

[6 EDW. 7.]

Paisley Gas and Water Order [Ch. cxxvii.]
Confirmation Act, 1906.



CHAPTER cxxvii.

An Act to confirm a Provisional Order under the Burgh Police (Scotland) Act 1892 relating to Paisley Gas and Water. A.D. 1906.
—
[4th August 1906.]

WHEREAS His Majesty's Secretary for Scotland has made the Provisional Order set forth in the schedule hereunto annexed under the provisions of the Burgh Police (Scotland) Act 1892 and it is requisite that the said Order should be confirmed by Parliament: 55 & 56 Vict.
c. 55.

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 Provisional Order contained in the schedule hereunto annexed shall be and the same is hereby confirmed. Confirmation
of Order in
schedule.

2. This Act may be cited as the Paisley Gas and Water Order Confirmation Act 1906. Short title.

A.D. 1906.

SCHEDULE.

PAISLEY GAS AND WATER.

Provisional Order.

WHEREAS by the Burgh Police (Scotland) Act 1892 it is (inter alia) provided (section 45) that whenever it shall appear to the commissioners of any burgh to which that Act applies that they require additional powers for the better carrying out of the purposes of that Act and specially powers relating to the supply of gas or water or to the roads and streets or to drainage or sewers or the utilisation of sewage in addition to the powers conferred by the Public Health Acts or for the repeal or amendment of any local Acts of Parliament relating to such subjects or their adaptation and adjustment to the provisions of the Act now in recital or for the other purposes therein mentioned they may apply to the Secretary for Scotland for a Provisional Order and (section 46) that after such inquiry as the Secretary for Scotland may direct it shall be lawful for him to issue a Provisional Order either in accordance with the prayer of the application or with such modifications or alterations as may appear to him requisite but no Provisional Order shall be of any validity unless the same has been confirmed by Act of Parliament:

And whereas the Burgh Police (Scotland) Act 1892 is in force within the burgh of Paisley and the powers authorities and duties of the Commissioners under that Act within the said burgh are now vested in and imposed on the Provost Magistrates and Councillors thereof (herein-after called "the Town Council"):

And whereas by the Paisley Corporation Gas Act 1870 (herein-after called "the Act of 1870") the property powers rights and privileges of the Board of Commissioners in whom the gas supply of the said burgh of Paisley was then vested were transferred to and vested in the Town Council and the Town Council were authorised to maintain improve extend and renew the gasworks thereby transferred to and vested in them and to supply gas to the said burgh and the suburbs thereof and places adjacent and were empowered to borrow for the purpose of carrying the Act of 1870 into execution any sum not exceeding the sum of fifteen thousand pounds on the security of the rents charges and revenues accruing to them from the lands property and works transferred to and vested in them by the Act of 1870 and thereafter to be acquired or constructed by them for the purposes of that Act and from the sale of gas and residual products:

And whereas the borrowing powers of the Town Council under the Act of 1870 have from time to time been increased as follows that is to say by the General Police and Improvement (Scotland) Act 1862 Order Confirmation

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(Paisley) Act 1879 to the sum of forty-five thousand pounds by the Paisley Corporation Gas Order Confirmation Act 1899 (herein-after called "the Order of 1899") to the sum of seventy thousand pounds by the Paisley Gas Order 1900 to the sum of one hundred and fifty thousand pounds by the Paisley Gas Order 1901 to the sum of one hundred and seventy-five thousand pounds and by the Paisley Gas Order 1902 (herein-after called "the Order of 1902") to the sum of two hundred and five thousand pounds but of such sums the sum of seventy thousand pounds only has been borrowed for the purposes of the Act of 1870 the residue having been borrowed for the purposes of the Paisley Electric Lighting Order 1891 with the consent of the Secretary for Scotland: A.D. 1906.

And whereas the Town Council have also borrowed for the purposes of the last-mentioned Order with the consent of the Secretary for Scotland in terms of the Electric Lighting Act 1882 the Electric Lighting (Scotland) Act 1890 and the Electric Lighting (Scotland) Act 1902 the further sum of fifty thousand pounds on the security of the rents charges and revenue accruing to them under the Act of 1870 the total amount borrowed on such security thus amounting to the sum of two hundred and fifty-five thousand pounds:

And whereas the said sum of seventy thousand pounds has been duly expended by the Town Council for the purposes of their gas undertaking:

And whereas the demand for gas in Paisley and the suburbs thereof has increased and is increasing and in order to meet such demand the Town Council require to further extend and improve their works and it has become necessary and it is expedient that powers should be conferred on the Town Council to borrow additional money to the extent of forty-five thousand pounds to defray the cost of such extensions and improvements:

And whereas by the Paisley Waterworks Act 1854 (herein-after called "the Act of 1854") the Town Council were appointed Commissioners for executing that Act and were empowered to purchase and acquire the undertaking of the Paisley Water Company and to supply the said burghs suburbs and places adjacent with water and to construct additional waterworks for the purpose of increasing such supply and to borrow the sum of seventy thousand pounds to defray the expense of such works in addition to such sums as might be required in relation to the acquisition of the said undertaking:

And whereas the Town Council duly acquired the said undertaking and by the Paisley Waterworks Act 1866 (herein-after called "the Act of 1866") the Town Council were empowered to provide an increased supply of water to the said burgh the suburbs thereof and other places adjacent thereto and to make and maintain additional waterworks and to borrow on mortgage or by the creation of funded debt such sum as should be required in relation to the acquisition of the said undertaking and also any sums not exceeding eighty thousand pounds on security of the rates and charges leviable under

A.D. 1906. — the provisions of the Act of 1866 and the Act of 1854 so far as regards inter alia the power to borrow money (which power had not been exercised) was repealed :

And whereas the borrowing powers of the Town Council under the Act of 1866 have from time to time been increased as follows that is to say by the Paisley Waterworks Act 1876 (herein-after called "the Act of 1876") by a further sum of fifty thousand pounds by the Paisley Waterworks Act 1881 (herein-after called "the Act of 1881") by a further sum of one hundred and sixty-five thousand pounds by the Paisley Waterworks Provisional Order Confirmation Act 1897 (herein-after called "the Order of 1897") by a further sum of fifty thousand pounds and by the Paisley Waterworks Provisional Order Confirmation Act 1900 (herein-after called "the Waterworks Order of 1900") by a further sum of two hundred thousand pounds :

And whereas the Town Council have borrowed and expended the full amount authorised to be borrowed by the Acts of 1866 1876 and 1881 and the Order of 1897 and the Waterworks Order of 1900 and the demand for water in the said burgh of Paisley and the suburbs and places adjacent thereto has increased and is increasing necessitating the enlargement by the Town Council of filters and tanks and extensions and alterations of distributing mains and purchase of lands and wayleaves in connection with those enlargements and extensions and it has become necessary and is expedient that the Town Council should be authorised to borrow for the purposes of defraying the cost of such enlargements extensions and purchases the additional sum of thirty thousand pounds upon the security of the rates and charges leviable by them under the Acts of 1866 and 1881 :

And whereas the Town Council have presented to me as Secretary for Scotland a petition setting forth the matters herein-before recited :

And whereas after due inquiry I have resolved to issue a Provisional Order in the terms herein-after expressed :

Now therefore in pursuance of the powers vested in me by the Burgh Police (Scotland) Act 1892 I as Secretary for Scotland do by this Provisional Order direct as follows:—

Power to borrow.

1.—(1) In addition to the sum of two hundred and fifty-five thousand pounds which the Town Council are already authorised to borrow on the security of the rates charges and revenue accruing to them under the Act of 1870 the Town Council may borrow on such security the further sum of forty-five thousand pounds and from and after the passing of the Act confirming this Order section 64 of the Act of 1870 as amended by the Order of 1902 shall be read as if the words "three hundred thousand pounds" had been inserted therein instead of the amended words "two hundred and five thousand pounds."

(2) From and after the passing of the Act confirming this Order section 24 of the Act of 1881 as amended by the Waterworks Order of 1900

A.D. 1906. — undertaking within fifty years from the date or dates of borrowing the same
Provided that the said last-mentioned section shall as regards money borrowed
for waterworks purposes under the authority of this Order be read as if the
rate of interest at which the accumulations of the sinking fund are to be
calculated were three per centum per annum instead of four per centum
per annum.

(3) The payments into the respective sinking funds of the gas undertaking
and the waterworks undertaking of the Town Council on account of any
loans for paying the costs charges and expenses of this Order shall be
sufficient to pay off such loans within five years from the date of borrowing
the same.

Short title.

5. This Order may be cited as the Paisley Gas and Water Order 1906.

Given under my hand and seal at Whitehall this fourth day of July
one thousand nine hundred and six.

(L.S.)

JOHN SINCLAIR.

SCHEDULES.

THE FIRST SCHEDULE.

GASWORKS &c.

Coal and coke conveying plant and retort charging machinery.
Extension of gas supply to Linwood.
Additional condensers and connections.
Additional bench of 80 retorts.
Additional scrubber and one scrubber heightened.
Installation of sulphate of ammonia plant.
Extension of coal stores and elevated railway
Mains pipes meters and stoves.

THE SECOND SCHEDULE.

WATERWORKS.

Extension of filters at Stanely.
Extensions and alterations on existing lines of piping throughout the
water supply district of the Town Council.

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shall be read as if the words "four hundred and forty-five thousand pounds" had been inserted therein instead of the words "four hundred and fifteen thousand pounds."

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(3) All moneys borrowed under the authority of this Order for the purposes of the gas undertaking and the waterworks undertaking respectively of the Town Council shall be applied only for the purpose of constructing and providing the several gasworks and apparatus for the distribution and use of gas and the waterworks respectively specified in the First and Second Schedules to this Order and all works necessary for the proper working and use of the same and for the purchase of land and wayleaves in connection with the waterworks and in payment (in equal proportions as between the gasworks undertaking and the waterworks undertaking) of the costs charges and expenses of and incident to the preparing for obtaining and confirming this Order.

2. All mortgages granted by the Town Council for securing money borrowed for the purposes of the Act of 1870 or of the said Paisley Electric Lighting Order 1891 and all mortgages granted and all funded debt created under the authority of the Acts of 1866 1876 1881 the Order of 1897 and the Waterworks Order of 1900 and subsisting at the passing of the Act confirming this Order shall while subsisting and without prejudice to their priorities inter se have priority over any mortgages granted and any funded debt created by the Town Council under the authority of this Order for the purposes of the gas undertaking or the waterworks undertaking of the Town Council as the case may be.

Priority of
existing mort-
gages &c.

3. It shall be lawful for the Town Council and they are hereby required annually to set apart and invest in such way and manner as they may deem expedient a sum equal to not less than two per centum of the gross amount of the rates charges and revenue accruing to the Town Council under the Act of 1870 in each year as a contingency and depreciation of works fund and such fund shall from time to time be applied by the Town Council in payment of the cost and expense of any extensions of their works or of any extraordinary repairs thereon or of enlarging or increasing and renewing the number of their mains and pipes or of extending their works mains and pipes from time to time or in meeting any extraordinary contingencies liabilities and claims which may arise or may be incurred in respect of the gasworks or gas undertaking of the Town Council.

Contingency
and deprecia-
tion of works
fund.

4.—(1) The Town Council shall pay off all money borrowed under the authority of this Order for the purposes of their gas undertaking within forty years from the date or dates of borrowing the same and the provisions of section 3 of the Order of 1899 shall apply to money borrowed for such purposes under the authority of this Order as if it were money borrowed under the authority of the Order of 1899.

Repayment of
borrowed
money.

(2) The Town Council shall by means of the sinking fund directed to be formed by section 40 of the Act of 1881 pay off all money borrowed by them under the authority of this Order for the purposes of their waterworks