



CHAPTER cxxvii.

An Act to confirm a Provisional Order of the Local Government Board relating to Biddulph. A.D. 1913.

[15th August 1913.]

WHEREAS the Local Government Board have made the Provisional Order set forth in the schedule hereto under the provisions of the Gas and Water Works Facilities Act 1870 and the Public Health Act 1875:

33 & 34 Vict.
c. 70.
38 & 39 Vict.
c. 55.

And whereas it is requisite that the said Order should be confirmed by Parliament:

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

1. The Order set out in the schedule hereto shall be and the same is hereby confirmed and all the provisions thereof shall have full validity and force.

Order in
schedule
confirmed.

2. This Act may be cited as the Local Government Board's Provisional Order Confirmation (Gas) Act 1913.

Short title.

A.D. 1913.

S C H E D U L E.

URBAN DISTRICT OF BIDDULPH.

Biddulph
(Gas) Order.

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

To the Urban District Council of Biddulph;—
And to all others whom it may concern.

WHEREAS the Urban District Council of Biddulph (herein-after referred to as “the Council”) are the Urban Authority within the meaning of the Public Health Act 1875 for the Urban District of Biddulph in the County of Stafford (herein-after referred to as “the District”);

And whereas the Council have (subject to the sanction of the Local Government Board) agreed to buy and the Biddulph Bradley Green and Black Bull Gas Company Limited (herein-after referred to as “the Company”) being a company registered under the Companies Act 1862 have in pursuance of a special resolution of the members of the Company passed in manner provided by the Companies (Consolidation) Act 1908 agreed to sell and transfer to the Council all the interest of the Company in the lands hereditaments and premises described in the schedule hereto and all the plant engines machinery utensils implements and effects of the Company all of which are in this Order referred to as “the gas undertaking”;

And whereas under the Public Health Act 1875 the Council are themselves empowered to supply gas for the whole of the District and have applied to the Local Government Board to issue a Provisional Order authorising them to maintain and continue the gas undertaking if and when the same shall be acquired by them to manufacture and supply gas and to borrow money for those purposes:

38 & 39 Vict.
c. 55. Now therefore We the Local Government Board in pursuance of the powers given to Us by Section 161 of the Public Health Act 1875 and by any other enactments in that behalf do hereby order that from and after the date of the Act of Parliament confirming this Order the following provisions shall take effect viz.:—

Short title, Art. I. This Order may be cited as the Biddulph Gas Order 1913.

Interpreta-
tion. Art. II.—(1) Subject to the provisions of this Order the several words and expressions to which by the Acts in whole or in part

[3 & 4 GEO. 5.] *Local Government Board's* [Ch. cxxvii.]
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incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have in this Order the same respective meanings (unless there be something in the subject matter or context repugnant to that construction). A.D. 1913.
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(2) The expression "residual products" includes coke culm asphaltum pitch tar oil ammoniacal liquor or any other refuse or residual matter or thing produced in or resulting from the manufacture of gas by the Council:

The expression "gasworks" includes the works of the Company and any building structure machinery apparatus or work constructed or provided for use in or for the purposes of any process or operation connected with the manufacture or storage of gas or the manufacture conversion preparation or storage of any residual products or otherwise for any purpose of the gas undertaking or of any powers or duties of the Council under this Order or under any enactment incorporated with and applied by this Order:

The expression "gas fittings" includes any meter engine oven stove range pipe or burner or any other apparatus appliance article or thing used or intended or adapted to be used in or in connexion with the supply or consumption of gas for the purposes of lighting motive power heating and cooking or for any other purpose for which gas can or may be used.

Art. III. The limits within which this Order shall be in force and have effect shall be the District. Limits of
Order.

Art. IV. The Council shall in relation to the purposes of this Order exercise and be subject to all the powers and provisions of the Public Health Act 1875 so far as the same are applicable to the purposes of this Order but nothing herein contained shall empower the Council to acquire lands otherwise than by agreement. Application
of Public
Health Act
1875.

Art. V.—(1) The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking and except Section 127 of the Lands Clauses Consolidation Act 1845) and the provisions of the Gasworks Clauses Act 1847 (except Sections 30 to 38 and Sections 43 45 46 and 47 thereof) and of the Gasworks Clauses Act 1871 (except Sections 8 24 to 27 29 and 35 and Schedule B thereof) are incorporated with this Order and the said provisions of the said Gasworks Clauses Acts as so incorporated shall have effect subject to the provisions of this Order and shall apply to any gasworks acquired by or vested in the Council under or by virtue of the Public Health Act 1875 or of this Order and to any gasworks constructed or provided under the authority of this Order. Incorporation of Acts.

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(2) The Council may purchase by agreement and subject to the provisions of this Order any land not exceeding one acre in addition to the lands described in the schedule to this Order.

(3) The Council may use the lands described in the schedule to this Order if and when acquired by them for all or any of the purposes of the gas undertaking including the manufacture or storage of gas or residual products.

Construction
of works.

Art. VI.—(1) The Council may (when the gas undertaking has been acquired by them) maintain repair renew and continue and from time to time construct extend enlarge and alter or when necessary remove any gasworks or dwellings for any persons employed in the said works upon the lands described in the schedule to this Order.

(2) Subject to the provisions of this Order the Council may manufacture supply and sell gas within the District for public and private purposes and may manufacture convert or prepare store and sell any residual products.

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

Art. VII.—(1) The Council shall not manufacture gas nor manufacture convert or prepare any residual products on any lands other than the lands described in the schedule to this Order.

(2) The Council shall not begin to store gas or any residual products on any lands other than the lands described in the schedule to this Order which shall be situated within three hundred yards of any dwelling-house without the previous consent in writing of the owner lessee and occupier of that dwelling-house.

Supply of
gas fittings.

Art. VIII.—(1) The Council may purchase or hire and sell or let on hire supply and otherwise deal in and fix set up alter remove and re-fix but shall not manufacture any gas fittings and may require and take such remuneration in money or such rents and charges for and make such terms and conditions with respect to the sale letting supply fixing setting up altering removing or re-fixing of such gas fittings and for securing their safety and (if the circumstances so require) their return to the Council as may be agreed upon between the Council and the person to or for whom the said gas fittings are sold let supplied fixed set up altered removed or re-fixed.

(2) Any fittings let for hire under the provisions of this Article 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 any proceedings in bankruptcy against the persons in whose possession the same may be. Provided that such fittings are marked or impressed with a sufficient mark or brand indicating the Council as the actual owners thereof.

Quality of

Art. IX. The quality of the gas supplied by the Council under this Order shall with respect to its illuminating power be such as to

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produce at the testing place herein-after mentioned when burned at the rate of five cubic feet per hour a light equal in intensity to the light produced by fourteen sperm candles of six to the pound each consuming one hundred and twenty grains of sperm per hour and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act 1871.

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Art. X. The Council shall before supplying or within one month after beginning to supply gas under the authority of this Order provide and maintain a suitable photometer and other necessary appliances for the purpose of testing the quality of the gas and shall at all times keep the same in proper order and repair.

Photometer
to be pro-
vided.

Art. XI. All gas supplied by the Council under this Order to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than six-tenths of an inch in height and from sunset to midnight a column of water not less than eight-tenths of an inch in height at the main or as near as may be to the junction therewith of the service pipe supplying the consumer.

Pressure.

Art. XII.—(1) For the purposes of the Gasworks Clauses Act 1871 the prescribed testing place for testing the gas supplied under this Order shall be the testing place provided by the Company on the lands described in the schedule to this Order or such other testing place as may be provided by the Council on the said lands before commencing such supply.

Testing place.

(2) For testing the illuminating power of the gas the burner to be used shall be that known as the Metropolitan Argand Burner No. 2 the photometer shall be the bar photometer the standard light shall be that supplied by Harcourt's ten-candle Pentane lamp and in making the test the burner shall be so used as to obtain from the gas when burned at the rate aforesaid the greatest amount of light.

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

(4) The Council shall before supplying gas under this Order provide all the apparatus required by this Order for the testing of gas and shall at all times keep the same in proper order and repair.

(5) Any gas examiner appointed under the Gasworks Clauses Act 1871 for the purposes of this Order may from time to time subject to the terms of his appointment at the said testing place or elsewhere not being the immediate approach to any railway bridge or railway station as and when he thinks fit test the pressure at which the gas is

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A.D. 1913. supplied under this Order and for that purpose may open any street road passage or place vested in or under the control of any local or road authority and two hours' previous notice shall be given to the Council of the time and place at which any testing for pressure elsewhere than at the testing place will be conducted.

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No penalty
in case of
unavoidable
cause.

Art. XIII. No penalty shall be incurred by the Council for insufficiency of pressure defect of illuminating power or for excess of impurity in the gas supplied by them in any case in respect of which it is proved that such insufficiency defect or excess was produced by an unavoidable cause or accident.

Maximum
price.

Art. XIV. The price to be charged by the Council for gas supplied by them to consumers shall not exceed five shillings and sixpence per one thousand cubic feet and so on in proportion for any less quantity supplied. Provided nevertheless that every odd fraction or portion of one hundred cubic feet may be charged for as one hundred cubic feet.

Price of gas
for public
supply.

Art. XV. The Council shall keep separate records of the gas supplied to private consumers and for public lighting respectively. The price charged for gas for public lighting shall not be less than that charged to private consumers by more than ten per centum.

Charge for
gas supplied
by means of
prepayment
meters.

Art. XVI.—(1) The Council may demand for any gas supplied through a prepayment meter a not greater charge than for gas supplied to private consumers through any other kind of meter or by any other method of supply.

(2) The Council shall not charge for the hire of any prepayment meter and fittings to be used therewith any sum other than a sum of money calculated according to the quantity of gas supplied through such prepayment meter and the maximum sum to be so charged shall be at the rate of tenpence per one thousand cubic feet supplied in manner aforesaid such sum to include the hire of meter and the fittings used therewith or at the rate of one shilling per one thousand cubic feet if such fittings include a cooking stove. The said charge shall include the providing letting fixing repairing and maintenance of the meter and fittings and the cost of collection and other costs incurred by the Council in connexion with the meter and fittings.

(3) The Council shall not charge for the hire of any prepayment meter without fittings any sum other than a sum of money calculated according to the quantity of gas supplied through such prepayment meter and the maximum sum to be so charged shall be at the rate of sixpence per one thousand cubic feet supplied in manner aforesaid. The said charge shall include the providing letting fixing repairing and maintenance of the meter and the cost of collection and other costs incurred by the Council in connexion with the meter.

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(4) For the purpose of this Article the expression "prepayment meter" means any meter or appliance by which the quantity of gas supplied is regulated according to the amount prepaid therefor. A.D. 1913.
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Art. XVII. If a person requiring a supply of gas from the Council has previously quitted premises at which gas was supplied to him by the Council without paying to them all gas charges and meter rent and rent for gas fittings due from him to the Council they may refuse to furnish to him a supply of gas until he pays the same. Power to re-
fuse to supply
persons in
debt for other
premises.

Art. XVIII.—(1) At least twenty-four hours' notice shall be given to the Council by every gas consumer either personally at the office for the time being of the Council or in writing before he quits any premises supplied with gas by meter by the Council and in default of such notice the consumer so quitting shall be liable to pay to the Council 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 Council to supply gas to such premises whichever shall first occur. Gas con-
sumers to
give notice to
Council
before re-
moving.

(2) Notice of the effect of this requirement shall be endorsed upon every demand note for gas charges payable to the Council.

Art. XIX.—(1) The Council may by notice in writing require a consumer of gas supplied by the Council and used for the working of an engine to fix and use an anti-fluctuator in a suitable position upon the premises to which the gas is supplied and whereon the engine is in use or to keep an anti-fluctuator so fixed and used in proper order and repair at all times while in use or to repair renew or replace an anti-fluctuator which is not in proper order or repair : Authorising
Council to
require an
anti-fluctua-
tor to be used
for control-
ling supply
of gas to a
gas engine.

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

(2) The Council may at all reasonable times demand and shall thereupon have access to any anti-fluctuator fixed upon any premises to which gas is supplied by the Council and for the purpose of ascertaining whether the anti-fluctuator is in proper order or repair may take off remove test inspect and replace the anti-fluctuator such taking off removing testing and replacing to be done at the expense of the Council if the anti-fluctuator be found in proper order but otherwise at the expense of the consumer.

(3) For the purposes of this Article an "anti-fluctuator" means any apparatus article or thing for the purpose of controlling and

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A.D. 1913. regulating the supply of gas to any engine and preventing any
Biddulph inconvenience or danger from the intermittent consumption of gas by
(Gas) Order. the engine.

Supply of gas in bulk. Art. XX. The Council may contract with any local authority company or persons authorised to supply gas under parliamentary powers in any district adjacent to the limits of supply for the purchase by and supply to the Council of gas in bulk upon such terms and conditions and for such periods not exceeding in any case fourteen years from the making of the contract as shall be agreed upon but nothing in this Article shall authorise the Council to lay any main or interfere with any street beyond the limits of supply.

Period of error in defective meters. Art. XXI.—(1) 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.

(2) The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Council shall be paid by or to the Council to or by the consumer as the case may be and shall be recoverable in like manner as gas rents are recoverable by the Council.

Notice of discontinuance. Art. XXII. A notice to the Council 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 for the time being of the Council or be given by the consumer personally at the said office.

Borrowing powers. Art. XXIII. Subject to the provisions of this Order the Council may with the sanction of the Local Government Board and for any of the purposes of this Order (which purposes shall be deemed to include the costs payable by the Council of and in connexion with the preparation making and confirmation by Parliament of this Order and the sum to be paid for the purchase of the gas undertaking) borrow money upon the security of the moneys from time to time received by them by way of revenue under this Order and upon the security of the district fund and general district rate of the District or upon either of those securities.

Local Loans Act and certain provisions of Public Health Act made applicable. Art. XXIV. For the purpose of raising money in the exercise of the powers of borrowing conferred by this Order the provisions of the Local Loans Act 1875 shall be available to the Council and Sections 236 to 238 of the Public Health Act 1875 shall apply to all moneys borrowed on mortgage under this Order.

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Art. XXV. The moneys borrowed under Article XXIII. of this Order shall be repaid within such period not exceeding sixty years from the date of borrowing as the Council with the sanction of the Local Government Board in each case determine and the period so determined and sanctioned is herein-after referred to as "the prescribed period" and shall with reference to the repayment of those moneys be the prescribed period for the purposes of this Order and of the Local Loans Act 1875.

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Period for
 repayment of
 money
 borrowed.

Art. XXVI.—(1) The Council shall repay the moneys borrowed under this Order (other than moneys borrowed under the provisions of the Local Loans Act 1875) by equal annual instalments of principal or by equal annual instalments of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or the others of them.

Mode of
 repayment.

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

Formation
 maintenance
 and applica-
 tion of sink-
 ing fund.

(a) by payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed A sinking fund so formed is herein-after called a non-accumulating sinking fund ; or

(b) by payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three pounds per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which the sinking fund is formed A sinking fund so formed is herein-after called an accumulating sinking fund.

(3) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in securities in which trustees are by law for the time being authorised to invest or in mortgages bonds debentures debenture stock stock or other securities (not being annuity certificates or securities payable to bearer) duly issued by any local authority as defined by Section 34 of the Local Loans Act 1875 but exclusive in every case of the securities of the Council and the Council shall be at liberty from time to time to vary and transpose the investments.

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

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(5) The Council may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed. Provided that in the case of an accumulating sinking fund the Council shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by the sinking fund or the part of the sinking fund so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(6)—(a) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the equal annual payments to the fund are based any deficiency shall be made good by the Council:

(b) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the equal annual payments to the fund are based any such excess may be applied towards those equal annual payments.

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

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

Art. XXVII.—(1) If it appears to the Council at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Order together with the accumulations thereon (in the case of an accumulating sinking fund) will probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Council to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose. Provided that if it appears to the Local Government Board that any such increase is necessary the Council shall increase the payments to such extent as the Board may direct.

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

(3) If in the opinion of the Local Government Board the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Order together with the accumulations thereon (in the case of an accumulating sinking fund) will probably be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the

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Council may reduce the payments to be made to the sinking fund either temporarily or permanently to such an extent as the Board approve. A.D. 1913.
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(4) If in the opinion of the Local Government Board the amount in any sinking fund at any time together with the accumulations thereon (in the case of an accumulating sinking fund) will probably be sufficient to repay the loan in respect of which it is formed within the prescribed period the Council may with the consent of the Board discontinue the equal annual payments to the sinking fund until the Board otherwise direct.

(5) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose or purposes as the Council with the consent of the Local Government Board may determine.

Art. XXVIII.—(1) The Council shall have power—

Power to re-
borrow.

(a) to borrow for the purpose of paying off any moneys previously borrowed under this Order 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 Council in repaying moneys previously borrowed under this Order and which at the time of such repayment it was intended to replace by borrowed moneys.

(2) Any moneys borrowed under this Article shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the prescribed period 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 Article.

(3) The Council 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 Council 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.

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Application
of borrowed
moneys.

Art. XXIX. All moneys from time to time borrowed under this Order shall be applied by the Council only for the purposes for which the same are respectively authorised to be borrowed excepting that moneys which may have been borrowed in excess of the amount required shall be applied in such manner as the Council with the approval of the Local Government Board determine. Provided that it shall not be in any way incumbent on any mortgagee to see to the application of any moneys so borrowed nor shall the mortgagee be responsible for any misapplication thereof.

Receiver.

Art. XXX.—(1) Subject to the provisions of this Article any mortgagee of the Council in respect of a mortgage under this Order may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver.

(2) The application for the appointment of a receiver shall be made to the High Court and the Court if it thinks fit may appoint a receiver on such terms as it thinks fit and may at any time discharge the receiver and otherwise exercise full jurisdiction over him :

Provided that no such application shall be entertained unless the amount of arrears due to the applicant or in the case of a joint application by two or more mortgagees to the applicants collectively be not less than five hundred pounds in the whole.

Return as to
repayment of
debt.

Art. XXXI.—(1) The clerk to the Council shall within twenty-one days after the Thirty-first day of March in each year if during the twelve months next preceding the said Thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Order or in respect of any money raised thereunder and at any other time when the Local Government Board may require such a return to be made transmit to the Board a return in such form as may from time to time be prescribed by the Board and if required by the Board verified by statutory declaration of the clerk showing for the year next preceding the making of the return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of his failing to make the return the clerk shall for each offence be liable to a penalty not exceeding twenty pounds

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to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of that penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Board out of the High Court. A.D. 1913.
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(2) If it appears to the Local Government Board by that return or otherwise that the Council have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether the instalment or annual payment or sum is required by this Order or by the Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purpose other than an authorised purpose the Board may by order direct that the sum in their order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as is mentioned in the said order and any such order shall be enforceable by writ of mandamus to be obtained by the Board out of the High Court.

Art. XXXII. The powers of borrowing conferred by this Order shall be deemed to be distinct from and in addition to the powers of borrowing conferred on the Council by the Public Health Act 1875. Borrowing
powers to be
in addition to
those in Public
Health Act.

Art. XXXIII. The Council shall keep separate capital and revenue accounts of all receipts credits payments liabilities and transactions in and about the execution and in relation to the purposes of this Order which accounts shall be distinct from the other accounts of the Council and shall be called respectively "the gas capital account" and "the gas revenue account." Separate
accounts.

Art. XXXIV.—(1) All moneys from time to time received by the Council by way of revenue under this Order shall be applied for the following purposes:— Application
of gas
revenue.

In payment of the gas establishment charges (that is to say) of the expenses properly chargeable to revenue of constructing continuing conducting managing and maintaining the gasworks;

In payment of the interest on the moneys borrowed or re-borrowed for the purposes of this Order;

In providing for the discharge of any moneys borrowed or re-borrowed for the purposes of this Order in accordance with the provisions of this Order or if those moneys were borrowed thereunder of the Local Loans Act 1875;

In setting apart if the Council think fit a yearly sum not exceeding ten pounds per centum of the said revenue for the purpose of

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forming a reserve fund to provide for any extraordinary expenditure in connexion with the gas undertaking Provided that such reserve fund shall be accumulated by way of compound interest by investment in the manner specified in subdivision (3) of Article XXVI. of this Order as to the sinking fund until it amounts according to the market price of the investments to the sum of five hundred pounds and that whenever the reserve fund amounts according to the market price of the investments to the sum of five hundred pounds the income therefrom shall be applied in the same manner as money received by the Council by way of revenue under this Order;

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

(2) The Council shall carry to the credit of the district fund so much of any balance remaining in any year of the revenue arising from their gas undertaking as may in the opinion of the Council not be required for carrying on the gas undertaking and paying the current expenses connected therewith Provided that no part of that revenue shall be carried to the credit of the district fund when the price of gas to private consumers exceeds four shillings and sixpence per one thousand cubic feet.

Charges of
 carrying
 Order into
 execution.

Art. XXXV. The Council shall not defray any of the charges and expenses of carrying this Order into execution other than payments required to be made in respect of money borrowed on mortgage of the district fund and general district rate out of that fund or rate when the price of gas to private consumers is less than five shillings and sixpence per one thousand cubic feet.

Protection
 for County
 Council.
 51 & 52 Vict.
 c. 41.

Art. XXXVI.—(1) Subsection (12) of Section 11 of the Local Government Act 1888 (which relates to main roads) shall apply and have effect as if with the necessary modifications the subsection were herein re-enacted and in terms made applicable to every county bridge (including every road repairable with a county bridge) in relation to which anything is authorised or required to be done or is done in pursuance of this Order or of any enactment applied by or incorporated with this Order.

10 & 11 Vict.
 c. 15.

(2) Section 8 of the Gasworks Clauses Act 1847 as applied by or incorporated with this Order shall in relation to any main road county bridge or road repairable with a county bridge have effect as if the word "seven" were substituted for the word "three" in that Section.

(3) If the County Council of Stafford (herein-after referred to as "the County Council") at any time deem it necessary to raise sink or otherwise alter the situation of any gas pipe gas main or gasworks

[3 & 4 GEO. 5.] *Local Government Board's* [Ch. cxxvii.]
Provisional Order Confirmation (Gas) Act, 1913.

acquired by the Council from the Company in pursuance of this Order or laid or placed by the Council in pursuance of this Order or of any enactment applied by this Order in under or upon a main road or a county bridge or a road repairable with a county bridge the County Council may by notice in writing require the Council to raise sink or otherwise alter the situation of the said pipe main or works in such manner and within such reasonable time as is specified in the notice and if the notice is not complied with the County Council may themselves make the alteration required and the reasonable expenses of or connected with any such alteration shall whenever there is sufficient ground for requiring the alteration be paid by the Council:

A.D. 1913.

Biddulph
(Gas) Order.

Provided that except in a case of necessity no such alteration shall be required or made as will permanently injure any such pipe main or works or prevent the gas from flowing as freely and conveniently as usual.

(4) If any difference arises at any time between the County Council and the Council with respect to any matter to which this Article relates the difference shall if either Authority so require be determined by an arbitrator appointed by the Local Government Board.

Art. XXXVII. Where the Local Government Board cause any local inquiry to be held with reference to any of the purposes of this Order the costs incurred by the Board in relation to that inquiry (including such reasonable sum not exceeding three guineas a day as the Board may determine for the services of any inspector or officer of the Board engaged in the inquiry) shall be paid by the Council and the Board may certify the amount of the costs so incurred and any sum so certified and directed by the Board to be paid by the Council shall be a debt due to the Crown from the Council.

Inquiries and expenses.

The SCHEDULE above referred to.

All that plot of land situate within the Urban District of Biddulph in the county of Stafford on which are erected the existing gasworks and buildings of the Company and which contains by admeasurement 3202 square yards or thereabouts bounded on the north by Gillowshaw Brook and land belonging or reputed to belong to Ellen Jane Cavanagh Mainwaring on the east and south by land belonging or

[Ch. cxxvii.] *Local Government Board's* [3 & 4 GEO. 5.]
Provisional Order Confirmation (Gas) Act, 1913.

A.D. 1913. reputed to belong to Edith Lowndes and Sarah Cope and on the west
 Biddulph partly by land belonging or reputed to belong to the United Velvet
(Gas) Order. Cutters' Association Limited and partly by land belonging or reputed
 to belong to Edith Lowndes and Sarah Cope.

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

(L.S.)

JOHN BURNS President.
H. C. MONRO Secretary.

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