



CHAPTER cxxx.

An Act to confirm certain Provisional Orders of the Local Government Board relating to Burton-upon-Trent Kendal Newcastle-upon-Tyne Stockton-on-Tees and Torquay. A.D. 1913.

[15th August 1913.]

WHEREAS the Local Government Board have made the Provisional Orders set forth in the schedule hereto under the provisions of the Public Health Act 1875:

38 & 39 Vict.
c. 55.

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

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

1. The Orders as amended and set out in the schedule hereto shall be and the same are hereby confirmed and all the provisions thereof shall have full validity and force. Orders in
schedule
confirmed.

2. This Act may be cited as the Local Government Board's Provisional Orders Confirmation (No. 6) Act 1913. Short title.

A.D. 1913.

S C H E D U L E.

BOROUGH OF BURTON-UPON-TRENT.

Burton-upon-Trent Order.

Provisional Order for altering certain Local Acts and a Confirming Act.

To the Mayor Aldermen and Burgesses of the Borough of Burton-upon-Trent;—

To the County Council of Derby;—

To the County Council of Stafford;—

To the Rural District Council of Repton;—

To the Rural District Council of Tutbury;—

And to all others whom it may concern.

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

16 & 17 Vict.
c. cxviii.
41 Vict. c. lxi.
59 & 60 Vict.
c. cxlviii.

And whereas there are in force in the Borough the unrepealed provisions of the Town of Burton-upon-Trent Act 1853 the Burton-upon-Trent Improvement Act 1878 and the Burton-upon-Trent Corporation Act 1896 (each of which Acts is herein-after referred to as the Act of the year in which it was passed and which Acts are herein-after together referred to as "the Local Acts") as altered by the Burton-upon-Trent Order 1911 (herein-after referred to as "the Order of 1911") which was confirmed by the Local Government Board's Provisional Orders Confirmation (No. 8) Act 1911 (herein-after referred to as "the Confirming Act of 1911") and by certain other Provisional Orders confirmed by Parliament which do not affect the subject-matter of this Order;

1 & 2 Geo. 5.
c. cxlvi.

And whereas by the Act of 1878 as altered by the Order of 1911 the limits (herein-after referred to as "the gas limits of the Corporation") within which the Corporation may supply gas are defined and it is proposed that the gas limits of the Corporation should be extended so as to include the part of the Township of Hatton in the Rural District

[3 & 4 GEO. 5.] *Local Government Board's* [Ch. cxxx.]
Provisional Orders Confirmation (No. 6) Act, 1913.

of Repton in the County of Derby and the parts of the Parishes or Townships of Rolleston Stretton and Tutbury in the Rural District of Tutbury in the County of Stafford which are herein-after described; A.D. 1913.
Burton-upon-Trent Order.

And whereas J. C. Staton and Company Limited are at present supplying gas within the said parts of the Parish of Tutbury and the Township of Hatton and that company have agreed to sell and the Corporation have agreed to purchase the said undertaking excepting amongst other things the site of the existing gasworks and the buildings thereon (which portion of the gas undertaking so agreed to be sold and purchased is herein-after referred to as "the Tutbury gas undertaking");

And whereas Sir Oswald Mosley Baronet is at present supplying gas within the said part of the Parish of Rolleston and the said Sir Oswald Mosley has agreed to sell and the Corporation have agreed to purchase the said undertaking excepting amongst other things the site of the existing gasworks and the buildings thereon (which portion of the gas undertaking so agreed to be sold and purchased is herein-after referred to as "the Rolleston gas undertaking");

And whereas neither the Tutbury gas undertaking nor the Rolleston gas undertaking have been carried on in pursuance of any Act of Parliament or of any Order confirmed by Parliament;

And whereas the Corporation have made application to the Local Government Board for the issue of a Provisional Order to alter or amend the Local Acts and the Confirming Act of 1911 so far as it relates to the Order of 1911 in the manner herein-after set forth:

Now therefore We the Local Government Board in pursuance of the powers given to Us by Sections 297 and 303 of the Public Health Act 1875 and by any other Statutes in that behalf do hereby order that from and after the date of the Act of Parliament confirming this Order the Local Acts and the Confirming Act of 1911 so far as it relates to the Order of 1911 shall be altered so that the following provisions shall take effect that is to say:— 38 & 39 Vict
c. 55.

Art. I. The Corporation may purchase by agreement but not otherwise the Tutbury gas undertaking and the Rolleston gas undertaking. Authorising purchase of gas undertakings.

Art. II. From and after the date of the completion of each of the said purchases the undertaking so purchased shall be deemed for all purposes to form part of the gas undertaking of the Corporation and subject to the provisions of this Order such of the provisions of the Local Acts and of the Order of 1911 as relate to the gas undertaking of the Corporation shall apply and have effect accordingly. Purchased undertakings to form part of gas undertaking of Corporation.

Art. III. Section XXVIII. of the Act of 1853 shall be altered by the substitution for the words "Seven Shillings" of the words "Four Shillings and Sixpence". Reduction of maximum price for supply of gas.

[Ch. cxxx.] *Local Government Board's* [3 & 4 GEO. 5.]
Provisional Orders Confirmation (No. 6) Act, 1913.

A.D. 1913.
—
Burton-upon-Trent Order.
Extension of
gas limits of
Corporation.

Art. IV.—(1) The gas limits of the Corporation shall be extended so as to include so much of the Township of Hatton as lies to the south of the highway leading from Derby to Uttoxeter so much of the Parish of Rolleston as does not comprise the detached part of that Parish lying to the south-west of the Parish of Tutbury and is not already included in the gas limits of the Corporation so much of the Township of Stretton as is not already included in the gas limits of the Corporation and so much of the Parish of Tutbury as does not comprise the detached part of that Parish lying to the west of the said detached part of the Parish of Rolleston (which parts of Parishes and Townships are herein-after referred to as "the added area").

(2) The provisions of the Local Acts as altered by the Order of 1911 and by this Order with respect to the supply of gas and otherwise with respect to gas purposes which now apply and have effect within the existing gas limits of the Corporation shall with the necessary modifications apply and have effect within the gas limits of the Corporation as extended by this Order:

Provided that the price to be charged by the Corporation for gas supplied to consumers in the added area (other than gas supplied for motive power or manufacturing purposes or through prepayment meter) may exceed that charged to the like consumers within the Borough by a sum not exceeding—

- (i) in the case of gas supplied in the said part of the Parish of Rolleston one shilling and sixpence;
- (ii) in the case of gas supplied in the said part of the Township of Hatton and in the said part of the Parish of Tutbury one shilling; and
- (iii) in the case of gas supplied in the said part of the Township of Stretton tenpence;

per one thousand cubic feet.

Protection
for County
Councils and
Rural Coun-
cils.
51 & 52 Vict.
c. 41.

Art. V.—(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) which is situate within the added area and 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 the Local Acts.

10 & 11 Vict.
c. 15.

(2) Section 8 of the Gasworks Clauses Act 1847 as applied by or incorporated with the Local Acts shall in relation to any main road county bridge or road repairable with a county bridge in the added area and in relation to any road in the added area under the control

[3 & 4 GEO. 5.] *Local Government Board's* [Ch. cxxx.]
Provisional Orders Confirmation (No. 6) Act, 1913.

or management of the Rural District Council of Repton or the Rural District Council of Tutbury (either of which Councils is herein-after referred to as "the Rural Council") have effect as if the word "seven" were substituted for the word "three" in that section. A.D. 1913.
Burton-upon-Trent Order.

(3) If the County Council of Derby or the County Council of Stafford (either of which Councils is herein-after referred to as "the County Council") or the Rural Council at any time deem it necessary to raise sink or otherwise alter the situation of any gas pipe gas main or gasworks acquired by the Corporation in pursuance of this Order or laid or placed by the Corporation in the added area 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 or any road under the control and management of the Rural Council the County Council or the Rural Council as the case may be may by notice in writing require the Corporation 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 or the Rural Council as the case may be 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 Corporation :

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 or Rural Council as the case may be and the Corporation 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. VI. This Order may be cited as the *Burton-upon-Trent Order* Short title.
1913.

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

(I.S.)

JOHN BURNS President.

H. C. MONRO Secretary.

A.D. 1913.

BOROUGH OF KENDAL.

*Kendal
Order.*

*Provisional Order for altering the Kendal Corporation
Gas and Water Act 1894.*

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

To the Rural District Council of South Westmorland;—

And to all others whom it may concern.

WHEREAS the Borough of Kendal (herein-after referred to as "the Borough") is an Urban District of which the Mayor Aldermen and Burgesses acting by the Council (herein-after referred to as "the Corporation") are the Urban District Council and the local authority within the meaning of the Public Health Act 1875;

57 & 58 Vict.
c. lxxviii.

63 & 64 Vict.
c. liv.
9 Edw. 7.
c. cxxi.

And whereas there are in force in the Borough the unrepealed provisions of the Kendal Corporation Gas and Water Act 1894 (herein-after referred to as "the Local Act") as altered by the Kendal Orders 1900 and 1909 (herein-after referred to as "the Orders") which were respectively confirmed by the Local Government Board's Provisional Orders Confirmation (No. 3) Act 1900 and the Local Government Board's Provisional Orders Confirmation (No. 5) Act 1909;

And whereas by virtue of Section 7 of the Local Act as altered by Article I. of the Kendal Order 1909 the limits of the Corporation for the supply of gas (herein-after referred to as "the gas limits of the Corporation") now comprise the Borough the Parish of Scalthwaiterigg part of the Parish of New Hutton and parts of the Townships of Strickland Kettle and Strickland Roger and it is expedient that the gas limits of the Corporation should be extended so as to include the parts of the Townships of Hugill Nether Staveley Over Staveley Strickland Kettle and Strickland Roger in the Rural District of South Westmorland which are herein-after described;

And whereas the said parts of the Townships of Nether Staveley and Over Staveley were until recently supplied with gas by the Staveley near Kendal Gas Company Limited (herein-after referred to as "the Gas Company") and the Corporation have purchased the gas undertaking of the Gas Company and that part of the Gas Company's land which is described in the schedule to this Order;

And whereas the Gas Company has not been authorised by or in pursuance of any Act of Parliament or of any Order confirmed by Parliament to supply gas;

[3 & 4 GEO. 5.] *Local Government Board's* [Ch. cxxx.]
Provisional Orders Confirmation (No. 6) Act, 1913.

And whereas the Corporation have made application to the Local Government Board for the issue of a Provisional Order to alter or amend the Local Act as altered as aforesaid in the manner herein-after set forth :

A.D. 1913.

Kendal
Order.

Now therefore We the Local Government Board in pursuance of the powers given to Us by Section 303 of the Public Health Act 1875 and by any other Statutes in that behalf do hereby order that from and after the date of the Act of Parliament confirming this Order the Local Act as altered as aforesaid shall be further altered so that the following provisions shall have effect that is to say:—

38 & 39 Vict.
c. 55.

Art. I.—(1) The Corporation shall be deemed to have been empowered to purchase the undertaking of the Gas Company and the land described in the schedule to this Order and that undertaking shall be deemed for all purposes to form part of the gas undertaking of the Corporation and subject to the provisions of this Order such of the provisions of the Local Act as altered by the Orders as relate to the gas undertaking of the Corporation shall apply and have effect accordingly.

Authorising
purchase of
Gas Com-
pany's under-
taking.

(2) The Corporation may hold and use the land described in the schedule to this Order for the purposes of their gas undertaking including the storage of gas but the Corporation shall not manufacture gas or residual products on any part of that land.

Use of
scheduled
land for gas
purposes.

Art. II.—(1) The gas limits of the Corporation shall be extended so as to comprise so much of the Townships of Hugill Nether Staveley Over Staveley Strickland Kettle and Strickland Roger (herein-after referred to as "the added area") as is coloured pink on the two maps each of which is marked "Kendal Gas Limits Extension 1913" and is sealed with the official seal of the Local Government Board of which one is deposited in their office and the other shall be deposited in the office of the town clerk One copy of the map deposited with the town clerk shall be sent within one month after the date of the Act of Parliament confirming this Order to the clerk to the Rural District Council of South Westmorland.

Extension of
gas limits of
Corporation.

(2) The provisions of the Local Act as altered by the Orders with respect to the supply of gas and otherwise with respect to gas purposes which now apply and have effect within the existing gas limits of the Corporation shall with the necessary modifications apply and have effect within the gas limits of the Corporation as extended by this Order Provided that the Corporation may charge for gas supplied in the added area to consumers who burn the same by meter any sum not exceeding five shillings and sixpence per one thousand cubic feet.

[Ch. cxxx.] *Local Government Board's* [3 & 4 GEO. 5.]
Provisional Orders Confirmation (No. 6) Act, 1913.

A.D. 1913.

*Kendal
Order.*

Short titles.

Art. III. This Order may be cited as the Kendal Order 1913 and the Orders and this Order may be cited together as the Kendal Orders 1900 to 1913.

The SCHEDULE above referred to.

All that piece of land containing 270 square yards or thereabouts situate at Staveley in the County of Westmorland and bounded on the north by a road from the River Gowan to the public highway on the south by land now or formerly belonging to the Gas Company on the east by a private road and on the west by the River Gowan.

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

(L.S.)

JOHN BURNS President.

H. C. MONRO Secretary.

CITY OF NEWCASTLE-UPON-TYNE.

*Newcastle-
upon-Tyne
Order.*

*Provisional Order for partially repealing and altering
the Newcastle-upon-Tyne Tramways and Improvement Act 1899.*

To the Lord Mayor Aldermen and Citizens of the City and County of Newcastle-upon-Tyne;—

And to all others whom it may concern.

45 & 46 Vict.
c. ccxxxv.

62 & 63 Vict.
c. cclxv.

WHEREAS the City of Newcastle-upon-Tyne (herein-after referred to as "the City") is an Urban Sanitary District of which the Lord Mayor Aldermen and Citizens acting by the Council (herein-after referred to as "the Corporation") are the Urban Sanitary Authority and the unrepealed provisions of the Newcastle-upon-Tyne Corporation Loans Act 1882 (herein-after referred to as "the Act of 1882") and the Newcastle-upon-Tyne Tramways and Improvement Act 1899 (herein-after referred to as "the Act of 1899") are in force in the City;

And whereas by the Act of 1882 the Corporation were empowered to exercise any statutory borrowing power by the creation and issue of irredeemable stock and in pursuance of those powers the Corporation from time to time issued irredeemable stock (herein-after referred to as "Corporation irredeemable stock");

[3 & 4 GEO. 5.] *Local Government Board's* [Ch. cxxx.]
Provisional Orders Confirmation (No. 6) Act, 1913.

And whereas in pursuance of the provisions of Section 64 of the Act of 1899 the Corporation established the Newcastle-upon-Tyne Corporation Consolidated Loans Fund (Number 1) (herein-after referred to as "the Loans Fund (Number 1)") for the payment of dividends on Corporation irredeemable stock and for the purchase and extinction of such stock and for the payment of interest on moneys borrowed on mortgage under that Act for the purchase of such stock and for the repayment of such moneys ;

A.D. 1913.
—
*Newcastle-
upon-Tyne
Order.*

And whereas for the purpose of the purchase and extinction of Corporation irredeemable stock and the repayment of the moneys borrowed on mortgage for the purchase of such stock the Corporation were required by subsection (4) of Section 65 of the Act of 1899 on or before the twenty-fifth day of March One thousand nine hundred to pay into the Loans Fund (Number 1) the sum of two thousand eight hundred and eighty-five pounds ten shillings and fivepence and on or before the twenty-fifth day of March in every succeeding year to pay a like sum into the Loans Fund (Number 1) until either the whole of the moneys so borrowed should have been repaid and the whole of the Corporation irredeemable stock should have been purchased and extinguished or the amount of the investments of the Loans Fund (Number 1) according to the then market value thereof should be sufficient to repay the whole of such moneys and to purchase so much of that stock as might remain unredeemed at its then market value whereupon the prescribed annual sum should cease to be paid ;

And whereas by subsections (1) and (2) of Section 66 of the Act of 1899 the Corporation are required to apply the Loans Fund (Number 1) as therein mentioned in payment of the dividends on and in purchasing Corporation irredeemable stock and in payment of interest on moneys borrowed for the purchase of such stock and in repayment of such moneys ;

And whereas by subsection (3) of the said Section 66 it is provided that the Corporation shall from time to time immediately invest in statutory securities so much of the Loans Fund (Number 1) as shall be provided for the redemption of Corporation irredeemable stock or the repayment of borrowed moneys and as shall not be applied as aforesaid ;

And whereas by subsection (5) of the said Section 66 provision is made for the payment to the Loans Fund (Number 1) of interest on any part of that fund applied by the Corporation in the purchase and extinction of Corporation irredeemable stock or in the repayment of moneys borrowed on mortgage for the purchase of such stock ;

And whereas the amount of Corporation irredeemable stock which was unredeemed at the Thirty-first day of March One thousand nine

[Ch. cxxx.] *Local Government Board's* [3 & 4 GEO. 5.]
Provisional Orders Confirmation (No. 6) Act, 1913.

A.D. 1913. hundred and thirteen was one hundred and fifty-six thousand six
Newcastle- hundred and seventy-five pounds and towards the redemption thereof
upon-Tyne there was in the Loans Fund (Number 1) at the said date one hundred
Order. and thirteen thousand three hundred and seventy-six pounds four
 shillings and fourpence ;

And whereas the Corporation have made application to the Local
 Government Board for the issue of a Provisional Order to partially
 repeal alter or amend the Act of 1899 in the manner herein-after set
 forth :

38 & 39 Vict. Now therefore We the Local Government Board in pursuance of
 c. 55. the powers given to Us by Section 303 of the Public Health Act 1875
 and by any other Statutes in that behalf do hereby order that from
 and after the date of the Act of Parliament confirming this Order the
 Act of 1899 shall be partially repealed and altered so that the
 following provisions shall take effect that is to say:--

Payments to Loans Fund (Number 1) for extinction of stock.
 Art. I. Subsection (4) of Section 65 of the Act of 1899 shall be
 repealed and in substitution therefor the following provisions shall
 take effect that is to say:—

“ (4) For the purpose of the purchase and extinction of Corporation
 “ irredeemable stock and the repayment of the moneys bor-
 “ rowed on mortgage for the purchase of such stock the
 “ Corporation shall in each financial year commencing with
 “ the financial year ended the Thirty-first day of March One
 “ thousand nine hundred and fourteen pay into the Loans
 “ Fund (Number 1) the sum of one thousand four hundred
 “ and forty-seven pounds or such other sum as may from
 “ time to time be approved or directed by the Local
 “ Government Board (herein-after referred to as ‘the pre-
 “ scribed annual sum’) until either the whole of the moneys
 “ so borrowed have been repaid and the whole of the Cor-
 “ poration irredeemable stock has been purchased and
 “ extinguished or the amount of the investments of the
 “ Loans Fund (Number 1) (according to the then market
 “ value thereof) shall be sufficient to repay the whole of
 “ such moneys and to purchase so much of that stock as may
 “ remain unredeemed at its then market value and thereupon
 “ the prescribed annual sum shall cease to be paid.”

Application of Loans Fund (Number 1) in extinction of stock.
 Art. II. Subsection (5) of Section 66 of the Act of 1899 shall
 have effect as if the following paragraph were added to that subsection
 that is to say:—

“ Provided that nothing in this subsection shall have effect in
 “ relation to any part of the Loans Fund (Number 1) so applied
 “ as aforesaid before the First day of April One thousand nine
 “ hundred and thirteen.”

[3 & 4 GEO. 5.] *Local Government Board's* [Ch. cxxx.]
Provisional Orders Confirmation (No. 6) Act, 1913.

Art. III.—(1) Notwithstanding anything in the Act of 1899 and subject as herein-after provided the Corporation may exercise either wholly or partially any statutory borrowing power possessed by them by using for the purpose any moneys forming part of the Loans Fund (Number 1) and paid to that fund for the purchase and extinction of Corporation irredeemable stock and the repayment of the moneys borrowed on mortgage for the purchase of such stock.

A.D. 1913.
Newcastle-upon-Tyne Order.
 Use of Loans Fund (Number 1) in exercise of statutory borrowing power.

(2) The moneys so used shall be repaid to the Loans Fund (Number 1) by equal yearly or half-yearly instalments of principal or of principal and interest combined within the period and out of the fund rate or revenue within and out of which a loan raised under the statutory borrowing power would be repayable.

(3) Interest shall be paid to the Loans Fund (Number 1) on any moneys so used and for the time being not repaid to the fund. Such interest shall be calculated at a rate per centum per annum to be determined by the Corporation and to be equal as nearly as may be to the rate of interest which would be payable on a loan raised on mortgage under the statutory borrowing power and shall be paid out of the fund rate or revenue which would be applicable to the payment of interest on a loan raised under the statutory borrowing power.

(4) The statutory borrowing power for the purpose of which the moneys are so used shall be deemed to be exercised by such use as fully in all respects as if a loan of the same amount had been raised on mortgage in the exercise of the power and the particulars of the exercise of the power by such use shall be entered accordingly in the mortgage register kept by the Corporation.

(5) For the purposes of Sections 65 and 66 of the Act of 1899 any moneys so used and not for the time being repaid to the Loans Fund (Number 1) shall be deemed to be invested.

(6) In this Article the term "statutory borrowing power" has the meaning assigned to it by the Act of 1882.

Art. IV. This Order may be cited as the Newcastle-upon-Tyne Order 1913. Short title.

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

(L.S.)

JOHN BURNS President.
 H. C. MONRO Secretary.

[Ch. cxxx.] *Local Government Board's* [3 & 4 Geo. 5.]
Provisional Orders Confirmation (No. 6) Act, 1913.

A.D. 1913.

BOROUGH OF STOCKTON-ON-TEES.

*Stockton-on-
Tees Order.*

Provisional Order for altering certain Local Acts.

To the Mayor Aldermen and Burgesses of the Borough of
Stockton-on-Tees ; —

And to all others whom it may concern.

WHEREAS the Borough of Stockton-on-Tees (herein-after referred to as "the Borough") is an Urban District of which the Mayor Aldermen and Burgesses acting by the Council (herein-after referred to as "the Corporation") are the Urban District Council and the local authority within the meaning of the Public Health Act 1875 ;

And whereas there are in force in the Borough the unrepealed provisions of the Stockton Gas Act 1857 (herein-after referred to as "the Act of 1857") the Stockton Gas Act 1866 the Stockton Gas Act 1873 and the Stockton-on-Tees Corporation (Gas) Act 1893 (herein-after referred to as "the Act of 1893") (all which Acts are herein-after collectively referred to as "the Local Acts") as altered by the Stockton-on-Tees Orders 1885 and 1911 which were duly confirmed by Parliament but do not affect the subject-matter of this Order ;

20 & 21 Vict.
c. lii.
29 & 30 Vict.
c. cvi.
36 Vict.
c. lxxvii.
56 Vict.
c. xvi.

And whereas the Corporation are empowered under the provisions of the Local Acts to manufacture gas and to supply gas within the limits defined by Section 3 of the Act of 1857 and Section 4 of the Act of 1893 ;

And whereas by Section 6 of the Act of 1893 the Corporation were authorised to purchase by agreement and hold in addition to the lands referred to in that Section any lands which they might require for the purposes of the Local Acts not exceeding three acres but the Corporation were prohibited from using any part of those additional lands for the manufacture of gas or for the manufacture or conversion of residual products ;

And whereas the Corporation propose to acquire by agreement under the provisions of Section 6 of the Act of 1893 the land adjacent to their existing gasworks which is described in the schedule to this Order ;

And whereas the Corporation have made application to the Local Government Board for the issue of a Provisional Order to alter or amend the Local Acts as altered as aforesaid in the manner herein-after set forth :

Now therefore We the Local Government Board in pursuance of the powers given to Us by Section 303 of the Public Health Act 1875 and by any other Statutes in that behalf do hereby order that from

38 & 39 Vict.
c. 55

[3 & 4 GEO. 5.] *Local Government Board's* [Ch. cxxx.]
Provisional Orders Confirmation (No. 6) Act, 1913.

and after the date of the Act of Parliament confirming this Order the Local Acts as altered as aforesaid shall be further altered so that the following provisions shall take effect that is to say:—

A.D. 1913.
Stockton-on-Tees Order.

Art. I. Notwithstanding anything in the Local Acts the Corporation may use the land described in the schedule to this Order when acquired by them for all or any of the purposes of their gas undertaking including the manufacture and storage of gas and residual products but excluding the conversion of residual products:

Use of
scheduled
land for gas
purposes.

Provided that the Corporation shall not manufacture gas on the lands described in the schedule to this Order otherwise than by means of the process known as the "Vertical Retort System" and shall not use any portion of the said lands for the storage of gas other than gas so manufactured nor shall they carry on on any portion of the said lands any process involved in the purification of gas.

Art. II. This Order may be cited as the Stockton-on-Tees Order 1913 and the Stockton-on-Tees Orders 1885 and 1911 and this Order may be cited together as the Stockton-on-Tees Orders 1885 to 1913.

Short titles.

The SCHEDULE above referred to.

All that piece of land in the Borough of Stockton-on-Tees containing by admeasurement three thousand eight hundred and fifty square yards or thereabouts and bounded on the north side by Ford Street on the west side by property belonging to the North Eastern Railway Company on the south side by the southernmost half of Back Malakoff Street and on the east side by Lucan Street.

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

(L.S.)

JOHN BURNS President.
H. C. MONRO Secretary.

BOROUGH OF TORQUAY.

*Provisional Order for partially repealing and altering the
Saint Mary Church Local Board Act 1868.*

*Torquay
Order.*

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

To the County Council of Devon;—

To the Rural District Council of Newton Abbot;—

And to all others whom it may concern.

WHEREAS the Borough of Torquay (herein-after referred to as "the Borough") is an Urban District of which the Mayor Aldermen and

[Ch. cxxx.] *Local Government Board's* [3 & 4 GEO. 5.]
Provisional Orders Confirmation (No. 6) Act, 1913.

A.D. 1913. Burgesses acting by the Council (herein-after referred to as "the Corporation") are the Urban District Council and the local authority within the meaning of the Public Health Act 1875;

Torquay Order.

31 & 32 Vict.
c. cxxix.

And whereas there are in force in that part of the Borough which comprises the Parish of Saint Mary Church the unrepealed provisions of the Saint Mary Church Local Board Act 1868 (herein-after referred to as "the Local Act") as altered by the Torquay Order 1884 the Torquay (Extension) Order 1900 (herein-after referred to as the "Order of 1900") and the Torquay Order 1901 (all of which Orders were duly confirmed by Parliament and are herein-after together referred to as "the Orders");

And whereas by virtue of the Local Act as altered by the Order of 1900 the limits (herein-after referred to as "the gas limits of the Corporation") within which the Corporation may supply gas comprise the Parish of Saint Mary Church within the Borough and part of the Parish of Cockington in the Rural District of Newton Abbot and it is proposed that the gas limits of the Corporation should be extended so as to include the Parish of Kings Kerswell in the said Rural District;

And whereas the Corporation have made application to the Local Government Board for the issue of a Provisional Order to partially repeal alter or amend the Local Act as altered as aforesaid in the manner herein-after set forth:

33 & 39 Vict.
c. 55.

Now therefore We the Local Government Board in pursuance of the powers given to Us by Section 303 of the Public Health Act 1875 and by any other Statutes in that behalf do hereby order that from and after the date of the Act of Parliament confirming this Order the Local Act as altered as aforesaid shall be partially repealed and altered so that the following provisions shall take effect that is to say:—

Repeal of certain sections of Local Act.

Art. I. Sections 23 to 37 39 and 41 of the Local Act shall be repealed except so far as they may have been acted upon.

Incorporation of certain provisions of Gasworks Clauses Act 1871.
34 & 35 Vict.
c. 41.

Art. II. The provisions of the Gasworks Clauses Act 1871 (except Sections 8 and 35 and Schedule B thereof) shall be deemed to be incorporated with the Local Act as altered by the Orders and this Order and those provisions as so incorporated shall have effect subject to the provisions of this Order and shall apply to the gas undertaking of the Corporation.

Extension of gas limits of Corporation.

Art. III.—(1) The gas limits of the Corporation shall be extended so as to comprise the Parish of Kings Kerswell (which Parish is herein-after referred to as "the added area").

(2) The provisions of the Local Act as altered by the Orders and this Order with respect to the supply of gas and otherwise with respect to gas purposes which now apply and have effect within the existing gas limits of the Corporation shall with the necessary modifications apply and have effect within the gas limits of the Corporation

[3 & 4 GEO. 5.] *Local Government Board's* [Ch. cxxx.]
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as extended by this Order Provided that the price to be charged by the Corporation for gas supplied in the added area to consumers who burn the same by meter may exceed that charged to the like consumers within the existing gas limits of the Corporation by a sum not exceeding one shilling per one thousand cubic feet.

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Art. IV.—(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) which is situate within the added area and 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 the Local Act as altered by the Orders and this Order.

Protection
for County
Council and
Rural Dis-
trict Council.
51 & 52 Vict.
c. 41.

(2) Section 8 of the Gasworks Clauses Act 1847 as applied by or incorporated with the Local Act shall in relation to any main road county bridge or road repairable with a county bridge in the added area and in relation to any road in the added area under the control or management of the Rural District Council of Newton Abbot (herein-after referred to as "the Rural Council") have effect as if the word "seven" were substituted for the word "three" in that Section.

10 & 11 Vict.
c. 15.

(3) If the County Council of Devon (herein-after referred to as "the County Council") or the Rural Council at any time deem it necessary to raise sink or otherwise alter the situation of any gas pipe or gas main laid or placed by the Corporation in the added area 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 or any road under the control and management of the Rural Council the County Council or the Rural Council as the case may be may by notice in writing require the Corporation to raise sink or otherwise alter the situation of the said pipe or main 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 or the Rural Council as the case may be 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 Corporation:

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

(4) If any difference arises at any time between the County Council or Rural Council as the case may be and the Corporation with respect

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A.D. 1913. to any matter to which this Article relates the difference shall if either
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Order. Authority so require be determined by an arbitrator appointed by the
Local Government Board.

Pressure. Art. V. All gas supplied by the Corporation 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.

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

Testing place and burner. Art. VII.—(1) For the purposes of the Gasworks Clauses Act 1871
the prescribed testing place shall be the testing place already provided
by the Corporation in pursuance of Section 28 of the Local Act or to
be hereafter provided on the lands described in the First Schedule to
the Local Act.

(2) For testing the illuminating power of the gas the burner to
be used shall be 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 Corporation
or any five consumers approve the use of any other burner photometer
or standard light that may appear to that Board to be equally or
more suitable for the testing.

(4) Any gas examiner appointed under the Gasworks Clauses Act
1871 for the purposes of the Local Act as altered by the Orders and
this Order may from time to time subject to the terms of his appoint-
ment at the said testing place or elsewhere not being the immediate
approach to any railway bridge or railway station as and when he
thinks fit test the pressure at which the gas is supplied and for
that purpose may open any street road passage or place vested in
or under the control of any local or road authority and two hours'
previous notice shall be given to the Corporation of the time and place
at which any testing for pressure elsewhere than at a testing place will
be conducted.

Art. VIII. No penalty shall be incurred by the Corporation 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 the insufficiency defect or excess was produced by an unavoidable cause or accident.

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 No penalty in case of unavoidable cause.

Art. IX.—(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.

Period of error in defective meters.

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

Art. X. If a person requiring a supply of gas has previously quitted premises at which gas was supplied to him by the Corporation without paying to the Corporation all gas charges or meter rent or rents for gas fittings or other apparatus due from him to them the Corporation may refuse to furnish to him a supply of gas until he pays the amount so due.

Provision in case of unpaid rents.

Art. XI. For the protection of the Great Western Railway Company (hereinafter referred to as "the Great Western Company") the following provisions shall unless otherwise agreed between the Corporation and the Great Western Company apply and have effect (that is to say):—

For protection of Great Western Railway Company.

(1) In laying down altering improving enlarging extending maintaining or renewing or in executing or effecting the repairs or renewals of any mains pipes or other works in the exercise of the powers contained in this Order upon across under or adjoining or in any way affecting the railways lands and property now or hereafter belonging to or used or occupied by the Great Western Company or the bridges approaches viaducts stations or other works or any level crossings over the railways of the Great Western Company the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the Great Western Company and only according to such plans and in such manner as shall be submitted to and as shall be previously reasonably approved by him in writing :

(2) All such works shall be done by and at the expense of the Corporation except as in this Article otherwise provided

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who shall also restore and make good to the reasonable satisfaction of the said engineer the roads over or under any bridge or over any level crossing of the railway of the Great Western Company or over the approaches to any such bridge or level crossing so far as the same may be disturbed or interfered with by or owing to any operations of the Corporation Provided always that should the Great Western Company elect so to do where any mains or pipes are required to be laid under or across any level crossing of their railway they may themselves lay the same at the reasonable costs charges and expenses of the Corporation :

- (3) All such works and operations and all matters incidental thereto shall be constructed executed and done so as to cause as little injury as may be to such railways bridges level crossings approaches viaducts stations works lands or property and so as to cause no interruption to the passage or conduct of traffic over such railways or at to or from any station thereon :
- (4) If any injury or interruption as aforesaid shall arise from or in any way be owing to any of the acts works operations and matters aforesaid or the leakage or failure of any such mains pipes or works in under or near to any railway bridge level crossing embankment cutting approach viaduct station land works or property of the Great Western Company the Corporation shall make compensation to the Great Western Company in respect thereof the amount of such compensation unless agreed upon to be determined by arbitration in the manner hereinafter provided :
- (5) If the Great Western Company at any time or times hereafter require of which they shall be the sole judges to construct any additional or other works upon their lands or railways or to alter or repair their railways bridges viaducts or works upon across over or under which any of the gasworks of the Corporation may have been constructed or laid the Great Western Company may on giving to the Corporation fourteen days' notice in writing under the hand of their secretary or general manager and in case of emergency of which their engineer shall be the sole judge without notice divert support or carry the said gasworks of the Corporation across over or under their lands railways bridges or works at any other point or otherwise deal with the same in as convenient a manner as circumstances will admit and doing as little damage as may be without being liable to pay compensation

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in respect of such diversion supporting carrying or dealing with such gasworks: A.D. 1913.

- (6) Any dispute or difference which may arise between the Great Western Company and the Corporation with reference to the provisions of this Article or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer or other fit person to be appointed by the Board of Trade on the application of the Great Western Company and the Corporation or either of them and subject as aforesaid in accordance with the provisions of the Arbitration Act 1889.

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Art. XII. This Order may be cited as the Torquay Order 1913. Short title.

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

(L.S.)

JOHN BURNS President.
H. C. MONRO Secretary.

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