



CHAPTER xxxiv.

An Act to empower the urban district council of Ashington to supply gas within their district and the adjoining neighbourhood and for other purposes. A.D. 1914.

[8th July 1914.]

WHEREAS the district of Ashington in the county of Northumberland (in this Act called "the district") is an urban district within the meaning of the Local Government Act 1894 and is under the management and control of the urban district council of Ashington (in this Act called "the Council"):

And whereas the Ashington Coal Company Limited (in this Act referred to as "the company") are now supplying gas without statutory authority in a portion of the district from plant constructed on their colliery property but such supply is inadequate and insufficient for the requirements of the inhabitants of the district:

And whereas with the exception of the supply so given by the company the whole of the district is without a supply of gas and there is no company or person authorised to supply gas therein and the Council are entitled under and by virtue of section 161 of the Public Health Act 1875 themselves to undertake the supply of gas therein and it is expedient that the supply of gas throughout the whole of the district should be in the hands of the Council and that the Council should be authorised to acquire the mains and apparatus (as in this Act defined) of the company and that they should be authorised to erect new gasworks for the supply of the district and to acquire lands therefor:

And whereas the parishes of Bothal Demesne Cresswell Ellington North Seaton Pegswood Sheepwash and Woodhorn in

A.D. 1914. — the rural district of Morpeth adjoin the district and are without a supply of gas and it is expedient to authorise the Council to supply gas in such parishes:

And whereas the works authorised by this Act are permanent works and it is expedient that the cost thereof should be spread over a term of years:

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

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed and the approval of the Local Government Board has been obtained:

And whereas plans of the lands and other property intended to be taken or used compulsorily under the powers of this Act and a book of reference to those plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands and property required or which may be taken or used for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Northumberland and are in this Act referred to as the deposited plans and book of reference:

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):—

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the Ashington Urban District Council Act 1914.

Division of Act into Parts.

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

Part I.—Preliminary.

Part II.—Lands and gasworks.

Part III.—Transfer of mains and apparatus of the company.

Part IV.—Supply of gas.

Part V.—Financial.

Part VI.—Miscellaneous.

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

A.D. 1914.

Incorporation of Acts.

The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845):

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

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

4. In this Act the several words and expressions to which meanings are assigned in the Acts wholly or partially incorporated herewith or by the Public Health Acts have the same respective meanings unless there be something in the subject or context repugnant to such construction And in this Act unless the subject or context otherwise requires—

Interpretation.

"The district" means the urban district of Ashington;

"The Council" means the urban district council of the district;

"The district fund" and "the general district rate" respectively mean the district fund and the general district rate of the district;

"The limits of supply" means the limits within which the Council are by this Act authorised to supply gas;

"The gas undertaking" and "the undertaking" mean the gas undertaking of the Council authorised by this Act;

"The company" means the Ashington Coal Company Limited;

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—

“The mains and apparatus of the company” means so much of the mains pipes and apparatus of the company laid down placed constructed or maintained in or under the streets roads and highways within the district as is used for the purpose of supplying and distributing gas to consumers and all mains pipes meters stoves cookers and other apparatus belonging to the company on the premises of consumers other than the company;

“The clerk” means the clerk appointed by the Council in pursuance of the powers of any public Act;

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

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

“Revenues of the Council” includes the revenues of the Council from time to time arising from any land undertakings or other property for the time being of the Council and the rates or contributions leviable by or on the order or precept of the Council.

PART II.

A.D. 1914.

LANDS AND GASWORKS.

5. The Council may for the purposes of the gas undertaking enter upon take hold and use the lands delineated upon the deposited plans and described in the deposited book of reference and in the First Schedule to this Act.

Power to
acquire
lands com-
pulsorily.

6. The powers of the Council for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Period for
compulsory
purchase
of lands.

7. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Council after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county of Northumberland for the correction thereof and if it appear to the justices that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Northumberland and a duplicate thereof shall also be deposited with the clerk and such certificate and duplicate respectively shall be kept by such clerk of the peace and clerk respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Council to take the lands and execute the works in accordance with such certificate.

Correction
of errors in
deposited
plans and
book of
reference.

8. The Council may upon the lands described in the First Schedule to this Act or any part or parts thereof erect construct lay down provide and from time to time maintain alter improve enlarge extend renew and remove or discontinue gasworks retorts gas-holders receivers drains sewers mains pipes machinery and other works for the manufacture and storage of gas and the manufacture conversion and storage of residual products resulting from the manufacture of gas and also sidings rails and other works and conveniences and may do all such acts

Powers as
to erection
of gasworks
&c.

A.D. 1914. as they may think proper for making and storing gas and for supplying gas accordingly and may on the said lands make and store gas and manufacture convert and store all residual products resulting from the manufacture of gas.

Persons under disability may grant easements &c.

9. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Council any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Power to purchase additional lands by agreement.

10. The Council may for the purposes of the gas undertaking purchase and take (by agreement but not otherwise) and may hold in addition to any other lands which the Council are by this Act authorised to acquire and hold any lands and hereditaments not exceeding in the whole five acres which the Council may from time to time require for such purposes but the Council shall not create or permit a nuisance on any such lands and no lands shall be used by the Council for the purpose of manufacturing gas or residual products except the lands described in the First Schedule to this Act.

Power to retain sell &c. lands.

11. Notwithstanding anything in the Lands Clauses Acts or in any other Act or Acts to the contrary the Council may retain hold and use for such time as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and in case of sale either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interest therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

12. The Council may purchase or take on lease houses cottages and other buildings for persons employed by them in connection with the gas undertaking and offices showrooms and other buildings for the purposes of the undertaking and may erect fit up maintain and let any such buildings upon any lands for the time being belonging to or leased by the Council for the purposes of the undertaking.

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Dwelling-
houses for
employees
offices show-
rooms &c.

13. The following provisions for the protection of the North Eastern Railway Company (in this section called "the company") shall unless with the previous consent of the company in writing under their common seal apply and have effect:—

For pro-
tection of
North
Eastern
Railway
Company.

(1) All mains and pipes laid or proposed to be laid by the Council under the powers of this Act over or under any bridge of the company shall be carried over or under the same in such a way as not to interfere with the structure of any such bridge and all other mains and pipes laid or proposed to be laid or maintained by the Council under the powers of this Act which shall cross any railway of the company shall be laid under the same so as to cause as little interference as may be with such railway and so as to cause no interruption to the passage or conduct of the traffic thereon:

(2) In laying and maintaining any mains pipes or other works over upon or across or under any work or property of the company the Council shall with all reasonable dispatch execute and maintain their works under the direction and superintendence and to the reasonable satisfaction of the engineer of the company and except in cases of emergency in accordance with plans drawings and specifications previously submitted to and approved by him and shall pay and make good to the company all loss damage and expense which the company shall sustain or be put to by or in consequence of the laying maintenance or user of the said mains pipes and other works or by or in consequence of the bursting of or any other accident to any main or pipe of

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the Council not due to the act or default of the company Provided that if for a period of twenty-one days after the delivery thereof the engineer of the company neglects or refuses to approve or signify his disapproval of the said plans drawings and specifications he shall be deemed to have approved thereof Provided also that if the said engineer fails to superintend the works as aforesaid the Council may proceed without such superintendence :

- (3) If at any time it is found necessary in order to enable the company to carry out any alterations or extensions of their railway or works that the position of such mains pipes or other works shall be altered the Council shall on receiving twenty-one days notice in writing from the company so to do at their own cost with all reasonable dispatch alter the position of the same so far as may be necessary to enable the company to carry out such alterations or extensions and the provisions of this section shall apply to the said mains pipes or other works in their altered position :
- (4) If the company give to the Council reasonable notice in writing that they themselves desire to construct so much of the works or to carry out so much of the alterations of such mains pipes or other works as will affect any railway or work belonging to them the company may themselves execute such works and alterations and recover the reasonable cost thereof from the Council Provided that the company shall not in any way interfere with any works of the Council until they shall have made all such arrangements as the Council may reasonably require for preventing any loss or interruption in the supply of gas :
- (5) Any difference arising between the Council and the company under this section shall be determined by an engineer to be appointed failing agreement by the Board of Trade.

PART III.

A.D. 1914.

TRANSFER OF MAINS AND APPARATUS OF THE COMPANY.

14.—(1) The company shall sell to the Council and the Council shall purchase from the company the mains and apparatus of the company for such price or consideration (being a sum in gross) and on and subject to such terms and conditions as may be agreed upon between the company and the Council or as failing such agreement shall be determined by arbitration in accordance with the provisions of the Arbitration Act 1889 and the Council shall also pay to the company such compensation in respect of the loss sustained by the company by reason of their ceasing to supply gas to the houses now supplied by them as may be agreed or determined by arbitration in manner aforesaid.

Company to
sell portion
of their
mains and
apparatus to
Council.

(2) Within nine months after the passing of this Act the Council shall serve on the company notice of their intention to purchase the mains and apparatus of the company.

(3) The Council shall pay the purchase money to the company on such day as may be agreed between the Council and the company or failing agreement on the thirty-first day of March or the thirtieth day of June or the thirtieth day of September or the thirty-first day of December which shall first happen after the expiration of three months from the determination of the amount of the purchase money.

(4) Upon payment of the purchase money herein-before in this section provided the mains and apparatus of the company shall by virtue of this Act become and shall thenceforth be transferred to and vested in the Council and such transfer and vesting are in this Act referred to as "the transfer."

15. The production of a King's Printers copy of this Act duly stamped together with a receipt for the purchase money purporting to be signed by any two directors and the secretary of the company or by the cashier of the Bank of England shall (unless it be proved that such purchase money has not been paid) be conclusive evidence in all courts and proceedings of the transfer to and vesting in the Council of the mains and apparatus of the company.

Copy of
Act and
receipt for
purchase
money to be
evidence of
transfer.

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Receipt for
purchase
money.

16. The receipt in writing of any two directors and the secretary of the company for the purchase money or any part thereof or for any other sum of money to be paid to the company by the Council shall effectually discharge the Council from the sum which in any such receipt shall be acknowledged to have been received and from being answerable or accountable for the loss misapplication or non-application thereof. Provided that if from any cause the Council are unable to obtain such receipt they may pay the money into the Bank of England in the name of the Paymaster-General for and on behalf of the Supreme Court to an account to be opened "In the matter of the Ashington Urban District Council Act 1914" and a receipt shall be given to the Council by the cashier of the said bank for the money which shall have the same effect as the receipt of any two directors and the secretary of the company.

Company
to pay out-
goings and
be entitled
to receipts
until
transfer.

17. The company shall bear and pay all liabilities and outgoings of every kind and shall receive and retain all gas rates or rents and other payments due to them and shall be entitled to all receipts from their gasworks up to the transfer thereof provided that nothing in this Act shall entitle the company to retain for their own benefit so much of any gas rates or rents or other payments paid or payable in advance as shall be attributable to any period after the transfer thereof but such rates rents or other payments shall be apportioned and so much thereof as is attributable to any period after the said transfer shall be paid over by the company to the Council.

PART IV.

SUPPLY OF GAS.

Limits for
supply of
gas.

18. The limits of the Council for the supply of gas shall be and include the district and the parishes of Bothal Demesne Cresswell Ellington North Seaton Pegswood Sheepwash and Woodhorn in the rural district of Morpeth in the county of Northumberland.

Limits of
price.

19. The price to be charged by the Council for gas supplied by them within the limits of supply to persons who shall burn the same by meter shall not at any time—

(A) Within the district exceed four shillings and sixpence;
and

(B) Beyond the district exceed by more than sixpence the price for the time being charged by the Council in the district; A.D. 1914.

for every thousand cubic feet and so in proportion for every smaller quantity.

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

(2) The charge for the hire of any prepayment meter and fittings to be used therewith shall be a sum of money calculated according to the quantity of gas supplied through the prepayment meter and the maximum charge 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.

(3) The charge for the hire of any prepayment meter without fittings shall be a sum of money calculated according to the quantity of gas supplied through the prepayment meter and the maximum charge shall be at the rate of sixpence per one thousand cubic feet supplied in manner aforesaid or at the rate of ten per centum per annum on the cost of the meter whichever shall be the higher.

(4) The said charges shall include the providing letting fixing repairing and maintenance of the meters and fittings or of the meters (as the case may be) and the cost of collection and other costs incurred by the Council in connexion therewith.

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

21. The prescribed number of candles shall not be less than fourteen. Quality of gas.

22. For the purposes of the Gasworks Clauses Act 1871 the prescribed testing-place shall be a testing-place which shall be provided by the Council on the lands described in the First Testing place.

A.D. 1914. — Schedule to this Act or at the offices of the Council before supplying or within three months after beginning to supply gas under the authority of this Act.

Testing for
quality.

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

(2) For testing the illuminating power of the gas the burner to be used shall be that known as the Metropolitan Argand No. 2 the photometer shall be the bar photometer or the table photometer the standard light shall be that supplied by Harcourt's ten-candle pentane lamp and in making the test the burner shall be so used as to obtain from the gas when burned at the rate aforesaid the greatest amount of light Provided that the Board of Trade may on the application of the Council or any five consumers approve the use of any other burner photometer or standard light which may appear to the Board of Trade to be equally or more suitable for the testing.

(3) The Council shall before supplying or within three months after beginning to supply gas under this Act provide all the apparatus required by this Act for the testing of gas and shall at all times keep the same in proper order and repair.

Pressure.

24.—(1) All gas supplied by the Council to any consumer of gas shall be supplied at such pressure as to balance 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 such consumer.

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

25. No penalty shall be incurred by the Council for insufficiency of pressure defect of illuminating power or excess of impurity in the gas supplied by them in any case in respect of which it is proved that such insufficiency defect or excess was produced by any circumstance beyond the control of the Council.

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Saving as to penalties.

26. The Council may contract with any local authority company or persons authorised to supply gas under parliamentary powers in any district adjacent to the Council's limits of supply for the supply to them respectively of gas in bulk upon such terms and conditions and for such periods not exceeding in any case seven years from the making of the contract as may be agreed upon but nothing in this section shall authorise the Council to lay any mains or pipes or to interfere with any street beyond their limits of supply.

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

27.—(1) The Council may purchase sell let for hire fix repair and remove but shall not manufacture engines motors stoves ranges pipes and other gas fittings for lighting motive heating ventilating cooking or any other purposes and may provide all materials and work necessary or proper in that behalf and with respect thereto may demand and take such remuneration or rents and charges and make such terms and conditions as may be agreed upon.

Power to supply gas fittings &c.

(2) The Council may enter into contracts for the execution of any of the powers of this section and shall not themselves lay any pipes on the consumer's premises except between the main of the Council and the consumer's meter nor shall they sell any such gas fittings as aforesaid except through a contractor.

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

(4) Provided as follows:—

(A) The Council shall so adjust the charges to be made by them for any such fittings or for the fixing

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repairing or removal thereof as to meet any expenditure by them under the powers of this section in connexion therewith (including interest upon moneys borrowed for those purposes and all sums applied to sinking fund for repayment of moneys so borrowed):

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

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

Gas fittings
not to be
subject to
distress &c.

28. All engines motors stoves ranges pipes and other gas fittings let by the Council for hire under this Act shall notwithstanding that they be fixed or fastened to any part of any premises in which they may be situate or to the soil under any such premises at all times continue to be the property of and removable by the Council Provided that nothing in this section shall affect the amount of assessment for rating of any premises upon which any such fittings are or shall be fixed Provided also that the Council shall only be entitled to the privileges and exemptions conferred by this section in respect of such fittings as shall be marked or impressed with a sufficient mark or brand indicating the Council as the actual owners thereof.

As to con-
struction and
placing of
pipes &c.
between
mains and
meters.

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

(1) The Council may specify the size and material of the pipes with the fittings thereof which are to be laid by the consumer on his own premises either in the first instance or on the occasion of any renewal between the Council's mains and the meter so far as such pipes and fittings are intended to be covered over:

- (2) The Council may if they think fit make different specifications for different classes of premises having regard to the probable maximum consumption of gas thereon at any one time:
- (3) The specification shall be published twice in some newspaper or once in each of two newspapers circulating within the limits of supply and a copy thereof shall be kept exhibited in the office of the Council:
- (4) Every meter to be used in a new building or a building not previously supplied with gas or in connexion with a new or substituted pipe laid by the consumer between the main and the consumer's meter shall be placed as near as reasonably practicable to the Council's main but within the outside wall of the building:
- (5) When any such pipe or meter as aforesaid has been laid or placed notice thereof shall be given to the Council and the pipe shall not be covered over until after the expiration of twenty-four hours from the service of such notice on the Council. Any officer of the Council duly appointed may between nine o'clock in the morning and five o'clock in the afternoon attend and inspect such pipes (with their fittings) and meter and if the officer is not permitted to make the inspection or if the pipes or fittings are not according to the Council's specification or if the meter is not placed as required by this section the Council may refuse to supply gas to the premises until the provisions of this section have been complied with:
- (6) Any person to whom the Council refuse a supply of gas under the provisions of this section may appeal to a petty sessional court against such refusal and the court may after hearing the parties and considering any questions as to the reasonableness of the Council's specification make such order as seems to them proper in the circumstances and may order by which of the parties the costs of and incident to the appeal shall be paid.

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Power to re-
fuse supply
to persons in
debt for other
premises.

30. 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 due from him to the Council they may refuse to furnish to him a supply of gas until he pays the same.

Supply of
gas where
consumer
has separate
supply.

31. Notwithstanding anything contained in the Gasworks Clauses Act 1871 or any other Act a person shall not be entitled to demand or continue to receive from the Council a supply of gas for any premises for which he has at the same time a supply of gas from any installation other than that of the Council or a supply of electricity unless he shall have agreed to pay to the Council such minimum annual sum as will give to them a reasonable return on the capital expenditure and will cover other standing charges incurred by them in order to meet the possible maximum demand for those premises and the sum to be so paid shall be determined in default of agreement by arbitration in manner provided by the Arbitration Act 1889.

Power to
enter pre-
mises and
remove
fittings.

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

Gas con-
sumers to
give notice
to Council
before re-
moving.

33. At least twenty-four hours' notice shall be given to the Council by every gas consumer either personally at the office of the Council or in writing before he shall quit 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 Notice of the effect of this enactment shall be endorsed upon every demand note for gas charges payable to the Council.

Council Act, 1914.

34. 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 of the Council or be given by the consumer personally at the office of the Council.

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Notice to
discontinue
supply of
gas.

35. In the event of any meter used by a consumer of gas being tested in manner provided by the Sale of Gas Act 1859 and being proved to register erroneously within the meaning of the said Act such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter. The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Council shall be paid by or to the Council 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 Council.

Period of
error in
defective
meters.

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

Council to
pay interest
on money
deposited as
security for
gas.

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

Power to
lay pipes in
streets not
dedicated to
public use.

38. The Council may lay down place repair alter remove and renew mains pipes culverts and other apparatus within the limits of supply for the purpose of procuring conducting or disposing of any oil tar or other materials used by them in or resulting from the manufacture of gas or any residual products thereof or for any other purpose connected with their undertaking and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid so far as

Power to
lay down
and utilise
pipes for
ancillary
purposes.

A.D. 1914. — applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof.

Power to
require use
of anti-fluc-
tuators for
gas engines.

39.—(1) Every consumer of gas supplied by the Council who uses a gas engine shall if required to do so by the Council use an anti-fluctuator and shall at all times at his own expense keep such anti-fluctuator in proper order and if any consumer shall make default in complying with the provisions of this section the Council may cease to supply him with gas.

(2) The Council shall have access to and be at liberty to take off remove test inspect and replace any such anti-fluctuator at all reasonable times such taking off removal testing inspecting 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 such consumer.

PART V.

FINANCIAL.

Power to
borrow.

40.—(1) The Council may independently of any other borrowing power borrow at interest money for the following purposes (that is to say):—

- (A) For the purchase of the mains and apparatus of the company and for defraying the costs charges and expenses incident to such purchase and to the transfer thereof to the Council (other than the costs of this Act) such sums as may be necessary:
- (B) For and in relation to the purchase of lands and easements for and for the erection of gasworks and for mains pipes meters stoves and fittings and for working capital and for any other purpose of or in relation to the gas undertaking such sums as the Local Government Board may sanction:
- (C) For paying the costs charges and expenses of this Act the sum requisite for that purpose.

(2) In order to secure the repayment of the moneys borrowed under this section and the payment of the interest thereon the Council may mortgage or charge the revenue of the gas undertaking and if they think fit as a collateral security the district fund and general district rate Provided that the provisions of this section shall not limit the powers conferred

upon the Council by the section of this Act of which the marginal note is "Power to use one form of mortgage for all purposes." A.D. 1914.

41. The powers of borrowing money by this Act given shall not be restricted by any of the regulations contained in section 234 of the Public Health Act 1875 and in calculating the amount which the Council may borrow under that Act any sums which they may borrow under this Act shall not be reckoned. Section 234 of Public Health Act not to apply.

42. The Council may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another or others. Provided that the provisions contained in the section of this Act whereof the marginal note is "Sinking fund" shall apply to sinking funds formed for the repayment of moneys borrowed under the Local Loans Act 1875 instead of the provisions of sections 15 and 16 of that Act. Method of raising money.

43. The following sections of the Public Health Act 1875 shall (subject to the provisions of the section of this Act the marginal note of which is "Power to use one form of mortgage for all purposes") extend and apply to mortgages granted under this Act (that is to say):— Provisions of Public Health Act as to mortgages to apply.

Section 236 (Form of mortgage);

Section 237 (Register of mortgages);

Section 238 (Transfer of mortgages);

Section 239 (Receiver may be appointed in certain cases).

44. The Council shall pay off all moneys borrowed by them under this Act within the respective periods (in this Act referred to as "the prescribed periods") following (that is to say):— Periods for repayment of money borrowed.

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

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

A.D. 1914.

As to moneys borrowed with the approval of the Local Government Board within such period not exceeding sixty years as that Board may think fit to sanction.

Mode of
payment off
of money
borrowed.

45. The Council shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or others of them.

Sinking
fund.

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

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

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

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed or in accordance with the provisions of the section of this Act of which the marginal note is “Power to use sinking fund instead of borrowing” be immediately invested in statutory securities the Council being at liberty from time to time to vary and transpose such investments.

(3) 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.

(4) 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 such sinking fund or part thereof so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based. A.D. 1914.

(5)—(A) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any deficiency shall be made good by the 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 annual payments to the fund are based any such excess may be applied towards such annual payments.

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

(7) If it appear 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 Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will not be sufficient to repay within the prescribed periods 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 appear 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.

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

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

A.D. 1914. the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Local Government Board be sufficient to repay within the prescribed period the money for the repayment of which the sinking fund is formed.

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

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

Power to invest all sinking funds in statutory securities.

47. When under the provisions of any Act of Parliament or of any Order confirmed by or having the effect of an Act of Parliament whether passed confirmed or made before or after the passing of this Act the Council are empowered or required to form a sinking fund for the payment off of money borrowed or payable by them they may (in addition to any other powers for the time being invested in them) invest such sinking fund and the interest on the investments of such sinking fund in statutory securities.

Power to use one form of mortgage for all purposes.

48.—(1) Where the Council have for the time being any statutory borrowing power they may for the purpose of exercising such power grant mortgages in pursuance of the provisions of this section.

(2) Every mortgage granted under this section shall be by deed truly stating the consideration and the time or the mode of ascertaining the time and the place of payment and shall be sealed with the common seal of the Council and may be made in the form contained in the Second Schedule to this Act or to the like effect.

(3) All mortgages granted under this section shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in

the date of the mortgages or on any other ground whatsoever and shall also rank equally with all other securities granted by the Council at any time after the date of the first grant of a mortgage under this section. A.D. 1914.

(4) The repayment of all principal sums and the payment of interest thereon secured by mortgages granted under this section shall be and the same are by virtue of this Act charged indifferently upon all the revenues of the Council.

(5) Nothing in this section contained shall alter or affect the obligations of the Council to provide for the repayment of the sums secured by mortgages granted under this section and all such sums shall be repaid within the periods by the means and out of the funds rates or revenues within by and out of which they would have been repayable respectively if this section had not been enacted.

(6) Nothing in this section contained shall alter or affect the obligations of the Council to provide for the payment of interest upon the sums secured by mortgages granted under this section and the interest upon such sums shall be paid out of the funds rates or revenues out of which such interest would have been payable respectively if this section had not been enacted.

(7) There shall be kept at the office of the Council a register of the mortgages granted under this section and within fourteen days after the date of any such mortgage an entry shall be made in the register of the number and date thereof and of the names and descriptions of the parties thereto as stated in the deed. Every such register shall be open to public inspection during office hours at the said office without fee or reward and the clerk or other the person having the custody of the same refusing to allow such inspection shall be liable to a penalty not exceeding five pounds.

(8) Any mortgagee or other person entitled to any mortgage granted under this section may transfer his estate and interest therein to any other person by deed duly stamped truly stating the consideration and such transfer may be according to the form contained in the Second Schedule to this Act or to the like effect.

(9) There shall be kept at the office of the Council a register of the transfers of mortgages granted under this section and within thirty days after the date of every deed

A.D. 1914. of transfer if executed within the United Kingdom or within
 thirty days after its arrival in the United Kingdom if executed
 elsewhere the same shall be produced to the clerk who shall
 on payment of a sum not exceeding five shillings cause an
 entry to be made in such register of its date and of the names
 and descriptions of the parties thereto as stated in the deed
 of transfer and until such entry is made the Council shall
 not be in any manner responsible to the transferee.

(10) On the registration of any transfer the transferee
 his executors or administrators shall be entitled to the full
 benefit of the original mortgage and the principal and interest
 secured thereby and any transferee may in like manner transfer
 his estate and interest in any such mortgage and no person
 except the last transferee his executors or administrators
 shall be entitled to release or discharge any such mortgage or
 any money secured thereby.

(11) If the clerk wilfully neglects or refuses to make in
 the register any entry by this section required to be made he
 shall be liable to a penalty not exceeding twenty pounds.

Power to
 use sinking
 fund instead
 of borrow-
 ing.

49.—(1) Where the Council are authorised by any statutory
 borrowing power to raise money for any purpose they may
 instead of exercising such borrowing power by the issue of
 any fresh security in respect thereof exercise the said power
 and raise the said money either wholly or partially by using
 for such purpose so much of any money for the time being
 forming part of a sinking fund as shall be available for the
 repayment of—

(A) A loan which is secured by a charge on the same rate
 fund or revenue as would be specifically chargeable
 as the security for the repayment of a loan under
 the statutory borrowing power if the same were
 raised by the issue of a fresh security and which is
 not shown by the deed to be raised in exercise of a
 particular borrowing power specified therein; or

(B) Moneys borrowed and charged upon all the revenues of
 the Council in manner provided by the section of
 this Act whereof the marginal note is "Power to
 use one form of mortgage for all purposes" and not
 shown by the deed to be raised in exercise of a
 particular borrowing power specified therein.

(2) The Council when exercising the powers conferred on them by this section shall— A.D. 1914.

(A) Withdraw from the sinking fund a sum equal to the amount of the statutory borrowing power proposed to be exercised by the user of money from such sinking fund:

(B) Credit such sinking fund with the repayment of an amount of the principal moneys for the repayment of which the fund is established equal to the sum withdrawn from the sinking fund and thereupon the amount so credited shall be deemed to be principal moneys discharged by application of the sinking fund:

(C) Debit the account of the statutory borrowing power proposed to be exercised with an amount of the principal money equal to the sum withdrawn from such sinking fund and thereupon the statutory borrowing power shall be deemed to have been exercised as fully as if the said amount had been raised by the issue of a fresh security and the provisions of any enactment as to the repayment and re-borrowing of sums raised under the statutory borrowing power shall apply thereto accordingly.

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

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

50. A person lending money to the Council under this Act shall not be bound to inquire as to the observance by them of any provisions of this Act or be bound to see to the application or be answerable for any loss mis-application or non-application of the money lent or of any part thereof. Protection
of lender
from inquiry.

51.—(1) For the purpose of providing temporarily during any financial year for their current expenses as a sanitary authority (whether under the provisions of public general or local Acts) or for the current expenses of their gas undertaking and after the commencement of such year it shall be lawful As to
temporary
borrowing:

A.D. 1914. for the Council to borrow by way of temporary loan or overdraft from any bank or on temporary loan on deposit receipt from any person such sums as they may from time to time resolve not exceeding in each case an amount equal to one-third of the amount of the before-mentioned expenses for the immediately preceding financial year for any such purpose as aforesaid and any amount so borrowed shall form a charge upon the rates or revenue of the undertaking in respect of which it is borrowed as the same may be specified in the resolution of the Council authorising such borrowing *pari passu* with any bond or mortgage affecting the same and it shall further be lawful for the Council to utilise for providing temporarily for any such expenses any sinking funds which they may have in hand crediting the said sinking funds with such fair rate of interest not being less than three pounds per centum per annum as they may resolve Provided that—

- (A) Any sum so borrowed together with the interest thereon shall in the case of any sum borrowed on the credit of a rate be repaid out of such rate within the financial year during which the same was borrowed and in any other case the same shall be repaid out of the income on the credit of which the sum was borrowed within three months after the expiration of such financial year :
- (B) The clerk shall within forty-two days after the end of each financial year furnish to the Local Government Board a special report showing precisely the operation of the powers of this section during such year and such report shall be in such form and shall contain such information as that Board shall approve or require :
- (c) The Local Government Board may make such investigation as may be necessary to satisfy themselves that the requirements of this section as to repayment have been complied with and if it appear to the Local Government Board by the said report or by such investigation that the Council have failed to comply with the requirements of this section as to repayment that Board may by order suspend the operation of the powers of this section for such period as they may think fit.

(2) The provisions of this section shall cease to be in force at the expiration of five years from the thirty-first day of March one thousand nine hundred and fifteen unless they shall have been continued by Act of Parliament or Provisional Order made by the Local Government Board and confirmed by Parliament which Order the Local Government Board are hereby empowered to make in accordance with the provisions of the Public Health Act 1875 and in the event of that Board making any such Order they are hereby empowered to make such modifications or amendments in the provisions of this section as may appear to them to be necessary.

A.D. 1914.

52. The Council shall not be bound to see to the execution of any trust whether express implied or constructive to which any loan or security for loan borrowed granted or issued by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages of the Council shall from time to time be a sufficient discharge to the Council in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Council have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register.

Council not
to regard
trusts.

53.—(1) The Council shall have power—

(A) To borrow for the purpose of paying off any moneys previously borrowed under any statutory borrowing power which are intended to be forthwith repaid; or

(B) To borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Council in repaying moneys previously borrowed under any statutory borrowing power and which at the time of such repayment it was intended to replace by borrowed moneys.

Power to
re-borrow.

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

A.D. 1914. — and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section.

(3) The 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.

Returns to
Local
Government
Board as to
repayment
of debt.

54.—(1) The clerk shall within forty-two days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in respect of any of the moneys raised by the Council in pursuance of any statutory borrowing power and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may be prescribed by that Board and if required by that Board verified by statutory declaration of the clerk showing for the year next preceding the making of such 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 purposes 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 such return the clerk shall for each offence be liable

to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of Mandamus to be obtained by the Board out of the High Court. A.D. 1914.

(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 such instalment or annual payment or sum is required by the Act in pursuance of which the moneys are raised or by the Local Government Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of the sinking fund to any purposes other than those authorised the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

55. All money borrowed or raised under the provisions of this Act shall be applied only to the purposes for which it is authorised to be borrowed or raised and (except in the case of money borrowed for working capital or for current expenses) to which capital is properly applicable Provided that moneys which may have been borrowed in excess of the amount required shall be paid into the sinking fund or shall be applied in such manner as the Council with the consent of the Local Government Board determine. Application of money borrowed.

56. The proceeds of the sale of any lands or other property of the Council under the powers of this Act and the fines and premiums on any leases granted by the Council under this Act shall be distinguished as capital in the accounts of the Council and shall be applied in discharge of any moneys borrowed by the Council under this Act to which such capital moneys would be properly applicable or if there shall be no moneys owing under this Act such proceeds shall be applied in or towards paying off any other moneys for the time being owing by the Council but shall not be applied to the payments of instalments or to payments into the sinking fund except to such an extent Proceeds of sale of surplus lands.

A.D. 1914.

and upon such terms as may be approved by the Local Government Board and borrowed money discharged by the application of such sums shall not be reborrowed.

Council to
keep separate
accounts of
gas under-
taking.

57. The Council shall keep separate accounts of their receipts and expenditure on capital and revenue account for the purposes of the gas undertaking.

Application
of revenue
and defi-
ciency of
receipts in
respect of
gas under-
taking.

58.—(1) The Council shall apply all moneys received by them on revenue account in respect of their gas undertaking in the order following (that is to say):—

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

(Secondly) In payment of the interest on moneys borrowed for the purposes of the undertaking;

(Thirdly) In providing the requisite appropriations or instalments or sinking fund payments in respect of moneys borrowed for the purposes of the undertaking;

(Fourthly) In extending and improving (if the Council think fit) any works for the purposes of the undertaking;

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

And the Council shall carry to the district fund so much of any balance remaining in any year of the money so received (including the interest on the reserve fund when such fund amounts to the prescribed maximum) as may in the opinion of the Council not be required for carrying on improving or extending the undertaking and paying the current expenses connected therewith. A.D. 1914.

(2) Any deficiency in the revenue of the gas undertaking of the Council shall be made good out of the general district rate within twelve months after the deficiency is ascertained.

59.—(1) The Council may at any time hereafter and from time to time make a scheme for prescribing one or more uniform periods within which all or any loans contracted by them under statutory borrowing powers shall be discharged and such scheme may extend or vary the periods within which such loans shall be discharged and may make provision in regard to all matters incidental thereto.

Scheme for
fixed equated
periods.

(2) No scheme made by the Council under this section shall have any force or effect until confirmed by the Local Government Board who may by order confirm the same with or without modifications and when so confirmed the scheme shall notwithstanding any enactment order or sanction to the contrary have full force and effect and such scheme shall be deemed to be within the powers of this Act. Provided that nothing in any scheme made under this section shall prejudice or affect the security rights and remedies of any mortgagee under any mortgage existing at the time of the confirmation of the scheme or of the holder of any stock existing at that time except with the consent of such mortgagee or holder.

(3) The Council may with the sanction of the Local Government Board and on the security of the revenues funds or rates respectively on the security of which the moneys included in the scheme were respectively authorised to be borrowed borrow such sums as may be necessary for the purpose of giving effect to such scheme and for compensating the holders of securities of the Council for their consent thereto and any moneys so borrowed shall be repaid within such period as the Local Government Board may sanction.

(4) Any scheme confirmed under this Act may be altered extended amended or annulled by any other scheme prepared and confirmed in like manner as the original scheme.

A.D. 1914.

PART VI.

MISCELLANEOUS.

Power to
hold licences
under letters
patent.

60. The Council may take hold and use patents rights and licences or authorities (not being exclusive) under any letters patent for the use of any invention relative to the manufacture of gas or of the residual products in this Act mentioned.

Audit of
accounts.

61. Section 58 of the Local Government Act 1894 shall apply to the accounts of the Council and their committees and officers under this Act and to the audit of such accounts.

Application
of section
265 of Public
Health Act
1875.

62. Section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 shall extend and apply to the purposes of this Act as if the same were re-enacted herein.

Informa-
tions by
whom to
be laid.

63. Save as otherwise by this Act expressly provided all informations and complaints under or in respect of the breach of any of the provisions of this Act may be laid and made by an officer of the Council authorised in that behalf or by the clerk.

Evidence of
appoint-
ments
authority
&c.

64. Where in any legal proceedings taken by or on behalf of or against the Council or any officer servant solicitor or agent of the Council or of any committee of the Council under this Act or under any general or local Act for the time being in force in the district it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Council or of any committee of the Council or to prove any resolution or order of the Council or any resolution order or report of any committee of the Council a certificate of such appointment authority resolution order or report purporting to be authenticated by the signature of the chairman of the Council or of the clerk shall be primâ facie evidence of such appointment authority or resolution order or report without further proof of the holding of any meeting or the production of any minute book or other record or document.

As to
appeal.

65. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate licence consent or approval of or by the Council or of or by any officer of the Council under the provisions of this Act or by any conviction or order made by a court of summary jurisdiction under the provisions of this Act may if

no other mode of appeal is provided by this Act appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts. A.D. 1914.

66.—(1) Where any notice or demand under this Act or under any local Act Provisional Order or byelaw for the time being in force within the district requires authentication by the Council the signature of the clerk or other duly authorised officer of the Council shall be sufficient authentication. Authenti-
cation and
service of
notices &c.

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

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

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

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

A.D. 1914.

(2) The Council shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries referred to in this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

Differences
with road
authorities
or railway
or other
companies.

70. If any difference arise between the Council and any road authority or railway canal or other company whose lands or works the Council have power to cross under the authority of this Act as to the mode of laying down repairing altering or enlarging their mains pipes or other works in over or upon such lands or works or the facilities to be afforded for the same such difference shall be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party.

Damages
and charges
to be
settled by
justices.

71. Where any damages expenses costs or charges are directed or authorised to be paid or recovered in addition to any penalty for any offence in this Act mentioned the amount of such damages expenses costs or charges in case of dispute respecting the same may be settled and determined by the court before whom any offender is convicted.

Penalties to
be paid over
to treasurer.

72. All penalties recovered on the prosecution of the Council or any officer of the Council on their behalf under this Act shall be paid to the treasurer of the Council and be by him carried to the credit of the district fund or to such other fund as the Council shall direct.

Compensa-
tion &c.
how to be
determined.

73. When any compensation costs damages or expenses is or are by this Act directed to be paid and the method for determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided for by the Public Health Acts.

Saving for
indictments
&c.

74. Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings or shall relieve any person in respect of any such matter from any penal or other consequence to which he would have been liable if such matter had not been made punishable by this Act Provided that nothing in this Act shall make a person liable to be punished more than once for the same offence.

75. All the powers rights and remedies given to the Council by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers rights or remedies conferred on them or on any committee appointed by them by Act of Parliament charter law or custom and the Council or such committee as the case may be may exercise such other powers and be entitled to such other rights and remedies as if this Act had not been passed Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence.

A.D. 1914.
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Powers of
Act cumu-
lative.

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

Judges &c.
not dis-
qualified.

77. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown.

Saving
Crown
rights.

78. The costs charges and expenses preliminary to and of and incidental to obtaining this Act or otherwise in relation thereto shall after taxation by the taxing officer of the House of Lords or of the House of Commons be paid by the Council in the first instance out of the district fund and general district rate and ultimately may be paid out of moneys borrowed by the Council for that purpose under the authority of this Act.

Expenses
of Act.

A.D. 1914.

The SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

All that piece or parcel of land containing two acres three roods and twenty-eight perches or thereabouts situate in the parish and urban district of Ashington and comprising the inclosures numbered 170 and 173 on the $\frac{1}{2500}$ Ordnance map Northumberland Sheet LXIV. 16 (2nd edition 1897) and bounded on or towards the north by Green Lane on the east by North Seaton Road and on the south and west by the Newbiggin Branch of the North Eastern Railway.

SECOND SCHEDULE.

FORM OF MORTGAGE.

By virtue of the Ashington Urban District Council Act 1914 and of other their powers in that behalf them enabling the urban district council of Ashington in the county of Northumberland (herein-after called "the Council") in consideration of the sum of _____ pounds paid to the treasurer of the Council by _____ (herein-after called "the mortgagee") do hereby grant and assign unto the mortgagee [his] executors administrators and assigns such proportion of the revenues of the Council in the said Act defined as the said sum so paid doth or shall bear to the whole sum which is or shall be charged on the said revenues To hold unto the mortgagee [his] executors administrators and assigns from the day of the date of these presents until the said sum of _____ pounds shall be fully paid and satisfied with interest for the same (subject as herein-after provided) at the rate of _____ per centum per annum from the _____ day of _____ one thousand nine hundred and _____ until payment of the said principal sum such interest to be paid half-yearly [on the _____ day of _____ and the _____ day of _____ in each year] And it is hereby agreed that the said principal sum of _____

pounds shall be repaid at the office of the Council in the said district A.D. 1914.
 [(subject as herein-after provided) on the _____ day of _____
 one thousand nine hundred and _____] [by _____]:

Provided always and it is hereby agreed and declared that the before-mentioned time for repayment may be extended to such subsequent day or days and upon any such extension the before-mentioned rate of interest may be altered to such other rate or rates of interest as shall from time to time be mentioned and specified in an endorsement to be made hereon under the hands of the chairman and clerk of the Council for the time being respectively and that upon any such endorsement being made whether relating to extension of time only or to extension of time with alteration of rate of interest the provisions thereof shall be incorporated herewith and shall operate and take effect as though they had been originally inserted herein.

In witness whereof the Council have caused their common seal to be hereunto affixed this _____ day of _____ one thousand nine hundred and _____

The ENDORSEMENT WITHIN REFERRED TO.

The within-named _____
 consenting the within-mentioned time for repayment of the within-mentioned principal sum of _____
 _____ is hereby extended to the
 day of _____ one thousand nine hundred and _____
 _____ [and the interest to be paid thereon on and
 from the _____ day of _____ one thousand
 nine hundred and _____ is hereby declared to be at
 the rate of _____ per centum per annum].
 Dated this _____ day of _____
 one thousand nine hundred and _____

FORM OF TRANSFER OF MORTGAGE.

I [the within-named] _____
 [of _____
 in consideration of the sum of _____
 pounds paid to me by _____
 of _____
 (herein-after called "the transferee") do hereby transfer to the transferee his executors administrators and assigns [the within-written security] [the mortgage number _____ of the revenues of the urban district council of Ashington bearing date the _____ day

A.D. 1914. of _____] and all my right and interest under the same subject to the several conditions on which I hold the same at the time of the execution hereof and I the transferee for myself my executors administrators and assigns do hereby agree to take the said mortgage security subject to the same conditions.

Dated this _____ day of _____ one thousand nine hundred and _____

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