



CHAPTER cliv.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Hamilton Burgh. [20th October 1909.] A.D. 1909.

WHEREAS His Majesty's Secretary for Scotland has made the Provisional Order set forth in the schedule hereunto annexed under the provisions of the Private Legislation Procedure (Scotland) Act 1899 and it is requisite that the said Order should be confirmed by Parliament: 62 & 63 Vict. c. 47.

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 Hamilton Burgh Order Confirmation Act 1909. Short title.

A.D. 1909.

SCHEDULE.

HAMILTON BURGH.

Provisional Order to confer further powers on the Corporation of the Burgh of Hamilton in relation to their Electricity and Gas Undertakings to extend the period for the repayment of moneys borrowed for sewage purification purposes to confer powers on the Corporation in relation to the searching for and working of minerals to amend certain public and local Acts affecting the Burgh and for other purposes.

WHEREAS the burgh of Hamilton in the county of Lanark (herein-after called "the burgh") is a burgh which contributes to send a member to Parliament and the provost magistrates and councillors of the burgh (herein-after called "the Corporation") are the local and sanitary authority within the burgh under the Burgh Police (Scotland) Acts 1892 to 1903 and the Public Health (Scotland) Act 1897 :

And whereas the unrepealed portions of the local Acts and Orders mentioned in the First Schedule to this Order are in force within the burgh :

And whereas the Corporation supply gas and electrical energy within the burgh under and by virtue of the powers conferred on them by the Hamilton New Gas Light Act 1846 and the Hamilton Burgh Act 1878 and the Hamilton Electric Lighting Order 1898 respectively :

And whereas it is expedient that the further powers contained in this Order should be conferred on the Corporation in relation to their gas and electricity undertakings :

And whereas the Corporation have constructed sewage purification works for dealing with the sewage and drainage of the burgh and further works of a like nature are urgently required and will involve a very large expenditure :

And whereas sewage purification works are of a permanent character and the construction of such works imposes a heavy burden upon the ratepayers of the burgh and it is expedient that

the period limited by the Public Health (Scotland) Act 1897 for the repayment of loans to be raised by the Corporation for the purposes of such works should be extended: A.D. 1909.

And whereas the lands known as the Common Muir form part of the common good of the burgh:

And whereas there are beds of coal underlying the said Common Muir or parts of it a portion whereof has been worked by lessees of the Corporation or by their feuars:

And whereas in the interest of the burgh it is expedient to confer on the Corporation such powers as are contained in this Order with reference to the searching for and working minerals under the Common Muir and adjacent lands and for entering into agreements with companies or persons for those purposes and for contributing towards the expense to be thereby incurred by any such company or person and for subscribing or lending money to any such company or person:

And whereas it is expedient to amend the Hamilton Burgh Act 1878 in relation to the functions and powers of the councillors of the Dean of Guild of the burgh:

And whereas it is expedient to empower the Corporation to raise temporary loans for the purpose of defraying expenses incurred by them in the exercise of any of their statutory powers under any of the local Acts or Orders applicable to the burgh at the commencement of this Order and under this Order:

And whereas it is expedient to authorise the Corporation to adopt the provisions of the Burgh Sewerage Drainage and Water Supply (Scotland) Act 1901 which relate to sewerage and drainage without at the same time adopting the provisions of that Act relating to water supply:

And whereas it is expedient to confer such other powers on the Corporation and to make such other provisions in relation to the government and administration of the affairs of the burgh as are contained in this Order:

And whereas the purposes aforesaid cannot be effected without an Order of the Secretary for Scotland confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1899:

[Ch. cliv.] *Hamilton Burgh Order Confirmation Act, 1909.* [9 Edw. 7.]

A.D. 1909. Now therefore in pursuance of the powers contained in the last-mentioned Act the Secretary for Scotland orders as follows:—

Short title and citations.

1. This Order may be cited as the Hamilton Burgh Order 1909 the Hamilton Burgh Acts 1878 to 1903 and this Order may be cited together as the Hamilton Burgh Acts 1878 to 1909 the Hamilton Gas Acts 1846 to 1904 and this Order may be cited together as the Hamilton Gas Acts 1846 to 1909 the Hamilton Water Acts 1854 to 1898 and this Order may be cited together as the Hamilton Water Acts 1854 to 1909 and the Hamilton Electric Lighting Order 1898 and this Order may be cited together as the Hamilton Electric Lighting Orders 1898 and 1909.

Commencement of Order.

2. This Order shall commence and have effect on and from the date of the passing of the Act confirming the same which date is herein-after referred to as "the commencement of this Order."

Interpretation.

3. In this Order unless there be something in the subject or context repugnant to such construction the following expressions shall have the meanings herein-after assigned to them respectively (that is to say):—

The expression "the burgh" means the burgh of Hamilton;

The expression "the Corporation" means the provost magistrates and councillors of the burgh;

The expression "the Act of 1878" means the Hamilton Burgh Act 1878;

The expression "the Order of 1898" means the Hamilton Electric Lighting Order, 1898;

The expression "the Order of 1901" means the Hamilton Burgh Order 1901;

The expression "the sheriff" means the sheriff of the County of Lanark and includes his substitutes;

The expression "sewage purification works" means any works and plant either within or outwith the burgh (including outfall and intercepting sewers and effluent pipes) provided or to be provided for or in connexion with the purification (including the treatment utilisation and disposal during and after such purification) of the

[9 EDW. 7.] *Hamilton Burgh Order Confirmation* [Ch. cliv.]
Act, 1909.

sewage of the burgh or any part or parts thereof and includes any lands wherever situate acquired or used for the purposes of any such works as aforesaid; A.D. 1909.

The expression "the Police Act of 1892" means the Burgh Police (Scotland) Act 1892;

The expression "the Police Act of 1903" means the Burgh Police (Scotland) Act 1903;

The expression "the Public Health Act" means the Public Health (Scotland) Act 1897.

(1) ELECTRICITY.

4.—(1) The Corporation may provide sell let for hire and fix repair alter and remove but shall not manufacture lamps meters electric lines fuses switches fittings lamp-holders motors stoves radiators and other fittings for lighting heating and motive power and for all other purposes for which electrical energy can or may be used (all of which are herein-after in this section included in the expression "fittings") and may provide all materials and work necessary or proper in that behalf and with respect thereto may demand and take such remuneration or rents and charges and make such terms and conditions as may be agreed upon. Electrical fittings.

(2) Any fittings let for hire under the provisions of this section shall not be subject to poinding or to the landlord's hypothec or remedy for rent or be liable to diligence under process of law or proceedings against the person in whose possession the same may be in the event of his bankruptcy or insolvency and such fittings notwithstanding that they be fixed or fastened to any part of any premises in which they may be situate or to the soil under any such premises shall at all times continue to be the property of and be removable by the Corporation Provided in each case that such fittings are marked or impressed with a sufficient mark or brand indicating the Corporation as the actual owners thereof.

(3) Provided as follows:—

(A) The Corporation shall so adjust the charges to be made by them for any such fittings or for the fixing repairing alteration or removal thereof as to meet any expenditure by them under the powers of this section in connexion therewith (including

A.D. 1909.

interest upon moneys borrowed for those purposes and all sums applied either by way of instalments or by way of payments to sinking fund for repayment of moneys so borrowed):

- (B) Every sum charged by the Corporation to a consumer in respect of the provision of such fittings or the fixing repairing alteration or removal thereof shall be separately stated on every demand note delivered by the Corporation to the consumer:
- (C) The total sums expended and received by the Corporation in connexion with the purposes in this section mentioned in each year (including interest instalments and sinking fund) shall be separately shown in the published accounts of the electricity undertaking of the Corporation for that year:
- (D) Any money which has been already expended by the Corporation for the said purposes or for which liability may be incurred under this section shall be deemed to be expenses incurred by them for the purposes of and shall be defrayed in the same manner as expenses incurred by the Corporation under the Order of 1898 and the purposes of this section so far as the same are purposes to which capital is properly applicable shall be deemed to be purposes for which the Corporation may apply any money already borrowed or authorised to be borrowed or may borrow additional money under the provisions of the said Order and the Electric Lighting Acts 1882 to 1902.

As to supply of electricity where consumer has separate supply

5. Notwithstanding anything contained in the Order of 1898 or the Electric Lighting Acts 1882 and 1888 a person shall not be entitled to demand from the Corporation a stand-by supply or the continuance of a supply of electrical energy to premises having a separate supply unless such person shall have previously agreed to pay to the Corporation such minimum annual sum as will give to the Corporation a reasonable return on the capital expenditure and will cover other standing charges incurred by the Corporation to meet the possible maximum demand for those premises In case the Corporation and the person demanding such supply of electrical energy shall fail

[9 EDW. 7.] *Hamilton Burgh Order Confirmation* [Ch. cliv.]
Act, 1909.

to agree as to the amount of such minimum annual sum the same shall be determined in a summary manner by the sheriff on the application of either party. A.D. 1909.

6. At least twenty-four hours' notice in writing shall be given to the Corporation by every consumer before he shall quit any premises supplied with electrical energy by the Corporation and in default of such notice the consumer so quitting shall be liable to pay to the Corporation the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such premises shall require the Corporation to supply electrical energy to such premises whichever shall first occur. Notice of the effect of this enactment shall be contained in or endorsed on every demand note for charges for electrical energy payable to the Corporation.

Electric lighting consumers to give notice to Corporation before removing.

7. The Corporation may refuse to supply electrical energy to any person whose payments for the supply of electrical energy are for the time being in arrear (not being the subject of a bonâ fide dispute) whether such payments be due to the Corporation for the same premises in respect of which such supply is demanded or in respect of other premises.

Corporation may refuse to supply energy in certain cases.

8.—(1) Where it is proved to the satisfaction of the Board of Trade that the occupier of any premises which are not situate within the area of supply as defined in the Order of 1898 is desirous of obtaining a supply of electricity from the Corporation the Board of Trade may if the local authority within whose district the premises are situate and the undertakers (if any) authorised to supply electricity to such premises consent by order permit the Corporation to give a supply to those premises on such terms and subject to such conditions as the Board of Trade think fit:

Supply to premises outside area of supply in certain cases.

Provided that if in the opinion of the Board of Trade any consent required by this subsection is unreasonably withheld the Board of Trade may proceed as if such consent had been given.

(2) An order given by the Board of Trade under this section may for the purpose of enabling a supply to be given thereunder confer any such powers and impose any such duties on the Corporation as would have been conferred or imposed by the Electric Lighting Acts 1882 to 1902 and as might have been

[Ch. cliv.] *Hamilton Burgh Order Confirmation Act, 1909.* [9 EDW. 7.]

A.D. 1909. conferred or imposed by Provisional Order under those Acts if the premises and the route along which lines are to be laid for the purpose of giving the supply were within the area of supply as defined in the Order of 1898 anything in the Order of 1898 to the contrary notwithstanding.

(2) GAS.

Appropriation of lands for gas purposes.

9.—(1) In addition to the lands described in the Seventh Schedule and the Eighth Schedule to the Act of 1878 the Corporation may upon the lands described in the Second Schedule to this Order manufacture and store gas and residual products and may erect and maintain thereon and alter improve enlarge extend and renew or discontinue gasworks retorts gasometers purifiers mains pipes machinery and other works apparatus and conveniences necessary or convenient for the making storing and supplying of gas and residual products.

(2) The lands described in the said Second Schedule and the gasworks erected thereon shall form part of the gas undertaking of the Corporation and be subject to the Acts and Orders relating to that undertaking and shall be vested in and held by the Corporation for the behoof and benefit of the burgh as part of the common good of the burgh in like manner as that undertaking is so vested and held by virtue of the Act of 1878 and the Order of 1901.

Repeal of sections 133 and 135 of Act of 1878.

10. Section 133 (Quality of gas) and section 135 (Burner) of the Act of 1878 are hereby repealed and the provisions contained in the two following sections of this Order shall have effect in substitution therefor.

Quality of gas.

11. The prescribed number of candles shall not be less than fourteen.

Testing for quality.

12.—(1) 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 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 be in all respects in accordance with the provisions of the Gasworks Clauses Act 1871.

(2) For testing the illuminating power of the gas the burner to be used shall be that known as the Metropolitan Argand No. 2

A.D. 1909.

the photometer shall be the bar photometer 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 Provided that the Board of Trade may on the application of the Corporation or any five consumers approve the use of any other burner photometer or standard light which may appear to the Board to be equally or more suitable for the testing.

(3) The Corporation shall within three months after the commencement of this Order provide the apparatus required by this Order for the testing of gas and shall at all times keep the same in proper order and repair.

13. No penalty shall be incurred by the Corporation for insufficiency of pressure defect of illuminating power or excess of impurity in the gas supplied by them in any case in respect of which it is proved that such insufficiency defect or excess was occasioned by any circumstance beyond the control of the Corporation provided that want of sufficient funds shall not be held to be a circumstance beyond the control of the Corporation.

No penalty
in case of
unavoidable
cause.

14. In order to enable the Corporation to ensure a satisfactory supply of gas to their consumers the following provisions shall have effect:—

As to speci-
fication of
internal
fittings &c.

- (1) The Corporation may specify the size and material of the pipes with the fittings thereof which are to be laid by the consumer either in the first instance or on the occasion of any renewal between the Corporation's mains and the meter and (so far as the same are intended to be covered over) on the consumer's premises:
- (2) The Corporation may if they think fit make different specifications for different classes of premises having regard to the probable maximum consumption of gas thereon at any one time:
- (3) The specifications shall be published twice in some newspaper circulating within the limits of the Corporation for the supply of gas and a copy thereof shall be kept exhibited in the office of the gas department of the Corporation:

A.D. 1909.

(4) Every meter to be used in a new building or a building not previously supplied with gas or in connexion with a new or substituted pipe laid between the Corporation's mains and the meter shall be placed as near as reasonably practicable to such main but within the outside wall of the building :

(5) When any such pipes or meter as aforesaid have been laid or placed notice thereof shall be given to the Corporation at the office of the gas department of the Corporation and the pipes shall not be covered over until after the expiration of twenty-four hours from the giving of such notice to the Corporation :

Any officer of the Corporation duly appointed may between nine o'clock in the morning and five o'clock in the afternoon attend and inspect such pipes (with their fittings) and meter and if the officer is not permitted to make the inspection or if the pipes or fittings are not according to the Corporation's specification or if the meter is not placed as required by this section the Corporation may refuse to supply gas to the premises until the provisions of this section have been complied with :

(6) Any person to whom the Corporation refuses a supply of gas under the provisions of this section may appeal to the sheriff against such refusal and the sheriff may after hearing the parties and considering any questions as to the reasonableness of the Corporation's specification make such order as seems to him proper in the circumstances and may order by which of the parties the costs of and incident to the appeal shall be paid and the decision of the sheriff shall be final.

Anti-fluctua-
tors for gas
engines.

15. Every consumer of gas supplied by the Corporation who uses a gas engine shall if required to do so by the Corporation use an effective anti-fluctuator and shall at all times at his own expense keep such anti-fluctuator in proper repair and in default of his so using or keeping such anti-fluctuator in proper repair the Corporation may cease to supply gas to such consumer The Corporation shall have access to and be at liberty to take off remove test inspect and replace any such anti-fluctuator at all

[9 EDW. 7.] *Hamilton Burgh Order Confirmation* [Ch. cliv.]
Act, 1909.

reasonable times such taking off removing testing inspecting and replacing to be done at the expense of the Corporation if the anti-fluctuator be found in proper order but otherwise at the expense of the consumer. A.D. 1909.

16. The Corporation may supply gas for heating cooking motive power warming ventilating and other purposes and for the particular requirements of any trade industry manufacture or business and may do all things needful therefor on such terms and conditions in all respects as may be agreed between the Corporation and the person to whom such supply shall be given Provided that the rate charged for gas so supplied shall be the same to all persons under the like circumstances. Supply of gas for other than lighting purposes.

17.—(1) The Corporation may sell let for hire fix repair alter and remove (but shall not manufacture) engines stoves ranges pipes and other fittings for lighting for motive power for the warming and ventilating of houses and buildings for the cooking of food and for all other purposes for which gas can or may be used (all of which are herein-after in this section included in the expression "fittings") and may provide all materials and do all work necessary or proper in that behalf and with respect thereto may demand and take such remuneration or rents and charges and make such terms and conditions as may be agreed upon. Power to deal in gas fittings &c.

(2) Any fittings let for hire under the provisions of this section shall not be subject to pouding or to the landlord's hypothec or remedy for rent or be liable to diligence under any process of law or any proceedings against the person in whose possession the same may be in the event of his bankruptcy or insolvency and such fittings notwithstanding that they be fixed or fastened to any part of any premises in which they may be situate or to the soil under any such premises shall at all times continue to be the property of and be removable by the Corporation Provided that such fittings are marked or impressed with a sufficient mark or brand indicating the Corporation as the actual owners thereof.

(3) Provided as follows:—

(A) The Corporation shall so adjust the charges to be made by them for any such fittings or for the fixing repairing alteration or removal thereof as to meet any expenditure incurred by them under the

A.D. 1909.

powers of this section in connexion therewith including interest upon moneys borrowed for those purposes and all sums applied either by way of instalments or by way of payments to sinking fund for repayment of moneys so borrowed:

(B) Every sum charged by the Corporation in respect of the provision of such fittings or the fixing repairing alteration or removal thereof shall be separately stated on every demand note for gas rates or charges delivered by the Corporation to the consumer:

(c) The total sums expended and received by the Corporation in connexion with the purposes in this section mentioned in each year (including interest instalments and sinking fund) shall be separately shown in the published accounts of the gas undertaking of the Corporation for that year.

(4) Section 39 of the Hamilton New Gas Light Act 1846 is hereby repealed.

Gas consumers to give notice to Corporation before removing.

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

Notice to discontinue supply of gas.

19. A notice to the Corporation for a discontinuance of a supply of gas shall not be of any effect unless it be in writing signed by or on behalf of the consumer and left at or sent by post to the office for the time being of the gas department of the Corporation.

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

20. If a person requiring a supply of gas from the Corporation has previously quitted premises at which gas was supplied to him by the Corporation without paying to them all gas rates and charges and meter rent due from him to the

[9 EDW. 7.] *Hamilton Burgh Order Confirmation* [Ch. cliv.]
Act, 1909.

Corporation the Corporation may refuse to furnish to him a supply of gas until he pays the same. A.D. 1909.

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

22. The Corporation may if they think fit allow discounts or rebates to consumers of gas in consideration of prompt payment of gas rates or charges not exceeding in any case ten per centum and in addition thereto or irrespective thereof they may if they think fit allow discounts or rebates to large consumers not exceeding in any case fifteen per centum. Provided that all discounts or rebates shall be of equal amount under like circumstances to all consumers. Provided also that notice of the effect of this enactment shall be endorsed on every demand note for gas rates or charges. Discounts.

23.—(1) The Corporation may demand for any gas supplied through a prepayment meter a not greater rate or charge than for gas supplied to private consumers within their limits of supply through any other kind of meter or by any other method of supply. Charge for gas supplied by means of prepayment meters.

(2) The Corporation shall not charge for the hire of any prepayment meter and fittings to be used therewith any sum other than a sum of money calculated according to the quantity of gas supplied through such prepayment meter and the maximum sum to be so charged shall be at the rate of tenpence per one thousand cubic feet supplied in manner aforesaid such sum to include the hire of the meter and the fittings used therewith or at the rate of one shilling per one thousand cubic feet if such fittings include a cooking stove :

The said charge shall include the providing letting fixing repairing and maintenance of the meter and fittings and the cost of collection and other costs incurred by the Corporation in connexion with the meter and fittings.

A.D. 1909.

(3) The maximum rate or charge for the hire of a prepayment meter without fittings shall be at the rate of ten per centum per annum on the cost of the meter.

(4) For the purpose of this section the expression "prepayment meter" means any meter or appliance by which the quantity of gas supplied is regulated according to the amount of money prepaid therefor.

Corporation may contract with local authority &c. for supply in bulk.

24. The Corporation may contract with any local authority company or person whether within or beyond their limits for the supply of gas (but so far as beyond those limits only with the consent in writing of the local authority of the district within which the supply is to be given and of any company or person supplying gas in that district under parliamentary powers) for the supply to them of gas in bulk upon such terms and conditions and for such periods not exceeding in any case seven years from the making of the contract as may be agreed upon. For the purpose of affording a supply of gas under this section beyond their limits for the supply of gas the Corporation may with the consent in writing of the road authority and subject to such conditions as the road authority may prescribe exercise the powers of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying or repairing pipes within the district of the road authority so consenting.

Application of revenue of gas undertaking.

25. From and after the fifteenth day of May one thousand nine hundred and ten the revenue of the gas undertaking of the Corporation shall be applied in the manner and to the purposes following (that is to say):—

- (1) In defraying the expenses of the management and maintenance of the gas undertaking:
- (2) In payment of the interest on any money already borrowed or hereafter to be borrowed by the Corporation for the purpose of the gas undertaking:
- (3) In providing for the repayment of money already borrowed or hereafter to be borrowed by the Corporation for the purpose of the gas undertaking:
- (4) In providing a contingency and depreciation of works fund by setting aside annually a sum equal to not less than two per centum of the gross revenue of the gas undertaking in each year and such fund shall from time to time be applied by the Corporation in payment of the cost of enlarging or renewing the mains pipes retorts and other apparatus of the gas

undertaking or of carrying out any extraordinary repairs thereto or in meeting any extraordinary contingency liability or claim which may arise or be incurred in respect of the gasworks or the gas undertaking: A.D. 1909.

- (5) In providing for any other expenses (including so far as may be necessary interest and repayment of money borrowed or hereafter to be borrowed by the Corporation for other than gas purposes) specifically authorised or directed by any Act or Order to be defrayed out of the revenues of the gas undertaking:
- (6) In defraying such part of the cost of extending their gasworks or of extending or increasing the number of the mains or pipes as the Corporation may think fit to charge against revenue:

And the surplus after providing such payments shall be applied by the Corporation at their discretion in extinction of debt charged on the gas undertaking or reduction of the rates or charges for gas or reduction of the rates of the burgh or for any other purpose to which the revenue of the common good of the burgh may competently be applied.

(3) ELECTRICITY AND GAS.

26. The Corporation may on the application of the owner or occupier of any premises abutting on or being erected in any street laid out but not dedicated to the public use within the limits of the Corporation for the supply of gas or electrical energy supply such premises with gas or electrical energy and may lay down alter relay or renew in across or along such street such pipes cables service lines and other works as may be requisite or proper for furnishing such supply and the provisions of the Gasworks Clauses Act 1847 and of the Order of 1898 with respect to the breaking up of streets for the purpose of laying pipes cables service lines and other works and for the protection of pipes cables service lines and other works when so laid so far as they are applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof. Power to lay pipes in streets not dedicated to public use.

(4) MISCELLANEOUS.

27. Any loan borrowed at any time after the commencement of this Order by the Corporation for sewage purification Extension of period for repayment of

A.D. 1909.
moneys borrowed for
sewage purification
works.

works may notwithstanding anything contained in section 139 of the Public Health Act or in any other Act of Parliament or in any rules or regulations made under any Act of Parliament be repaid within such period not exceeding fifty years from the date or dates of borrowing as the Corporation may in each case determine Provided that if the determined period shall exceed forty years the loan to which the determination relates shall unless the Secretary for Scotland otherwise consents be repaid by the Corporation by equal yearly or half-yearly instalments of principal or by means of a non-accumulating sinking fund to be formed maintained and applied as follows (that is to say):—

- (A) Such sinking fund shall be formed by payment to the fund throughout the determined period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed :
- (B) Every sum paid to 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 other than the Corporation the Corporation being at liberty from time to time to vary and transpose such investments :
- (C) The interest on the investments of the fund may be applied by the Corporation towards the equal annual payments to the fund :
- (D) The Corporation may at any time apply the whole or any part of the sinking fund in or towards the discharge of the moneys for the repayment of which the fund is formed :
- (E) If it appears to the Secretary for Scotland or to the Corporation at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Order will probably not be sufficient to repay within the determined period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Corporation to make such increased

payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose: A.D. 1909.

- (F) If the Corporation desire to accelerate the repayment of the loan in respect of which the sinking fund is formed they may increase the amount payable to the sinking fund:
- (G) If the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Order will in the opinion of the Corporation be more than sufficient to repay within the determined period the moneys for the repayment of which the sinking fund is formed the Corporation may with the consent of the Secretary for Scotland reduce the payments to be made to the sinking fund either temporarily or permanently to such amounts as will be sufficient to repay within the determined period the moneys for the repayment of which the sinking fund is formed:
- (H) If the amount in the sinking fund at any time will in the opinion of the Corporation be sufficient to repay the loan in respect of which it is formed within the determined period the Corporation may with the consent of the Secretary for Scotland discontinue the annual payments to the sinking fund:
- (I) Any surplus of the sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed may be applied to such purpose as the Corporation may determine:
- (J) The period at which the payments into the sinking fund shall commence shall be one year after the date or dates of borrowing.

28.—(1) The Corporation may contribute such sum as they may think fit towards the expense incurred or to be incurred by any company or person in searching for coal or other minerals under the Common Muir forming part of the common good of the burgh or under any lands adjoining or adjacent thereto and that whether the works or operations in connexion therewith are executed or carried out on or under the said Common Muir or on or under any such lands as aforesaid.

Powers of Corporation in relation to minerals under the Common Muir.

[Ch. cliv.] *Hamilton Burgh Order Confirmation Act, 1909.* [9 EDW. 7.]

A.D. 1909.

(2) The Corporation may for the purpose of searching for or working coal or other minerals under the said Common Muir either in conjunction with the minerals in other lands or otherwise subscribe towards the capital of or lend to any company that may be formed for that purpose or who may agree to search for or work the same or may lend to any person who may so agree such sum or sums as they may think fit and may in respect of such subscription or loan take and hold shares or stock in the capital of or mortgages bonds debentures debenture stock or other securities of any such company or granted by any such person.

(3) The Corporation may enter into and carry into effect agreements or arrangements with any company or person for all or any of the purposes of this section.

(4) The Corporation may defray out of the free revenue of the common good of the burgh the amount of any contribution which the Corporation may agree to make under the powers of this section towards the expense incurred or to be incurred by any company or person in searching for coal or other minerals as aforesaid.

(5) The Corporation may borrow such sum as may be required for the purposes of any subscription towards the capital of or loan to any company or person authorised by this section and may grant mortgages bonds or other dispositions for securing the money so borrowed and the interest thereon of or over the common good of the burgh or the free revenue thereof Provided that any money so borrowed shall be repaid out of the moneys derived from the working of the said coal or other minerals or out of the free revenue of the common good within such period as the Corporation may determine not exceeding thirty years from the date or dates of borrowing.

(6) Nothing in this section shall vary or affect the terms or conditions of any feu contract granted by the Corporation of any part of the Common Muir or the rights and remedies thereunder of the feuar or person claiming from him or confer upon or enable the Corporation or any company or person claiming through them to exercise as between themselves and such feuar or other person any right or power which is not conferred on or reserved to the Corporation by such feu contract.

(7) Section 98 of the Town Councils (Scotland) Act 1900 shall not apply to any agreements or arrangements under this

[9 EDW. 7.] *Hamilton Burgh Order Confirmation* [Ch. cliv.]
Act, 1909.

section relating to the searching for or working of the coal or other minerals under the said Common Muir Provided that any such agreements or arrangements shall not take effect until the same shall have been approved by the Corporation at a meeting specially called for the purpose and confirmed at a subsequent meeting held not sooner than four weeks after the preceding meeting and which subsequent meeting and the purpose thereof shall have been advertised once at least in each of the weeks intervening between the two meetings in some newspaper circulating within the burgh and of which special notice in writing has been given to each member of the Corporation. A.D. 1909.

29.—(1) Notwithstanding anything contained in section 47 of the Act of 1878 when the councillors of the Dean of Guild or any of them are present at any proceeding before the Dean of Guild or depute Dean of Guild the councillors present shall each have an equal voice (except as herein-after provided) with the dean or depute dean as the case may be in deciding upon the judgment order or decree to be pronounced or made in such proceeding and the judgment order or decree pronounced or made in such proceeding by the dean or depute dean as the case may be shall be in accordance with the opinion of the majority of the dean or depute dean and councillors present and such judgment order or decree when signed by the dean or depute dean (whose duty it shall be to sign the same) shall for all purposes be deemed to be and have effect as the judgment order or decree of the Dean of Guild Provided that in the case of equality of votes the dean or depute dean as the case may be shall have a casting vote. Extending powers of councillors of Dean of Guild.

(2) Except as expressly provided nothing in this section shall affect or alter the provisions of the Act of 1878 with respect to the Dean of Guild or the Dean of Guild Court.

30. The power to borrow temporarily conferred on the Corporation by section 49 of the Police Act of 1903 may be exercised by the Corporation in respect of the current expenses of the Corporation under any local Act or Order applicable to the burgh at the commencement of this Order and under this Order and in respect of the payment of any expenses which the Corporation are entitled to defray from moneys borrowed under any such Act or Order or this Order and the provisions of the said section shall mutatis mutandis apply to temporary borrowing by the Corporation for defraying such expenses Provided that Power to borrow temporarily.

[Ch. cliv.] *Hamilton Burgh Order Confirmation* [9 EDW. 7.]
Act, 1909.

A.D. 1909. the assessments and sinking funds mentioned in the said section shall in the application thereof for the purposes of this section mean the rates rents and charges which the Corporation are authorised to levy recover or demand and the sinking fund (if any) created under any such Act or Order or this Order.

Burgh
Sewerage
&c. Act 1901
may be
adopted in
part.

31. It shall be in the power of the Corporation by resolution to adopt Part I. of the Burgh Sewerage Drainage and Water Supply (Scotland) Act 1901 (in this section called "the Act of 1901") so far as the same relates to sewerage and drainage without at the same time adopting the provisions of that Part of the Act of 1901 which relate to water supply and from and after the date specified in such resolution Part I. of the Act of 1901 so far as the same relates to sewerage and drainage shall come into force within the burgh and the sections of the Police Act of 1892 and the Public Health Act specified in the schedule to the Act of 1901 shall in so far as the same apply to the burgh and relate to sewerage and drainage be repealed to the extent mentioned in the said schedule and the Acts and Orders mentioned in the First Schedule to this Order shall so far as inconsistent with or dealing with the same subject matter as the provisions of Part I. of the Act of 1901 which relate to sewerage and drainage be repealed which Acts or Orders or portions of Acts or Orders shall be specified in the resolution Every such resolution shall forthwith be communicated to the Secretary for Scotland Provided that the public water rate and the domestic water rate levied in the burgh and the sewer assessment under the Act of 1901 shall not together exceed the rate of four shillings in the pound.

Costs of
Order.

32. The costs charges and expenses of and incident to the preparing for obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Corporation out of the revenue of the common good of the burgh or the revenue of the electricity undertaking or of the gas undertaking of the Corporation or out of the burgh general assessment or the public health general assessment or out of money which the Corporation are authorised to borrow on the security thereof respectively or out of one or other or all of them proportionally as the Corporation may determine Provided that any money borrowed for paying any such costs charges and expenses shall be repaid within five years from the commencement of this Order.

[9 EDW. 7.] *Hamilton Burgh Order Confirmation* [Ch. cliv.]
Act, 1909.

SCHEDULES referred to in the foregoing Order.

A.D. 1909.

THE FIRST SCHEDULE.

The Hamilton New Gas Light Act 1846.
The Hamilton Waterworks Act 1854.
The Hamilton Waterworks Amendment Act 1863.
The Hamilton Water Act 1875.
The Hamilton Burgh Act 1878.
The Hamilton Water Act 1888.
The Hamilton Water Act 1898.
The Hamilton Electric Lighting Order 1898.
The Hamilton Burgh Act 1900.
The Hamilton Burgh Order 1901.
The Hamilton Gas Order 1901.
The Hamilton Burgh Order 1903.
The Hamilton Gas Order 1904.

THE SECOND SCHEDULE.

GAS LANDS.

A piece of land in the parish of Hamilton within the burgh belonging to the Corporation now used in connexion with the gas-works of the Corporation bounded on the north-east by Burnside Lane and on the north and north-west partly by other property of the Corporation and partly by Tuphall Road on the south by Selkirk Street and property of Robert Downie and on the south-east and east partly by property of Thomas Wint Weir and partly by other property of the Corporation.

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