



### CHAPTER liii.

An Act to constitute and incorporate a joint board consisting of representatives of the urban district councils of Stretford Ashton-upon-Mersey and Sale and the rural district councils of Barton-upon-Irwell and Bucklow and to authorise such Board to acquire from the lord mayor aldermen and citizens of the city of Manchester the undertaking lately belonging to the Stretford Gas Company and for other purposes. A.D 1922.

[20th July 1922.]

**W**HEREAS the urban districts of Stretford in the County Palatine of Lancaster and of Ashton-upon-Mersey and Sale in the county of Chester are urban sanitary districts within the meaning of the Public Health Act 1875 and urban districts within the meaning of the Local Government Act 1894 and are respectively under the management and control of the urban district council of Stretford (in this Act called "the Stretford Council") the urban district council of Ashton-upon-Mersey (in this Act called "the Ashton-upon-Mersey Council") and the urban district council of Sale (in this Act called "the Sale Council") :

And whereas the rural districts of Barton-upon-Irwell in the County Palatine of Lancaster and Bucklow in the county of Chester are rural sanitary districts within the meaning of the Public Health Act 1875 and rural districts within the meaning of the Local Government Act 1894 and are respectively under the management and control

A.D. 1922. — of the rural district council of Barton-upon-Irwell (in this Act called “the Barton-upon-Irwell Council”) and the rural district council of Bucklow (in this Act called “the Bucklow Council”):

And whereas by the Stretford Gas Act 1862 the Stretford Gas Company (hereinafter called “the company”) were incorporated and were authorised to supply gas throughout an area which now consists of the urban districts of Stretford Urmston Ashton-upon-Mersey and Sale and the parishes of Flixton and Davyhulme in the rural district of Barton-upon-Irwell and the parish of Timperley in the rural district of Bucklow:

And whereas by the Stretford Gas Acts 1877 and 1899 and the Stretford Gas Order 1917 confirmed by the Gas and Water Provisional Orders Act 1917 and the Stretford Gas (Standard of Calorific Power) Order 1917 further powers were conferred upon the company:

And whereas by the Manchester Corporation (General Powers) Act 1921 (hereinafter called “the Act of 1921”) the lord mayor aldermen and citizens of the city of Manchester (hereinafter called “the Corporation”) were authorised to acquire the undertaking of the company in accordance with the terms of an agreement dated the eighth day of February one thousand nine hundred and twenty-one and made between the company of the one part and the Corporation of the other part and which agreement was scheduled to and confirmed by the Act of 1921:

And whereas by section 43 of the Act of 1921 it was provided that if the urban district councils of Stretford Urmston Ashton-upon-Mersey and Sale and the rural district councils of Barton-upon-Irwell and Bucklow or any two or more of such councils jointly should introduce a Bill in the next Session of Parliament and bona fide promote the same for an Act to provide for the constitution of a joint board comprising representatives of the councils and to empower and require the board to purchase from the Corporation and to empower and require the Corporation to sell to the Board for the consideration mentioned in the said section the whole of the undertaking of the company as described in the said agreement on and subject to the terms and conditions therein contained so far as the same were applicable the Corporation



should not directly or indirectly oppose such Bill except in so far as might be necessary in order to secure the insertion therein of provisions to protect their interests : A.D. 1922.

And whereas by section 51 of the Act of 1921 the gas mains pipes services meters stoves fires and other apparatus fittings and appliances of the mayor aldermen and burgesses of the borough of Salford (hereinafter called "the Salford Corporation") in the township or parish of Davyhulme and all rights and obligations of the Salford Corporation with respect to the supply of gas in the said township were transferred to and vested in the Corporation in consideration of the sum of seven thousand pounds to be paid by the Corporation to the Salford Corporation on the twenty-fifth day of March one thousand nine hundred and twenty-two and it was provided that the property rights and obligations of the Salford Corporation so transferred to and vested in the Corporation should for the purposes of the said section 43 of the Act of 1921 be deemed to form part of the undertaking of the company and the said sum of seven thousand pounds should be deemed to be a debt or obligation to be paid and discharged by the Board in accordance with the provisions of the said section :

And whereas it is expedient that a gas board consisting of representatives of the Stretford Council the Ashton-upon-Mersey Council the Sale Council the Barton-upon-Irwell Council and the Bucklow Council should be incorporated and empowered to acquire from the Corporation the undertaking of the company including the gas mains pipes services meters stoves fires and other apparatus fittings and appliances of the Salford Corporation in the said township of Davyhulme in accordance with the provisions of the Act of 1921 :

And whereas by the Altrincham Gas Act 1872 the Altrincham Gas Company were incorporated and authorised to supply gas throughout an area which includes the urban district of Ashton-upon-Mersey and the parishes of Timperley and Baguley in the rural district of Bucklow but the Altrincham Gas Company have not exercised their powers of supply in the urban district of Ashton-upon-Mersey (except to three houses and a few public lamps in Washway Road south of Woodhouse Lane in the extreme south-eastern part of the urban district) and have not exercised their powers of supply within the

A.D. 1922. — north-western part of the parish of Baguley and the supply of gas in the urban district of Ashton-upon-Mersey (other than the extreme southern part thereof) and also in the north-western part of the parish of Baguley has been given by the company and it is expedient that the powers of the Altrincham Gas Company to supply gas in the urban district of Ashton-upon-Mersey (except to the houses and public lamps in Washway Road aforesaid) and in the north-western portion of the parish of Baguley should be repealed :

And whereas estimates have been prepared for the purposes hereinafter mentioned and such estimates are as follows :—

For the alteration and improvement of the gasworks and for new gas mains and extensions of gas mains fifteen thousand pounds :

And whereas the several works included in such estimates are permanent works and it is expedient that the cost thereof be spread over a term of years :

And whereas it is expedient that the other provisions contained in this Act should be enacted :

And whereas the purposes of this Act cannot be effected without the authority of Parliament :

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed :

May it therefore please Your Majesty that it may be enacted and be it 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 :—

## PART I.

### PRELIMINARY.

Short title.

1. This Act may be cited as the Stretford and District Gas Board Act 1922.

Division of  
Act into  
Parts.

2. This Act is divided into Parts as follows :—

Part I.—Preliminary.

Part II.—Establishment Constitution and Proceedings of Board.



Part III.—Purchase of Undertaking of the Com-pany. A.D. 1922.

Part IV.—Supply of gas.

Part V.—Financial and Miscellaneous Provisions.

3. The following Acts and parts of Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are incorporated with and form part of this Act (that is to say) :—

Incorporation of Acts.

(1) The provisions of the Commissioners' Clauses Act 1847 with respect to the following matters (namely) :—

The contracts to be entered into and the deeds to be executed by the commissioners;

The liabilities of the commissioners and legal proceedings by or against the commissioners;

The making of byelaws;

Access to the special Act:

(2) The Gasworks Clauses Act 1847 except the provisions thereof with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for their benefit and with respect to the yearly receipts and expenditure of the undertakers. Provided that section 13 of the said Act of 1847 in its application to the Board shall be read as if the words "or any premises" were inserted after the words "private building" and as if the words "Provided that every such contract entered into by the Board shall be alike in terms and amount under like circumstances to all consumers" were added at the end of that section:

(3) The Gasworks Clauses Act 1871 except sections 7 8 and 35 thereof; and

(4) The Lands Clauses Acts except section 127 of the Lands Clauses Consolidation Act 1845 and except the provisions with respect to the purchase and taking of lands otherwise than by agreement.

4. The several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith shall in this Act have the same

Interpretation.

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- (A) In the provisions of the Commissioners Clauses Act 1847 incorporated with this Act “the commissioners” means the Board;
- (B) In the provisions of the Gasworks Clauses Acts 1847 and 1871 incorporated with this Act “the undertakers” means the Board;
- (C) In the provisions of the Lands Clauses Acts incorporated with this Act “the promoters of the undertaking” means the Board:

And in this Act unless the subject or context otherwise requires—

- “The Board” means the Stretford and District Gas Board incorporated by this Act;
- “The Stretford Council” means the Stretford Urban District Council;
- “The Ashton-upon-Mersey Council” means the Ashton-upon-Mersey Urban District Council;
- “The Sale Council” means the Sale Urban District Council;
- “The Barton Council” means the Barton-upon-Irwell Rural District Council;
- “The Bucklow Council” means the Bucklow Rural District Council;
- “The councils” and “the constituent authorities” mean the Stretford Ashton-upon-Mersey Sale Barton-upon-Irwell and Bucklow Councils and “constituent authority” means one of those councils;
- “The district funds” and “the general district rates” respectively mean the district funds and the general district rates of the Stretford Ashton-upon-Mersey and Sale Urban Districts;
- “The company” means the Stretford Gas Company;
- “The Corporation” means the lord mayor aldermen and citizens of the city of Manchester;
- “The Act of 1921” means the Manchester Corporation (General Powers) Act 1921;
- “The scheduled agreement” means the agreement dated the eighth day of February one thousand nine hundred and twenty-one and made between



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the company of the one part and the Corporation of the other part as set forth in the Third Schedule to the Act of 1921;

“The transfer” means the transfer to and vesting in the Board of the undertaking of the company in pursuance of this Act;

“The Altrincham Company” means the Altrincham Gas Company;

“The limits of supply” means the limits of this Act for the supply of gas which limits are set forth in the section of this Act of which the marginal note is “Limits of supply”;

“Statutory security” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Board;

“Statutory borrowing power” means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed;

“The revenues of the Board” includes the revenues of the Board from time to time arising from their undertaking or from any land or other property for the time being belonging to the Board and the money receivable by them from the constituent authorities and all rates and money

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which they are authorised to levy and collect within the districts of the constituent authorities under the powers of this Act.

## PART II.

ESTABLISHMENT CONSTITUTION AND PROCEEDINGS  
OF BOARD.

Incorporation of Board.

5. For the purposes of carrying this Act into execution there shall be a Board of sixteen members constituted and appointed as by this Act provided and they and their successors from time to time appointed and acting in pursuance of this Act shall be a body corporate under the name and style of "the Stretford and District Gas Board" with perpetual succession and a common seal and with power to sue and be sued and to purchase take hold lease and dispose of lands (without any licence in mortmain) and other property for the purposes of this Act and with all other powers and privileges of a body corporate.

Constitution of Board.

6. The constitution of the Board shall be as follows:—

Eight members to be elected by the Stretford Council from amongst the members thereof;

Three members to be elected by the Sale Council from amongst the members thereof;

Two members to be elected by the Ashton-upon-Mersey Council from amongst the members thereof;

Two members to be elected by the Barton-upon-Irwell Council from amongst the members thereof;

One member to be elected by the Bucklow Council from amongst the members thereof.

Appointment of members of Board.

7.—(1) The first appointment of members of the Board by each constituent authority shall take place at a meeting of the constituent authority to be held within six weeks after the passing of this Act or within such further time as the Ministry of Health shall allow and the members so appointed shall subject to the provisions of this Act continue in office for such period not being less than one year as the constituent authority by whom they are appointed shall determine but not beyond the thirtieth day of April one thousand nine hundred and twenty-five.



(2) Each constituent authority shall at a meeting to be held within one month after the thirty-first day of March in every year or at a special meeting to be held with special notice of the object of such meeting appoint such members as may be necessary in order to bring the number of members appointed by them up to the number of members of the Board whom they are by this Act authorised to appoint to hold office for such period not being less than a year nor more than three years as they may determine.

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8. If either constituent authority fail to appoint first members of the Board or to fill any vacancy as by this Act provided it shall be competent nevertheless for the other members of the Board to carry this Act into execution and if either constituent authority fail subsequently to appoint members or a member of the Board at the proper time for their appointment the then existing members or member of the Board representing such authority and qualified to be members or a member of the Board shall continue in office till their or his successors or successor are or is appointed.

Provisions  
where  
failure to  
appoint  
members.

9. A person shall not be qualified to be a member of the Board unless he is a member of the constituent authority by whom he is appointed.

Members of  
Board to be  
members of  
constituent  
authorities.

10. A person who is a member of two or more constituent authorities shall not be qualified to represent more than one of them and if the same person shall be appointed a member of the Board by more than one constituent authority he shall choose under which appointment he shall serve and the other appointment shall be deemed void.

Member of  
two or more  
authorities  
to represent  
one only.

11.—(1) If a member of the Board ceases to be a member of the constituent authority by whom he has been appointed or becomes disqualified he shall cease to be a member of the Board.

Disqualifi-  
cation of  
members.

(2) A person shall be disqualified for being appointed or being a member of the Board if he—

(A) Holds any paid office under the Board save as permitted by this Act; or

(B) Is concerned in any bargain or contract entered into with the Board or participates in the profit of any such bargain or contract or of any work done under the authority of the Board.

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Provided that a person shall not be disqualified for being appointed or being a member of the Board by reason of being interested—

- (A) In the sale or lease of any lands or in any loan of money to the Board or in the supply of gas by the Board to him as a consumer or the hire or purchase from the Board by him as a consumer of gas of the Board of meters stoves fittings or apparatus;
- (B) In any newspaper in which any advertisement relating to the affairs of the Board is inserted; or
- (C) In any bargain or contract with the Board as a shareholder in any company but no such person shall vote at any meeting of the Board on any question in which such company are interested.

Certificate  
of appoint-  
ment of  
members.

**12.** Whenever an appointment of a member of the Board has been made the clerk of the constituent authority by whom the appointment was made shall by writing under his hand certify the appointment to the Board and shall forthwith transmit the certificate to the clerk to the Board. Provided that in the case of the first appointment the clerk of each constituent authority shall return the names of the members or member appointed by his authority to the clerk of the other constituent authorities.

Resigna-  
tion of  
members.

**13.** A member of the Board may resign his office by notifying in writing his intention so to do to the chairman or clerk of the Board.

Removal of  
members.

**14.** Any member of the Board may be removed at any time by resolution of the constituent authority by whom he was appointed.

Member to  
vacate office  
if absent.

**15.** If any member is absent from meetings of the Board for more than six months consecutively except for some reason approved by the Board he shall on the expiration of that period vacate his office.

Notice of  
vacancies.

**16.** Where any member becomes disqualified for holding office or vacates his office by absence or otherwise or is removed from office the Board shall forthwith declare the office to be vacant and shall notify the fact to the constituent authority by whom he is appointed in such manner as the Board think fit.



**17.** If any member of the Board dies or resigns or is disqualified or ceases to be a member of the Board the constituent authority by whom he was appointed may at any time after the happening of such vacancy appoint another person to be a member of the Board in his place who shall continue in office only so long as the person in whose place he is appointed would have been entitled to continue in office.

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Casual  
vacancies.

**18.—**(1) Subject to the provisions of this Act the term of office of chairman of the Board shall be one year.

Chairman  
of Board.

(2) At their first meeting and subsequently at their annual meeting in each succeeding year the Board shall appoint one of their members as chairman for the ensuing year.

(3) A chairman may if otherwise qualified be re-appointed and shall continue in office until his successor is appointed unless he dies or resigns or becomes disqualified or ceases to be a member of the Board before the appointment of his successor.

(4) On a casual vacancy occurring in the office of chairman by reason of death resignation disqualification absence or otherwise another member shall be appointed in his place to hold office until the time when the person in whose place he is appointed would regularly have gone out of office.

**19.** The Board shall hold their first meeting at such place and on such day and at such time as may be agreed between the constituent authorities or as failing such agreement shall be appointed for the purpose by the Ministry of Health and subsequent meetings of the Board (including their annual meetings) shall be held at such places on such days and at such times as the Board may from time to time appoint provided that the Board shall hold their annual meeting within fourteen days after the thirtieth day of April in every year.

First and  
subsequent  
meetings of  
Board.

**20.** The chairman or any three or more members of the Board may at any time by writing addressed and sent to the clerk of the Board require a special meeting to be convened and the clerk shall convene a meeting accordingly.

Special  
meetings of  
Board.

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Convening  
of meetings.

21. The first meeting of the Board shall be convened by the clerk of the Stretford Council and every subsequent meeting shall be convened by the clerk of the Board and every meeting shall be convened by circular delivered to each member of the Board or sent by post to or delivered at his residence two clear days at least before the day of the meeting.

Quorum of  
meetings.

22. To constitute a meeting of the Board there must be present not less than three of the members of the Board.

Proceedings  
at meetings.

23.—(A) At every meeting the chairman of the Board shall preside but if he is not present at the time appointed for the meeting the members then present shall choose one of their number to preside at that meeting.

(B) Every question at a meeting of the Board shall be decided by a majority of the votes of the members present and voting on that question and in the case of an equality of votes on any question the person presiding at the meeting shall have a second or casting vote. Provided always that if at any meeting there be a vacancy in the office of chairman or the chairman be not present and there be an equality of votes in choosing the member to preside at such meeting it shall be decided by lot which of the members having an equal number of votes shall so preside.

Minutes of  
meetings.

24.—(A) Minutes of the proceedings of every meeting shall be drawn up and fairly entered in a book kept for that purpose or printed and kept in the form of a book and copies of or prints of such minutes shall after each meeting be forwarded by the clerk of the Board to the clerk of each constituent authority and the minutes shall be signed by the chairman or other member presiding at the next ensuing meeting.

(B) A minute of the proceedings of the Board or of a committee of the Board signed at the next ensuing meeting by a member of the Board describing himself as or appearing to be chairman of the meeting at which the minute is signed shall be received in evidence without further proof.

(C) Until the contrary is proved every meeting whereof a minute has been so made shall be deemed to have been duly convened and held and all the members



of the meeting shall be deemed to have been duly qualified and where the proceedings are proceedings of a committee the committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minutes. A.D. 1922.

**25.** Subject to the provisions of this Act the Board may make standing orders for the regulation of their proceedings. Standing orders of Board.

**26.** The Board may appoint out of their own body such and so many committees either of a general or special nature consisting of such number of persons as they think fit for any purposes which in the opinion of the Board would be better regulated and managed by means of committees and may delegate with or without any restrictions or conditions as they may think fit any of their powers or duties (except any power of raising money or of issuing any precept for contributions) to any committee of the Board so appointed. Committees of Board.

The provisions of section 82 of the Local Government Act 1888 with respect to proceedings of committees of county councils shall apply to committees of the Board as if they were committees of a county council.

**27.** The Board may appoint and remunerate a clerk deputy clerk manager engineer accountant treasurer and such other officers clerks and servants as they from time to time think requisite and all officers clerks and servants so appointed shall be removable by the Board at their pleasure No member of the Board or of any of the constituent authorities shall be an officer of the Board but the same person may be and continue an officer of the Board and of a constituent authority All acts and things required or authorised to be done by the clerk of the Board may (subject to any restrictions imposed by the Board) be done by his deputy clerk and a deputy clerk of the Board may act notwithstanding a vacancy in the office of the clerk. Appointment of officers.

**28.—(1)** The Board shall cause proper books of account and other books in relation thereto to be kept and shall prepare yearly balance sheets to the thirty-first day of March in each year showing in all necessary detail the receipts and expenditure of the Board and shall report the same to each of the constituent authorities. Accounts and audit.

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(2) The provisions of section 58 of the Local Government Act 1894 shall apply to the accounts of the Board and of their committees and officers and to the audit thereof and the accounts of the Board shall be made up yearly to the thirty-first day of March in each year.

Acts not invalidated. **29.** No act or proceeding of the Board shall be questioned on account of any vacancy in their body or on account of any defect in the appointment of any member of the Board.

Power to alter number of members. **30.** On the application of any of the constituent authorities the Ministry of Health may after inquiry and prior notice thereof to the constituent authorities by order alter the number and proportion of members to be appointed by the constituent authorities and may by such order alter the total number of members of the Board and may make any provisions incident to or consequential on such alteration including an alteration in the number of members to form a quorum.

Arbitration. **31.** If at any time any difference arises between the Board and any of the constituent authorities respecting any matter arising out of the provisions of this Act the same shall be referred to and be settled by the Ministry of Health or by an arbitrator appointed by the Ministry.

### PART III.

#### PURCHASE OF UNDERTAKING OF THE COMPANY.

Corporation to sell undertaking of Stretford Gas Company to Board. **32.—(1)** The Corporation shall sell to the Board and the Board shall purchase from the Corporation for the consideration hereinafter mentioned the whole of the undertaking of the company acquired by the Corporation under the Act of 1921 as described in the scheduled agreement including all gas mains pipes services meters stoves fires and other apparatus fittings and appliances of the mayor aldermen and burgesses of the borough of Salford (in this section called "the Salford Corporation") in the township or parish of Davyhulme and all rights and obligations of the Salford Corporation with respect to the supply of gas in the said township



or parish vested in the Corporation under section 51 (Transfer of property and rights of Salford Corporation in Davyhulme) of the Act of 1921. A.D. 1922.  
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(2) The consideration for the said sale and purchase shall be as follows:—

- (A) The Board shall pay to the Corporation all sums paid or payable by the Corporation to the company or their officials or employees under or in pursuance of the scheduled agreement;
- (B) The Board shall take over and assume full liability to repay to the holder or holders of the debenture stock issued by the company outstanding at the date by this section fixed for completion of the sale and purchase and (in case any of such debenture stock holder or holders shall have been repaid by the company or by the Corporation) pay to the Corporation the amount paid to such debenture stock holder or holders;
- (C) The Board shall pay and discharge all debts and obligations for the payment and discharge of which the Corporation are liable under the scheduled agreement and also the sum of seven thousand pounds paid or to be paid by the Corporation to the Salford Corporation as consideration for the transfer to and vesting in the Corporation of the property rights and obligations of the Salford Corporation under the said section 51 of the Act of 1921;
- (D) The Board shall repay to the Corporation all sums expended by them in effecting additions to or improvements of the said undertaking but the Corporation shall not be entitled to be repaid any sum expended in effecting any such addition or improvement if the cost thereof exceeds one hundred pounds unless the councils or a majority of them shall have consented to the making of such addition or improvement. Provided that such consent shall not be unreasonably withheld and if any question shall arise as to whether it is unreasonably withheld that question shall be determined by the Board of Trade.

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(3) The sale and purchase shall take effect as from the twenty-fourth day of December one thousand nine hundred and twenty-one and the Board shall be entitled to the money received from the carrying on of the said undertaking from such date until the completion of the said sale and purchase and shall repay to the Corporation all money properly expended by them in connection with the carrying on of the said undertaking and indemnify the Corporation against any liability incurred or accruing in connection therewith and shall also repay to the Corporation the interest paid by them or due or accruing due from them on—

(A) money borrowed for the purpose (c) mentioned in section 68 (Power to borrow) of the Act of 1921;

(B) the debenture stock of the company; and

(C) any money expended by the Corporation for effecting the additions to and improvements of the said undertaking the cost of which is to be repaid by the Board.

(4) The sale and purchase shall be completed and the purchase moneys paid and satisfied at the town hall of Manchester upon the twenty-ninth day of September one thousand nine hundred and twenty-two and thereupon the Corporation and all other necessary parties shall execute and do all such assurances and things for vesting in the Board the premises to be purchased by them and giving to the Board the full benefit of this section as shall be reasonably required by the Board.

(5) If from any cause whatever the purchase shall not be completed on the said twenty-ninth day of September one thousand nine hundred and twenty-two possession of the said undertaking shall be retained by the Corporation up to the actual day upon which the purchase shall be completed but in that event as from the said twenty-fourth day of December one thousand nine hundred and twenty-one until the date of completion of the purchase the said undertaking shall be kept by the Corporation in a good state and condition and be carried on by the Corporation on behalf and for the account of the Board and on the completion of the purchase an adjustment of the receipts and payments shall be made in accordance with the provisions of subsection (3) of this section.



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(6) The provisions of paragraphs 9 to 13 inclusive of the scheduled agreement shall apply to the sale and purchase as if the Corporation were therein mentioned in place of the company and the Board in place of the Corporation except that the abstracts of title referred to in paragraph 9 shall be delivered to the solicitor of the Board within one month after the holding of the first meeting of the Board.

(7) As from the completion of the sale and purchase of the said undertaking to and by the Board the following sections of the Act of 1921 shall with any necessary modifications and so far as applicable apply to the Board and have effect as if the Board were therein mentioned instead of the Corporation as if moneys borrowed or raised under this Act were therein mentioned instead of moneys borrowed or raised under the Act of 1921 and as if the section of this Act whereof the marginal note is "Sinking fund" were therein mentioned instead of section 45 (As to repayment of borrowed moneys) of the Manchester Corporation Act 1891 (namely) :—

- Section 26 (Debenture stock to continue charge on transferred undertaking);
- Section 27 (Redemption of debenture stock of company by Corporation);
- Section 28 (Actions &c. not to abate and penalties to be recoverable);
- Section 29 (Contracts to be binding on Corporation);
- Section 30 (Books &c. to remain evidence);
- Section 44 (For protection of Cheshire County Council) with the substitution therein of references to this Act for references to the Act of 1921; and
- Section 45 (For protection of certain district councils) except the words from "other than" to the end of the section;

and as from the completion of such sale and purchase paragraph 16 of the scheduled agreement shall cease to have effect and any money which shall have been paid in consequence thereof shall be returned to the persons making such payments.

(8) (A) If any of the following persons namely Harry Kendrick Joseph Hall David Thomas Livesey Ernest Nicholson Thomas Emmett and Robert Henry

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- (i) to decline to enter the service of the Board; or
- (ii) (having entered such service) to resign therefrom within twelve months from such entry; and
- (iii) in either of those events (without prejudice to his rights under paragraph 17 of the scheduled agreement) to receive compensation under that paragraph as if he had been dismissed by the Board within twelve months after the transfer of the said undertaking to the Board ;

(B) Paragraphs 15 and 17 of the scheduled agreement shall have effect as if the Board had been named in the said paragraphs instead of the Corporation and as if the Corporation had been named therein instead of the company and as if the expression “the transfer of the undertaking” where used in the said paragraphs meant the date of the completion of the sale of the said undertaking to the Board. Provided that section 120 of the Local Government Act 1888 as applied by paragraph 17 of the scheduled agreement shall for the purposes thereof have effect as if the Minister of Health were therein mentioned instead of the Treasury.

## PART IV.

### SUPPLY OF GAS.

Continuance  
of certain  
provisions of  
Stretford  
Company's  
Acts.

**33.** The provisions of the Stretford Gas Acts 1862 to 1917 which are set forth in the Schedule to this Act and are saved from repeal by section 33 of the Act of 1921 shall as from the completion of the sale and purchase by the Board from the Corporation under this Act apply and have effect as if the Board were referred to therein instead of the company and section 33 of the Act of 1921 shall be modified and construed accordingly.

Power to  
purchase  
lands by  
agreement.

**34.** The Board may for the purposes of their undertaking purchase take and hold (by agreement but not otherwise) in addition to the lands described in or authorised to be purchased under the enactments set forth in the Schedule to this Act any lands and hereditaments within



the limits of supply not exceeding in the whole seven acres which the Board may require for the purposes of their works and undertaking but the Board shall not create or permit a nuisance on any such lands and no lands shall be used by the Board for the purpose of manufacturing gas or residuals except the lands which the company were authorised to use for such purpose and which are described in the enactments set forth in the Schedule to this Act.

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**35.** The limits of this Act for the supply of gas by the Board shall be the whole of the urban district of Stretford except so much thereof as lies to the east of an imaginary line drawn in a northerly direction along the centre of the Cheshire Lines Railway to and across Elsinore Road to the centre of the Manchester South Junction and Altrincham Railway to the south-westerly end of Old Trafford Station thence in a northerly direction to the centre of Talbot Road and along the centre of Talbot Road to the south-westerly corner of Boyer Street and thence along the northerly side of Talbot Road for a distance of one hundred and thirty yards or thereabouts thence in a northerly direction to and along the centre of Throstle Nest Lane to the Manchester Ship Canal the urban district of Urmston and the parishes of Davyhulme and Flixton in the rural district of Barton-upon-Irwell all in the county of Lancaster and the urban districts of Sale and Ashton-upon-Mersey and so much of the parish of Baguley in the rural district of Bucklow in the county of Chester as lies to the north-west of the southern and south-eastern boundaries respectively of the roads known as Maple Road and Withenshawe Road Provided that the Board shall not commence to supply gas until they have completed the purchase of the said undertaking from the Corporation.

Limits of  
supply.

**36.** As from the completion of the sale and purchase of the said undertaking to and by the Board all rights and obligations of the Corporation with respect to the supply of gas in any part of the limits of supply (other than the power contained in subsection (6) of the said section 43 of the Act of 1921 to contract with the Board for the supply to them of gas in bulk) and all rights and obligations of the Altrincham Gas Company with respect to the supply of gas in the urban district of Ashton-upon-Mersey (except to the houses and public lamps in Wash-

Cesser of  
powers of  
supply of  
Manchester  
Corporation  
and Altrin-  
cham Gas  
Company.

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—

way Road south of Woodhouse Lane) and in the portion of the parish of Baguley included within the limits of supply shall cease and determine. Notwithstanding the cesser of the powers of the Altrincham Company to supply gas in the urban district of Ashton-upon-Mersey the Altrincham Company shall for the purpose of conveying gas from one portion of their limits of supply to another portion thereof and for no other purpose retain the right under the Altrincham Gas Act 1872 to lay down repair alter and remove subject to and in accordance with the provisions of the Gasworks Clauses Act 1847 a main not exceeding eight inches in diameter from Altrincham along Washway Road as far as Woodhouse Lane and thence along Woodhouse Lane to the western boundary of the urban district of Ashton-upon-Mersey.

As to purchase of  
mains &c.  
in Ashton-  
upon-  
Mersey.

**37.** Within one year after the completion of the purchase by the Board from the Corporation under this Act the Altrincham Company shall sell and the Board shall purchase the existing mains pipes meters and fittings belonging to the Altrincham Company in the urban district of Ashton-upon-Mersey for the sum of two hundred and fifty pounds and upon the completion of such purchase the rights of the Altrincham Company to supply the houses and public lamps in Washway Road reserved by the last preceding section of this Act shall cease and determine.

Testing  
place.

**38.** For the purposes of the Gasworks Clauses Act 1871 the prescribed testing place shall be a testing place which shall be provided by the Board on the lands described in the Schedule to this Act before supplying or within three months after beginning to supply gas under the authority of this Act.

Testing for  
calorific  
power.

**39.—(1)** Within six months after beginning to supply gas the Board shall provide and they shall thereafter maintain at the prescribed testing place apparatus for testing the calorific power of the gas supplied by them.

**(2)** The apparatus shall be similar to the apparatus from time to time prescribed by the metropolitan gas referees for testing the calorific power of the gas supplied by the companies referred to in the London Gas Act 1905 and shall be used in the mode and under the conditions for the time being prescribed by the metropolitan gas referees.



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(3) The gas supplied by the Board shall when tested in accordance with the provisions of this Act be of a calorific power of not less than four hundred and fifty British thermal units and the expression "standard calorific power" where used in this Act shall mean four hundred and fifty British thermal units and the expression "calorific power" shall mean gross calorific power per cubic foot of gas :

Provided that if at any time application is made to the Board of Trade by the Board or by any body or person who may appear to the Board of Trade to have a substantial interest in the matter to reduce or increase the standard calorific power the Board of Trade after hearing the parties and any other persons who appear to that Board to be interested may make such reduction or increase of the standard calorific power as they think fit.

(4) Not more than one testing for calorific power shall be made on any one day Provided that if on any occasion of testing the calorific power is found to be below the standard calorific power a second testing shall be made on the same day after an interval of not less than one hour and the average of the two testings shall be deemed to be the calorific power of the gas on that day.

(5) So much of the provisions of sections 12 32 and 36 and Schedule A of the Gasworks Clauses Act 1871 as relates to the illuminating power of gas shall not apply to the Board or in respect of the gas supplied by them and sections 28 29 30 and 33 of the Gasworks Clauses Act 1871 in their application to the Board shall have effect as if the calorific power of the gas supplied by them were therein referred to instead of the illuminating power and as if the provisions of this section were substituted for the regulations referred to in section 28 so far as they relate to testing for illuminating power.

40. If on any day the calorific power of the gas supplied by the Board when tested as required by this section is below the standard calorific power by more than five per centum the Board shall be liable to the following penalties in respect of any deficiency beyond such last mentioned margin (that is to say) :—

Penalties  
for  
deficient  
calorific  
power.

(A) If the deficiency does not exceed fourteen British thermal units a sum not exceeding two pounds ;

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—

- (B) If the deficiency exceeds fourteen British thermal units but does not exceed twenty-eight British thermal units a sum not exceeding five pounds;  
(c) If the deficiency exceeds twenty-eight British thermal units then for each complete twenty-eight British thermal units of defective power a sum not exceeding ten pounds.

Pressure.

41.—(1) All gas supplied by the Board to any consumer of gas shall be supplied at such pressure as to balance a column of water not less than two inches in height at the main or as near as may be to the junction therewith of the service pipe supplying the consumer.

(2) Any gas examiner appointed under the Gasworks Clauses Act 1871 may for the purposes of this Act subject to the terms of his appointment at the testing place or at any public lamp as and when he thinks fit test the pressure at which the gas is supplied. The Board shall afford to the examiner all reasonable facilities for making the test.

Saving as  
to penalties.

42. No penalty shall be incurred by the Board for neglect or refusal to give a supply of gas in accordance with this Act or for insufficiency of pressure defect of calorific power or excess of impurity in the gas supplied by them in any case in which the court having cognisance of the case are of opinion that such neglect or refusal was occasioned by unavoidable cause or accident or by any circumstance beyond the control of the Board.

Price of gas.

43. The price to be charged by the Board for gas supplied by them to persons who shall burn the same by meter shall not at any time exceed the sum of five shillings per thousand cubic feet. Provided that within twelve months from the passing of this Act the Board shall apply to the Board of Trade for an Order under section 1 of the Gas Regulation Act 1920 and the Board of Trade may by such Order authorise the Board to charge a maximum price per therm corresponding as nearly as may be to the maximum price authorised by this section without any addition in respect of increases in the costs of the production and supply of gas which have occurred since the thirtieth day of June one thousand nine hundred and fourteen. Provided that if the maximum price authorised by or under the provisions of this section shall at any time or times prove insufficient for the



purposes of the section of this Act of which the marginal note is "As to price to be fixed for gas and as to deficiencies" the Board shall forthwith apply for and use their best endeavours to obtain a special Order under the said Gas Regulation Act 1920 increasing the authorised maximum price to such extent as may be necessary for the said purposes.

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44.—(1) Notwithstanding anything contained in this Act the price to be charged by the Board for a supply of gas may vary according to the purposes for which the gas is supplied as may be agreed upon between the Board and the person taking such supply.

Power to vary price according to purpose for which gas supplied.

(2) Provided that the Board shall not under the powers of this section give any preferential price as between any consumers who shall take a supply of gas for the same purpose under like circumstances.

45. The Board may enter into and carry into effect agreements with any local authority company or person for the supply of gas in either a crude or a partially or wholly purified state by such local authority company or person to the Board for such remuneration on such terms and conditions and for such period as the Board may think fit.

Board may contract for purchase of gas.

46. The Board may on the application of the owner or occupier of any premises within the limits of supply abutting on any street laid out but not dedicated to public use supply those premises with gas and for that purpose the Gasworks Clauses Act 1847 shall apply as if section 7 of that Act were excepted from incorporation in this Act.

Power to lay pipes in private streets.

47. The Board may lay down take up alter or relay or renew mains pipes and culverts within the limits of supply for the purpose of procuring conducting or disposing of any oil or other materials used by them in or resulting from the manufacture of gas or any residual products thereof or for any purpose connected with their undertaking and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when 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 &c. for ancillary purposes.

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As to construction and placing of pipes &c. between mains and meters.

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

- (1) The Board may specify the size and material of the pipes with the fittings thereof which are to be laid by the consumer on his own premises either in the first instance or on the occasion of any renewal between the Board's mains and the meter so far as such pipes and fittings are intended to be covered over:
- (2) The Board 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 specification shall be published twice in some newspaper circulating within the limits of supply and a copy thereof shall be kept exhibited in the office of the Board:
- (4) Every meter to be used in a new building or a building not previously supplied with gas or in connection with a new or substituted pipe laid by the consumer between the main and the consumer's meter shall be placed as near as reasonably practicable to the Board's main but within the outside wall of the building:
- (5) When any such pipe or meter as aforesaid has been laid or placed notice thereof shall be given to the Board and the pipe shall not be covered over until after the expiration of twenty-four hours from the service of such notice on the Board. Any officer of the Board 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 Board's specification or if the meter is not placed as required by this section the Board may refuse to supply gas to the premises until the provisions of this section have been complied with:
- (6) Any person to whom the Board refuses a supply of gas under the provisions of this section may appeal to a petty sessional court against such



refusal and the court may after hearing the parties and considering any questions as to the reasonableness of the Board's specification make such order as seems to them proper in the circumstances and may order by which of the parties the costs of and incident to the appeal shall be paid.

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In the case of any pipes to be laid on the premises of any railway company nothing in this section shall give power to the Board to specify any size of pipes of an internal diameter of less than two inches.

**49.** If any person is required by the Board to give to them security for any supply of gas or for the payment of the price or rent of a meter and such security is made by way of deposit the Board shall pay interest after the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

Board to  
pay interest  
on money  
deposited  
as security  
for gas  
meter &c.

**50.—(1)** The Board may purchase sell let for hire fix repair and remove but shall not manufacture engines stoves ranges pipes and other gas fittings for lighting motive power heating ventilating cooking or any other purposes 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.

Power to  
supply gas  
fittings &c.

(2) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under process of any court or proceedings in bankruptcy against the person in whose possession the same may be. Provided that such fittings are marked or impressed with a sufficient mark or brand indicating the Board as the actual owners thereof.

(3) Provided as follows :—

(A) The Board shall so adjust the charges to be made by them for any such fittings or for the fixing repairing or removal thereof as to meet any expenditure by them under the powers of this section in connection therewith (including interest upon moneys borrowed for

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those purposes and all sums applied to sinking fund for repayment of moneys so borrowed);

(B) Every sum charged by the Board in respect of the provision of such fittings or the fixing repairing or removal thereof shall be separately stated on every demand note delivered by the Board to the consumer;

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

Power to enter premises and remove fittings.

**51.** The power to enter premises and remove pipes meters fittings or apparatus conferred upon the Board by section 22 of the Gasworks Clauses Act 1871 shall extend to all cases in which any person entering into occupation of any premises previously supplied with gas by the Board shall not require to take a supply of gas from the Board or to hire from the Board all or any of the pipes meters fittings or apparatus belonging to the Board and let by them on hire to any former occupier of such premises.

Occupier to pay expenses of re-connecting discontinued supply.

**52.** In any case in which in consequence of any default on the part of the occupier of any premises the Board shall have cut off the supply of gas to such premises and the occupier so in default shall desire to resume such supply he shall pay to the Board the expenses of reconnecting the supply and the Board shall not be under any obligation to supply gas to such occupier until he shall have paid such expenses.

As to mode of cutting off supplies.

**53.—(1)** In any case in which the Board are by virtue of any enactment relating to the undertaking authorised to cut off and discontinue the supply of gas to any premises in consequence of any default on the part of the occupier of the premises it shall be lawful for the Board without prejudice to any other remedy which may be lawfully available to them to disconnect at the meter the service pipe (whether belonging to the consumer or to the Board) and any person who shall reconnect such service pipe with the meter without the consent of the Board shall be deemed to commit an offence within the meaning of section 18 of the Gasworks Clauses Act 1847 :



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—

Provided that if and so soon as the matter complained of shall have been remedied nothing in this section shall prejudice or interfere with any rights vested in any person by virtue of section 11 of the Gasworks Clauses Act 1871.

(2) For the purposes of this section the Board shall (subject to the conditions specified in section 22 of the Gasworks Clauses Act 1871) have and may exercise the like powers of entry as are exercisable under the said section 22 for the purposes of that section.

54. Notwithstanding anything contained in this Act the Board shall not be obliged to give from any main a supply of gas for any purpose other than lighting or domestic use in any case where the capacity of such main is insufficient for such purpose or if and so long as any such supply would in the opinion of the Board interfere with the sufficiency of the gas required to be supplied by means of such main for lighting or domestic purposes.

Amending  
obligations  
as to supply  
of gas.

55. Where any person has for the purposes of a standby only a supply of gas laid on by the Board to any premises for which he has at the same time a separate supply of electricity or gas for power or other purposes the Board shall be entitled to charge and receive from him in respect of the supply of gas so laid on such minimum sum as shall be fixed by them not exceeding twenty-five shillings for any one quarter of a year notwithstanding that the ordinary charge for the gas actually consumed in such quarter would amount to a lower sum. Provided that in fixing the amount of such minimum charge the Board shall have regard to the probable maximum supply of gas which might at any time be required for such premises. Provided also that in respect of any premises for which the whole supply of gas afforded by the Board is taken through a meter having a nominal capacity of not more than ten lights the amount of the minimum charge shall not exceed five shillings for any quarter of a year.

Minimum  
charge for  
gas laid on  
to premises  
having a  
supply of  
electricity.  
or gas.

56. No penalty shall be incurred by the Board for neglect or refusal to give a supply of gas in accordance with the provisions of this Act to any company body or person who uses or is in the habit of using machinery or apparatus for making and utilising suction gas if and so long as the giving of a supply to such company body or person would interfere with the supply of gas by the Board for

Supply to  
users of  
suction gas  
plant.

A.D. 1922. public and private lighting and to consumers not using such machinery or apparatus as aforesaid. Provided that in the event of any difference or dispute arising as to whether any such supply of gas would be so interfered with as aforesaid such difference or dispute shall be referred to arbitration.

Anti-fluctu-  
ators for  
gas engines.

**57.** Every consumer of gas supplied by the Board who uses a gas engine shall if required to do so by the Board use an effective anti-fluctuator together with an effective non-return valve and shall at all times at his own expense keep such anti-fluctuator and valve in proper repair and in default of his so using or keeping such anti-fluctuator and valve in proper repair the Board may cease to supply gas to such consumer. The Board shall have access to and be at liberty to take off remove test inspect and replace any such anti-fluctuator and valve at all reasonable times such taking off removal testing inspecting and replacing to be done at the expense of the Board if the anti-fluctuator and valve be found in proper order but otherwise at the expense of such consumer.

Gas con-  
sumers to  
give notice  
to Board  
before  
removing.

**58.** At least twenty-four hours' notice shall be given to the Board by every consumer either personally at the office of the Board or in writing before he shall quit any premises supplied with gas by meter by the Board and in default of such notice the consumers so quitting shall be liable to pay to the Board 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 Board 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 charges payable to the Board.

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

**59.** If a person requiring a supply of gas from the Board has previously quitted premises at which gas was supplied to him by the Board without paying to them all gas charges and meter rent due from him to the Board they may refuse to furnish to him a supply of gas until he pays the same.

Notice to  
discontinue  
supply of  
gas.

**60.** A notice to the Board from a consumer for the 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 be left at or sent by post to the office of the Board or be given by the consumer personally at the office of the Board.

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**61.** 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 Board shall be paid by or to the Board to or by the consumer as the case may be and shall be recoverable in the like manner as gas charges are recoverable by the Board.

Period of error in defective meters.

**62.** The Board may contract with any local authority company or persons for the supply by the Board to them or for the supply to the Board by them of gas in bulk upon such terms and conditions as may be agreed upon but nothing in this section shall authorise the Board to lay any mains or interfere with any street beyond the limits of supply.

Board may contract for supply and purchase in bulk.

**63.** Nothing in this Act shall authorise any interference with electric lines and works of any undertakers under the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the former Act apply except in accordance with and subject to the provisions of that section and the provisions of that section shall be deemed to extend to and include any electric lines or works of such undertakers constructed or placed upon or above the level of the ground.

Application of Electric Lighting Acts.

**64.** The Board may purchase or take on lease and maintain houses and buildings for persons in their employment in connexion with their undertaking and offices showrooms and other buildings for the purposes of that undertaking and they may also erect maintain and let any such buildings upon any lands for the time being belonging or leased to the Board.

Dwelling-houses for employees and other buildings.

**65.—(1)** Every consumer of gas supplied by the Board who uses air at high pressure for or in connexion with the consumption of such gas (in this section referred to as "high-pressure air") shall if required to do so by

Provision of valve where high pressure air is used.



A.D. 1922. the Board provide and fix in a suitable position and use an efficient valve or other appliance for preventing the admission of such air into the service pipe or any main through which such gas is supplied and shall at all times at his own expense keep in proper order and repair any such valve or other appliance as aforesaid which shall have been provided and fixed whether upon such requirement or otherwise.

(2) It shall not be lawful for any person at any time after the passing of this Act to commence to use high-pressure air unless and until he shall have given to the Board not less than fourteen days' previous notice in writing of his intention to do so.

(3) Every person who at the date of the receipt by him of any such demand note as is referred to in paragraph (A) of subsection (5) of this section is using high-pressure air shall within one month after that date give to the Board notice in writing of such use and if within one month after the giving of such notice the Board require the consumer giving the same to provide and fix such a valve or other appliance as aforesaid it shall not be lawful for him after the expiration of fourteen days from the receipt of the requirement to continue to use high-pressure air unless before such expiration he shall have complied with the requirement.

(4) If any consumer shall fail to comply with any requirement of the Board or any obligation under this section the Board may cease to supply gas to him and shall not be under any obligation to resume such supply until the default shall have been remedied to their satisfaction.

(5) The Board shall give notice of the effect of the foregoing provisions of this section:—

(A) (in the case of all persons who at the date of the passing of this Act are consumers of gas supplied by the Board) on the demand notes for gas charges payable to the Board issued next after that date; and

(B) (in the case of any person becoming after the passing of this Act a consumer of gas supplied by the Board) on the first of such demand notes delivered to such person after he shall have become a consumer.



(6) The Board shall have access at all reasonable times to all premises supplied by them with gas in or upon which high-pressure air is used or the Board have reason to believe that high-pressure air is or may at the time be used in order to ascertain whether any such valve or appliance as aforesaid is efficient or is in proper order and repair or whether such a valve or appliance is provided and fixed where necessary.

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(7) The Board shall be at liberty to take off remove test inspect and replace any such valve or other appliance as aforesaid such taking off removing testing inspecting and replacing to be done at the expense of the Board if the valve or other appliance be found in proper order but otherwise at the expense of the consumer.

**66.** For the protection of the lord mayor aldermen and citizens of the city of Manchester (in this section called "the Corporation") the following provisions shall unless otherwise agreed between the Board and the Corporation have effect:—

For protec-  
tion of  
Manchester  
Corporation.

The Board shall not in the exercise of the powers of this Act break up or interfere with any of the following works of the Corporation—

(1) The existing outfall sewers of the Corporation;

(2) The existing water aqueducts;

(3) The high tension electric cables authorised by the Manchester Corporation Act 1914 now in course of construction;

(4) The gas mains authorised by section 21 of the Act of 1921 if and when constructed.

## PART V.

### FINANCIAL AND MISCELLANEOUS PROVISIONS.

**67.**—(1) The Board may from time to time borrow at interest for the purposes following any sum or sums of money not exceeding the amounts hereinafter specified (that is to say):—

Power to  
borrow.

(A) For payment of all sums payable by the Board in respect of the consideration for the purchase from the Corporation under this Act or otherwise in respect of such purchase and the redemption of any debenture stock of the company outstanding at the date of the completion

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of the purchase by the Board and for defraying the costs charges and expenses incident to the said purchase (other than the costs of this Act) and for paying any compensation payable to the officials of the company the sums requisite for those purposes;

(B) For the alteration and improvement of the gas-works and for new gas mains and extensions of gas mains fifteen thousand pounds;

(C) For working capital ten thousand pounds;

(D) For paying the costs charges and expenses of this Act the sum requisite for the purpose;

and with the approval of the Minister of Health such further moneys as may be required for any of the purposes of this Act or otherwise in relation to the undertaking of the Board.

(2) In order to secure the repayment of the moneys borrowed or re-borrowed under this Act and the payment of interest thereon the Board may mortgage and charge the revenues of the Board.

Periods for  
repayment  
of money  
borrowed.

**68.** The Board shall pay off all moneys borrowed by them under this Act within the respective periods (in this Act referred to as "the prescribed periods") following (that is to say):—

As to moneys borrowed for the purposes (A) mentioned in the section of this Act the marginal note whereof is "Power to borrow" within thirty-five years from the date or dates of the borrowing thereof;

As to moneys borrowed for the purpose (B) in the said section mentioned within thirty years from the date or dates of the borrowing thereof;

As to moneys borrowed for the purpose (C) in the said section mentioned within ten years from the date or dates of the borrowing thereof;

As to moneys borrowed for the purpose (D) in the said section mentioned within five years from the date of the passing of this Act;

As to moneys borrowed with the approval of the Minister of Health within such period not exceeding sixty years as the Minister may think fit to sanction.

Mode of  
raising  
money.

**69.—**(1) The Board may raise all or any moneys which they are authorised to borrow or re-borrow under this Act by mortgage or by the issue of debentures or



annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another or others and for the purposes of such issue under the Local Loans Act 1875 the Board shall be deemed a local authority under that Act and the revenues of the Board shall be deemed to be the local rate as defined by the said Act Provided that the provisions of this Act relating to sinking funds shall apply to sinking funds formed for the repayment of moneys borrowed under the Local Loans Act 1875 instead of the provisions of section 15 of that Act.

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—

(2) The Board shall be deemed to be an urban authority within the meaning of Part V (Stock) of the Public Health Acts Amendment Act 1890 and to have adopted that Part of that Act Provided that the Ministry of Health may by order make all such variations additions amendments and adaptations of all or any of the provisions contained in that Part of the said Act or in the regulations made thereunder as may be necessary to make the same applicable.

(3) All mortgages debentures annuity certificates and stock granted or issued by the Board under any statutory borrowing power shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the date of the granting or issue of the security or on any other account whatsoever.

**70.** The following sections of the Public Health Act 1875 (that is to say):—

Provisions  
as to  
mortgages.

- Section 236 (Form of mortgage);
- Section 237 (Register of mortgages);
- Section 238 (Transfer of mortgages); and
- Section 239 (Receiver may be appointed in certain cases);

shall apply to and in relation to all mortgages granted under the powers of this Act and for the purposes of such application the term "local authority" in the said sections shall be construed to mean the Board and the term "rates" shall be construed to include the revenues of the Board.

**71.** Any person lending money to the Board under this Act shall not be bound to inquire as to the observance by them of any provisions of this Act nor be bound to

Protection  
of lender  
from  
inquiry.

A.D. 1922. — see to the application nor be answerable for any loss misapplication or non-application of the money lent or of any part thereof.

Mode of  
payment  
off of  
money  
borrowed.

**72.** The Board shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or others of them and the payment of the first instalment or the first payment to the sinking fund shall be made within one year or when the money is repaid by half-yearly instalments or by half-yearly payments to the sinking fund within six months from the date of borrowing.

Sinking  
fund.

**73.—(1)** If the Board determine to repay by means of a sinking fund any moneys borrowed by virtue of this Act such fund shall be formed and maintained either—

(A) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed  
A sinking fund so formed is hereinafter 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 four pounds per centum per annum or such other rate as the Ministry of Health may from time to time approve will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed  
A sinking fund so formed is hereinafter called an “accumulating sinking fund.”

(2) 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 or in accordance with the provisions of the section of this Act of which the marginal note is “Power to use sinking fund instead of borrowing” be immediately invested in statutory securities the Board being at liberty from time to time to vary and transpose such investments.



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

(4) The Board may at any time apply the whole or any part of any sinking fund in or towards the discharge of the moneys for the repayment of which the fund is formed. Provided that in the case of an accumulating sinking fund the Board 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 such sinking fund or part thereof so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5) (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 annual payments to the fund are based any deficiency shall be made good by the Board.

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

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

(7) If it appear to the Board at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will 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 Board 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 appear to the Ministry of Health that any such increase is necessary the Board shall increase the payments to such extent as the said Ministry may direct.

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

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Ministry of Health be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Board may reduce the payments to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Ministry of Health be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed.

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Ministry of Health be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Board may with the consent of the said Ministry discontinue the annual payments to such sinking fund until the said Ministry shall otherwise direct.

(11) 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 Board with the consent of the Ministry of Health may determine.

Power to  
use sinking  
fund  
instead of  
borrowing.

**74.**—(1) Where the Board are authorised by any statutory borrowing power to raise moneys for any purpose they may instead of exercising such borrowing power by the issue of any fresh security in respect thereof exercise the said power and raise the said moneys either wholly or partially by using for such purpose so much of any moneys for the time being forming part of a sinking fund as shall be available for the repayment of a loan which is secured by a charge on the same security as would be specifically chargeable as the security for the repayment of a loan under the statutory borrowing power if the same were raised by the issue of a fresh security and which is not shown by the deed to be raised in exercise of a particular borrowing power specified therein.



(2) The Board when exercising the powers conferred on them by this section shall— A.D. 1922.

- (A) withdraw from the sinking fund a sum equal to the amount of the statutory borrowing power proposed to be exercised by the user of moneys from such sinking fund;
- (B) credit such sinking fund with the repayment of an amount of the principal moneys for the repayment of which the fund is established equal to the sum withdrawn from the sinking fund and thereupon the amount so credited shall be deemed to be principal moneys discharged by application of the sinking fund;
- (C) debit the account of the statutory borrowing power proposed to be exercised with an amount of the principal moneys equal to the sum withdrawn from such sinking fund and thereupon the statutory borrowing power shall be deemed to have been exercised as fully as if the said amount had been raised by the issue of a fresh security and the provisions of any enactment as to the repayment and reborrowing of sums raised under the statutory borrowing power shall apply thereto accordingly.

(3) The provisions of this section shall not apply to any sinking fund formed under the Local Loans Act 1875.

(4) The Board shall furnish all such information (if any) to the Ministry of Health with regard to the exercise of the powers contained in this section as the Ministry shall require.

**75.** The Board shall not be bound to see to the execution of any trust whether express implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages of the Board shall be a sufficient discharge to the Board in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Board have had express or implied notice of any such trust or of any charge or encumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register. Board not to regard trusts.

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Power to  
re-borrow.**76.**—(1) The Board shall have power—

- (A) To borrow for the purpose of paying off any moneys previously borrowed under any statutory borrowing power which are intended to be forthwith repaid; or
- (B) To borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Board in repaying moneys previously borrowed under any statutory borrowing power and which at the time of such repayment it was intended to replace by borrowed moneys.

(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the period prescribed for the repayment of that loan which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section.

(3) The Board shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

(4) The Board shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid—

- (A) by instalments or annual payments; or
- (B) by means of a sinking fund; or
- (C) out of moneys derived from the sale of land; or
- (D) out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

Return to  
Ministry of  
Health  
respecting  
sinking  
fund.

**77.**—(1) The clerk of the Board shall within forty-two 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 the sinking fund in respect of any money raised by the Board in pursuance of any statutory borrowing power and not raised by the issue of stock and at any other time when the Ministry of Health may require such a return to be made transmit to the Ministry



A.D. 1922.

of Health a return in such form as may be prescribed by the said Ministry and if required by the Ministry verified by statutory declaration of the clerk of the Board showing for the year next preceding the making of such return or for such other period as the said Ministry 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 together with such further information (if any) as the said Ministry shall require and in the event of any default in making such return the clerk of the Board shall be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Ministry of Health out of the High Court.

(2) If it appear to the Ministry of Health by that return or otherwise that the Board have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by the Act in pursuance of which the moneys are raised or by the Ministry of Health in virtue thereof to be paid appropriated or set apart) or have applied any portion of the sinking fund to any purposes other than those authorised the Ministry of Health may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of mandamus to be obtained by the Ministry of Health out of the High Court.

**78.** Any money borrowed or raised under the provisions of this Act shall be applied only to the purposes for which it is authorised to be borrowed or raised

Application  
of money  
borrowed.

A.D. 1922. and (except in the case of money borrowed for current expenses) to which capital is properly applicable. Provided that moneys which may have been borrowed in excess of the amount required shall be paid into the sinking fund or shall be applied in such manner as the Board with the approval of the Ministry of Health determine.

Application  
of moneys  
from sale  
&c. of land.

**79.** The Board shall apply all moneys from time to time received by them in respect of any sales or dispositions of lands and premises or by way of fine or premium on any lease under this Act in or towards paying off moneys borrowed and for the time being owing under this Act. Provided that such proceeds shall not be applicable to the payment of instalments appropriations or annual repayments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Ministry of Health.

Application  
of revenue.

**80.** The Board shall apply all money received by them in respect of the undertaking except money borrowed and money received from the sale of lands or other moneys received on capital account as follows (that is to say):—

(First) In payment of the costs charges and expenses of and incidental to the collecting and recovery of revenue;

(Secondly) In payment of the working and establishment expenses and cost of maintenance of the undertaking;

(Thirdly) In payment of the interest on moneys borrowed by the Board for the purposes of the undertaking and the debenture stock of the company;

(Fourthly) In providing the requisite appropriations instalments or sinking fund payments in respect of moneys borrowed by the Board for the purposes of the undertaking and the debenture stock of the company;

(Fifthly) In extending improving and constructing (if the Board think fit) any works for the purposes of the undertaking;

(Sixthly) In repaying to the constituent authorities any sums contributed by them to make up deficiencies in previous years;



(Seventhly) In providing a reserve fund (if the Board think fit) by setting aside such money as they think reasonable and investing the same and the resulting income thereof in statutory securities and accumulating the same at compound interest until the fund so formed amounts to the maximum reserve fund for the time being prescribed by the Board not exceeding a sum equal to one-fifth of the aggregate capital expenditure for the time being by the Board upon the undertaking which fund shall be applicable to answer any deficiency at any time happening in the income of the Board from the undertaking or to meet any extraordinary claim or demand at any time arising against the Board in respect of the undertaking or for payment of the cost of renewing any part of the undertaking and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens. Provided that resort may be had to the reserve fund under the foregoing provisions although such fund may not at the time have reached or may have been reduced below the prescribed maximum. A.D. 1922.

The surplus (if any) from time to time shall as and when circumstances permit be applied either in reduction of the price of gas throughout the limits of supply or by way of division among the constituent authorities in proportion to the receipts of the Board from consumers (whether public or private) for gas supplied within the districts of those authorities respectively in the year ended at the thirty-first day of March next before the date of such division and any sums so received by the constituent authorities shall in the case of an urban district council be carried to the credit of the general district fund and in the case of a rural district council shall be apportioned between the parishes or contributory places in respect of which such sums are received and carried to the credit of any fund raised for the purposes of the special expenses of the parish or contributory place. Provided that the Board may retain in hand at the close of any accounting period so much of the surplus as they shall think necessary for the purpose of carrying on the undertaking and paying the current expenses connected therewith.

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As to price  
to be  
fixed for  
gas and as  
to defi-  
ciencies.

81.—(1) Before the commencement of every financial year or half-year as they may determine or so soon thereafter as may be practicable the Board shall make or cause to be made an estimate of the probable revenue and expenditure (other than capital expenditure) which will be received and incurred respectively during the year or half-year as the case may be and shall charge for gas supplied by them in that year or half-year such price or prices as to ensure according to the best estimate of the Board that the net revenue of the Board for that year or half-year will be not less than the amount of the expenditure (other than capital expenditure) incurred or to be incurred by the Board in that year or half-year. Provided that if notwithstanding compliance by the Board with the foregoing provisions of this section there shall be a deficiency in the net revenue of the Board for any year or half-year as the case may be the Board are hereby authorised and required in every case forthwith to apportion the sum required to meet such deficiency whether for satisfying past or future liabilities between the constituent authorities in proportion to the receipts of the Board from consumers (whether public or private) for gas supplied within the districts of those authorities respectively in the year ended at the thirty-first day of March next before the year or half-year for which such deficiency is shown.

(2) The Board shall issue precepts to the constituent authorities for the amounts apportioned in pursuance of this section and the constituent authorities respectively shall within three months from the receipt of such precepts or by instalments of such amounts and payable within such times as may be specified in the precepts pay to the Board the amounts so apportioned to them respectively.

(3) Such amounts respectively shall be raised and paid by the constituent authorities in the case of an urban district out of the district fund and general district rate and in the case of a rural district as special expenses within the meaning of section 229 of the Public Health Act 1875 which are chargeable on the parishes or contributory places to which such amounts are respectively apportioned and the constituent authorities respectively are hereby authorised and required to make and levy any rate or issue any precept that may be necessary for providing the amounts payable as aforesaid. Provided



that the portion of the urban district of Stretford within the limits of supply shall be deemed to be and shall be a separate part of the urban district of Stretford as if such separate part had been so constituted under section 211 (4) of the Public Health Act 1875 and the Stretford Council shall make separate assessments to the general district rate for the purpose of paying any amounts payable by them to the Board under this Act upon such separate part of the said district and shall include in the assessment to the general district rate upon such separate part the amounts payable by them to the Board and the proceeds of such assessments are hereby charged with the payments of such amounts accordingly. A.D. 1922.

(4) If any constituent authority fails to pay any amount so apportioned or as the case may be any instalment of such amounts as may have been specified in any such precept within the time in which the same was payable the same shall be a debt due to the Board from such constituent authority and shall bear interest till payment at the rate of ten per centum per annum and the Board may in addition to all other remedies proceed for recovery thereof in either of the modes following (that is to say):—

- (A) The Board may sue the defaulting authority for the amount unpaid in any court of competent jurisdiction;
- (B) The Board may by precept empower some officer of the Board to raise by means of a rate to be assessed upon the like property and to be made levied and collected in like manner and with the like powers and authorities as the rate out of which the amount in arrear ought to have been paid by the defaulting authority such sum (the amount to be specified in the precept) as in the opinion of the Board will be sufficient to pay the amount so in arrear and interest and all expenses incurred in consequence of the non-payment thereof and the expenses of levying and collecting such rate and any officer of the Board so empowered shall have the like powers of assessing making levying and collecting rates and of issuing precepts and of requiring officers of the defaulting authority to account as the defaulting authority would have under any Act or otherwise and the officer of the Board so empowered after paying all money payable under the precept

A.D. 1922.  
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shall pay any residue of the money received by him (the amount to be ascertained by the Board) to the defaulting authority.

(5) Any receiver appointed under this Act in respect of any mortgage or charge given by the Board shall be entitled to receive the amounts so apportioned by the Board to the constituent authorities and in case the Board at any time neglect or refuse to make such apportionment or to recover the same or any part thereof the receiver shall in every such case be entitled to make such apportionment and to exercise all or any of the powers by this section conferred on the Board for recovering the amounts so apportioned.

Powers to  
apply to  
Parliament.

**82.** Where in the judgment of the Board it is expedient for the Board to apply to Parliament for the repeal amendment or extension of any Act for the time being relating to or affecting the Board or for any alteration or extension of their powers (including the grant of new powers) or otherwise in respect of any matter for the extension or improvement of or in connection with their undertaking they may pay the costs and expenses attending such application as taxed by the taxing officer of the House of Lords or of the House of Commons out of their revenue as part of their working expenses.

No expenses in relation to any such application shall be paid as aforesaid unless incurred in pursuance of a resolution passed at a meeting of the Board by an absolute majority of the whole number of the Board after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in two newspapers published or circulating in the districts of the constituent authorities such notice to be in addition to the ordinary notices required for summoning such meeting.

No further expenses shall be incurred or paid as aforesaid after the deposit of the Bill unless the propriety of the promotion of the Bill shall be confirmed by such absolute majority at a further meeting of the Board to be held in pursuance of a similar notice not less than fourteen days after the deposit of the Bill in Parliament and shall have received the approval of the Ministry of Health.

The Board may oppose any Bill in Parliament which in their judgment it is expedient in the interests of their undertaking to oppose and may pay the costs and the



expenses attending such opposition as taxed by the taxing officer of the House of Lords or of the House of Commons out of their revenue as part of their working expenses.

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**83.**—(1) The Board may if they think fit form a fund to be called the “accident fund” to provide for meeting claims upon them under the common law the Employers’ Liability Act 1880 the Workmen’s Compensation Act 1906 or any Act or Acts for the time being amending or extending those Acts or otherwise in respect of any accident occurring in the execution of any of their powers and such fund shall be formed by annually appropriating thereto out of the revenue of the undertaking as part of the working and establishment expenses and cost of maintenance thereof such sums as they may from time to time deem expedient and such sums shall be invested at compound interest in or upon statutory securities and accumulated until the same shall amount to the sum of ten thousand pounds. Provided that the Board may from time to time or at any time resort to that fund for any purpose mentioned in this section notwithstanding that the same shall not then have reached or shall have been reduced below the said sum of ten thousand pounds and if the said fund be reduced at any time it may in manner provided by this section be restored to the said amount.

Power to  
establish  
accident  
fund.

(2) If at any time it should be necessary for making any payment for any compensation to which this section relates to borrow money the Board may with the sanction of the Ministry of Health borrow the necessary sum on the security of the revenues of the Board.

**84.** The Board may if they think fit in cases not within the Workmen’s Compensation Act 1906 grant a gratuity of any sum (not exceeding two years’ pay) to any of their officers or servants who may be disabled or injured in their service or may become incapacitated through age sickness or other infirmity or to the widow or family of any such officer or servant who may die in their service.

Power to  
grant  
gratuities  
in certain  
cases.

**85.** The Board may acquire take and use any leave licence or authority to work use exercise and put in practice any invention under letters patent made or to be made granting any right or privilege of working using exercising or vending any invention in relation to the

Power to  
take  
licences for  
use of  
patents.

A.D. 1922. — production manufacture utilisation or distribution of gas or materials used in or resulting from the manufacture of gas or any residual products thereof but not so as to acquire any exclusive right to the working using exercise or putting in practice of any such invention.

Subsidiary  
powers of  
Board.

**86.** The Board shall for the purposes of their powers and duties under this Act or otherwise with respect to the supply of gas within the limits of supply have power—

- (A) to acquire hire erect equip furnish and maintain such offices and buildings as they may require; and
- (B) to prosecute or defend legal proceedings.

Extension  
of sections  
176 and 303  
of Public  
Health Act  
1875 to  
Board.

**87.**—(1) Section 176 (Regulations as to purchase of land) and section 303 (Power to repeal and alter local Acts) of the Public Health Act 1875 shall extend and apply to and the powers thereof may be exercised by the Board as if they were a local authority within the meaning of those sections and the limits of supply were their district and on the petition or application of the Board the Ministry of Health may make such orders as they are by those sections empowered to make on the petition or application of a local authority.

(2) The provisions of this section shall be in addition to and not in derogation of any other powers conferred by this Act.

Incorpora-  
tion of  
sections  
259 and 265  
of Public  
Health Act  
1875.

**88.** Section 259 (Appearance of local authorities in legal proceedings) and section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 are hereby incorporated with this Act and shall extend and apply to the Board and the members officers and clerk of the Board as if the Board were a local authority within the meaning of such sections respectively and the purposes of this Act were purposes of the Public Health Act 1875.

Inquiries  
by Ministry  
of Health.

**89.**—(1) The Ministry of Health may direct any inquiries to be held by their inspectors which they may deem necessary in regard to the exercise of any powers conferred upon them or the giving of any consents under this Act and the inspectors of the Ministry shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by the Ministry under the Public Health Act 1875.



(2) The Board shall pay to the Ministry of Health any expenses incurred by the said Ministry in relation to any inquiries referred to in this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by the said Ministry for the services of such inspector. A.D. 1922.

90. The Board shall be deemed to be a local authority within the meaning of the Local Taxation Returns Acts 1860 and 1877. Local taxation returns.

91. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate. Judges not disqualified.

92. Where the payment of more than one sum by any person is due under this Act any summons or warrant issued for the purposes of this Act in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him. Several sums in one summons or warrant.

93. Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner. Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts. Recovery of penalties &c.

94. Proceedings for the recovery of any demand made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action. Recovery of demands.

95. All penalties recovered under this Act or under any byelaw thereunder shall except in the case of penalties recovered against the Board be paid to the treasurer of the Board and be by him carried to the credit of the revenue of the undertaking. Application of penalties.

96. Where in any legal proceedings taken by or on behalf of the Board whether under this Act or under any general or local Act passed before or after this Act Evidence of appointments authority &c.



A.D. 1922. it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Board or of any committee of the Board or to prove any resolution of the Board or of any committee of the Board a certificate of such appointment authority or resolution purporting to be authenticated by the signature of the chairman or the clerk of the Board shall be *primâ facie* evidence of such appointment authority or resolution without further proof of the holding of any meeting or the production of any minute book or other record or document.

Authenti-  
cation and  
service of  
notices &c.

**97.**—(1) Where any notice or demand under this Act requires authentication by the Board the signature of the clerk or other duly authorised officer of the Board shall be sufficient authentication.

(2) Notices demands orders precepts and other documents required or authorised to be served under this Act may be served in the same manner as notices under the Public Health Act 1875 are by section 267 of that Act authorised to be served Provided that in the case of any company any such notice demand order precept or document shall be delivered or sent by post addressed to the secretary of the company at their principal office or place of business.

Application  
of Arbitra-  
tion Act  
1899.

**98.** Where under this Act any question or dispute is to be referred to an arbitrator or to arbitration other than questions or disputes to which the provisions of the Lands Clauses Acts apply then unless other provision is made the reference shall be to an arbitrator appointed by the Board of Trade and shall be subject to the provisions of the Arbitration Act 1889.

Powers of  
Act cumu-  
lative.

**99.** All powers rights and remedies given to the Board by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers rights or remedies conferred on them or on any committee appointed by them by Act of Parliament charter law or custom :

Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence.

Costs of  
Act.

**100.** All costs charges and expenses incurred by the constituent authorities of and incident to the preparing for obtaining and passing of this Act or otherwise



in relation thereto as taxed by the taxing officer of the House of Lords or of the House of Commons shall in the first instance be paid by the constituent authorities in the same proportions and the same manner as any deficiency in the revenues of the Board is by this Act provided to be made good by the constituent authorities but in each case the amount so paid shall be repaid to the constituent authorities by the Board out of the moneys to be borrowed by them under the powers of this Act.

A.D. 1922.

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The SCHEDULE referred to in the foregoing Act.

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PROVISIONS OF THE STRETFORD GAS ACTS 1862 TO 1917  
SAVED FROM REPEAL.

THE STRETFORD GAS ACT 1862.

43. The Company may for the purposes of their undertaking purchase take and hold (by agreement but not otherwise) any lands and hereditaments not exceeding in the whole three acres which the Company may from time to time require for the purposes of their works and undertakings which three acres shall include the site of the existing works.

Power to  
purchase  
lands.

44. The lands which the Company may use for the manufacture of gas are the lands at present occupied by the Company and being all that piece or parcel of ground situate and being in the township of Stretford in the parish of Manchester in the county of Lancaster forming part of the estates of Humphrey Trafford Esquire bounded on the northerly easterly and southerly sides thereof by other part of the said estates formerly belonging to Humphrey Trafford Esquire but now belonging to Sir Humphrey de Trafford Baronet and on the westerly side thereof by land belonging or reputed to belong to the trustees under the will of the late Duke of Bridgewater which said plot of land contains three thousand two hundred and fifty square yards or thereabouts and the works for the manufacture of gas shall not be erected on any other lands.

Describing  
lands.

60. Provided that except with the consent in writing of the trustees for the time being acting in execution of the trusts of the will of the most Noble Francis late Duke of Bridgewater their heirs or assigns or the acting trustee for the time being under such will so far as relates to the Duke of Bridgewater's

Company  
not to con-  
struct works  
&c. over  
Duke of

A.D. 1922.

Bridge-  
water's  
canal with-  
out consent.

Canal and the towing path and banks thereof and except with the consent in writing of the company of proprietors of the Mersey and Irwell Navigation or their principal agent for the time being so far as relates to any side cut or canal appertaining to or forming part of the Mersey and Irwell Navigation and the towing path and banks thereof nothing in this Act contained shall authorise or empower the Company to lay down place erect construct or execute any works through under over or across or in or upon the canal of the said trustees called "the Duke of Bridgewater's Canal" or any towing path or bank thereof or through under over or across or in or upon any side cut or canal appertaining to or forming part of the Mersey and Irwell Navigation or any towing path or bank thereof save and except to lay down place and erect and from time to time to maintain alter repair remove and replace under and subject to the provisions of this Act and the Acts incorporated therewith any mains service pipes pillars posts and lamps over across and upon any bridge except swivel or bascule bridges erected or to be hereafter erected over the said Duke of Bridgewater's Canal or over any side cut or canal appertaining to or forming part of the Mersey and Irwell Navigation or along any existing roadway under the said Duke of Bridgewater's Canal or under any cut or canal appertaining to or forming part of the Mersey and Irwell Navigation whereby any public highway township road or turnpike road shall pass or be carried over or under the said Duke of Bridgewater's Canal or over or under any side cut or canal appertaining to or forming part of the Mersey and Irwell Navigation.

#### THE STRETFORD GAS ACT 1877.

Construction  
of Act.

3. The Stretford Gas Act 1862 (in this Act referred to as "the Act of 1862") and this Act shall be construed together except so far as such construction would be inconsistent with or repugnant to the provisions of this Act.

Power to  
construct  
works.

6. Subject to the provisions of this Act and of the Act of 1862 and on the site and within the limits by the last-mentioned Act authorised for the erection by the Company of gasworks and the manufacture of gas the Company may maintain alter extend enlarge and improve their existing gasworks and may erect make construct and maintain other and additional works for the manufacture of gas and of the several residual products matters and things arising from the manufacture of gas and all other necessary works appliances and conveniences necessary for the production manufacture storage and distribution of gas or the manufacture conversion utilisation and storage of such residual products matters and things or any of them but no land shall be used by the Company for the purpose of manufacturing

Gas not to be  
manufac-  
tured on  
other lands  
than those



gas or residual products except the lands limited for that purpose by and described and set forth in the forty-fourth section of the Act of 1862 and in the schedule to this Act.

A.D. 1922:

limited  
by the  
Stretford  
Gas Act  
1862.

**SCHEDULE** referred to in the foregoing Act.

The lands which the Company may now use for the manufacture of gas under the powers of the Act of 1862.

The lands at present occupied by the Company and being all that piece or parcel of ground situate and being in the township of Stretford in the parish of Manchester in the county of Lancaster forming part of the estates or reputed estates of Humphrey Trafford bounded on the northerly easterly and southerly sides thereof by other part of the estates formerly belonging or reputed to belong to Humphrey Trafford but now belonging or reputed to belong to Sir Humphrey de Trafford Bart. and on the westerly side thereof by land belonging or reputed to belong to the trustees under the will of the late Duke of Bridgewater which said plot of land contains 3,250 square yards or thereabouts.

**THE STRETFORD GAS ACT 1899.**

8. The Company may for the purposes of their undertaking purchase take and hold (by agreement but not otherwise) in addition to the lands described in the First Schedule to this Act any lands and hereditaments not exceeding in the whole five acres which the Company may require for the purposes of their works and undertaking but the Company shall not create or permit a nuisance on any such lands or use the same for the manufacture of gas or of any product resulting from any materials employed in such manufacture.

Power to  
purchase  
lands by  
agreement.

9. The Company may hold any lands which they may acquire under the authority of this Act free from the provisions of the Lands Clauses Consolidation Act 1845 or of the existing Acts of the Company with respect to superfluous lands and they may grant a lease or leases of and sell and dispose of their estate and interest in any lands they may not for the time being require for the purposes of their undertaking.

Power to  
hold sell  
and lease  
lands.

13. Subject to the provisions of this Act the Company may upon the lands described in Part II. and Part III. of the first schedule to this Act erect lay down provide and construct maintain alter improve enlarge extend and renew or discontinue gasworks retorts gasholders receivers machinery drains sewers mains approaches and other works apparatus and conveniences and may do all such acts as they may think proper for making storing and supplying gas and may make store and supply gas

Powers as to  
construction  
and main-  
tenance of  
gasworks  
&c.

A.D. 1922.

accordingly and may store sell supply and deal in coke tar pitch oil lime ammoniacal liquor carburine spirit and all other products resulting from such making of gas.

Company  
not to use  
Thomas  
Street.

41. The Company shall not make use of Thomas Street in the urban district of Stretford for the carriage of tar or of ammoniacal liquor and in the event of their contravening the provisions of this section they shall be liable to a penalty not exceeding forty shillings for every such offence and such penalty shall be recoverable summarily upon the complaint of the Stretford Urban District Council.

The SCHEDULES referred to in the foregoing Act.

### THE FIRST SCHEDULE.

#### PART I.

The lands in the parish of Stretford now belonging or reputed to belong to the Company containing about three thousand two hundred and fifty square yards and on which they are authorised to erect gasworks and to make gas and to manufacture residual products.

#### PART II.

Certain lands in the said parish of Stretford belonging or reputed to belong to the Company and forming part of their existing gasworks containing about eleven thousand three hundred and ten square yards and bounded on the north-east north-west and south-east by land belonging or reputed to belong to Sir Humphrey Francis de Trafford Baronet and on part of the south-west side by land belonging or reputed to belong to the Company and on the remaining part of the south-west side by a road belonging or reputed to belong to the Manchester Ship Canal Company.

#### PART III.

Certain lands in the said parish of Stretford belonging or reputed to belong to the said Sir Humphrey Francis de Trafford and in the occupation of the executors of the late George Foster containing about sixteen thousand square yards and bounded on the north-east by Thomas Street on the north-west by other lands belonging or reputed to belong to the said Sir Humphrey Francis de Trafford on the south-west partly by the gasworks of the Company and partly by other lands belonging or reputed to belong to the said Sir Humphrey Francis de Trafford and on the south-east by other lands belonging or reputed to belong to the said Sir Humphrey Francis de Trafford.



THE STRETTFORD GAS ORDER 1917 CONFIRMED BY THE GAS AND  
WATER PROVISIONAL ORDERS ACT 1917.

A.D. 1922.

5. The Stretford Gas Company shall be the Undertakers  
for the purposes of this Order and are in this Order referred to as  
“ the Undertakers ”.

6.—(1) The undertakers may—

- (a) Upon any lands upon which they are by any Act  
or order authorised to make and store gas work up  
and convert the residual products arising directly or  
indirectly from the manufacture of gas by them ;
- (b) Purchase the residual products arising from the  
manufacture of gas by other gas undertakers and  
therewith upon the said lands manufacture other  
products of the same kind as the Undertakers are  
manufacturing from their own residual products  
Provided that the quantity of any residual product  
so purchased by the Undertakers in any year shall  
not exceed one-third of the quantity of the like  
residual product which shall in that year arise directly  
or indirectly from the manufacture of gas by them ;
- (c) Purchase from other gas undertakers and elsewhere  
and use the materials required to work up and convert  
the residual products so arising from their own  
manufacture of gas or purchased as aforesaid:

Power to use  
lands for  
manufacture  
of residual  
products.

But the Undertakers shall not manufacture chemicals exclusively  
from raw materials purchased from sources other than gas  
undertakings or in the manufacture of which the use of residual  
products produced by the Undertakers or purchased from other  
gas undertakings is merely subsidiary.

(2) The powers conferred by this section shall not prejudice  
or affect the covenants and conditions as to buildings erections  
and building lines contained in an indenture of conveyance  
dated the thirtieth day of November nineteen hundred made  
between Sir Humphrey Francis de Trafford Baronet and others  
of the first seven parts and the Undertakers of the eighth part  
being the conveyance to the Undertakers of the land described  
in Part III. of the First Schedule to the Stretford Gas Act 1899 ;

(3) Section 14 (Gas &c. not to be manufactured except on  
lands scheduled) of the Stretford Gas Act 1899 and the words  
“ but not from the working up manufacture or conversion of  
residual products ” in section 13 (Powers as to construction  
and maintenance of gasworks &c.) of that Act are hereby repealed.

7. The following provisions for the protection and benefit  
of the Stretford Urban District Council (in this section called  
“ the council ”) shall except so far as may otherwise be agreed

For protec-  
tion of  
Stretford

A.D. 1922. between the Undertakers and the council apply and have effect  
(that is to say) :—

Urban  
District  
Council.

- (1) The Undertakers shall not cause or allow any effluent arising in the manufacture of gas or in the working up manufacture or conversion of residual products to pass directly or indirectly into any drain or sewer vested in the council or into any stream or watercourse unless they shall have freed such effluent from all noxious matter which would injuriously affect or deteriorate any drain or sewer or the contents thereof or the purity or quality of the water in any stream or watercourse :
- (2) Any person authorised in writing in that behalf by the council and producing his authority on being required to do so by the Undertakers may at any reasonable time enter upon any lands and works of the Undertakers and inspect the sewers and drains thereon for the purpose of ascertaining whether the provisions of this section are duly complied with and may take samples of any such effluent passing or intended to pass into any such sewer drain stream or watercourse and the Undertakers shall afford to such person reasonable facilities for the purposes of this subsection :
- (3) If the Undertakers fail or neglect within a reasonable time to comply with any of the provisions contained in this section after the council shall have given notice of such failure or neglect to the Undertakers or have left the same at the principal office of the Undertakers the Undertakers shall be liable to a penalty not exceeding ten pounds and to a further penalty not exceeding ten pounds for every day on which such failure or neglect shall continue and any penalty under this section may be recovered in a summary manner :
- (4) If any question or difference shall arise under this section between the Undertakers and the council it shall be determined by an arbitrator to be appointed on the application of either party by the Local Government Board and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

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Printed by EYRE and SPOTTISWOODE, LTD.,

FOR

WILLIAM RICHARD CODLING, Esq., C.V.O., C.B.E., the King's Printer of  
Acts of Parliament.

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