

[15 & 16 GEO. 5.] *Kilmarnock Gas and* [Ch. xxxviii.]
Water Order Confirmation Act, 1925.



CHAPTER xxxviii.

An Act to confirm a Provisional Order under the Burgh Police (Scotland) Act 1892 relating to Kilmarnock Gas and Water. [30th June 1925.]

A.D. 1925.

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

55 & 56 Vict.
c. 55.

Be it therefore enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

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

Confirma-
tion of Order
in schedule.

2. This Act may be cited as the Kilmarnock Gas and Water Order Confirmation Act 1925.

Short title.

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A.D. 1925.

SCHEDULE.

KILMARNOCK GAS AND WATER.

Provisional Order.

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

And whereas the Burgh Police (Scotland) Act 1892 is in force within the burgh of Kilmarnock (hereinafter called "the burgh") :

And whereas by the Kilmarnock Municipal Extension and Improvement Act 1871 (hereinafter called "the Act of 1871") the property and powers of the Town Improvement Trustees and of the commissioners of police of the burgh and the property powers rights and privileges of the Kilmarnock Gaslight Company in whom the gas supply of the town of Kilmarnock and the parishes of Kilmarnock and Riccarton was then vested were transferred to and vested in the provost magistrates and councillors of the burgh (hereinafter called "the Corporation") who were authorised to maintain improve or alter the gasworks thereby transferred to and vested in them and to supply gas within the burgh as extended by the Act of 1871 and the parishes of Kilmarnock Riccarton and Kilmaurs and to borrow for the purposes of their gas undertaking any sums not exceeding the sum of fifty thousand pounds on the security of the gasworks thereby vested in them and of the gas rates and charges by that Act authorised :

And whereas by the Kilmarnock Corporation Order 1901 and the Kilmarnock Gas Orders 1912 1915 and 1922 (which

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Orders together with the Act of 1871 are hereinafter collectively called "the Kilmarnock Gas Acts 1871 to 1922") the borrowing powers of the Corporation for the purposes of their gas undertaking were increased by sums amounting together to one hundred and ten thousand pounds : A.D. 1925.

And whereas the said respective sums of fifty thousand pounds and one hundred and ten thousand pounds have been duly raised and expended by the Corporation for the purposes of their gas undertaking :

And whereas the Corporation have expended a sum of fourteen thousand four hundred and thirty pounds in excess of the sums hereinbefore referred to for the following purposes (that is to say) :—

	£
Water gas plant - - - - -	6,600
Mains and service pipes - - - - -	4,600
Meters and stoves and incidental purposes -	3,230

And whereas the demand for gas within the burgh and parishes hereinbefore mentioned has increased and is increasing and it is expedient that the Corporation should for the purpose of further enlarging extending and improving their gasworks and works connected therewith be authorised to borrow in addition to the said respective sums of fifty thousand pounds and one hundred and ten thousand pounds a further sum not exceeding twenty-five thousand pounds inclusive of the above-mentioned sum of fourteen thousand four hundred and thirty pounds upon the security of the revenues of their gas undertaking :

And whereas by the Kilmarnock Water Act 1892 (hereinafter called "the Act of 1892") the undertaking of the Kilmarnock Water Company was transferred to and vested in the Corporation and the Corporation were authorised to construct additional waterworks and to supply water within the burgh the suburbs thereof and places adjacent comprehended within the parishes of Kilmarnock Riccarton Kilmaurs and Fenwick and in addition to the sums authorised to be borrowed in respect of the acquisition of the said undertaking the Corporation were authorised to borrow for the purposes of those works and of their water undertaking the sum of thirty thousand pounds :

And whereas by the Kilmarnock Corporation Water Act 1896 the Kilmarnock Corporation Order 1901 and the Kilmarnock Corporation Water Orders 1907 and 1922 (which Acts and Orders together with the Act of 1892 are hereinafter collectively called "the Kilmarnock Water Acts 1892 to 1922") the borrowing powers of the Corporation for the purpose of their water undertaking were increased by sums amounting together to one hundred and fifty thousand pounds :

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And whereas the said respective sums of thirty thousand pounds and one hundred and fifty thousand pounds have been duly raised and expended by the Corporation for the purposes of their water undertaking :

And whereas the demand for water in the burgh and the suburbs thereof and places adjacent has increased and is increasing necessitating the laying of further mains and the improvement of the existing mains filters and other works of the Corporation in connection with their water undertaking and it is expedient that the Corporation should be empowered to borrow an additional sum not exceeding ten thousand pounds upon the security of their water undertaking to defray the cost of the said works :

And whereas the Corporation have presented to me as Secretary for Scotland a petition setting forth the matters hereinbefore recited :

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

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

Short title
and
citation.

1. This Order may be cited as the *Kilmarnock Gas and Water Order 1925.*

The *Kilmarnock Gas Acts 1871 to 1922* and this Order may be cited together as the *Kilmarnock Gas Acts 1871 to 1925.*

The *Kilmarnock Water Acts 1892 to 1922* and this Order may be cited together as the *Kilmarnock Water Acts 1892 to 1925.*

Power to
borrow for
gas under-
taking.

2.—(1) In addition to the sum of one hundred and sixty thousand pounds which the Corporation are already authorised to borrow under the *Kilmarnock Gas Acts 1871 to 1922* for the purposes of their gas undertaking the Corporation may borrow the sum of twenty-five thousand pounds on the security of the revenues of the said undertaking and may mortgage the same accordingly and subsection (1) of section 14 (Power to borrow for gas and water purposes) of the *Kilmarnock Corporation Order 1901* shall from and after the passing of the Act confirming this Order be read as if the words "one hundred and thirty-five thousand pounds" had been inserted therein instead of the words "sixty thousand pounds."

(2) Subsection (1) of section 16 (Repayment of borrowed money) of the *Kilmarnock Corporation Order 1901* as amended by the *Kilmarnock Gas Order 1912* shall apply to money borrowed by the Corporation for the purposes of their gas undertaking under the authority of this Order.

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| <p>3. In addition to the sum of one hundred and eighty thousand pounds which the Corporation are already authorised to borrow under the Kilmarnock Water Acts 1892 to 1922 for the purposes of their water undertaking the Corporation may borrow the sum of ten thousand pounds on the security of the revenues of the said undertaking and may mortgage the same accordingly.</p> | <p>A.D. 1925.
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 Power to borrow for water undertaking.</p> |
| <p>4. All moneys borrowed by the Corporation under the authority of this Order shall be applied only to the purposes for which the same are authorised to be borrowed and to which capital is properly applicable.</p> | <p>Application of moneys borrowed.</p> |
| <p>5. All mortgages granted by the Corporation for securing money borrowed under the provisions of the Kilmarnock Gas Acts 1871 to 1922 for the purposes of their gas undertaking and under the provisions of the Kilmarnock Water Acts 1892 to 1922 for the purposes of their water undertaking and subsisting at the passing of the Act confirming this Order shall while subsisting and without prejudice to their priorities have priority over any mortgages granted by the Corporation under the authority of this Order for the purposes of their gas undertaking or of their water undertaking as the case may be.</p> | <p>Priority of existing mortgages.</p> |
| <p>6. The Corporation shall by means of the sinking fund directed to be formed by subsection (1) of section 16 of the Kilmarnock Corporation Order 1901 pay off all money borrowed by them under the authority of this Order for the purposes of their gas undertaking and the provisions of that subsection as amended by the Kilmarnock Gas Order 1912 shall apply to money so borrowed as if it were money borrowed under the authority of the said Order of 1901. Provided that the payments to the sinking fund in respect of moneys borrowed temporarily in anticipation of the authority conferred by this Order shall run from the date of such temporary borrowing the amount in arrear being carried to the sinking fund at or before Whitsunday 1925.</p> | <p>Repayment of money borrowed for gas undertaking.</p> |
| <p>7. The Corporation shall by means of the sinking fund directed to be formed by section 22 (Repayment of borrowed money) of the Kilmarnock Corporation Water Order 1907 pay off all money borrowed by them under the authority of this Order for the purposes of their water undertaking as if it were money borrowed under the authority of the said Order of 1907.</p> | <p>Repayment of money borrowed for water undertaking.</p> |
| <p>8. The provisions of section 17 (Annual return to Secretary for Scotland with respect to sinking fund) of the Kilmarnock Corporation Order 1901 shall apply to money borrowed by the Corporation under the authority of this Order.</p> | <p>Annual return to Secretary for Scotland.</p> |
| <p>9. The costs charges and expenses of and incident to the preparing for obtaining and confirming this Order or otherwise</p> | <p>Costs of Order.</p> |

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A.D. 1925. in relation thereto shall be paid by the Corporation in equal proportions out of their gas and water revenues and the moneys they are by this Order authorised to borrow and if paid out of moneys so borrowed shall be repaid within five years from the passing of the Act confirming this Order.

Given under my hand and seal at Whitehall this twenty-eighth day of April one thousand nine hundred and twenty-five.

(L.S.)

(Signed) JOHN GILMOUR.

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