



## CHAPTER lxxvii.

An Act to confirm a Provisional Order of the Local Government Board relating to Withnell. A.D. 1905.

[30th June 1905.]

**W**HEREAS the Local Government Board have made the Provisional Order set forth in the schedule hereto under the Gas and Water Works Facilities Act 1870 and the Public Health Act 1875:

33 & 34 Vict.  
c. 70.  
38 & 39 Vict.  
c. 55.

And whereas it is requisite that the said Order should be confirmed by Parliament:

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 Order set out in the schedule hereto shall be and the same is hereby confirmed and all the provisions thereof shall have full validity and force. Order in  
schedule  
confirmed.

2. This Act may be cited as the Local Government Board's Provisional Order Confirmation (Gas) Act 1905. Short title.



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A.D. 1905.

SCHEDULE.

URBAN DISTRICT OF WITHNELL.

*Withnell  
(Gas) Order.*

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

To the Urban District Council of Withnell; —

And to all others whom it may concern.

WHEREAS the Urban District Council of Withnell (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 Withnell in the County Palatine of Lancaster (herein-after referred to as "the district");

34 & 35 Vict.  
c. lxvi.

And whereas by the Chorley Improvement Act 1871 the Mayor Aldermen and Burgesses of the Borough of Chorley (herein-after referred to as "the Chorley Corporation") are authorised to supply gas within that portion of the district which comprises the area (herein-after referred to as "the added area") which was added to the district by the County of Lancaster (Withnell Urban District Extension) Confirmation Order 1899;

And whereas the Chorley Corporation are not supplying gas within the added area;

And whereas the Council have applied to the Local Government Board to issue a Provisional Order authorising a gas undertaking and empowering the Council with that object to construct and maintain gasworks and manufacture 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 that is to say:—

Short title.

Art. I. This Order may be cited as the Withnell Gas Order 1905.

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 "residual products" includes coke culm asphaltum pitch tar oil ammoniacal liquor or any other refuse or residual matter or thing produced in or resulting from the manufacture of gas.

The expression "gasworks" includes any building structure machinery apparatus or work constructed or provided for use in or for the purposes of

A.D. 1905.

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[5 Edw. 7.] *Local Government Board's* [Ch. lxxvii.]  
*Provisional Order Confirmation (Gas) Act, 1905.*

any process or operation connected with the manufacture or storage of gas or the manufacture conversion preparation or storage of any residual products or otherwise for any purpose of the gas undertaking or of any powers or duties of the Council under this Order or under any enactment incorporated with and applied by this Order :

A.D. 1905.  
*Withnell*  
*(Gas) Order.*

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. Subject to the provisions of Article XXX. 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 but nothing herein contained shall empower the Council to acquire lands otherwise than by agreement.

Application of  
 Public Health  
 Act 1875.

Art. V.—(1) 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 and shall apply to any gasworks constructed or provided under the authority of this Order.

Incorporation  
 of Acts.

(2) The Council may purchase by agreement and subject to the provisions of this Order the lands described in the schedule to this Order.

Purchase of  
 lands.

Art. VI.—(1) The Council may construct maintain repair extend enlarge and alter any gasworks upon the lands described in the schedule to this Order.

Construction  
 of works.

(2) Subject to the provisions of this Order the Council may manufacture supply and sell gas within the district for public and private purposes and may manufacture convert or prepare and sell any residual products.

Art. VII.—(1) The Council shall not manufacture gas nor manufacture convert or prepare any residual products on any lands other than the lands described in the schedule to this Order.

Council not to  
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 cept on sche-  
 duled lands.

(2) The Council shall not begin to store gas or any residual products on any lands (other than the lands described as aforesaid) which shall be situated within three hundred yards of any dwelling-house without the

[5 Edw. 7.] *Local Government Board's* [Ch. lxxvii.]  
*Provisional Order Confirmation (Gas) Act, 1905.*

any process or operation connected with the manufacture or storage of gas or the manufacture conversion preparation or storage of any residual products or otherwise for any purpose of the gas undertaking or of any powers or duties of the Council under this Order or under any enactment incorporated with and applied by this Order :

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[Ch. lxxvii.]      *Local Government Board's*      [5 Edw. 7.]  
*Provisional Order Confirmation (Gas) Act, 1905.*

A.D. 1905. previous consent in writing of the owner lessee and occupier of that dwelling-house.

*Withnell*  
*(Gas) Order.*

Supply of fittings.

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 the said 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 gas fittings are sold let supplied fixed set up altered removed or re-fixed.

Quality of gas supplied by Council.

Art. IX. The quality of the gas supplied by the Council shall with respect to its illuminating power be such as to produce at the testing place herein-after mentioned a light equal in intensity to the light produced by fourteen sperm candles of six to the pound and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act 1871.

Photometer to be provided.

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.

Pressure.

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

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 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.

(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 the prescribed 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

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## Provisional Order Confirmation (Gas) Act, 1905.

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.

A.D. 1905.

Withnell  
(Gas) Order.

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 the insufficiency defect or excess was produced by an unavoidable cause or accident.

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 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.

Maximum  
price.

Art. XV. 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.

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 those 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 certain  
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 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.

Period for  
repayment  
of moneys  
borrowed.

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.

Mode of  
repayment.

## Provisional Order Confirmation (Gas) Act, 1905.

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[Ch. lxxvii.] *Local Government Board's* [5 EDW. 7.]  
*Provisional Order Confirmation (Gas) Act, 1905.*

A.D. 1905  
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*Withnell*  
*(Gas) Order.*  
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 the 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 the 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 the 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

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(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 those equal annual payments.

A.D. 1905.

*Withnell*  
*(Gas) Order.*

(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  
 reduction 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 the 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 applied to such purpose or purposes as the Council with the consent of the Local Government Board may determine.

Surplus of  
 sinking fund.

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 :

Power 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

equal annual payments to the fund are based any such excess may be applied towards those equal annual payments.

A.D. 1905.

*Withnell*  
*(Gas) Order.*

(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  
reduction 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 the 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 applied to such purpose or purposes as the Council with the consent of the Local Government Board may determine.

Surplus of  
sinking fund.

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 :

Power 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

A.D. 1905. or by means of a sinking fund or out of moneys derived from the sale of  
Withnell  
(Gas) Order. land or out of any capital moneys properly applicable to the purpose of the  
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 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 the applicants collectively be not less than five hundred pounds in the whole.

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

[Ch. lxxvii.] *Local Government Board's* [5 Edw. 7.]  
*Provisional Order Confirmation (Gas) Act, 1905.*

A.D. 1905. or by means of a sinking fund or out of moneys derived from the sale of  
Withnell  
(Gas) Order. land or out of any capital moneys properly applicable to the purpose of the  
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 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.

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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 the applicants collectively be not less than five hundred pounds in the whole.

Return as to  
provision for  
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of the clerk showing for the year next preceding the making of the 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 the 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 that penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Board out of the High Court.

A.D. 1905.

Withnell  
(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 the 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 their order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as is mentioned in the said order 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 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. 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:—

Application of  
gas revenue.

In payment of the gas establishment charges (that is to say) of the expenses properly chargeable to revenue of constructing carrying on and maintaining the gasworks:

of the clerk showing for the year next preceding the making of the 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 the 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 that penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Board out of the High Court.

A.D. 1905.

Withnell  
(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 the 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 their order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as is mentioned in the said order 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 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. 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:—

Application of  
gas revenue.

In payment of the gas establishment charges (that is to say) of the expenses properly chargeable to revenue of constructing carrying on and maintaining the gasworks:

[Ch. lxxvii.] *Local Government Board's* [5 EDW. 7.]  
*Provisional Order Confirmation (Gas) Act, 1905.*

A.D. 1905.  
—  
*Withnell*  
*(Gas) Order.*

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 those moneys were 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 the said revenue for the purpose of forming a reserve fund to provide for any extraordinary expenditure in connexion with the gas undertaking Provided that the 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 the investments to the sum of five hundred pounds and that whenever the reserve fund amounts according to the market price of the investments to the sum of five hundred pounds the income therefrom shall be applied in the same manner as moneys 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 the said revenue shall be carried to the credit of the district fund but no part of that 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 the 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 the 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.

For protection  
of Chorley  
Corporation.

Art. XXX. Nothing in this Order shall take away prejudice or affect the right of the Chorley Corporation to supply gas within the added area if the Council are not at the expiration of five years from the passing of the Act confirming this Order furnishing or prepared on demand to furnish in accordance with the provisions of this Order and the Acts incorporated therewith a sufficient supply of gas in the added area.

[Ch. lxxvii.] *Local Government Board's* [5 EDW. 7.]  
*Provisional Order Confirmation (Gas) Act, 1905.*

A.D. 1905.

*Withnell*  
*(Gas) Order.*

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 those moneys were 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 the said revenue for the purpose of forming a reserve fund to provide for any extraordinary expenditure in connexion with the gas undertaking Provided that the 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 the investments to the sum of five hundred pounds and that whenever the reserve fund amounts according to the market price of the investments to the sum of five hundred pounds the income therefrom shall be applied in the same manner as moneys 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 the said revenue shall be carried to the credit of the district fund but no part of that 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  
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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.

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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 the 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 the 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.

For protection  
of Chorley  
Corporation.

Art. XXX. Nothing in this Order shall take away prejudice or affect the right of the Chorley Corporation to supply gas within the added area if the Council are not at the expiration of five years from the passing of the Act confirming this Order furnishing or prepared on demand to furnish in accordance with the provisions of this Order and the Acts incorporated therewith a sufficient supply of gas in the added area.

Art. XXXI. The following provisions for the protection and benefit of the Lord Mayor Aldermen and Citizens of the City of Manchester (in this Article referred to as "the Manchester Corporation") shall with respect to the aqueduct of the Manchester Corporation known as the Thirlmere Aqueduct (in this Article referred to as "the aqueduct") apply and have effect namely:—

A.D. 1905.

*Withnell*  
(Gas) Order.  
For protection  
of Manchester  
Corporation.

- (1) Notwithstanding anything in this Order or the Acts incorporated therewith or in the Public Health Act 1875 the Council shall not alter the position of or interfere with or injuriously affect the aqueduct:
- (2) Before breaking up any street in which the aqueduct is laid for the purpose of laying down any gas mains pipes or apparatus the Council shall give to the Manchester Corporation not less than fourteen days' notice of their intention to break up the street together with a plan of the works showing the mode and position in which the works are intended to be executed and placed and the Manchester Corporation shall be entitled by their officer to superintend the work and the Council shall conform to such reasonable requirements as may be made by the Manchester Corporation or their officer for protecting the aqueduct from injury and in the event of any injury being occasioned to the aqueduct by the laying down or maintenance of any gas mains pipes or apparatus the Manchester Corporation may make good the injury and may recover from the Council the reasonable expense of so doing.

Art. XXXII.—(1) Whenever the Council require to execute any work for the purpose of or in connexion with the laying down alteration repair enlargement or replacement of any mains pipes or apparatus upon across or under any railway for the time being belonging to or worked by the Lancashire and Yorkshire Railway Company and the London and North Western Railway Company (in this Article referred to as "the Companies") as owners of the Cherry Tree to Chorley Joint Railway or the stations bridges approaches or other works thereof or to construct any works adjoining any such railway they shall give to the Engineer of the said Joint Railway fourteen days' notice in writing of their intention to carry out any such works accompanied by sufficient plans.

For protection  
of Lancashire  
and Yorkshire  
and London  
and North  
Western Rail-  
way Companies.

(2) The said works including the making good and repairing of any roads over the railway and over any bridges and approaches which the Companies are or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Council shall be laid constructed and executed by and at the expense of the Council under the superintendence and to the reasonable satisfaction of the said Engineer and according to plans to be previously approved by him and so as to avoid as far as possible

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A.D. 1905.

*Withnell*  
(Gas) Order.  
For protection  
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For protection  
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A.D. 1905. any injury to any such railway or any of the works thereof and so as not  
to cause any interruption to the passage or conduct of the traffic over or at  
*Withnell*  
(*Gas*) *Order.* any such railway or station. Provided that the approval of plans in pursuance  
of this subdivision shall not in any case be unreasonably withheld.

(3) When the Council open or break up any road or pavement of any street or bridge or other works belonging to or repairable by the Companies the Council shall with all convenient speed complete the work for which the same shall be broken up and reinstate and make good the road or works so opened or broken up.

(4) If the Council make delay in completing any such work or reinstating and making good any such road and works so opened or broken up the Companies may cause the work so delayed to be executed and the expense of executing the same shall be repaid to them by the Council.

(5) The Council shall repay to the Companies the expense of any temporary works or watching which the Companies may reasonably consider necessary to provide for the protection of the said railway or the traffic thereon during the carrying out of the works over under upon or adjoining the railway or property of the Companies.

(6) If any injury shall owing to or by reason of any of the matters aforesaid arise to any such railway or works or interruption to such traffic the Council shall make full satisfaction in respect thereof to the Companies.

Differences to  
be settled by  
arbitration.

Art. XXXIII. Any difference arising between the Council and the Chorley Corporation or the Manchester Corporation or the Lancashire and Yorkshire Railway Company and the London and North Western Railway Company out of any matter to which this Order relates shall be referred to and be settled by arbitration in the manner provided by the Public Health Act 1875 and the provisions of that Act shall with the necessary modifications apply as if the difference were a matter authorised or directed by the said Act to be settled by arbitration.

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The SCHEDULE above referred to.

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All that piece or parcel of land situate at Ollerton in the Township of Withnell and the Urban District of Withnell (being part of a field there now or formerly called or known as "Locket and Broom in one" belonging or reputed to belong to William Bashall Park) and bounded on the north and south sides thereof which measure three hundred and forty-four feet and three hundred and twenty-seven feet respectively by other parts of the said field on the east side thereof which measures two hundred and seventy-two feet by the towing path of the Leeds and Liverpool Canal and on the west side thereof which measures two hundred and seventy-six feet by land



A.D. 1905. any injury to any such railway or any of the works thereof and so as not  
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*Withnell*  
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[5 EDW. 7.]

*Local Government Board's* [Ch. lxxvii.]  
*Provisional Order Confirmation (Gas) Act, 1905.*

belonging or reputed to belong to Lord Chesham and which said piece or parcel of land contains in the whole by admeasurement two acres or thereabouts.

A.D. 1905.  
          
*Withnell*  
*(Gas) Order.*

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

(L.S.)

G. W. BALFOUR President.  
S. B. PROVIS Secretary.

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FOR

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*Local Government Board's* [Ch. lxxvii.]  
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