



CHAPTER lxxv.

An Act to confirm certain Provisional Orders of the Local Government Board relating to Cudworth Hucknall-under-Huthwaite and Meltham. [30th June 1903.] A.D. 1903.

WHEREAS the Local Government Board have made the Provisional Orders set forth in the schedule hereto under the Gas and Water Works Facilities Act 1870 the Gas and Water Works Facilities Act 1870 Amendment Act 1873 and the Public Health Act 1875 :

33 & 34 Vict.
c. 70.
36 & 37 Vict.
c. 89.
38 & 39 Vict.
c. 55.

And whereas it is requisite that the said Orders should be confirmed by Parliament and that the provisions herein contained should be enacted with reference thereto :

Be it therefore 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 :—

1. The Orders set out in the schedule hereto shall be and the same are hereby confirmed and all the provisions thereof shall subject to the provisions of this Act have full validity and force. Orders in schedule confirmed.

2. The Urban District Councils mentioned in the Orders hereby confirmed shall not under the powers of those Orders 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 of power to take houses of persons of labouring class.

For the purposes of this section the expression "labouring class" means mechanics artizans labourers and others working for

[Ch. lxv.] *Local Government Board's* [3 EDW. 7.]
Provisional Orders Confirmation (Gas) Act, 1903.

A.D. 1903. — 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.

Short title. **3.** This Act may be cited as the Local Government Board's Provisional Orders Confirmation (Gas) Act 1903.

SCHEDULE.

A.D. 1903.

URBAN DISTRICT OF CUDWORTH.

Provisional Order under the Gas and Water Works Facilities Act 1870. *Cudworth
(Gas) Order.*

To the Urban District Council of Cudworth;—

And to all others whom it may concern.

WHEREAS the Urban District Council of Cudworth (herein-after referred to as “the Council”) are the Urban Authority within the meaning of the Public Health Act 1875 for the Urban District of Cudworth in the West Riding of the County of York (herein-after referred to as “the district”);

And whereas under the Public Health Act 1875 the Council are themselves empowered to supply gas throughout the whole of the district and having agreed with the Barnsley Gas Company for the supply by that company to the Council of gas in bulk for all public and private purposes within the district have applied to the Local Government Board to issue a Provisional Order authorising a gas undertaking;

Now therefore We the Local Government Board in pursuance of the powers given to Us by Section 161 of the Public Health Act 1875 and by any other enactments 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.,—

38 & 39 Vict.
c. 55.

Art. I. This Order may be cited as the Cudworth Gas Order 1903.

Short title.

Art. II.—(1) Subject to the provisions of this Order 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 (unless there be something in the subject-matter or context repugnant to that construction).

Interpretation.

(2) The expression “gas fittings” includes any meter engine oven stove range pipe or burner or any other apparatus appliance article or thing used or intended or adapted to be used in or in connexion with the supply or consumption of gas for the purposes of lighting motive power heating and cooking or for any other purpose for which gas can or may be used.

Art. III. The limits within which this Order shall be in force and have effect shall be the district.

Limits of
Order.

Art. IV. The Council shall in relation to the purposes of this Order exercise and be subject to all the powers and provisions of the Public Health Act 1875 so far as the same are applicable to the purposes of this Order

Application of
Public Health
Act 1875.

A.D. 1903.

*Cudworth
(Gas) Order.*

but nothing herein contained shall empower the Council to acquire lands otherwise than by agreement.

Power to
contract for
purchase of
gas in bulk.

Art. V. The Council may contract with the Barnsley Gas Company or any other company firm or person for the purchase of gas in bulk and may sell gas and may erect and provide all necessary works and apparatus for distributing and supplying gas for all public and private purposes within the district.

Incorporation
of Acts.

Art. VI. The provisions of the Lands Clauses Acts (except 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 and except Section 127 of the Lands Clauses Consolidation Act 1845) and the provisions of the Gasworks Clauses Act 1847 (except Sections 30 to 38 and Sections 43 45 46 and 47 thereof) and of the Gasworks Clauses Act 1871 (except Sections 8 24 to 27 Sections 29 and 35 and Schedule B thereof) are incorporated with this Order and the said provisions of the said Gasworks Clauses Acts as so incorporated shall have effect subject to the provisions of this Order.

Construction
of works.

Art. VII. The Council may upon the lands described in the schedule hereto when acquired by them erect a station meterhouse workshop storehouse and appurtenances together with all necessary meters mains pipes works and apparatus in connexion therewith.

Council not to
manufacture
gas or residual
products
except on sche-
duled land.

Art. VIII. The Council shall not manufacture gas or any residual products arising in the manufacture of gas neither shall they store gas on any lands which shall be situated within three hundred yards of any dwelling-house without the previous consent in writing of the owner lessee and occupier of such dwelling-house.

Supply of
fittings.

Art. IX. The Council may purchase or hire and sell or let on hire supply and otherwise deal in and fix set up alter remove and re-fix but shall not manufacture any gas fittings 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 letting supply fixing setting up altering removing or re-fixing of such gas fittings and for securing their safety and (if the circumstances so require) their return to the Council as may be agreed upon between the Council and the person to or for whom the said gas fittings are sold let supplied fixed set up altered removed or re-fixed.

Quality of gas.

Art. X. The gas supplied by the Council shall with respect to its quality illuminating power pressure and purity be equal to the gas supplied to them.

Photometer to
be provided.

Art. XI. The Council shall before supplying or within one month after beginning to supply 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.

Testing place
and burner.

Art. XII.—(1) For the purposes of the Gasworks Clauses Act 1871 the prescribed testing place shall be a testing place which shall be provided

by the Council on the lands described in the schedule to this Order before supplying or within one month after beginning to supply gas under the authority of this Order 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 or such other burner as the Board of Trade may approve.

A.D. 1903.

Cudworth
(Gas) Order.

(2) 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 not being the immediate approach to any railway bridge or railway station as and when he thinks fit test the pressure at which the gas is supplied and for that purpose may open any street road passage or place vested in or under the control of any local or road authority and two hours' previous notice shall be given to the Council of the time and place at which any testing for pressure elsewhere than at the testing place will be conducted.

Art. XIII. No penalty shall be incurred by the Council 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 produced by some cause or accident unavoidable as regards the Council.

No penalty
in case of
unavoidable
cause.

Art. XIV. The price to be charged by the Council for gas supplied by them to consumers shall not exceed five shillings per one thousand cubic feet and so on in proportion for any less quantity supplied. Provided nevertheless that every odd fraction or portion of one hundred cubic feet may be charged for as one hundred cubic feet.

Maximum
price.

Art. XV. The Council shall keep separate records of the gas supplied by them to private consumers and for public lighting respectively. The price charged for gas for public lighting shall not be less than that charged to private consumers by more than ten per centum.

Price of gas
for public
supply.

Art. XVI. The Council may with the sanction of the Local Government Board and for the purposes of this Order (which purposes shall be deemed to include the costs payable by the Council of and in connexion with the preparation making and confirmation by Parliament of this Order) borrow money upon the security of the moneys from time to time received by them by way of revenue under this Order and upon the security of the district fund and general district rate of the district or upon either of such securities.

Borrowing
powers.

Art. XVII. For the purpose of raising money in the exercise of the powers of borrowing or re-borrowing conferred by this Order the provisions of the Local Loans Act 1875 shall be available to the Council and Sections 236 to 238 of the Public Health Act 1875 shall apply to all moneys borrowed or re-borrowed on mortgage under this Order.

Local Loans
Act and cer-
tain provisions
of Public Health
Act made
applicable.

Art. XVIII. The moneys borrowed under this Order shall be repaid within such period not exceeding fifty years from the date of borrowing as

Period for
repayment
of money
borrowed.

A.D. 1903. the Council with the sanction of the Local Government Board in each case determine and the period so determined and sanctioned is herein-after referred to as "the prescribed period" and shall with reference to the moneys to be repaid be the prescribed period for the purposes of this Order and of the Local Loans Act 1875.

Cudworth
(Gas) Order.

Mode of
repayment.

Art. XIX.—(1) The Council shall repay the moneys borrowed under this Order (other than moneys borrowed under the provisions of the Local Loans Act 1875) by equal annual instalments of principal or by equal annual instalments of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or the others of them.

Formation
maintenance
and application
of sinking fund.

(2) Subject to the provisions of Article XX. of this Order if the Council determine to repay by means of a sinking fund any moneys borrowed under this Order such sinking fund shall be formed and maintained either—

(a) by payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed. A sinking fund so formed is herein-after called a non-accumulating sinking fund; or

(b) by payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three pounds per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed. A sinking fund so formed is herein-after called an accumulating sinking fund.

(3) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in securities in which trustees are by law for the time being authorised to invest or in mortgages bonds debentures debenture stock stock or other securities (not being annuity certificates or securities payable to bearer) duly issued by any local authority as defined by Section 34 of the Local Loans Act 1875 but exclusive in every case of the securities of the Council the Council being at liberty from time to time to vary and transpose such investments.

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

(5) The Council may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed. Provided that in the case of an accumulating sinking fund the Council shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by the sinking fund or the part of the sinking

fund so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based. A.D. 1903.

(6)—(a) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the equal annual payments to the fund are based any deficiency shall be made good by the Council:

Cudworth
(Gas) Order.

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

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

Art. XX.—(1) If it appears to the Council at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Order together with the accumulations thereon (in the case of an accumulating sinking fund) will probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Council to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose. Provided that if it appears to the Local Government Board that any such increase is necessary the Council shall increase the payments to such extent as the Board may direct.

Increase re-
duction or
discontinuance
of payments to
sinking fund.

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

(3) If in the opinion of the Local Government Board the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Order together with the accumulations thereon (in the case of an accumulating sinking fund) will probably be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Council may reduce the payments to be made to the sinking fund either temporarily or permanently to such an extent as the Board approve.

(4) If in the opinion of the Local Government Board the amount in any sinking fund at any time together with the accumulations thereon (in the case of an accumulating sinking fund) will probably be sufficient to repay the loan in respect of which it is formed within the prescribed period the Council may with the consent of the Board discontinue the equal annual payments to such sinking fund until the Board otherwise direct.

(5) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be

Surplus of
sinking fund.

[Ch. lxxv.] *Local Government Board's* [3 Edw. 7.]
Provisional Orders Confirmation (Gas) Act, 1903.

* A.D. 1903. applied to such purpose or purposes as the Council with the consent of the Local Government Board may determine.

Cudworth
* (Gas) Order.
Power to
re-borrow.

Art. XXI. The Council shall except as herein-after provided have power to re-borrow for the purpose of paying off any moneys borrowed or re-borrowed under this Order which have not been repaid and are intended to be forthwith repaid or in respect of any moneys which have been repaid by the temporary application of funds at the disposal of the Council within twelve months before the re-borrowing and which at the time of the repayment it was intended to re-borrow :

Provided that the Council shall not have power to re-borrow for the purpose of paying off any moneys repaid by instalments or annual payments or by means of a sinking fund or out of moneys derived from the sale of land or out of any capital moneys properly applicable to the purpose of such repayment other than moneys borrowed for that purpose :

Provided also that any moneys re-borrowed shall be deemed to form the same loan as the moneys for the repayment of which the re-borrowing has been made and shall be repaid within the prescribed period.

Application of
borrowed
moneys.

Art. XXII. All moneys from time to time borrowed or re-borrowed under this Order shall be applied by the Council only for the purposes for which the same are respectively authorised to be borrowed or re-borrowed excepting that moneys which may have been borrowed or re-borrowed in excess of the amount required shall be applied in such manner as the Council with the approval of the Local Government Board determine and all money received by the Council under this Order either as purchase money of lands sold or for equality of exchange or as consideration for a lease shall be applied to works or objects on which capital may properly be expended when the Local Government Board have sanctioned the application of the same to those purposes or shall be applied according as the Council may determine towards the reduction of the debt owing by the Council or towards the increase of the sinking fund set apart under this Order Provided that it shall not be in any way incumbent on any mortgagee to see to the application of any moneys so borrowed or re-borrowed nor shall the mortgagee be responsible for any misapplication thereof.

Receiver.

Art. XXIII.—(1) Subject to the provisions of this Article any mortgagee of the Council in respect of a mortgage under this Order may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver.

(2) The application for the appointment of a receiver shall be made to the High Court and the Court if it thinks fit may appoint a receiver on such terms as it thinks fit and may at any time discharge the receiver and otherwise exercise full jurisdiction over him :

Provided that no such application shall be entertained unless the amount of arrears due to the applicant or in the case of a joint application by two or

more mortgagees to such applicants collectively be not less than five hundred pounds in the whole.

A.D. 1903.

Cudworth
(Gas) Order.Return as to
provision for
repayment of
debt.

Art. XXIV.—(1) The clerk to the Council shall within twenty-one days after the Thirty-first day of March in each year if during the twelve months next preceding the said Thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Order or in respect of any money raised thereunder and at any other time when the Local Government Board may require such a return to be made transmit to the Board a return in such form as may from time to time be prescribed by the Board and if required by the Board verified by statutory declaration of such clerk showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of his failing to make such return the said 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 Board out of the High Court.

(2) If it appears to the Local Government Board by that return or otherwise that the Council have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by this Order or by the Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purpose other than an authorised purpose the Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of mandamus to be obtained by the Board out of the High Court.

Art. XXV. The powers of borrowing and re-borrowing conferred by this Order shall be deemed to be distinct from and in addition to the powers of borrowing and re-borrowing conferred on the Council by the Public Health Act 1875.

Borrowing
powers to be
in addition to
those in Public
Health Act.

Art. XXVI. The Council shall keep separate capital and revenue accounts of all receipts credits payments liabilities and transactions in and about the execution and in relation to the purposes of this Order which accounts shall

Separate
accounts.

A.D. 1903. be distinct from the other accounts of the Council and shall be called respectively "the gas capital account" and "the gas revenue account."

*Cudworth
(Gas) Order.*

Application of
gas revenue.

Art. XXVII. All moneys from time to time received by the Council by way of revenue under this Order shall be applied for the following purposes :—

In payment of the expenses properly chargeable to revenue of carrying on and maintaining their gas undertaking ;

In payment of the interest on the moneys borrowed or re-borrowed for the purposes of this Order ;

In providing for the discharge of any moneys borrowed or re-borrowed for the purposes of this Order in accordance with the provisions of this Order or if such money was borrowed thereunder of the Local Loans Act 1875 ;

In setting apart if the Council think fit a yearly sum not exceeding ten pounds per centum of such revenue for the purpose of forming a reserve fund to provide for any extraordinary expenditure in connexion with the purposes of the gas undertaking Provided that such reserve fund shall be accumulated by way of compound interest by investment in the manner specified in subdivision (3) of Article XIX. of this Order as to the sinking fund until it amounts according to the market price of such investments to the sum of five hundred pounds and that whenever the reserve fund amounts according to the market price of such investments to the sum of five hundred pounds the income therefrom shall be applied in the same manner as money received by the Council by way of revenue under this Order ;

In payment if the Council think fit of the expenses of executing any permanent works authorised by this Order ;

The residue (if any) of such revenue shall be carried to the credit of the district fund but no part of such revenue shall be carried to the credit of the district fund when the price of gas to private consumers exceeds four shillings per one thousand cubic feet.

Charges of
carrying Order
into execution.

Art. XXVIII. The Council shall not defray any of the charges and expenses of carrying this Order into execution other than payments required to be made in respect of money borrowed on mortgage of the district fund and general district rate out of that fund or rate when the price of gas to private consumers is less than five shillings per one thousand cubic feet.

Inquiries and
expenses.

Art. XXIX. Where the Local Government Board cause any local inquiry to be held with reference to any of the purposes of this Order the costs incurred by the Board in relation to such inquiry (including such reasonable sum not exceeding three guineas a day as the Board may determine for the services of any inspector or officer of the Board engaged in such inquiry) shall be paid by the Council and the Board may certify the amount of the costs so incurred and any sum so certified and directed by the Board to be paid by the Council shall be a debt due to the Crown from the Council.

The SCHEDULE above referred to.

A.D. 1903.

Cudworth
(Gas) Order.

A piece of land in the Parish and Urban District of Cudworth in the West Riding of the County of York containing by admeasurement two roods or thereabouts belonging or reputed to belong to Mary Edith Taylor and Henry Bradwardine Jackson and forming part of the enclosures numbered 217 and 222 respectively on the Ordnance Map (scale $\frac{1}{25000}$ First Edition 1893) of that parish and abutting on and bounded on or towards the south by the highway leading from Barnsley to Pontefract on or towards the east by other part of the enclosure numbered 222 on the same plan on or towards the north in part by other part of the said enclosure numbered 217 and in other part by other part of the said enclosure numbered 222 and on or towards the west by other part of the said enclosure numbered 217.

Given under the Seal of Office of the Local Government Board this
Twenty-first day of April One thousand nine hundred and
three.

(L.S.)

WALTER H. LONG President.
S. B. PROVIS Secretary.

URBAN DISTRICT OF HUCKNALL-UNDER-HUTHWAITE.

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

Hucknall-
under-
Huthwaite
(Gas) Order.

To the Urban District Council of Hucknall-under-Huthwaite ;-

And to all others whom it may concern.

WHEREAS the Urban District Council of Hucknall-under-Huthwaite (herein-after referred to as "the Council") are the Urban Authority within the meaning of the Public Health Act 1875 for the Urban District of Hucknall-under-Huthwaite in the County of Nottingham (herein-after referred to as "the district");

And whereas under the Public Health Act 1875 the Council are themselves empowered to supply gas throughout the whole of the district and have subject to the sanction of the Local Government Board agreed to buy from the South Normanton Blackwell and Hucknall-under-Huthwaite Gas Company Limited (herein-after referred to as "the Company") all and singular the works mains pipes meters and other gas apparatus and all other the real and personal property (if any) and all effects of and easements rights powers and authorities enjoyed or exerciseable by the Company within the district (in this Order referred to as "the gas undertaking");

A.D. 1903.

*Hucknall-
under-
Huthwaite
(Gas) Order.*

And whereas the Company have in pursuance of a special resolution of the members of the Company passed in manner provided by the Companies Act 1862 agreed to sell the gas undertaking to the Council and to supply the Council with gas in bulk and the Council have applied to the Local Government Board to issue a Provisional Order authorising them to maintain and continue the gas undertaking if and when the same shall be acquired by them to purchase in bulk and supply gas and to borrow money for those purposes :

38 & 39 Vict.
c. 55.

Now therefore We the Local Government Board in pursuance of the powers given to Us by Section 161 of the Public Health Act 1875 and by any other enactments 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.,—

Short title.

Art. I. This Order may be cited as the Hucknall-under-Huthwaite Gas Order 1903.

Interpretation.

Art. II.—(1) Subject to the provisions of this Order 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 (unless there be something in the subject-matter or context repugnant to that construction).

(2) The expression “gas fittings” includes any meter engine oven stove range pipe or burner or any other apparatus appliance article or thing used or intended or adapted to be used in or in connexion with the supply or consumption of gas for the purposes of lighting motive power heating and cooking or for any other purpose for which gas can or may be used.

Limits of
Order.

Art. III. The limits within which this Order shall be in force and have effect shall be the district.

Application of
Public Health
Act 1875.

Art. IV. The Council shall in relation to the purposes of this Order exercise and be subject to all the powers and provisions of the Public Health Act 1875 so far as the same are applicable to the purposes of this Order but nothing herein contained shall empower the Council to acquire lands otherwise than by agreement.

Incorporation
of Acts.

Art. V. The provisions of the Lands Clauses Acts (except 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 and except Section 127 of the Lands Clauses Consolidation Act 1845) and the provisions of the Gasworks Clauses Act 1847 (except Sections 30 to 38 and Sections 43 45 46 and 47 thereof) and of the Gasworks Clauses Act 1871 (except Sections 8 24 to 27 Sections 29 and 35 and Schedule B thereof) are incorporated with this Order and the said provisions of the said Gasworks Clauses Acts as so incorporated shall have effect subject to the provisions of this Order.

Council may
contract for
purchase of
gas in bulk.

Art. VI. The Council may when the gas undertaking shall have been acquired by them maintain renew continue alter extend and enlarge the same and any parts thereof and may contract with the Company or any other

A.D. 1903.

company firm or person for the purchase of gas in bulk and may sell gas and may erect and provide all necessary works and apparatus for distributing and supplying gas for all public and private purposes within the district.

*Hucknall-
under-
Huthwaite
(Gas) Order.*

Art. VII. The Council shall not manufacture gas or any residual products arising in the manufacture of gas neither shall they store gas on any lands which shall be situated within three hundred yards of any dwelling-house without the previous consent in writing of the owner lessee and occupier of such dwelling-house.

Council not to
manufacture
gas or residual
products.

Art. VIII. The Council may purchase or hire and sell or let on hire supply and otherwise deal in and fix set up alter remove and re-fix but shall not manufacture any gas fittings 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 letting supply fixing setting up altering removing or re-fixing of such gas fittings and for securing their safety and (if the circumstances so require) their return to the Council as may be agreed upon between the Council and the person to or for whom the said gas fittings are sold let supplied fixed set up altered removed or re-fixed.

Supply of
fittings.

Art. IX. The gas supplied by the Council shall with respect to its quality illuminating power pressure and purity be equal to the gas supplied to them.

Quality of gas.

Art. X. The Council shall before supplying or within one month after beginning to supply 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.

Photometer to
be provided.

Art. XI.—(1) For the purposes of the Gasworks Clauses Act 1871 the prescribed testing place shall be a testing place which shall be provided by the Council on lands acquired by them for the purposes of this Order before supplying or within one month after beginning to supply gas under the authority of this Order and the burner to be used for testing the gas shall be either 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) or such other burner as the Board of Trade may approve.

Testing place
and burner.

(2) 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 not being the immediate approach to any railway bridge or railway station as and when he thinks fit test the pressure at which the gas is supplied and for that purpose may open any street road passage or place vested in or under the control of any local or road authority and two hours' previous notice shall be given to the Council of the time and place at which any testing for pressure elsewhere than at the testing place will be conducted,

Hucknall-
under-
Huthwaite
(Gas) Order.

No penalty
in case of
unavoidable
cause.

Maximum
price.

Price of gas
for public
supply.

Borrowing
powers.

Local Loans
Act and certain
provisions of
Public Health
Act made
applicable.

Period for
repayment
of money
borrowed.

Mode of
repayment.

Formation
maintenance
and application
of sinking fund.

Art. XII. No penalty shall be incurred by the Council 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 produced by some cause or accident unavoidable as regards the Council.

Art. XIII. The price to be charged by the Council for gas supplied by them to consumers shall not exceed five shillings and sixpence per one thousand cubic feet and so on in proportion for any less quantity supplied Provided nevertheless that every odd fraction or portion of one hundred cubic feet may be charged for as one hundred cubic feet.

Art. XIV. The Council shall keep separate records of the gas supplied to private consumers and for public lighting respectively The price charged for gas for public lighting shall not be less than that charged to private consumers by more than ten per centum.

Art. XV. The Council may with the sanction of the Local Government Board and for the purposes of this Order (which purposes shall be deemed to include the costs payable by the Council of and in connexion with the preparation making and confirmation by Parliament of this Order and the sum to be paid for the purchase of the gas undertaking) borrow money upon the security of the moneys from time to time received by them by way of revenue under this Order and upon the security of the district fund and general district rate of the district or upon either of such securities.

Art. XVI. For the purpose of raising money in the exercise of the powers of borrowing or re-borrowing conferred by this Order the provisions of the Local Loans Act 1875 shall be available to the Council and Sections 236 to 238 of the Public Health Act 1875 shall apply to all moneys borrowed or re-borrowed on mortgage under this Order.

Art. XVII. The moneys borrowed under this Order shall be repaid within such period not exceeding fifty years from the date of borrowing as the Council with the sanction of the Local Government Board in each case determine and the period so determined and sanctioned is herein-after referred to as "the prescribed period" and shall with reference to the moneys to be repaid be the prescribed period for the purposes of this Order and of the Local Loans Act 1875.

Art. XVIII.—(1) The Council shall repay the moneys borrowed under this Order (other than moneys borrowed under the provisions of the Local Loans Act 1875) by equal annual instalments of principal or by equal annual instalments of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or the others of them.

(2) Subject to the provisions of Article XIX. of this Order if the Council determine to repay by means of a sinking fund any moneys borrowed under this Order such sinking fund shall be formed and maintained either—

(a) by payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the

repayment of which the sinking fund is formed A sinking fund so formed is herein-after called a non-accumulating sinking fund ; or

- (b) by payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three pounds per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed A sinking fund so formed is herein-after called an accumulating sinking fund.

(3) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in securities in which trustees are by law for the time being authorised to invest or in mortgages bonds debentures debenture stock stock or other securities (not being annuity certificates or securities payable to bearer) duly issued by any local authority as defined by Section 34 of the Local Loans Act 1875 but exclusive in every case of the securities of the Council the Council being at liberty from time to time to vary and transpose such investments.

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

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

(6)—(a) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the equal annual payments to the fund are based any deficiency shall be made good by the Council :

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

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

Art. XIX. — (1) If it appears to the Council at any time that the amount in the sinking fund with the future payments thereto in accordance

A.D. 1903.

Hucknall-
under-
Huthwaite
(Gas) Order.

Increase
reduction or
discontinuance

A.D. 1903.
Hucknall-
under-
Huthwaite
(Gas) Order.
of payments to
sinking fund.

with the provisions of this Order together with the accumulations thereon (in the case of an accumulating sinking fund) will probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Council to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose. Provided that if it appears to the Local Government Board that any such increase is necessary the Council shall increase the payments to such extent as the Board may direct.

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

(3) If in the opinion of the Local Government Board the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Order together with the accumulations thereon (in the case of an accumulating sinking fund) will probably be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Council may reduce the payments to be made to the sinking fund either temporarily or permanently to such an extent as the Board approve.

(4) If in the opinion of the Local Government Board the amount in any sinking fund at any time together with the accumulations thereon (in the case of an accumulating sinking fund) will probably be sufficient to repay the loan in respect of which it is formed within the prescribed period the Council may with the consent of the Board discontinue the equal annual payments to such sinking fund until the Board otherwise direct.

Surplus of
sinking fund.

(5) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose or purposes as the Council with the consent of the Local Government Board may determine.

Power to
re-borrow.

Art. XX. The Council shall except as herein-after provided have power to re-borrow for the purpose of paying off any moneys borrowed or re-borrowed under this Order which have not been repaid and are intended to be forthwith repaid or in respect of any moneys which have been repaid by the temporary application of funds at the disposal of the Council within twelve months before the re-borrowing and which at the time of the repayment it was intended to re-borrow :

Provided that the Council shall not have power to re-borrow for the purpose of paying off any moneys repaid by instalments or annual payments or by means of a sinking fund or out of moneys derived from the sale of land or out of any capital moneys properly applicable to the purpose of such repayment other than moneys borrowed for that purpose :

Provided also that any moneys re-borrowed shall be deemed to form the same loan as the moneys for the repayment of which the re-borrowing has been made and shall be repaid within the prescribed period.

Application
of borrowed
moneys.

Art. XXI. All moneys from time to time borrowed or re-borrowed under this Order shall be applied by the Council only for the purposes for

which the same are respectively authorised to be borrowed or re-borrowed excepting that moneys which may have been borrowed or re-borrowed in excess of the amount required shall be applied in such manner as the Council with the approval of the Local Government Board determine and all money received by the Council under this Order either as purchase money of lands sold or for equality of exchange or as consideration for a lease shall be applied to works or objects on which capital may properly be expended when the Local Government Board have sanctioned the application of the same to those purposes or shall be applied according as the Council may determine towards the reduction of the debt owing by the Council or towards the increase of the sinking fund set apart under this Order. Provided that it shall not be in any way incumbent on any mortgagee to see to the application of any moneys so borrowed or re-borrowed nor shall the mortgagee be responsible for any misapplication thereof.

A.D. 1903.

Hucknall
under-
Huthwaite
(Gas) Order.

Art. XXII.—(1) Subject to the provisions of this Article any mortgagee of the Council in respect of a mortgage under this Order may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver.

Receiver.

(2) The application for the appointment of a receiver shall be made to the High Court and the Court if it thinks fit may appoint a receiver on such terms as it thinks fit and may at any time discharge the receiver and otherwise exercise full jurisdiction over him :

Provided that no such application shall be entertained unless the amount of arrears due to the applicant or in the case of a joint application by two or more mortgagees to such applicants collectively be not less than five hundred pounds in the whole.

Art. XXIII.—(1) The clerk to the Council shall within twenty-one days after the Thirty-first day of March in each year if during the twelve months next preceding the said Thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Order or in respect of any money raised thereunder and at any other time when the Local Government Board may require such a return to be made transmit to the Board a return in such form as may from time to time be prescribed by the Board and if required by the Board verified by statutory declaration of such clerk showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of his failing to make such return the said clerk shall

Return as to
provision for
repayment
of debt.

[Ch. lxxv.] *Local Government Board's* [3 EDW. 7.]
Provisional Orders Confirmation (Gas) Act, 1903.

A.D. 1903. 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 Board out of the High Court.

*Hucknall-
under-
Huthwaite
(Gas) Order.*

(2) If it appears to the Local Government Board by that return or otherwise that the Council have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by this Order or by the Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purpose other than an authorised purpose the Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of mandamus to be obtained by the Board out of the High Court.

Art. XXIV. The powers of borrowing and re-borrowing conferred by this Order shall be deemed to be distinct from and in addition to the powers of borrowing and re-borrowing conferred on the Council by the Public Health Act 1875.

*Borrowing
powers to be
in addition to
those in Public
Health Act.*

Art. XXV. The Council shall keep separate capital and revenue accounts of all receipts credits payments liabilities and transactions in and about the execution and in relation to the purposes of this Order which accounts shall be distinct from the other accounts of the Council and shall be called respectively "the gas capital account" and "the gas revenue account."

*Separate
accounts.*

Art. XXVI. All moneys from time to time received by the Council by way of revenue under this Order shall be applied for the following purposes:—

*Application of
gas revenue.*

In payment of the expenses properly chargeable to revenue of carrying on and maintaining their gas undertaking;

In payment of the interest on the moneys borrowed or re-borrowed for the purposes of this Order;

In providing for the discharge of any moneys borrowed or re-borrowed for the purposes of this Order in accordance with the provisions of this Order or if such money was borrowed thereunder of the Local Loans Act 1875;

In setting apart if the Council think fit a yearly sum not exceeding ten pounds per centum of such revenue for the purpose of forming a reserve fund to provide for any extraordinary expenditure in connexion with the purposes of the gas undertaking Provided that such reserve fund shall be accumulated by way of compound interest by investment in the manner specified in subdivision (3) of Article XVIII. of this Order as to the sinking fund until it amounts according to the

market price of such investments to the sum of five hundred pounds and that whenever the reserve fund amounts according to the market price of such investments to the sum of five hundred pounds the income therefrom shall be applied in the same manner as money received by the Council by way of revenue under this Order ;

A.D. 1903.

— —
Hucknall-
under-
Huthwite
(Gas) Order.

In payment if the Council think fit of the expenses of executing any permanent works authorised by this Order ;

The residue (if any) of such revenue shall be carried to the credit of the district fund but no part of such revenue shall be carried to the credit of the district fund when the price of gas to private consumers exceeds four shillings and sixpence per one thousand cubic feet.

Art. XXVII. The Council shall not defray any of the charges and expenses of carrying this Order into execution other than payments required to be made in respect of money borrowed on mortgage of the district fund and general district rate out of that fund or rate when the price of gas to private consumers is less than five shillings and sixpence per one thousand cubic feet.

Charges of
carrying Order
into execution.

Art. XXVIII. Where the Local Government Board cause any local inquiry to be held with reference to any of the purposes of this Order the costs incurred by the Board in relation to such inquiry (including such reasonable sum not exceeding three guineas a day as the Board may determine for the services of any inspector or officer of the Board engaged in such inquiry) shall be paid by the Council and the Board may certify the amount of the costs so incurred and any sum so certified and directed by the Board to be paid by the Council shall be a debt due to the Crown from the Council.

Inquiries and
expenses.

Given under the Seal of Office of the Local Government Board this
Twenty-second day of April One thousand nine hundred and
three.

(L.S.)

WALTER H. LONG President.
S. B. PROVIS Secretary.

URBAN DISTRICT OF MELTHAM.

*Provisional Order under the Gas and Water Works Facilities Act
1870 and the Gas and Water Works Facilities Act 1870
Amendment Act 1873.*

*Meltham
(Gas) Order.*

To the Urban District Council of Meltham ; —

And to all others whom it may concern.

WHEREAS the Urban District Council of Meltham (herein-after referred to as "the Council") are the Urban Authority within the meaning of the Public Health Act 1875 for the Urban District of Meltham in the West Riding of the County of York (herein-after referred to as "the District") ;

A.D. 1903.
—
Meltham
(Gas) Order.
50 & 51 Vict.
c. lxxxiii.

And whereas by the Meltham Gas Order 1887 (herein-after referred to as "the Order") which was confirmed by the Local Government Board's Provisional Orders Confirmation (Gas) Act 1887 the Council are empowered on the lands described in the schedules thereto to maintain continue construct alter enlarge repair renew or when necessary remove buildings apparatus and works for the manufacture and storage of gas and of coke and other refuse or residual products arising from the manufacture of gas and any matters producible therefrom and dwellings for any persons employed in the said works;

And whereas by the Order the Council are also empowered to make supply and sell gas within the District for public and private purposes but are prohibited from manufacturing gas or any residual products arising in the manufacture of gas on any land other than that specified in the said schedules and from the storing of gas on any land other than that specified in those schedules which is situated within three hundred yards of any dwelling-house existing at the time when they propose to store gas thereon without the previous consent in writing of the owner lessee and occupier of such dwelling-house;

And whereas the Council require to extend their gasworks and gas undertaking and for that purpose to purchase additional lands and it is expedient that a Provisional Order be made for the purposes herein-after appearing:

33 & 34 Vict.
c. 70.
36 & 37 Vict.
c. 89.
38 & 39 Vict.
c. 55.

Now therefore We the Local Government Board in pursuance of the powers given to Us by the Gas and Water Works Facilities Act 1870 section 12 of the Gas and Water Works Facilities Act 1870 Amendment Act 1873 and Section 161 of the Public Health Act 1875 and by any other enactments in that behalf do hereby order that from and after the date of the Act of Parliament confirming this Order the Order shall be amended and varied so that the following provisions shall take effect:—

Art. I. Notwithstanding anything in the Order to the contrary—

Further lands
for gas pur-
poses.

(1) The Council may for the purposes of the gas undertaking authorised by the Order purchase by agreement but not otherwise the lands described in the schedule hereto.

Use of further
gas lands.

(2) The Council may use the lands described in the schedule hereto if and when acquired by them for all or any of the purposes of the said gas undertaking including the manufacture or storage of gas or residual products.

Prohibition of
manufacture
&c. on other
than scheduled
lands.

(3) The Council may for the purposes of the Order and this Order purchase by agreement but not otherwise such additional land not exceeding one acre as they may require but they shall not manufacture gas or any residual products arising in the manufacture of gas on any such lands neither shall they commence the storage of gas on any lands other than those specified in the schedules to the Order and this Order which shall be situated within three hundred yards of any dwelling-house without the previous consent in writing of the owner lessee and occupier of the dwelling-house.

Art. II. Where the Local Government Board cause any local inquiry to be held with reference to any of the purposes of the Order or this Order the costs incurred by the Board in relation to such inquiry (including such reasonable sum not exceeding three guineas a day as the Board may determine for the services of any inspector or officer of the Board engaged in such inquiry) shall be paid by the Council and the Board may certify the amount of the costs so incurred and any sum so certified and directed by the Board to be paid by the Council shall be a debt due to the Crown from the Council.

A.D. 1903.
Meltham
 (Gas) Order.
 Inquiries and
 expenses.

Art. III. This Order may be cited as the Meltham Gas Order 1903 and the Order and this Order may be cited together as the Meltham Gas Orders 1887 and 1903.

Short title.

The SCHEDULE above referred to.

All that piece of land situate in the Township of Meltham and Parish of Almondbury in the County of the West Riding of Yorkshire containing a superficial area of 17545 square yards or thereabouts bounded on the north and north-west by land belonging or reputed to belong to the Council on the south by land belonging or reputed to belong to the Earl of Dartmouth on the west by land belonging or reputed to belong to Thomas Julius Hirst and on the east by land belonging or reputed to belong to James Shaw.

Given under the Seal of Office of the Local Government Board this
 Third day of April One thousand nine hundred and three.

(L.S.)

WALTER H. LONG President.
 S. B. PROVIS Secretary.

Printed by EYRE and SPOTTISWOODE,

FOR

T. DIGBY PIGOTT, Esq., C.B., the King's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
 EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C.; or
 OLIVER AND BOYD, EDINBURGH; or
 E. PONSONBY, 116, GRAFTON STREET, DUBLIN.