



CHAPTER Ivii.

An Act to confirm a Provisional Order under the Burgh Police (Scotland) Act 1892 relating to Ardrossan Gas.
[6th November 1946.]

WHEREAS one of His Majesty's Principal Secretaries of State has made a Provisional Order relating to Ardrossan Gas under the provisions of the Burgh Police (Scotland) Act 1892 as read with the Secretaries of State Act 1926 and it is expedient that the said Order should subject to amendment be confirmed by Parliament.

55 & 56 Vict.
c. 55.
16 & 17 Geo. 5.
c. 18.

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

1. The Provisional Order so made which as amended is set forth in the schedule hereunto annexed is hereby confirmed.
2. This Act may be cited as the Ardrossan Gas Order Confirmation Act 1946.

Confirmation
of Order in
schedule.

Short title.

SCHEDULE.

ARDROSSAN GAS.

PROVISIONAL ORDER.

WHEREAS by sections 45 and 46 of the Burgh Police (Scotland) Act 1892 as read with the Secretaries of State Act 1926 it is (inter alia) provided that whenever it shall appear to the commissioners of any burgh to which that Act applies that they require additional powers for the better carrying out of the purposes of that Act and specially powers relating to the supply of gas or for the repeal or amendment of any local Acts of Parliament relating to such subjects or their adaptation and adjustment to the provisions of the Act now in recital or for the other purposes therein mentioned they may apply to one of His Majesty's Principal Secretaries of State for a Provisional Order and that after such inquiry as the Secretary of State may direct it shall be lawful for him to issue a Provisional Order either in accordance with the prayer of the application or with such modifications or alterations as may appear to him to be requisite but no Provisional Order shall be of any validity unless the same has been confirmed by Act of Parliament:

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

And whereas by the Ardrossan Gas and Water Act 1886 the undertaking and powers of the Ardrossan Gas and Water Company (which by the said Act was re-incorporated as a statutory company) were vested in the commissioners of police of the burgh and by the said Act they were empowered to supply and sell gas within the limits defined in the said Act being the burgh and the suburbs thereof and places adjacent (but excluding the burgh of Saltcoats) within the parish of Ardrossan in the county of Ayr and to borrow money for the purposes of the said Act:

And whereas the town council of Ardrossan (hereinafter referred to as "the Town Council") came in place of the said commissioners:

And whereas by the Ardrossan Gas and Water Order 1901 the Town Council were authorised to construct and maintain the additional gasworks and others therein mentioned and to borrow a sum not exceeding the sum of forty thousand pounds for the gasworks purposes of that Order:

And whereas the Town Council have from time to time in pursuance of their powers under the Acts before referred to borrowed for the purposes of their gas undertaking sums aggregating sixty-five thousand four hundred and ninety pounds five shillings and fivepence and the unexhausted borrowing powers of the Town Council under the said Acts for gas purposes amounted as at the fifteenth day of May one thousand nine hundred and forty-five to the sum of two thousand three hundred and thirty-five pounds thirteen shillings and ninepence:

And whereas the demand for gas within limits of gas supply has increased and is increasing necessitating the conversion of the present installation of horizontal retorts into a system of vertical retorts:

And whereas it is expedient that the Town Council should be empowered for the said purposes to borrow additional moneys not exceeding the sum of forty thousand pounds:

And whereas the Town Council have presented to me as Secretary of State a petition setting forth the matters hereinbefore recited:

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

Now therefore in pursuance of the powers vested in me by the Burgh Police (Scotland) Act 1892 as read with the Secretaries of State Act 1926 I as Secretary of State do by this Provisional Order direct as follows:—

1. This Order may be cited as the Ardrossan Gas Order 1946.

Short title and citation.

The Ardrossan Gas and Water Act 1886 and the Ardrossan Gas and Water Order 1901 and this Order may be cited together as the Ardrossan Gas Acts 1886 to 1946.

2.—(1) In addition to the sums which the Town Council are already authorised to borrow under the Ardrossan Gas and Water Act 1886 and the Ardrossan Gas and Water Order 1901 for the purposes of their gas undertaking the Town Council may borrow for the installation of retorts and works connected therewith and other plant any sum not exceeding the sum of forty thousand pounds and section 86 (Power to borrow) of the Ardrossan Gas and Water Order 1901 (so far as the said section relates to borrowing for gas-works purposes) shall as from the passing of the Act confirming this Order be read as if the words " eighty thousand pounds " had been inserted therein instead of the words " forty thousand pounds ":

Power to borrow for gas undertaking.

Provided that the period for the repayment of any moneys borrowed for retorts shall be thirty years from the date of borrowing and for the repayment of moneys borrowed for other purposes such periods as the Secretary of State may prescribe.

(2) In addition to the above-mentioned sums the Town Council may borrow such sum as may be necessary in respect of the costs charges and expenses of and incident to the preparing for obtaining and confirming this Order or otherwise in relation thereto.

3. All moneys borrowed by the Town Council under the authority of this Order shall be applied only to the purposes for which the same are authorised to be borrowed and to which capital is properly applicable.

Application of moneys borrowed.

4. The provisions of section 97 (Annual return to Secretary for Scotland with respect to sinking fund) of the Ardrossan Gas and Water Order 1901 shall apply to money borrowed by the Town Council under the authority of this Order.

Annual return to Secretary of State.

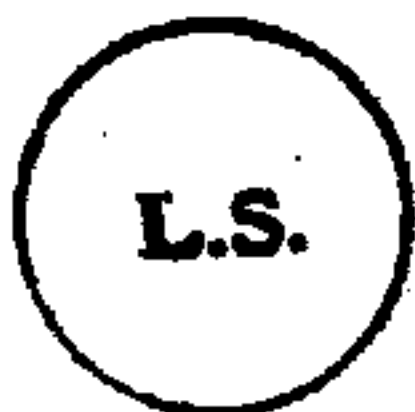
Saving for
emergency
restrictions
on borrowing.

5. Nothing in this Order shall authorise the exercise of any power of borrowing money or the making of any issue of capital otherwise than in compliance with the provisions of the Local Authorities Loans Act 1945 or of any defence regulation within the meaning of the Supplies and Services (Transitional Powers) Act 1945 for the time being having effect by virtue of that Act or of any Order made under the Borrowing (Control and Guarantees) Act 1946.

Costs of Order.

6. The costs charges and expenses of and incident to the preparing for obtaining and confirming this Order or otherwise in relation thereto shall be paid by the Town Council out of their gas revenues or the money they are authorised by this Order to borrow and if paid out of money so borrowed shall be repaid within five years from the passing of the Act confirming this Order.

Given under my hand and seal at the Scottish Office this twenty-fourth day of July one thousand nine hundred and forty-six.



(Signed). J. WESTWOOD.

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