



CHAPTER cxxiv.

An Act to confirm certain Provisional Orders of the Local Government Board relating to Ilkeston and Ynyscynhaiarn. A.D. 1909.
[16th August 1909.]

WHEREAS the Local Government Board have made the Provisional Orders set forth in the schedule hereto under the provisions of 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 :

And whereas it is requisite that the said Orders 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 Orders as altered and set out in the schedule hereto shall be and the same are hereby confirmed and all the provisions thereof shall have full validity and force.

2. This Act may be cited as the Local Government Board's Provisional Orders Confirmation (Gas) Act 1909.

A.D. 1909.

SCHEDULE.

BOROUGH OF ILKESTON.

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

To the Mayor Aldermen and Burgesses of the Borough of Ilkeston ; —

And to all others whom it may concern.

WHEREAS the Borough of Ilkeston (herein-after referred to as "the Borough") is an Urban District of which the Mayor Aldermen and Burgesses of the Borough acting by the Council (herein-after referred to as "the Corporation") are the Urban District Council ;

41 Vict.
c. lvii.

And whereas by the Ilkeston Gas Order 1878 (herein-after referred to as "the Order of 1878") which was confirmed by the Local Government Board's (Gas) Provisional Orders Confirmation (Droitwich &c.) Act 1878 the Ilkeston Local Board who were the predecessors of the Corporation were empowered on the land described in the Schedule to the Order of 1878 to maintain continue and construct erect 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 whereas by the Order of 1878 the Ilkeston Local Board were also empowered to make supply and sell gas within their district and to manufacture coke and other refuse and residual products arising from the manufacture of gas and any matters producible therefrom and to sell and dispose of the same at their works and elsewhere but were prohibited from manufacturing gas or any residual products arising in the manufacture of gas on any land other than that specified in the said Schedule and from the storing of gas on any land (other than the land specified in the Schedule) which should be situated within three hundred yards from any dwelling-house existing at the time when they might propose to store gas thereon without the consent in writing of the owner lessee and occupier of the dwelling-house ;

[9 EDW. 7.] *Local Government Board's* [Ch. cxxiv.]
Provisional Orders Confirmation (Gas) Act, 1909.

And whereas by the Ilkeston Gas Order 1900 (herein-after referred to as "the Order of 1900") which was confirmed by the Local Government Board's Provisional Orders Confirmation (Gas) Act 1900 the Corporation were empowered to purchase and acquire by agreement the lands described in the Schedule to the Order of 1900 and notwithstanding anything in the Order of 1878 to the contrary to use those lands when acquired by them for all or any of the purposes of their gas undertaking including the manufacture and storage of gas and residual products as if the lands had been included in the lands described in the Schedule to the Order of 1878 and were also empowered to borrow money for the purposes of the Order of 1878 and the Order of 1900;

A.D. 1909.
Ilkeston (Gas)
Order.
 63 & 64 Vict.
 c. lvi.

And whereas the Corporation require to extend their gasworks and for that purpose to be authorised and empowered to use and appropriate certain lands already acquired by them and to purchase additional lands and borrow further moneys and in pursuance of Section 161 of the Public Health Act 1875 and of the enactments therein mentioned have made application to the Local Government Board for a Provisional Order to amend or vary the Order of 1878 and the Order of 1900;

And whereas it is expedient that the Order of 1878 and the Order of 1900 should be amended and varied in manner herein-after appearing:

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 of 1878 and the Order of 1900 shall be amended and varied so that the following provisions shall take effect:—

Art. I. This Order may be cited as the Ilkeston Gas Order 1909 and the Order of 1878 the Order of 1900 and this Order may be cited together as the Ilkeston Gas Orders 1878 to 1909.

Short title.

Art. II. Notwithstanding anything in the Order of 1878 and the Order of 1900—

Further
 lands for gas
 purposes.

- (1) The Corporation may for the purposes of their gas undertaking purchase by agreement but not otherwise the lands described in Part I. of the Schedule to this Order and may also purchase by agreement and subject to the provisions of this Order any lands not exceeding three acres in addition to the lands described in the said Schedule:

[Ch. cxxiv.] *Local Government Board's* [9 EDW. 7.]
Provisional Orders Confirmation (Gas) Act, 1909.

A.D. 1909.
Ilkeston (Gas)
Order.

- (2) The Corporation may hold and use the lands described in Part I. of the Schedule hereto if and when acquired by them and may also hold and use the lands described in Part II. of that Schedule for all or any of the purposes of the said gas undertaking including the manufacture and storage of gas and residual products as if those lands had been included in the lands described in the Schedule to the Order of 1878:
- (3) The Corporation shall not manufacture gas nor manufacture convert or prepare any residual products on any lands other than the lands described in the Schedule to the Order of 1878 in the Schedule to the Order of 1900 or in the Schedule to this Order:
- (4) The Corporation shall not store gas or any residual products on any lands other than the lands described in the Schedule to the Order of 1878 in the Schedule to the Order of 1900 or in the Schedule to 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 that dwelling-house.

Authorising Corporation to require an antifluator to be used for controlling supply of gas to a gas engine.

Art. III.—(1) The Corporation may by notice in writing require a consumer of gas supplied by the Corporation and used for the working of an engine to fix and use an antifluator in a suitable position upon the premises to which the gas is supplied and whereon the engine is in use or to keep an antifluator so fixed and used in proper order and repair at all times while in use or to repair renew or replace an antifluator which is not in proper order or repair:

If the consumer after any such notice as aforesaid fails to fix and use an antifluator or to keep an antifluator in proper order and repair or to repair renew or replace an antifluator which is not in proper order and repair the Corporation may cease to supply him with gas.

(2) The Corporation may at all reasonable times demand and shall thereupon have access to any antifluator fixed upon any premises to which gas is supplied by the Corporation and for the purpose of ascertaining whether the antifluator is in proper order or repair may take off remove test and inspect the antifluator.

(3) For the purposes of this Article an "antifluator" means any apparatus article or thing for the purpose of controlling and regulating the supply of gas to any engine and preventing any inconvenience or danger from the intermittent consumption of gas by the engine.

Quality of gas supplied by Corporation.

Art. IV.—(1) Articles 8 9 and 12 of the Order of 1878 shall be revoked.

[9 EDW. 7.] *Local Government Board's* [Ch. cxxiv.]
Provisional Orders Confirmation (Gas) Act, 1909.

(2) The quality of the gas supplied by the Corporation shall with respect to its illuminating power be such as to produce at the testing place herein-after mentioned when burned at the rate of five cubic feet per hour a light equal in intensity to the light produced by fourteen sperm candles of six to the pound each consuming one hundred and twenty grains of sperm per hour and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act 1871.

A.D. 1909.
Ilkeston (Gas)
Order.

(3) The Corporation shall maintain or provide and thereafter maintain on the lands described in the Schedule to the Order of 1878 the Schedule to the Order of 1900 or the Schedule to this Order the bar photometer and other necessary appliances for testing the quality of the gas. The standard light shall be that supplied by Harcourt's ten candle pentane lamp and in making the test the burner shall be so used as to obtain from the gas when burned at the rate aforesaid the greatest amount of light.

Photometer
to be pro-
vided.

(4) For the purposes of the Gasworks Clauses Act 1871 the prescribed testing place shall be the testing place provided by the Corporation as aforesaid and the burner to be used for testing the gas shall be the Metropolitan Argand No. 2 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.

Testing place
and burner.

(5) The Board of Trade may on the application of the Corporation approve the use of any other burner photometer or standard light that may appear to that Board to be equally or more suitable for the testing.

(6) 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 said 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 Corporation of the time and place at which any testing for pressure elsewhere than at the testing place will be conducted.

Art. V. The purposes of this Order (which purposes shall be deemed to include the costs payable by the Corporation of and in connexion with the preparation making and confirmation by Parliament of this Order the sum or sums already paid by the Corporation for the purchase of the lands described in Part II. of the Schedule to this Order and the sum to be paid for the purchase of the lands

Application
of Order of
1900 to bor-
rowing
powers.

A.D. 1909. described in Part I. of the Schedule to this Order and any other
Ilkeston (Gas) lands purchased by the Corporation in pursuance of this Order) shall
Order. be deemed to be purposes of the Order of 1878 and the Order of
1900 for which the Corporation may borrow money under and in
accordance with the provisions of the Order of 1900.

The SCHEDULE above referred to.

PART I.

A piece of land situate in the Borough with two dwelling-houses thereon now occupied together belonging or reputed to belong to the trustees or executors of the late Thomas Bostock or his widow and in the occupation of George Bostock containing two hundred and twenty-five square yards or thereabouts bounded on the west by the gasworks of the Corporation on the north and east by the piece of land described in the paragraph marked (A) in Part II. of this schedule and on the south by Rutland Street.

PART II.

(A) A piece of land situate in the Borough belonging or reputed to belong to the Corporation containing one thousand two hundred and seven square yards or thereabouts bounded on the north by the gasworks of the Corporation on the east by Belfield Street on the south by Rutland Street and on the west partly by the gasworks of the Corporation and partly by the land described in Part I. of this schedule.

(B) A piece of land situate in the Borough belonging or reputed to belong to the Corporation containing eight thousand two hundred and four square yards or thereabouts bounded on the north partly by houses and land belonging or reputed to belong to Annie Potter and partly by land belonging or reputed to belong to John Henry Clay on the east by a flour mill and land belonging or reputed to belong to the Erewash Valley Flour Mill Company Limited or their liquidators on the south by the Ilkeston Town Branch of the Midland Railway and on the west by Belfield Street.

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

(L.S.)

JOHN BURNS President.
S. B. PROVIS Secretary.

URBAN DISTRICT OF YNYSCYNHAIARN.

A.D. 1909.

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

*Ynyscyn-
haiarn (Gas)
Order.*

To the Urban District Council of Ynyscynhaiarn ;—

And to all others whom it may concern.

WHEREAS the Urban District Council of Ynyscynhaiarn (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 Ynyscynhaiarn in the county of Carnarvon (herein-after referred to as "the district");

And whereas by the Ynyscynhaiarn Gas Order 1877 (herein-after referred to as "the Order") which was confirmed by the Local Government Board's (Gas) Provisional Orders Confirmation (Penrith &c.) Act 1877 the Ynyscynhaiarn Local Board who were the predecessors of the Council were empowered on the lands described in the schedule to the Order (herein-after referred to as "the existing land") to maintain and continue and from time to time alter and enlarge retorts gasholders receivers purifiers meters apparatus and works for the manufacture and storage of gas and of coke and other residual products obtained in the manufacture of gas and matters producible therefrom ;

40 & 41 Vict.
c. lxxiii.

And whereas by the Order the Ynyscynhaiarn Local Board were also empowered subject to the provisions of the Order to make gas and supply and sell the same within their district and to manufacture coal tar coke pitch asphaltum and ammoniacal liquor oil and all other residual products obtained in the manufacture of gas and producible therefrom and to sell and dispose of the same at the works and elsewhere but were prohibited from manufacturing gas or any residual products arising in the manufacture of gas on any land other than the existing land and from the storing of gas on any land (other than the existing land) which should be situated within three hundred yards from any dwelling-house existing at the time when they might propose to store gas thereon without the consent in writing of the owner lessee and occupier of the dwelling-house ;

And whereas the Council hold and occupy the existing land for the residue of a term of ninety years from the Twelfth day of November One thousand eight hundred and sixty-one granted by an indenture of lease of that date made between David Williams of the one part and

[Ch. cxxiv.] *Local Government Board's* [9 EDW. 7.]
Provisional Orders Confirmation (Gas) Act, 1909.

A.D. 1909. the Portmadoc Gas Company Limited of the other part and the Council have agreed with the owner of the reversion expectant upon the determination of that term for the purchase by the Council for the purposes of the gas undertaking authorised by the Order of that reversion and for the purchase of certain additional lands adjacent to the existing land and required by the Council for the purpose of extending their gasworks ;

*Ynyscyn-
haiarn (Gas)
Order.*

And whereas the Council also require to borrow for the purpose of the said purchase and for other purposes connected with their gas undertaking and in pursuance of Section 161 of the Public Health Act 1875 and of the enactments therein mentioned have made application to the Local Government Board for a Provisional Order to amend or vary the Order ;

And whereas it is expedient that the Order should be amended and varied in manner 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 (herein-after referred to as "the commencement of this Order") the Order shall be amended and varied so that the following provisions shall take effect :—

Short title.

Art. I. This Order may be cited as the Ynyscynhaiarn Gas Order 1909 and the Order and this Order may be cited together as the Ynyscynhaiarn Gas Orders 1877 and 1909.

Interpreta-
tion.

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 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

[9 EDW. 7.] *Local Government Board's* [Ch. cxxiv.]
Provisional Orders Confirmation (Gas) Act, 1909.

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. 1909.
*Ynyscyn-
haiarn (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 :

The expression "the scheduled lands" means the lands described in the schedule to this Order.

Art. III.—(1) Article 2 of the Order shall be revoked.

Incorporation
of Acts.

(2) The Council shall in relation to the purposes of the Order and 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 the Order and this Order but nothing herein contained shall empower the Council to acquire lands otherwise than by agreement.

(3) 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 the Order or of this Order.

Art. IV. Notwithstanding anything in the Order—

Purchase of
lands for gas
purposes.

(1) The Council may for the purposes of the gas undertaking authorised by the Order or by this Order purchase the scheduled lands by agreement but not otherwise :

(2) The Council may use the scheduled lands 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.

Art. V. The Council may purchase by agreement and subject to the provisions of this Order any lands not exceeding two acres in addition to the scheduled lands.

A.D. 1909.

*Ynyscyn-
haiarn (Gas)
Order.*

Council not
to manufac-
ture gas or
residual pro-
ducts except
on scheduled
lands.

Art. VI.—(1) The Council shall not manufacture gas nor manufacture convert or prepare any residual products on any lands other than the scheduled lands.

(2) The Council shall not store gas or any residual products on any lands (other than the scheduled 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 that dwelling-house.

Supply of
fittings.

Art. VII. 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.

Maximum
price.

Art. VIII.—(1) Article 11 of the Order shall be revoked.

(2) 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 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.

Power to
borrow.

Art. IX.—(1) Article 14 of the Order shall be revoked.

(2) Subject to the provisions of this Order the Council may with the sanction of the Local Government Board and for any of the purposes of the Order and 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 the Order and this Order and upon the security of the district fund and general district rate of the district or upon either of those securities.

Local Loans
Act and cer-
tain provi-
sions of Pub-
lic Health
Act made
applicable.

Art. X.—(1) Article 15 of the Order shall be revoked.

(2) For the purposes 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.

[9 EDW. 7.] *Local Government Board's* [Ch. cxxiv.]
Provisional Orders Confirmation (Gas) Act, 1909.

Art. XI.—(1) Articles 16 and 17 of the Order shall be revoked. A.D. 1909.

(2) So much of the moneys already borrowed under the Order as remains outstanding at the commencement of this Order (herein-after referred to as "the existing debt") shall be repaid within the period determined and sanctioned in pursuance of the Order and the moneys borrowed under this Order shall be repaid within such period not exceeding sixty 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.

*Ynyscyn-
haiarn (Gas)
Order.*
Period for
repayment
of money
borrowed.

Art. XII.—(1) The Council shall repay the existing debt and 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.

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

Formation
maintenance
and appli-
cation of
sinking fund.

(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 or other securities (not being annuity certificates or securities payable to bearer) duly issued by any local authority as defined by Section 34 of

A.D. 1909. 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.

*Ynyscyn-
haiarn (Gas)
Order.*

(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 those 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.

Increase
reduction or
discontinu-
ance of pay-
ments to
sinking fund.

Art. XIII.—(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.

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

[9 EDW. 7.] *Local Government Board's* [Ch. cxxiv.]
Provisional Orders Confirmation (Gas) Act, 1909.

(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.

A.D. 1909.
*Ynyscyn-
haiarn (Gas)
Order.*

(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. XIV. 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 the Order or 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 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 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.

Art. XV. 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

Application
of borrowed
moneys.

A.D. 1909. such a manner as the Council with the approval of the Local Government Board determine Provided that it shall not be in any way incumbent on any mortgagee to see to the application of any moneys so borrowed nor shall the mortgagee be responsible for any misapplication thereof.

*Ynyscyn-
haiarn (Gas)
Order.*

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

Art. XVI. 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.

Receiver.

Art. XVII.—(1) Subject to the provisions of this Article any mortgagee of the Council in respect of a mortgage under the Order or 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. XVIII.—(1) Articles 18 and 19 of the Order shall be revoked.

(2) 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 the Order or 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 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

[9 EDW. 7.] *Local Government Board's* [Ch. cxxiv.]
Provisional Orders Confirmation (Gas) Act, 1909.

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.

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(3) 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 the Order or 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. XIX.—(1) Article 21 of the Order shall be revoked.

(2) All moneys from time to time received by the Council by way of revenue under the Order or this Order shall be applied for the following purposes:—

Applica-
tion of gas
revenue.

In payment of the gas establishment charges (that is to say) 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 the Order or of this Order:

In providing for the discharge of any moneys borrowed or re-borrowed for the purposes of the Order or 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 XII. 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:

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

Price of gas
for public
supply.

Art. XX.—(1) Article 22 of the Order shall be revoked.

(2) 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 for lighting purposes by more than ten per centum.

Revocation
with savings
of Articles 23
24 and 25 of
the Order.

Art. XXI. Articles 23 24 and 25 of the Order shall be revoked:

Provided that nothing in this Article shall—

- (A) affect the operation prior to the commencement of this Order of any of those Articles or anything duly done or suffered thereunder; or
- (B) affect any right privilege or obligation or liability acquired accrued or incurred under any of those Articles or any enactment applied by any of those Articles; or
- (C) affect any penalty forfeiture or punishment incurred in respect of any offence committed against any of those Articles or any enactment applied by any of those Articles; or
- (D) affect any investigation legal proceeding or remedy in respect of any such right privilege obligation liability penalty forfeiture or punishment as aforesaid.

Charges of
carrying
Orders into
execution.

Art. XXII. The Council shall not defray any of the charges and expenses of carrying the Order or 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. XXIII. Where the Local Government Board cause any local inquiry to be held with reference to any of the purposes of the Order or 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.

Art. XXIV. The Council shall not under the powers of this Order construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the Secretaries or Assistant Secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Council shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals. If any such work be commenced or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Council and the amount of such costs and charges shall be a debt due from the Council to the Crown and shall be recoverable as a Crown debt or summarily.

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Works below
high-water
mark not to
be com-
menced with-
out consent
of Board of
Trade.

The SCHEDULE above referred to.

(A) A piece of land situate at Portmadoc in the Parish and Urban District of Ynyscynhaiarn containing 1,301 square yards or thereabouts upon which or upon part of which the existing gasworks of the Council are constructed bounded on the north-west by the public highway or road called Snowdon Street leading to the New Embankment and Traeth and on all other sides by the Portmadoc Inner Harbour and the lands herein-after described.

(B) A piece of land containing 75 square yards or thereabouts adjoining the said existing gasworks bounded on the north-west side by Snowdon Street aforesaid on the south-west side and on part of the south-east side by the piece of land herein-before described and elsewhere by the Portmadoc Inner Harbour aforesaid.

(C) A piece of land containing 509 square yards or thereabouts adjoining the said existing gasworks bounded on the north-west side by Snowdon Street aforesaid on the north-east side by the piece of land first herein-before described on the south-east side by the Portmadoc Inner Harbour aforesaid and on the south-west side by the said harbour and by lands forming part of the Tremadoc Estate.

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(D) A piece of land containing 20 square yards or thereabouts adjoining the said existing gasworks bounded on the north-west side and on part of the north-east and south-west sides by the piece of land first herein-before described and elsewhere by the Portmadoc Inner Harbour aforesaid.

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

(L.S.)

JOHN BURNS President.
S. B. PROVIS Secretary.

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