be paid by the Council to the company the sale shall be deemed to be by compulsion and the company shall be deemed to have had statutory authority conferred upon them by Provisional Order made under the Gas and Water Works Facilities Act 1870 and confirmed by Parliament and to possess powers similar to those (so far as the same are applicable) conferred upon the Council by Part III. of this Act.

(3) For the purpose aforesaid the original capital of the company shall be taken to be five thousand eight hundred and twenty-five pounds and they shall be deemed to have power to raise additional capital subject to the usual provisions relating to the sale of shares or stock by auction or tender.

On payment  
of purchase  
money under-  
taking to  
vest.

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

or consideration at the rate of four per centum per annum and on payment by the Council of such price or consideration and interest (if any) the undertaking of the company shall by virtue of this Act be vested in the Council subject and according to the provisions of this Act and free as between the company and the Council from all contracts obligations debts liabilities and incumbrances affecting the same and thenceforth the Council shall have and hold the undertaking. A.D. 1903.

8. In addition to the sum to be paid by the Council to the company under the foregoing provisions of this Act the Council shall pay to the company— Payments to company.

(A) The costs and expenses properly incurred by the company prior to the twentieth day of December one thousand nine hundred and two in the promotion of the Provisional Order for which notices were published by them in November one thousand nine hundred and two;

(B) The costs and expenses properly incurred by the company in securing the amendment of the Bill for this Act so as to accord with the terms of the agreement made between the company and the Council dated the nineteenth day of December one thousand nine hundred and two and in taking any steps which they may have been requested by the Council to take in support of the said Bill;

(C) The costs and expenses incurred by the company of and incident to the winding up of the company; and

(D) The sum of seventy-five pounds as compensation to the chairman and secretary of the company such sum to be divided between the said chairman and the said secretary in such manner as the directors may think fit Provided that the costs and expenses to be paid by the Council as aforesaid shall if so desired by the Council be taxed as regards the costs and expenses (A) and (B) above referred to by the taxing officer of the House of Lords or of the House of Commons and as regards the costs and expenses (C) above referred to by the clerk of the peace for the county of Leicester.

9. The receipt in writing of three of the directors of the company for such price or consideration or any other sum of money to be paid to them by the Council shall effectually discharge the Council from the sum so paid and from being concerned to see to the application thereof and from being answerable or accountable for the Receipt for purchase money.

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A.D. 1903. loss misapplication or non-application thereof and on such payment the company shall forthwith proceed to take the necessary steps for a voluntary winding up of their affairs. Provided that if from any cause the Council are unable to obtain such receipt they may pay the money into the Bank of England in the name of the Paymaster-General for and on behalf of the Supreme Court to an account to be opened in the matter of this Act and a receipt given to the Council by the cashier of the said Bank for the money shall have the same effect as the receipt of the said three directors.

Liabilities and actions &c. by or against company.

**10.** All debts and liabilities due from or payable by the company up to the date of transfer which shall then remain unpaid or unsatisfied shall as between the company and the Council be paid or satisfied by the company and the company shall indemnify the Council against the same and if at the date of transfer any action or proceeding or any cause of action or proceeding is pending or existing by or against or in favour of the company the same shall not abate or be discontinued or in anywise prejudicially affected by reason of the transfer or of anything in this Act but the same may be continued prosecuted and enforced by or against or in favour of the Council as and when it might have been continued prosecuted and enforced by or against or in favour of the company if this Act had not been passed but as between the company and the Council the company shall indemnify the Council against any action or proceeding against the company and shall be entitled to the benefit of any action or proceeding in favour of the company which shall be pending at the date of transfer.

Company to pay outgoings and be entitled to rents.

**11.** The company shall pay and discharge all outgoings and liabilities of every kind properly chargeable to revenue prior to the date of transfer and shall be entitled to all rents profits and other receipts on revenue account from the undertaking prior to that date and when necessary for the purpose of giving effect to this enactment such outgoings liabilities rents profits and receipts shall be apportioned between the company and the Council and any such rents profits or sums of money attributable to the period prior to the date of transfer but not due or payable at such date may when due be recovered by the Council who shall pay to the company the proportion of such rents profits and sums of money due to them prior to the date of transfer.

Contracts of company to be binding upon Council.

**12.** Except as is by this Act otherwise specially provided all purchases sales conveyances grants assurances deeds contracts bonds and agreements entered into or made and subsisting at the date of

transfer and then in force shall be as binding and of as full force and effect in every respect against or in favour of the Council and may be enforced as fully and effectually as if instead of the company the Council had been a party thereto. A.D. 1903.  
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**13.** All documents books and writings which if the transfer had not been made would have been receivable in evidence in respect of any matter for or against the company shall be admitted in evidence in respect of the same and the like matter for or against the Council. Books &c. to remain evidence.

**14.** Until the date of transfer the undertaking shall be carried on by the company according to the ordinary course of their business and the company shall not without the previous consent of the Council under the hand of their clerk enter into any new liability contract agreement or other obligation in respect of their undertaking which shall extend beyond the date of transfer or any other liability contract agreement or obligation except such as may be in the ordinary course of the proper conduct of the affairs of the company and with the intention of benefiting the undertaking in the hands of the Council and shall keep all works and property forming part of the undertaking in good and substantial repair and condition. Company to carry on undertaking till transfer.

**15.** The Council shall take over the stock of gas coal and other tenant's stores at the date of transfer belonging to the company at such price as failing agreement may be settled by a valuer to be appointed by the Council and the company or failing such appointment to be nominated by the Board of Trade on the application of either party. Coals &c.

### PART III.

#### GAS.

**16.** The limits of the Council for the supply of gas (in this Act referred to as "the gas limits") shall be and include the district and so much of the parish of Garendon in the county of Leicester as lies to the north of the Charnwood Forest Railway. Gas limits.

**17.** For the protection of the mayor aldermen and burgesses of the borough of Loughborough (hereinafter called "the Loughborough Corporation") the following provisions shall unless otherwise agreed between the Council and the Loughborough Corporation have effect (that is to say):— For protection of Loughborough Corporation.

- (1) All works under or within a distance of five yards from any aqueduct conduit or line of pipes of the Loughborough Corporation already laid or hereafter to be laid in the

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parishes of Shepshed or Garendon under the powers contained in the Loughborough Local Board Act 1886 and the Loughborough Corporation Acts 1897 and 1899 shall be constructed to the reasonable satisfaction of the borough surveyor of the Loughborough Corporation and in accordance with plans and sections to be previously submitted to and approved by him. Provided that if for twenty-eight days after the submission of such plans and sections the said borough surveyor fail to approve or disapprove the same the Loughborough Corporation shall be deemed to have approved thereof and that if within twenty-eight days he shall disapprove thereof then such works as aforesaid shall be constructed in accordance with plans and sections to be approved by an arbitrator to be appointed on the application of either party by the Board of Trade :

- (2) The expense of any repairs to or renewals of any such aqueduct conduit or line of pipes necessitated by the construction of any main pipe conduit service pipe or other work of the Council or any act or default of the Council their contractors agents servants or workmen or of any person in the employ of them or any of them or by any subsidence resulting from the works of the Council shall be borne and paid by the Council and if any interruption in the supply of water through any such aqueduct conduit or line of pipes shall be in any way occasioned either by reason of the exercise of the powers by this Act conferred upon the Council or any act or default of the Council their contractors agents servants or workmen or of any person in the employ of them or any of them the Council shall make good to the Loughborough Corporation all loss or damage which that corporation may sustain in regard to or by reason of such interruption.

For protection of  
Leicestershire County  
Council.

**18.** In executing the works and exercising the powers by this Act authorised so far as they affect the main roads repairable by the Leicestershire County Council (in this section called "the county council") and the county bridges of the county of Leicester under the jurisdiction of the county council the following provisions shall have effect unless otherwise agreed on in writing between the county council and the Council (that is to say) :—

- (1) All pipes or works to be laid in or along any main roads shall as far as practicable be constructed and laid at the side thereof :



- (2) No pipes or works shall (unless the county council in their absolute discretion shall otherwise consent) be constructed or laid under the roadway of any county bridge or any arch connected therewith but shall be carried alongside such bridge and arches in such manner as may be agreed on between the Council and the county council or as failing agreement may be settled by arbitration as hereinafter provided and the Council may construct lay down and maintain such pipes accordingly :
- (3) All works of or connected with the laying down of any pipes along any main road or over any county bridge shall be so executed as not to stop or unreasonably interfere with the traffic of such main road or county bridge and all such works shall be proceeded with and completed with all possible despatch :
- (4) Nothing in this Act shall in any way limit or affect the powers of the county council to divert widen or improve any main road or to remove alter widen or renew any county bridge or the approaches thereto in alongside or near to which any pipes or works of the Council are laid or carried in the same manner as they might have done if this Act had not been passed without making any compensation to the Council for any expense or loss to which the Council may be put in consequence of the reasonable exercise of such powers Any alteration of the position of any pipes or works of the Council necessitated by the diversion widening and improvement of such road or the removal alteration or widening or renewal of such bridge shall be effected by and at the expense of the Council and within such reasonable period as shall be required by the surveyor of the county council Provided that before such diversion widening improvement removal alteration or renewal of any such main road or bridge shall be commenced the county council shall give one month's notice in writing to the Council of their intention to carry out such works and the county council shall afford at the cost of the Council reasonable facilities for temporarily carrying the pipes along the main road or across the stream so as not to interrupt the continuous supply of gas :
- (5) The county council shall not be liable to any claim for damages in respect of any injury which may be caused to the pipes or works of the Council through the use by

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the county council or their agents of a steam roller upon any main road or county bridge :

(6) The Council shall to the reasonable satisfaction of the surveyor of the county council keep the portion of all main roads which shall be broken up for the purpose of constructing laying or repairing any works in good repair for twelve months after replacing and making good the same :

(7) The notice required to be given by section 8 of the Gasworks Clauses Act 1847 and the plan to be approved under section 9 of the same Act before breaking up any streets shall with respect to any bridge or the approaches thereto or the roads over the same or with respect to any main roads be given to and approved by the surveyor of the county council and the works referred to in such notice and plan shall be executed to the reasonable satisfaction of such surveyor :

(8) Notwithstanding anything in this Act contained if any difference arise between the Council and the county council touching this section or anything to be done or not to be done thereunder such difference shall be settled by an engineer to be appointed by the Board of Trade on the application of either of the parties in difference.

For protection of London and North Western and Charnwood Forest Railway Companies.

**19.** The following provisions for the protection of the London and North Western Railway Company (hereinafter referred to as "the railway company") and the Charnwood Forest Railway Company shall be in force and have effect :—

In laying down and executing under the powers of this Act the repairs and renewals of any mains pipes or other works upon across over under or in any way affecting the railways or works belonging to the Charnwood Forest Railway (which is worked and maintained in perpetuity by the railway company) or any bridge or level crossings over the said railway the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the railway company and only according to plans where necessary in the opinion of such principal engineer to be previously submitted to and reasonably approved by him and in all things by and at the expense of the Council and all such works matters and things shall be constructed executed and done so as not to cause any injury to such

railways or the structure of such bridges or works or interruption to the passage or conduct of the traffic over such railway or at any station thereon and if any injury or interruption shall arise from or be in any way owing to any of the acts operations matters and things aforesaid the Council shall make compensation in respect thereof to the railway company:

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Any difference which may arise between the Council and the railway company or either of them under this section shall be determined by an arbitrator to be appointed on the application of either party by the Board of Trade.

20. Subject to the provisions of this Act the Council may from time to time maintain continue alter improve enlarge extend and renew or discontinue the existing gasworks upon the lands described in the Schedule to this Act and they may also on such lands erect lay down provide and from time to time maintain alter improve enlarge extend and renew or discontinue additional gasworks and works for the manufacture and storage of gas and for the manufacture conversion utilisation storage and distribution of materials used in or residual products resulting from such manufacture and may manufacture and store gas and manufacture utilise and distribute such materials and residual products and the Council may also provide lay down maintain alter improve enlarge extend and renew or discontinue drains sewers mains pipes meters lamps lamp-posts burners stopcocks machinery and other works and apparatus and conveniences and may do all such acts as they may think proper for making and storing gas and for supplying gas and may supply gas accordingly and may sell supply and deal in coke tar pitch asphaltum ammoniacal oil and all other products or residuum of any materials employed in or resulting from the manufacture of gas.

Power as to construction and maintenance of gasworks &c. and acquisition of lands.

21. The Council may for the purposes of their gas undertaking purchase take and hold (by agreement but not otherwise) in addition to the lands described in the Schedule to this Act any lands and hereditaments not exceeding in the whole three acres which the Council may from time to time require for the purposes of their gas undertaking and the Council may with the sanction of the Local Government Board and subject to such conditions as that Board may prescribe appropriate and use for any of the purposes of this Act any lands for the time being vested in them as a sanitary authority and not required for the purposes for which the same were acquired

Power to purchase lands by agreement.

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A.D. 1903. — but the Council shall not create or permit a nuisance on any such lands and no lands shall be used by the Council for the purpose of manufacturing gas or residual products except the lands described in the Schedule to this Act.

Power to retain sell &c. lands.

**22.** Notwithstanding anything in the Lands Clauses Consolidation Act 1845 or in any other Act or Acts to the contrary the Council may retain hold and use for such time as they may think fit and may from time to time sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they think fit and either in consideration of a gross sum or of an annual rent or of any payment in any other form any lands or interest in lands acquired by them under this Act and may sell exchange or dispose of any rents received on the sale exchange lease or disposition of such lands and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

Application of moneys from sale &c. of land.

**23.** The Council shall apply all moneys from time to time received by them in respect of any sales exchanges or disposition of lands acquired by them under this Act or by way of fine or premium on any lease of any such lands in or towards paying off moneys borrowed and for the time being owing under this Act or if there shall be no moneys owing under this Act such proceeds shall be applied in or towards paying off any other moneys for the time being owing by the Council and such proceeds shall not be applicable to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board.

Power to supply gas apparatus engines &c. for heating motive and other purposes.

**24.** The Council may purchase provide supply sell let for hire and otherwise deal in (but shall not manufacture) and may fix set up alter remove and refix gas meters and automatic meters and apparatus for the automatic supply of and payment for gas and fittings gas engines stoves ranges pipes and other apparatus and appliances articles and things for lighting motive power the warming and ventilation of houses and buildings the cooking of food and for all other purposes for which gas can or may be used and may provide materials and do all work necessary in that behalf and charge therefor and may require and take such remuneration in money or such rents and charges for and make such terms and conditions with respect to the sale supply letting fixing setting up altering removing or refixing of such meters fittings engines stoves

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ranges pipes and other apparatus and appliances articles and things as aforesaid and for securing (both as regards the consumer and third parties) their safety and return to the Council as may be agreed upon between the Council and the person to or for whom the same are sold supplied let fixed set up altered or removed The engines stoves ranges pipes fittings and other apparatus appliances articles and things let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent nor to be taken in execution under any process of a court of law or equity or any proceedings in bankruptcy against the persons in whose possession the same may be Provided that such engines stoves ranges pipes fittings apparatus appliances articles and things have upon them a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Council as the actual owners thereof.

**25.** The Council may purchase take hold and use patent rights or licences or authorities (not being exclusive) under any letters patent for the use of any invention relative to the manufacture conversion utilisation or distribution of gas and such materials and residual products as hereinbefore mentioned.

Power to hold licences under letters patent.

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

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

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

Gas consumers to give notice to Council before removing.

**28.** A notice to the Council from a consumer for the discontinuance of a supply of gas shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the gas office of the Council.

Notice of discontinuance.

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- A.D. 1903. **29.** All gas supplied by the Council to any consumer of gas shall be supplied at such pressure as to balance a column of water from midnight to sunset not less than six-tenths of an inch and from sunset to midnight not less than eight-tenths of an inch in height at the main as near as may be to the junction therewith of the service pipe supplying such consumer and any gas examiner appointed under the Gasworks Clauses Act 1871 may subject to the terms of his appointment test the pressure at which the gas is supplied and may for that purpose open any street road passage or place vested in or under the control of any local or road authority and the provisions of the Gasworks Clauses Act 1871 with reference to testing of gas and to penalties shall *mutatis mutandis* apply to such testing of pressure and two hours' previous notice shall be given to the Council of the time and place at which such testing shall be conducted.
- Pressure of gas.
- Quality of gas. **30.** The prescribed number of candles shall be fourteen.
- Testing place. **31.** Within six months from the date of transfer a testing place shall be provided at some convenient part of the gasworks of the Council.
- Burner. **32.** The prescribed burner shall be Sugg's London argand burner Number 1 having not less than twenty-four holes and having a six-inch by one-and-three-quarter-inch glass chimney but if at any time and so long as the gas flame rises above the top of that glass a six-inch by two-inch chimney shall be used or any other burner or chimney approved for this purpose by the Board of Trade and in making tests for illuminating power the gas shall be burned at such rate as to yield the maximum light for which such burner is designed.
- Penalty not to be incurred in certain cases. **33.** No penalty shall be incurred by the Council for insufficiency of pressure defect in illuminating power or excess of impurity in the gas supplied by them in any case in respect of which it is proved that such insufficiency defect or excess was caused by an unavoidable cause or accident.
- Limiting price of gas. **34.** The price to be charged by the Council for gas supplied by them to persons who shall burn the same by meter shall not at any time exceed five shillings per one thousand cubic feet.
- Discounts. **35.** The Council may if they think fit allow discounts or rebates to consumers of gas in consideration of prompt payment of

gas rents or of large consumption upon such scale and subject to such conditions and regulations as may be prescribed by the Council Provided that such discounts or rebates shall be of equal amount under like circumstances to all consumers and shall not exceed in the case of discounts for prompt payment ten per cent. and in the case of discounts for large consumption twenty per cent. Provided also that in the event of the Council allowing discounts or rebates in consideration of prompt payment of gas rents notice thereof shall be endorsed on every demand note for gas rents. A.D. 1903.

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

**37.** In order to enable the Council to ensure a satisfactory supply of gas to their consumers the following provisions shall have effect :— As to construction and placing of pipes &c. between mains and consumers' premises.

- (1) The Council may specify the size and material of the pipes with the fittings thereof which are to be laid by the consumer between the Council's mains and the meter and (so far as the same are intended to be covered over) on the consumer's premises :
- (2) The Council may if they think fit make different specifications for different classes of premises having regard to the probable maximum consumption of gas thereon at any one time :
- (3) The specification shall be published twice in some newspaper or once in each of two newspapers circulating in the district and a copy thereof shall be kept exhibited in the gas office of the Council :
- (4) Every meter to be used in a new building or a building not previously supplied with gas or in connection with a new or substituted pipe laid by the consumer between the main and the consumer's meter shall be placed as

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near as reasonably practicable to the Council's main but within the outside wall of the building :

- (5) When any such pipe or meter as aforesaid has been laid or placed notice thereof shall be given to the Council and the pipe shall not be covered over until after the expiration of twenty-four hours from the service of such notice on the Council Any officer of the Council duly appointed may between nine o'clock in the morning and five o'clock in the afternoon attend and inspect such pipes (with their fittings) and meter and if the officer is not permitted to make the inspection or if the pipes or fittings are not according to the Council's specification or if the meter is not placed as required by this section the Council may refuse to supply gas to the premises until the provisions of this section have been complied with :
- (6) Any person to whom the Council refuses a supply of gas under the provisions of this section may appeal to a petty sessional court against such refusal and the court may after hearing the parties and considering any questions as to the reasonableness of the Council's specification make such order as seems to them proper in the circumstances and may order by which of the parties the costs of and incident to the appeal shall be paid.

Anti-fluctua-  
tors for gas  
engines.

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

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

**39.** The Council may upon the application of the owner or occupier of any premises abutting on or being erected in any street or road laid out or made but not dedicated to public use supply such premises with gas and may lay and take up alter relay or renew in across or along such street or road such pipes and other works as may be requisite or proper for furnishing such supply and the



provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid so far as they are applicable for the purposes of this section shall extend and apply to and for the purposes hereof. A.D. 1903.

40. The Council may contract with any corporation county council sanitary authority parish council company or persons whether within or beyond the gas limits (but as to any such company public body or persons beyond those limits only with the consent in writing of the local authority of and of any company authorised by special Act or Provisional Order confirmed by Parliament to supply gas within the district within which the supply is to be given) for the supply to them respectively of gas in bulk upon such terms and conditions and for such periods not exceeding in the case of any county council sanitary authority or parish council seven years from the making of the contract as shall be agreed upon. Supply of gas in bulk.

For the purpose of affording a supply of gas under this section outside the gas limits the Council may with the consent in writing of the road authority and of the sanitary authority and subject to such conditions as such road authority and sanitary authority may prescribe exercise the powers of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying or repairing pipes and other works within the districts of the road or sanitary authorities so consenting.

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

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

A.D. 1903.

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

#### PART IV.

##### FINANCIAL.

Power to borrow.

**42.** The Council may independently of any other borrowing power borrow at interest any sum or sums of money for the purposes hereinafter mentioned not exceeding the respective amounts hereinafter mentioned (that is to say):—

- (1) For the purchase of the undertaking of the company and for paying any sums payable by the Council to the company under this Act and for defraying the taxed costs and expenses incident to such purchase and to the transfer of the undertaking to the Council (other than the costs of this Act) such sum as may be required :
- (2) For the purchase of lands for and for the extension and improvement of the gasworks of the Council the sum of eight thousand pounds :
- (3) For paying the taxed costs and expenses of this Act as hereinafter provided the sum requisite for that purpose :
- (4) And with the approval of the Local Government Board such further moneys as the Council may require for any of the purposes of this Act or otherwise in relation to the gas undertaking of the Council.

Security for borrowed money.

**43.** In order to secure the repayment of the moneys borrowed under this Act and the payment of the interest thereon the Council may mortgage or charge the revenue of the gas undertaking of the Council and the district fund and general district rate.

Power to borrow under Local Loans Act 1875.

**44.** The Council if they think fit may borrow the moneys which they are by this Act authorised to borrow or any part thereof under the powers and subject to the provisions of the Local Loans Act 1875 as amended by the Local Loans Sinking Funds Act 1885

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*Act, 1903.*

by means of a loan or loans to be raised by the issue of debentures debenture stock or annuity certificates or partly in one way and partly in another. A.D. 1903.

Any moneys borrowed in manner by this section authorised for the purposes of this Act shall be a charge upon and shall be paid out of the same funds and rates as they would be charged upon and paid out of if raised by mortgage under this Act and such funds and rates shall in each case be the local rate within the meaning and for the purposes of the Local Loans Act 1875.

Every such loan shall be discharged within the respective periods prescribed by this Act and where any such loan is made repayable by means of a sinking fund the provisions of the section of this Act whereof the marginal note is "Regulations as to sinking fund" shall apply to such sinking fund in lieu of the provisions of section 15 of the Local Loans Act 1875.

**45.** The powers of borrowing money by this Act given shall not be restricted by any of the regulations contained in section 234 of the Public Health Act 1875 and in calculating the amount which the Council may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

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

**46.** Sections 236 to 239 of the Public Health Act 1875 shall extend and apply mutatis mutandis to mortgages granted under this Act.

Provisions of Public Health Act as to mortgages to apply.

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

Protection of lenders from inquiry.

**48.** The Council shall pay off all moneys borrowed by them under this Act within the respective periods following (hereinafter referred to as "the prescribed period") (that is to say):—

Periods for payment off of money borrowed.

As to moneys borrowed for the purpose (1) hereinbefore mentioned forty years from the date or dates of the borrowing of the same:

As to moneys borrowed for the purpose (2) hereinbefore mentioned thirty years from the date or dates of the borrowing of the same:

As to moneys borrowed for the purpose (3) hereinbefore mentioned five years from the date or dates of the borrowing of the same:

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A.D. 1903. — As to moneys borrowed with the approval of the Local Government Board such period not exceeding sixty years as they may think fit to sanction.

Mode of payment off of money borrowed.

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

Regulations as to sinking fund.

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

The Council in every year shall appropriate and set apart out of the rate and revenue on the security of which such moneys shall have been borrowed such equal annual sums as will with the accumulations thereof by way of compound interest at a rate not exceeding three per centum per annum in this section referred to as “the prescribed rate” be sufficient to pay off the principal moneys borrowed (so far as the same are repayable by means of a sinking fund) within the prescribed period :

Provided as follows (that is to say) :—

(A) The yearly sums so to be appropriated and set apart shall be invested from time to time and accumulated in the way of compound interest by investing the same and the dividends interest and annual income thereof respectively in securities in which trustees are for the time being authorised to invest or in mortgages debenture stock or other securities (not being annuities or securities transferable by delivery) duly created and issued by any local authority as defined by the Local Loans Act 1875 other than the Council and any such investments may be from time to time varied or transposed. Provided that if in any year the income arising from the investments of the sinking fund does not equal the prescribed rate any deficiency shall be made good out of the rate and revenue from which the annual payments to such fund are made and that if in any year such income exceeds the prescribed

rate any excess may be applied in reduction of the annual payments which would otherwise be required to be made to such fund: A.D. 1903.

- (B) The Council may at any time apply the whole or part of the sinking fund in or towards the repayment of the borrowed moneys for the repayment of which it was set apart in such order and manner as they deem proper Provided that in such case they pay into such sinking fund in each year afterwards and accumulate as herein-before prescribed until the whole of the borrowed moneys to which such sinking fund is applicable are discharged a sum equal to the interest produced by the sinking fund or part thereof so applied at the prescribed rate Provided also that whenever and so long as the value of the securities standing to the credit of the sinking fund taken at the market price of the day shall be equal to the amount of the borrowed moneys then outstanding for the repayment of which it was set aside the Council may in lieu of investing the yearly income of such fund apply the same in payment of interest on moneys in respect of which the fund was set aside and may during such periods discontinue the payment to the sinking fund of the yearly sums required to be paid thereto.

51. The clerk to the Council shall within twenty-one days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Act or in respect of any money raised thereunder and at any other time when the Local Government Board may require such return to be made transmit to the Local Government Board a return in such form as may be prescribed by that Board and if required by that Board verified by statutory declaration of the said clerk showing for the year next preceding the making of such return or for such other period as the Local Government Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purposes of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been

Return  
to Local  
Government  
Board as to  
repayment of  
debt.

A.D. 1903. — applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of his failing to make such return the clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court. If it appears to the Local Government Board by that return or otherwise that the Council have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by this Act or by the Local Government Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default shall have been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

Power to  
re-borrow.

**52.** If the Council pay off any moneys borrowed by them under this Act otherwise than by instalments appropriations or annual repayments or by means of a sinking fund or out of the proceeds of the sale of land or other property or out of fines or premiums on leases or out of other moneys received on capital account not being borrowed moneys they may from time to time re-borrow the same but all moneys so re-borrowed shall be repaid within the prescribed periods and shall be deemed to form the same loan as the moneys originally borrowed and the obligations of the Council with respect to the repayment of the loan and to the provision to be made for such repayment shall not be diminished by reason of such re-borrowing.

Council not  
to regard  
trusts.

**53.** The Council shall not be bound to see to the execution of any trust whether expressed or implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register or books of the Council shall be a sufficient discharge to the Council in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Council have had express or implied notice of any such

trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register or books and the Council shall not be bound to see to the application of the money paid on any such receipt or be answerable or accountable for any loss misapplication or non-application of any such money. A.D. 1903.  
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**54.** All moneys borrowed by the Council under the powers of this Act shall be applied only to the purposes for which they are respectively authorised to be borrowed and to which capital is properly applicable. Application  
of borrowed  
moneys.

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

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

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

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

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

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

Fourthly In providing a reserve fund for their gas undertaking if they think fit by setting aside such money as they from time to time think reasonable and investing the same and the resulting income thereof in Government securities or any securities in which trustees are or may be authorised to invest trust moneys (except securities of the Council and securities transferable by delivery) and accumulating the same at compound interest until the fund so formed amounts to a sum not exceeding ten per centum of the amount of the capital account of the gas undertaking of

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A.D. 1903.

the Council for the time being which fund shall be applicable from time to time to answer any deficiency at any time happening in the income of the Council from their gas undertaking or to meet any extraordinary claim or demand at any time arising against the Council in respect of that undertaking and so that if that fund is at any time reduced it may thereafter be again restored to the amount aforesaid and so from time to time as often as such reduction happens;

Fifthly In improving and extending the gas undertaking: And the Council shall carry to the district fund any balance remaining in any year after retaining or setting aside such a sum as may in the opinion of the Council be required for carrying on their gas undertaking and paying the current expenses connected therewith and shall also carry to the district fund the annual proceeds of the reserve fund when such fund amounts to the maximum amount hereinbefore prescribed.

As to deficiency in receipts.

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

Inquiries by Local Government Board.

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

(2) The Council shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

PART V.

MISCELLANEOUS.

Authentication and service of notices &c.

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



(2) Notices demands orders and other documents required or authorised to be served under this Act may be served in the same manner as notices under the Public Health Act 1875 are by section 267 of that Act authorised to be served Provided that in the case of any company any such notice demand order or document shall be delivered or sent by post addressed to the secretary of the company at their principal office or place of business. A.D. 1903.

**61.** No person entering into any contract with the Council for the supply of gas to him or for any meter or apparatus to be furnished to him or for any work to be done for him for the purposes of such supply shall thereby be disabled from being a member of the Council or incur any penalty by reason of such contract but any member of the Council concerned directly or indirectly by himself or any partner in any such contract shall not take part in any vote or proceeding relative thereto at any meeting of the Council. Contracts for gas and water not to disqualify.

**62.** Proceedings for the recovery of any demand not exceeding fifty pounds made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in the county court. Recovery of demands under fifty pounds.

**63.** The Council shall forward to the Registrar of Joint Stock Companies a printed copy of this Act and it shall be recorded by him and if such copy is not forwarded within three months from the passing of this Act the Council shall incur a penalty not exceeding two pounds for every day after the expiration of those three months during which the copy is omitted to be forwarded and every penalty shall be recoverable summarily There shall be paid to the Registrar by the Council on such copy being registered the like fee as is for the time being payable under the Companies Act 1862 on registration of any document other than a memorandum of association. Act to be registered by Registrar of Joint Stock Companies.

**64.** The costs charges and expenses preliminary to and of and incidental to preparing applying for obtaining and passing of this Act (including the costs charges and expenses preliminary to and of and connected with the compliance with the provisions of the Borough Funds Act 1872 with respect to the Bill for this Act) as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Council out of the district fund and general district rate or out of moneys borrowed under the authority of this Act. Costs of Act.

A.D. 1903. The SCHEDULE referred to in the foregoing Act.

LANDS ON WHICH THE EXISTING GASWORKS OF THE COMPANY  
ARE ERECTED.

Lands now belonging to and occupied by the company containing by admeasurement 2,790 square yards or thereabouts situate in the parish and urban district of Shepshed in the county of Leicester bounded on the north by land and buildings belonging to Thomas Bennett William Cotton and William Freeman respectively on the south by a public footpath leading from Field Street to Factory Street in Shepshed aforesaid on the east by Britannia Street and by land belonging to Thomas Bennett Harry Herbert Gibbs George Smalley and Walter Brown respectively and on the west by land belonging to William Freeman.

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