



CHAPTER cxlvii.

An Act to constitute and incorporate a Gas and Water Board for the Borough of Chesterfield and the Districts adjacent thereto in the County of Derby to transfer to and vest in such Board the Undertaking of the Chesterfield Waterworks and Gaslight Company and for other purposes. A.D. 1895.

[6th July 1895.]

WHEREAS the borough of Chesterfield in the county of Derby is a municipal borough under the government of the mayor aldermen and burgesses thereof (in this Act called "the Corporation") and the corporation acting by the council are the urban sanitary authority for the borough:

And whereas the Urban District Council of Whittington and the Urban District Council of Newbold and Dunston respectively (in this Act called "the Urban District Councils") being the successors to the local boards of those districts respectively are the urban sanitary authorities within their respective districts in the county of Derby aforesaid:

And whereas the Chesterfield Waterworks and Gaslight Company (in this Act called "the Company") under the Chesterfield Waterworks and Gaslight Company's Act 1855 the Chesterfield Waterworks and Gaslight Company's Extension Act 1865 the Chesterfield Waterworks and Gaslight Company's Act 1871 and the Chesterfield Waterworks and Gaslight Company's Act 1876 are the owners of gasworks and waterworks and are supplying gas and water within the said borough and districts and the district of the Urban District Council of Brampton and Walton and the parishes of Brimington Hasland and Tapton adjacent thereto in the district of the Rural District Council of Chesterfield:

[Ch: cxlvii.] *Chesterfield Gas and Water Board* [58 & 59 VICT.]
Act, 1895.

A.D. 1895.

And whereas it is expedient that the supply of gas and water in the borough of Chesterfield and the districts and parishes adjacent thereto now supplied by the Company should be under the control of a public authority and for that purpose that a board should be incorporated and constituted as by this Act provided representing the corporation and the district councils aforesaid and that the undertaking of the Company with all their rights powers duties obligations and privileges should be transferred to and vested in such board accordingly and that the further powers contained in this Act should be conferred on the board :

And whereas it is expedient that the board should be authorised to borrow money for the purposes of this Act :

And whereas an absolute majority of the whole number of the council of the corporation and of the respective Urban District Councils of Whittington and of Newbold and Dunston at meetings of those bodies respectively held by the said council on Thursday the twenty-ninth day of November one thousand eight hundred and ninety-four and by the Urban District Council of Whittington on Thursday the thirteenth day of December one thousand eight hundred and ninety-four and by the Urban District Council of Newbold and Dunston on Thursday the thirteenth day of December one thousand eight hundred and ninety-four after ten clear days' notice by public advertisement of such meetings respectively and of the purposes thereof as regards the meetings of the council of the corporation and of the Urban District Council of Newbold and Dunston in the "Derbyshire Times" and as regards the meeting of the Urban District Council of Whittington in the "Derbyshire Courier" being local newspapers published or circulating in the said borough and in the respective districts of the urban district councils such notices being in addition to the ordinary notices required for summoning such meetings resolved that it was expedient to promote the Bill for this Act :

And whereas such resolutions of the council of the corporation and of the Urban District Council of Newbold and Dunston were published twice in the "Derbyshire Times" and of the Urban District Council of Whittington in the "Derbyshire Courier" being local newspapers published or circulating in the borough and the respective districts of the respective urban district councils and have in respect of matters within the jurisdiction of the Local Government Board received the approval of that Board :

And whereas the propriety of the promotion of the Bill

for this Act was confirmed by an absolute majority of the whole number of the said council and of the said respective urban district councils at further special meetings held in pursuance of similar notices by the said council of the borough by the Urban District Council of Whittington and by the Urban District Council of Newbold and Dunston on Thursday the tenth day of January one thousand eight hundred and ninety-five being in each case not less than fourteen days after the deposit of the Bill in Parliament : A.D. 1895.

And whereas the owners and ratepayers of the borough and of the respective districts of the respective urban district councils by resolution in the manner provided in the Third Schedule to the Public Health Act 1875 have consented to the promotion of the Bill for this Act :

And whereas the objects aforesaid cannot be attained without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen'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. This Act may be cited for all purposes as the *Chesterfield Gas and Water Board Act 1895.* Short title.

2. The provisions of the *Commissioners Clauses Act 1847* are (except where inconsistent with or expressly varied by this Act) incorporated with and form part of this Act with the exception of the following clauses and provisions (that is to say) :— Commis-
sioners
Clauses Act
incorpo-
rated.

With the exception of clauses 6 7 45 47 52 and 65 ;

And with the exception of the clauses with respect to the election and rotation of the commissioners where the commissioners are to be elected by the ratepayers or other like class of electors ;

And with the exception of the clauses with respect to the mortgages to be executed by the commissioners ;

And with the exception of the clauses with respect to the accounts to be kept by the commissioners.

3. In this Act—

“The board” means the *Chesterfield Gas and Water Board* incorporated by this Act ; Interpreta-
tion.

A.D. 1895.

“The corporation” means the mayor aldermen and burgesses of the borough of Chesterfield ;

“The urban district councils” means the Urban District Council of Whittington and the Urban District Council of Newbold and Dunston ;

“The rural district council” means the Rural District Council of Chesterfield ;

“Constituent Authority” means the corporation acting by the council or either of the district councils as the case may be ;

“The parishes” means the parishes of Brimington Hasland and Tapton in the district of the rural district council ;

“The Company” means the Chesterfield Waterworks and Gaslight Company ;

“The Company’s Acts” means the Acts relating to the Company recited in the preamble to this Act ;

“The undertaking of the Company” includes the whole of the gas and water undertakings of the Company and all the Company’s other property and assets real and personal of every description (other than money and securities for money) and all the Company’s powers rights and privileges as the same respectively shall stand at the date of transfer ;

“Gas revenue” means the revenue received by the board from or in relation to their gas undertaking ;

“Water revenue” means the revenue received by the board from or in relation to their water undertaking ;

“Clerk” means the clerk to the board.

Limits of Act.

4. Subject to the provisions of this Act the limits of this Act for the supply of gas and water shall be the existing limits of the Company for the supply of gas and water respectively (that is to say) The borough of Chesterfield the districts of the Urban District Councils of Whittington and of Newbold and Dunston and of Brampton and Walton respectively and the parishes Provided that it shall not be lawful for the board to extend the existing mains of the Company for the supply of gas in the parishes of Brimington and Whittington unless with the previous consent in writing of the Whittington Gas Company Limited.

Incorporation of board.

5. For the purpose of carrying this Act into execution there shall be a joint board of twelve members constituted and appointed as by this Act provided and they and their successors from time to time appointed and acting in pursuance of this Act shall be a body corporate under the name and style

of "the Chesterfield Gas and Water Board" with perpetual succession and a common seal and with power to sue and be sued and to purchase take hold lease and dispose of lands and other property for the purposes of this Act and with all the other powers and privileges of a body corporate. A.D. 1895.

6. The constitution of the board shall be as follows:— Constitution of board.
Eight members to be elected by the Chesterfield Town Council from among themselves ;
Two members to be elected by the Urban District Council of Whittington from among themselves ; and
Two members to be elected by the Urban District Council of Newbold and Dunston from among themselves.

7.—(1.) The first election of members of the board by each constituent authority shall take place at a meeting of the constituent authority to be held within six weeks from the passing of this Act or within such further time as the Local Government Board shall by order allow and the members so appointed shall subject to the provisions of this Act continue in office till the first Wednesday in the month of April one thousand eight hundred and ninety-eight. Election of members.

(2.) Each constituent authority shall at a meeting of their body held on or within twenty-eight days before the first Wednesday in the month of April one thousand eight hundred and ninety-eight elect from among themselves the number of members of the board whom they are by this Act authorised to elect to hold office till the first Wednesday in the month of April one thousand nine hundred and one and so on from time to time at the expiration of every successive period of three years.

8. If any constituent authority fail to elect first members of the board as by this Act provided it shall be competent nevertheless for the other members of the board to carry this Act into execution and if any constituent authority fail to elect members of the board at any subsequent period of election the then existing members of the board representing such authority shall continue in office till their successors are appointed. Provisions where failure to elect members.

9. No person being a member of the board by election from any one of the constituent authorities shall so long as he continues a member by virtue of such election be qualified to be also a member of the board by election from any other of the constituent authorities and any such subsequent election No person to be member of the board on behalf of more than one constituent authority.

[Ch. cxlvii.] *Chesterfield Gas and Water Board* [58 & 59 VICT.]
Act, 1895.

A.D. 1895. shall be void and if the same person shall be elected a member of the board by more than one of the constituent authorities at the same election he shall choose under which election to serve and the other election shall be deemed void.

Members to be disqualified on ceasing to be members of constituent authorities.

10. If a member of the board elected by a constituent authority ceases to be a member of such constituent authority or becomes disqualified he shall also cease to be a member of and to represent the constituent authority upon the board except in the case where he only goes out of office by rotation as a member of such constituent authority and is thereupon re-elected.

Members going out of office eligible for re-appointment.

11. Every member of the board going out of office shall if otherwise duly qualified be eligible immediately or at any future time for re-election and every person re-elected shall be deemed a new member.

Occasional vacancies.

12. If any member of the board dies or resigns or is disqualified or ceases to be a member of the board from any cause the constituent authority whom he represented may if they think fit at any time after the happening of such vacancy elect a member of the board in his place from amongst themselves and every member of the board so appointed shall continue in office only so long as the person in whose place he is elected would have been entitled to continue in office.

Appointment of members to be certified to board.

13. Whenever an election of a member of the board has been made the clerk to the constituent authority by whom the election was made shall by writing under his hand certify the election to the board and shall forthwith on the first election transmit the certificate to the town clerk of the borough of Chesterfield and on every subsequent election to the clerk of the board.

First and other meetings of the board.

14. The board shall hold their first meeting at the Chesterfield Municipal Hall on the third Wednesday after their appointment at twelve o'clock (unless some other day or time or place shall be appointed for the purpose by the Local Government Board and then on such day and at such time and place as shall be so appointed) and other meetings of the board (including their annual meetings) shall be held on such days at such times and at such places as the board may from time to time appoint.

15. In addition to the meetings to be held by appointment of the board the chairman of the board for the time being or any two or more members of the board may at any time by writing addressed and sent to the clerk require a special meeting to be convened and the clerk shall convene a meeting accordingly provided that at least two clear days notice thereof shall be given to each member of the board.

A.D. 1895.
Power to call special meetings.

16. Any act of the board or of any of the members thereof shall not be invalidated or be illegal by reason of any irregularity in the election of any member of the board or by reason of any person not qualified or ceasing to be qualified acting as a member of the board or by reason of any failure or omission on any occasion on the part of any constituent authority to elect any member of the board or by reason of any other irregularity error failure or omission in or about any election or in or about any matter preliminary or incidental thereto.

Error failure &c. not to invalidate acts done &c.

17. The first meeting of the board shall be convened by the town clerk of the borough of Chesterfield and every subsequent meeting shall be convened by the clerk to the board and every meeting shall be convened by circular delivered to each member of the board or sent by post to or delivered at his residence two clear days at least before the day of meeting.

As to convening meetings.

18. The number of members of the board present to constitute a meeting of the board shall be six.

Quorum.

19. The board may from time to time appoint and may remunerate a clerk a manager an engineer a treasurer and such other officers clerks and servants as they from time to time think requisite and all officers and servants so appointed shall be removable by the board at their pleasure No member of the board or of the Chesterfield Town Council or of any of the district councils shall be an officer of the board but the same person may be and continue an officer of the board and of any constituent authority.

Officers of board.

20.—(1.) The Company shall sell to the board and the board shall purchase of and from the Company all their undertaking for such sum in gross and on such terms and conditions as may be determined by agreement between the Company and the board or as failing such agreement shall be determined by arbitration in accordance with the provisions of the Lands Clauses

Company to sell their undertaking.

A.D. 1895. Acts and the board shall give notice to the Company to proceed with the purchase within three months from the date of the first meeting of the board and unless such purchase shall be completed within six months after the publication of the award the powers of purchase by this Act given to the board shall lapse.

(2.) Provided that the agreement or award as the case may be shall state and determine what amount of the purchase money is attributable to the gas undertaking and what amount to the water undertaking of the Company.

(3.) And in addition to the sum to be paid by the board to the Company under the foregoing provisions of this section the board shall pay to the Company the taxed costs and expenses incurred by them of and incident to the winding up of the Company.

Compensation to existing officers and servants of the Company.

21. Every officer and servant (but not including the directors or ordinary workmen) in the regular employment of the Company and who shall have been so employed for five years or upwards previous to the date of transfer who by reason of the transfer of the undertaking to the board suffers loss of office or diminution of salary or income shall be entitled to have compensation paid to him for such pecuniary loss by the board and the amount of such compensation in default of agreement shall be settled by arbitration under the provisions of the Arbitration Act 1889.

Transfer of undertaking.

22. On payment by the board to the Company or to their account at the Chesterfield Branch of Crompton and Evans Union Bank Limited of the purchase money of the undertaking of the Company so ascertained as in the twentieth section provided the said undertaking and all causes of action or proceeding belonging to the Company shall by virtue of this Act become and shall thenceforth be transferred to and vested in the board subject to the provisions of this Act and thenceforth the board in their own name and for their own benefit shall subject as aforesaid have and hold the undertaking and may enforce the causes of action or proceeding aforesaid (which transfer and vesting is in this Act referred to as "the transfer.") Provided that the board shall within three months after the transfer produce to the Commissioners of Inland Revenue a Queen's Printer's copy of this Act duly stamped with the proper ad valorem duty as for a conveyance in respect of the said transfer and in default of such production ad valorem stamp duty with interest thereon at the rate of five pounds per centum per annum from the date of transfer to the date of payment shall be

recoverable from the board with costs of action Provided also that a Queen's Printer's copy of this Act so stamped as aforesaid shall be sufficient evidence in all proceedings of the transfer to and vesting in the board of the undertaking of the Company.

A.D. 1895.

23. As from the transfer all the powers rights privileges and authorities of the Company under the Company's Acts shall be by virtue of this Act transferred to and vested in the board and those Acts shall be read and have effect as if the board had been therein named instead of the Company subject nevertheless and according to the following exceptions and provisions (namely) :—

Application of Company's Acts to the board.

(1.) The provisions of the Companies Clauses Consolidation Act 1845 and of the Companies Clauses Act 1863 incorporated with the Company's Acts shall not apply to the board :

(2.) None of the provisions of the Company's Acts or of any Acts incorporated therewith in any manner relating to the share or loan capital of the Company or to any limitation of the amount of profit to be received by the Company or undertakers or to the constitution meetings or directors of the Company shall apply to the board :

Provided that as from the date of transfer section 8 of the Chesterfield Waterworks and Gaslight Company's Act 1876 shall be and the same is hereby repealed.

24. The Company shall bear and pay all outgoings and liabilities of every kind including interest on their mortgage debt and liabilities in respect of causes of action then existing and shall receive all gas and water rents or rates and other debts due to them and shall be entitled to all receipts from the undertaking up to the transfer Provided that nothing in this Act shall entitle the Company to retain for their own benefit so much of any gas or water rents rates or charges or other payments paid or payable in advance as shall be attributable to any period after the transfer but such rents rates charges and other payments shall be apportioned and so much thereof as is attributable to any period after the transfer shall be paid over by the Company to the board.

Company to pay outgoings and be entitled to receipts till transfer.

25. If at the time of the transfer any action or other proceeding is pending or any cause of action or proceeding is existing against the Company the same shall not abate or be discontinued or in anywise prejudicially affected by reason of the transfer or of anything in this Act but the same may be continued prosecuted and enforced against the board as and when it

Pending actions &c. against Company.

A.D. 1895. might have been continued prosecuted and enforced if this Act had not been passed.

Contracts of
Company to
be binding
on board.

26. Except as is by this Act otherwise provided all purchases sales conveyances deeds contracts bonds and agreements entered into or made and in force at the time of the transfer shall be as binding and of as full force and effect in every respect against or in favour of the board and may be enforced as fully and effectually as if instead of the Company the board had been a party thereto Provided that as between the Company and the board the provisions of this and the last preceding section shall not extend or be construed to relieve the Company from any payment or liability which under the section of this Act of which the marginal note is "Company to pay outgoing and be entitled to receipts till transfer" is to be made or discharged by the Company.

Maintenance
or under-
taking by
Company
till transfer.

27. Until the transfer the undertaking of the Company shall be maintained and carried on by the Company as heretofore in the ordinary course of business but the Company shall not without the previous consent of the board under the hand of their clerk make or enter into any contract agreement or obligation except such as shall be in the ordinary course of the maintenance of the works and the proper conduct of the undertaking.

Mortgage
debt to
continue
charge on
undertaking.

28. The mortgage debt of the Company and the interest thereon shall after the transfer continue to be a charge on the undertaking in the hands of the board to the same extent and with the same incidents as if this Act had not been passed and as if the board were substituted for the Company in respect of such mortgage debt.

Other debts
to be paid by
Company.

29. All debts (other than the said mortgage debt) sums of money and claims which at the time of the transfer are due or owing from or pending or existing against the Company shall as between the board and the Company be paid discharged and satisfied by the Company and the Company shall indemnify the board against the same.

Receipt
for sum in
gross.

30. The receipt in writing of three directors of the Company for any sum in gross to be paid to the Company by the board shall effectually discharge the board from the sum expressed in such receipt to have been received and from being concerned to see to the application thereof and from being answerable or accountable for the loss misapplication or non-application thereof.

31.—(1.) From and after the transfer the Company shall subsist only for the purpose of paying their debts and liabilities and of receiving and recovering the sums payable to the Company as provided by this Act and distributing the purchase-money and for winding up the affairs of the Company and carrying into effect the purposes of this Act so far as they relate to the Company and the directors of the Company who are in office at the transfer and the survivors and survivor of them shall continue without re-election to hold the office of directors of the Company and they or a majority of them shall have full power and authority to take all necessary proceedings for carrying into effect the several purposes of this section.

A.D. 1895.
Purposes for
which the
Company
to continue
incorporated.
Winding up
of Company.

(2.) Forthwith after the transfer the directors of the Company shall proceed to wind up the affairs of the Company and after payment of the debts and liabilities of the Company (other than the mortgage debt taken over by the board) shall pay and distribute their net moneys to and among the several persons who at the date of transfer are the registered shareholders of the Company or their respective executors administrators and assigns in accordance with the scheme in this Act referred to.

(3.) When the directors of the Company are for six months after the date of transfer unable after diligent inquiry to ascertain the person to whom any money ought to be paid or who can give an effectual receipt for the same they may pay the same into the High Court under any Act for the time being in force for the relief of trustees and every such payment shall effectually discharge the Company and the directors thereof from all further liability with respect to the money so paid in.

(4.) If any money is payable to any shareholder of the Company being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company and the directors for the same.

(5.) After the transfer and until the Company shall be finally wound up and dissolved the Company shall be entitled to retain the share register and other books relating solely to the shareholders of the Company and shall have access at all reasonable times to the books documents and accounts relating to the transferred undertaking for the purpose of making up the accounts of the Company to the date of transfer and for all other reasonable purposes in relation to the winding up of the Company.

A.D. 1895.

Dissolution
of Company.

As to the
distribution
of the
purchase-
money.

32. Upon the purposes specified in the last preceding section being fulfilled the Company shall ipso facto be dissolved.

33. The directors of the Company shall as soon as possible after the payment of the purchase-money prepare a scheme or schemes for the distribution thereof among the shareholders entitled thereto and in case of the withdrawal or rejection or partial rejection of any such scheme may prepare other or modified schemes in lieu thereof and the following provisions shall have effect. The directors shall send a copy of the scheme to all the proprietors of the Company together with a notice summoning a meeting of the proprietors to consider the scheme at a place and time to be named in the notice being not sooner than seven days nor later than fourteen days after circulation of the scheme.

The said scheme shall be submitted to the said meeting and if any proprietor present thereat either in person or by proxy shall object thereto and shall insist on such objection the scheme and such objection thereto shall be referred to the arbitrament of John Edward Barker one of Her Majesty's counsel or failing him one of Her Majesty's counsel to be appointed by the Attorney General on the application of either of the parties who shall have power to settle the scheme and the scheme so settled shall be binding on all parties.

Board to
have powers
of urban
sanitary
authority
for supply
of water.

34. The board shall within the districts of the constituent authorities have and enjoy and may exercise on and from the date of vesting all the powers rights and authorities of an urban sanitary authority under the Public Health Act 1875 and the Acts amending the same with respect to the supply of water to the exclusion of any local authorities. Provided that notwithstanding anything in the Public Health Acts contained the rates to be charged for the supply of water shall be the rates authorised by the Company's Acts.

Power to
purchase
lands by
agreement.

35. The board may for the purposes of this Act purchase take and hold by agreement in addition to the lands vested in them under this Act any lands and hereditaments not exceeding in the whole ten acres which the board may from time to time require for the purposes of their works and undertaking but the board shall not create or permit a nuisance on any such lands and no lands shall be used by the board for the purpose of manufacturing gas or residual products except the lands described in the schedule to this Act, being the

lands which at the date of transfer the Company were authorised to use for that purpose. A.D. 1895.

36. The proceeds of the sale of any surplus lands of the board and all moneys received by them by way of fine or premium on any lease and other receipts in the nature of capital other than borrowed moneys shall be distinguished as capital in the accounts of the board and shall be applied in discharge of moneys borrowed by the board or in redemption of the mortgage debt taken over by the board but shall not be applied in the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board.

Application of moneys arising from sale &c. of land.

37. The board shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied. For the purpose of this section the expression "labouring class" means and includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Restriction on taking houses of labouring class.

38. The board may from time to time contract with the rural district council for the supply by the board of water in bulk to the rural district council beyond the limits of this Act and may also with the consent of the rural district council supply water to the owner or occupier of any house or premises within the district of the rural district council and beyond the limits of this Act for the supply of water and not within the limits of supply of any company empowered by Act of Parliament or Provisional Order confirmed by Act of Parliament to supply water on such terms and conditions and for such period or periods as the board and such owner or occupier from time to time agree.

Power to supply water beyond limits in certain districts.

A.D. 1895.

Agreements
with rural dis-
trict council
for supply of
water in bulk.

39. It shall be lawful for the board and the rural district council to enter into and carry into effect contracts and agreements for the supply of water in bulk by the rural district council to the board.

Power to
rural district
council to
purchase
part of
undertaking
of board.

40. Whereas unless the supply of water to the parishes is undertaken by the rural district council it will be necessary for the board for the purpose of giving a sufficient supply of water in the parishes in addition to the districts of the constituent authorities to obtain further supplies of water and to construct additional waterworks be it enacted as follows:—

(1.) Subject as herein-after provided if the rural district council or other sanitary authority within the parishes at any time give not less than six months' notice in writing to the board of their desire to purchase such part of the waterworks and plant or of the gasworks and plant of the board as is situate within the parishes or the district of such sanitary authority and shall obtain the consent of the Local Government Board to such purchase and shall apply to Parliament or to the Local Government Board for power to purchase such part of the waterworks and plant or of the gasworks and plant of the board as aforesaid (except the mains pipes and other works which shall be necessary for supplying with water or gas as the case may be any other part of the area for the time being included within the limits of the board) and to supply gas or water within the parishes or the district of such sanitary authority then it shall not be lawful for the board to oppose such application (except as to the details thereof) and if such powers of purchase and supply be granted the board shall sell and the rural district council or other sanitary authority shall purchase such part of the waterworks and plant or of the gasworks and plant of the board as aforesaid (except as aforesaid) at such price and upon such terms and conditions as shall be fixed in default of agreement by arbitration under the provisions of the Lands Clauses Acts and after such purchase the board shall be discharged from all obligation to supply water or gas as the case may be within the parishes or the district of such sanitary authority as the case may be. The purchase-money received by the board on any such sale shall after deducting the costs and expenses connected therewith be applied in the same manner as money

received from the sales of land is required to be applied under this Act : A.D. 1895.

- (2.) If the board at any time resolve to construct additional waterworks and of such resolution give notice in writing to the rural district council or other sanitary authority and require them to exercise the right of purchase of the waterworks and plant given by this section then unless such council or other authority within three months from the receipt of such notice give notice in writing to the board under this section of their desire to purchase such portion of the waterworks and plant of the board as aforesaid and forthwith take the necessary steps to enable such purchase to be carried out and carry out the same the said council or other sanitary authority shall not be entitled for a period of fifteen years from the receipt of such notice as aforesaid to exercise the power of purchase of the waterworks and plant given by this section.

41. For preventing waste misuse undue consumption or contamination of the water of the board the following provisions shall have effect (that is to say) :—

Bye-laws
for prevent-
ing waste
&c. of water.

- (1.) The board may from time to time make bye-laws for the purpose of preventing the waste undue consumption or misuse or contamination of water and amongst other things may by such bye-laws prescribe the size make nature materials workmanship and strength and the size and the mode of arrangement connection disconnection alteration and repair of the ferrules pipes meters cocks valves soil-pans water-closets baths tanks cisterns and other apparatus fittings means contrivances receptacles or appliances whatsoever to be used and may forbid any arrangements and the use of the several things before mentioned or any or either of them which may lead to such waste or undue consumption misuse or contamination :

- (2.) No such bye-laws shall be of any force or effect except within such part or parts of the district in which the board are for the time being bound to supply and do in fact supply or are prepared on demand (subject to the provisions of the Waterworks Clauses Act 1847) to supply water under constant pressure :

- (3.) All such bye-laws shall be subject to the provisions contained in sections 182 183 184 and 185 of the Public Health Act 1875 except so far as such provisions relate to

A.D. 1895.

bye-laws made by a rural authority and all penalties imposed for the breach of any such bye-laws shall be recoverable in manner provided by that Act for the recovery of penalties :

- (4.) In case of failure of any person to observe such bye-laws as are for the time being in force the board may if they think fit after twenty-four hours' notice in writing between the hours of nine in the morning and five in the afternoon enter and by and under the direction of their officer duly authorised in writing repair replace or alter any pipe meter valve cock ferrule tank cistern bath soil-pan water-closet or other apparatus means contrivance or receptacle fittings or appliances belonging to or used by such person so as to bring the same into conformity with the bye-laws and the expense of every such repair replacement or alteration shall be repaid to the board by the person on whose credit the water is supplied and may be recovered by the board in the same way as the water rate is recoverable.

Power to supply gas for lighting heating cooking and other purposes.

42. Subject to the provisions of this Act the board may supply gas for lighting heating motive warming and ventilating and other purposes and for the particular requirements of any trade industry manufacture or business on such terms and conditions in all respects as may be agreed on between the board and the persons supplied.

Power to supply gas and water apparatus engines &c.

43. The board may manufacture purchase provide supply sell let for hire and otherwise deal in and fix set up alter remove and refix gas and water meters and fittings gas engines stoves ranges pipes and other apparatus and appliances articles and things for lighting motive power the warming and ventilation of houses and buildings the cooking of food and for all other purposes for which gas can or may be used and the board may require and take such remuneration in money or such rents and charges for and make such terms and conditions with respect to the sale supply letting fixing setting up altering or removing of such meters fittings engines stoves ranges pipes and other apparatus and appliances articles and things as aforesaid and for securing their safety and return to the board as may be agreed upon between the board and the person to or for whom the same are sold supplied let fixed set up altered or removed.

Board to pay interest on deposits as security for gas meter &c.

44. If any person is required by the board to give to them security for the payment of the price or rent of a meter the board shall pay interest after the rate of four pounds per centum per annum on every sum of ten shillings deposited by

way of security for every six months during which the same remains in their hands. A.D. 1895.

45. The board may use exercise or put in practice any process method or invention for the manufacture or distribution of gas or the manufacture conversion utilisation or distribution of materials used in and of residual products resulting from the manufacture of gas or in relation to the manufacture of meters and other fittings and apparatus in which the board are authorised in any way to deal and for those purposes or any of them may (but not so as to acquire any exclusive right therein) purchase take and use any licence or authority to work use or put in practice any letters patent heretofore made or hereafter to be made in relation to any such process method or invention. Power to use inventions &c. and to take licences.

46.—(1.) The board may from time to time borrow at interest upon mortgage of the revenue of their undertaking or any part thereof and the moneys receivable by them from the constituent authorities under the provisions of this Act the sums of money herein-after specified or any part thereof (that is to say) :— Power to borrow.

(A.) For the purpose of paying the price of the undertaking of the Company and the taxed costs and expenses of and incidental to the transfer thereof (including all costs and expenses of the arbitration not otherwise payable) the sums necessary for those purposes ;

(B.) For the purpose of paying off or redeeming the mortgage debt of the Company any sum not exceeding the amount thereof at the date of transfer ;

(C.) For the purposes of the gas undertaking to which capital is properly applicable any sum sanctioned by the Local Government Board not exceeding thirty thousand pounds ;

(D.) For the purposes of the water undertaking to which capital is properly applicable any sum sanctioned by the Local Government Board not exceeding fifteen thousand pounds ;

(E.) To pay the taxed costs of this Act the sum necessary for that purpose.

(2.) Money borrowed under this section shall be applied only to the purposes for which it is authorised to be borrowed and to which capital is properly applicable. Application of borrowed money.

(3.) So much of the mortgage debt of the Company as is attributable to the water undertaking of the Company and any moneys borrowed under this section for paying off the same and Periods for repayment.

A.D. 1895. for the purposes of paying so much of the price of the undertaking of the Company as is attributable to the water undertaking and of paying one-half of the costs and expenses mentioned in (A) shall be repaid within fifty years from the date of transfer and so much of the mortgage debt of the Company as is attributable to the gas undertaking and any moneys borrowed under this section for paying off the same and for the purposes of paying so much of the price of the undertaking of the Company as is attributable to the gas undertaking and of paying one-half of the costs and expenses aforesaid shall be repaid within forty years from the date of transfer and moneys borrowed under this section for the purposes of (c) and (d) shall be repaid within such periods from the borrowing of the same as the Local Government Board shall prescribe and moneys borrowed under this section for the purposes of (e) shall be repaid within ten years from the borrowing of the same which respective periods are herein-after referred to as "the prescribed periods" and such repayment shall be made either by equal annual instalments of principal or of principal and interest combined or by means of a sinking fund appropriated for that purpose and with the accumulations thereof (if any) from time to time applied for that purpose.

Re-borrowing.

(4.) If having borrowed any money under the provisions of this Act the board pay off the same or any part thereof otherwise than by instalments or by means of a sinking fund or out of the proceeds of the sale of lands or other moneys received on capital account not being borrowed moneys they may re-borrow the same and so on from time to time Provided that all moneys so re-borrowed shall for the purposes of repayment be deemed part of the original loan and shall be repaid within the period prescribed for the repayment of the moneys in lieu of which such re-borrowing has been made.

Board may borrow under Local Loans Act 1875.

47. The board may raise the whole or any part of the money which they are authorised to borrow under this Act by the issue of debentures or debenture stock or annuity certificates under the Local Loans Act 1875 and for the purposes of such issue the board shall be deemed a local authority under that Act and the revenue of their undertaking and any sums receivable by them from the constituent authorities shall be deemed to be the local rate as defined by the said Act Provided that any moneys borrowed under this section shall be repaid within the periods herein-before respectively prescribed in that behalf.

48.—(1.) All mortgages granted by the board under this Act shall rank together without any priority on account of the date of the mortgage or on any other account.

A.D. 1895.
As to mortgages of board.

(2.) The provisions contained in sections 236 to 239 of the Public Health Act 1875 with respect to the mortgages to be executed by a local authority shall apply in the case of all mortgages granted under this Act except where any such provisions are expressly altered or varied by this Act and for the purposes of such application the term "local authority" in the said provisions shall be construed to mean the board and the term "rates" shall be construed to include the revenue of the undertaking of the board and any sums receivable by the board from the constituent authorities under this Act.

49. The following regulations shall be observed by the board in relation to the sinking fund to be formed under this Act:—

Regulations as to sinking fund.

(1.) Such equal yearly sums shall be paid into the sinking fund as being accumulated in the way of compound interest at a rate not exceeding three pounds per centum per annum would be sufficient to pay off the mortgage debt of the Company and the moneys borrowed under this Act within the prescribed periods and the sums so paid in and the accumulations thereof shall be invested in the name of the board in any securities in which trustees are for the time being authorised to invest or in the mortgages bonds debentures debenture stock corporation stock and other securities (not being transferable by delivery) duly created and issued by any municipal corporation in Great Britain other than the corporation or by any local authority within the meaning of section 34 of the Local Loans Act 1875 (other than the board or the constituent authorities):

(2.) The board may from time to time apply the sinking fund or any part thereof in or towards the discharge or redemption of the principal moneys for the discharge whereof it was created until thereby or otherwise the whole of such principal moneys have been discharged or redeemed:

(3.) Whenever any of such principal moneys have been paid off by means of the sinking fund the board shall until the whole of the principal moneys have been paid off or have been redeemed as the case may be pay into the sinking fund every year in addition to the other sums required to be set apart and appropriated a sum equal to the annual interest which

A.D. 1895.

would have been produced by the sinking fund or part of the sinking fund so applied at a rate not exceeding the rate on which the equal annual payments to the sinking fund are based :

- (4.) Whenever and so long as the market value of the securities in the sinking fund formed for the discharge of principal moneys borrowed or being payable under this Act shall be equal to the amount of the principal moneys then outstanding the board may in lieu of investing the yearly income arising from such securities apply the same in payment of the interest on the said principal moneys and may during such periods discontinue the payment to such sinking fund of the yearly sums required to be paid thereto.

Protection
of lender
from inquiry.

50. No person lending money to the board shall be bound to inquire as to the observance by the board of any provision of this Act or be bound to see to the application or be answerable for any loss or non-application of such money or any part thereof.

Annual
return to
Local
Government
Board.

51. The clerk of the board shall within twenty-one days after the expiration of each year during which any sum is required by this Act to be paid as an instalment or set apart for a sinking fund under this Act transmit to the Local Government Board a return in such form as may be prescribed by that board and verified by statutory declaration if so required by them showing the amount which has been paid by instalment or invested or applied for the purpose of such sinking fund during the year next preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereon have been applied during the same period and the total amount (if any) remaining uninvested at the end of the year. In the event of wilful default in making such return the said clerk shall be liable to a penalty not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that board in the same manner as penalties recoverable under the Public Health Act 1875 in a summary manner may be recovered by parties aggrieved within the meaning of that Act.

If it appears to the Local Government Board by that return or otherwise that the board have failed to pay any instalment or to set apart the sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for

that fund or any interest thereof to any purposes other than those authorised by this Act they may by order direct that a sum not exceeding double the amount in respect of which default has been made shall be set apart and invested or applied as part of the sinking fund and any such order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court and the provisions of this section shall mutatis mutandis apply to appropriations and annual repayments in the event of the board borrowing under the provisions of the Local Loans Act 1875.

A.D. 1895.

52. For the purposes of Part V. of the Public Health Acts Amendment Act 1890 the board shall be deemed to be an urban authority within the meaning of that Act and to have adopted Part V. of that Act and may exercise their borrowing powers by the creation of stock in the manner by that Act provided and subject to the provisions therein contained.

Board may issue stock under Public Health Acts Amendment Act 1890.

53. In order to raise such money as may be necessary to defray the current annual expenditure of the board until their revenues shall be collected the board may borrow during the currency of any financial year in addition to the other sums authorised to be borrowed on the security of such revenues any sum or sums not exceeding in the whole one-half of the approximate amount of such revenues for the year then current from any bank or banking company or other company or person on such terms and conditions and in such form as may be agreed on between the parties Provided always that such sums so borrowed shall be paid off and extinguished at or before the end of the then current year out of the moneys in the hands of the board on revenue account.

Borrowing powers for current expenses.

54.—(1.) The board shall keep separate accounts of their receipts and expenditure for gas and water purposes on capital and revenue account and they may subject to the provisions of this section apportion between those accounts any expenditure incurred for purposes common to both.

Separate accounts to be kept.

(2.) The mortgage debt of the Company shall be apportioned between the gas undertaking and the water undertaking in such manner as the same is now apportioned between the gas undertaking and water undertaking of the Company and the purchase-money of the undertaking of the Company shall be apportioned between the gas and water undertakings of the

A.D. 1895. board in the amounts determined by the agreement or award fixing the amount of the purchase-money.

(3.) The costs of this Act and the other costs and expenses payable out of borrowed money under the provisions of this Act and the money borrowed for payment of the same shall be apportioned between the gas undertaking and the water undertaking in equal shares.

Audit.

55. The provisions of section 58 of the Local Government Act 1894 shall apply to the accounts of the board and of their committees and officers and to the audit thereof. Provided that the accounts of the board shall be made up yearly to the thirty-first day of March in each year.

Application
of gas
revenue.

56. The board shall apply the revenue of the gas undertaking as follows (that is to say) :—

Firstly.—In payment of the costs, charges and expenses of and incidental to the collecting and recovering of gas revenue ;

Secondly.—In payment of the working and establishment expenses and cost of maintenance of their gas undertaking ;

Thirdly.—In payment of the interest on so much of the mortgage debt of the Company as is apportioned to the gas undertaking ;

Fourthly.—In payment of the interest on money borrowed under this Act for the purposes of or apportioned to the gas undertaking ;

Fifthly.—In providing the sums necessary for instalments of the sinking fund under this Act so far as such sums are required in respect of mortgage debt or borrowed moneys apportioned to or borrowed for the gas undertaking ;

Sixthly.—In providing a reserve fund if they think fit by setting aside such money as they from time to time think reasonable and investing and accumulating the same at compound interest in any securities in which they are authorised to invest the sums paid into the sinking fund until the reserve fund so formed amounts to a sum equal to one-tenth of the gas capital of the board which sum shall be applicable from time to time to answer any deficiency at any time happening in the income of the board from their gas undertaking or to meet any extraordinary claim demand or charge at any time arising against the board in respect of that undertaking and so that if such fund be at any time reduced it may thereafter be again made up to the said sum and so from time to time as often as such reduction shall happen. Provided that

when and so often as the said fund shall reach one-tenth part of the said gas capital the interest thereon shall be carried to the gas revenue. Provided also that resort may from time to time be had to the reserve fund for any of the purposes aforesaid although such fund may not at the time have reached or may have been reduced below the full amount of one-tenth as aforesaid ;

A.D. 1895.

Seventhly.—In improving or extending the gas undertaking if the board think fit so to do ;

Lastly.—The surplus (if any) from time to time shall be applied in reduction of the price of gas when and as circumstances shall permit the same to be done but the board may retain in hand at the close of any financial year so much of the surplus as they shall think necessary for the purpose of carrying on the undertaking and paying the current expenses connected therewith.

57. The provisions contained in the last preceding section with respect to the application of gas revenue shall extend and apply mutatis mutandis to the application of revenue from the water undertaking with this modification that the surplus (if any) shall be applied in reduction of the charge for water for domestic purposes when and as circumstances shall permit the same to be done.

Application
of water
revenue.

58. If at any time there is a deficiency in the gas revenue and gas reserve fund to meet the payments to be made thereout (other than the provision of a reserve fund) the board may apply the water reserve fund and any surplus water revenue to make up such deficiency and in case of a like deficiency in the water revenue may apply the gas reserve fund and any surplus gas revenue to make up the same and the amount so applied shall be a debt due from the revenue in which the deficiency existed to the fund or revenue out of which the amount is taken with interest at the rate of three pounds per centum per annum until repayment and such debt and interest shall as soon as in the judgment of the board reasonably may be raised and paid out of the revenue in which the deficiency existed.

Deficiency
in one
revenue
may be
temporarily
made good
from the
other.

59.—(1.) If in any year there is a deficiency in the net revenue of the board for the payment of the interest on the mortgage debt of the Company and the interest on money borrowed and the sums necessary for the instalments or sinking funds the board are hereby authorised and required in every

Deficiency
in revenue
of board to
be made
good by
constituent
authorities.

A.D. 1895. such case forthwith to ascertain and determine the amount of such deficiency and to apportion the same between the several constituent authorities.

(2.) The amount of the deficiency shall be so apportioned between the constituent authorities in proportion to the gross estimated rentals of the respective districts such gross estimated rentals being ascertained according to the valuation lists for the time being in force for the rate for the relief of the poor.

(3.) The board shall issue precepts to the constituent authorities for the amounts so respectively apportioned and the constituent authorities respectively shall within two months from the receipt of such precepts pay to the board the amounts so apportioned to them respectively.

(4.) Such amounts respectively shall be paid by the constituent authorities out of their respective district funds and general district rates which funds and rates are hereby charged with the payment of the same accordingly and the constituent authorities respectively are hereby authorised and required to make and levy any rate that may be necessary for the purposes aforesaid.

(5.) If any constituent authority fails to pay any amount so apportioned within the time aforesaid the same shall be a debt due to the board from such constituent authority and shall bear interest till payment at the rate of five pounds per centum per annum, and the board may in addition to all other remedies proceed for recovery thereof in either of the modes following (that is to say) :—

(A.) The board may sue the defaulting authority for the amount unpaid in any court of competent jurisdiction :

(B.) The board may by precept empower some officer of the board to raise by means of a rate to be assessed upon the like property and to be made levied and collected in like manner and with the like powers and authorities as the rate out of which the amount in arrear ought to have been paid by the defaulting authority such sum (the amount to be specified in the precept) as in the opinion of the board will be sufficient to pay the amount so in arrear and interest and all expenses incurred in consequence of the non-payment thereof and the expenses of levying and collecting such rate and any officer of the board so empowered shall have the like powers of assessing making levying and collecting rates and of issuing precepts and of requiring officers of the defaulting authority to account

as the defaulting authority would have under any Act or otherwise and the officer of the board so empowered after paying all money payable under the precept shall pay any residue of the money received by him (the amount to be ascertained by the Board) to the defaulting authority. A.D. 1895.

(6.) Any receiver appointed under this Act shall be entitled to receive the amounts so apportioned by the board to the constituent authorities and in case the board at any time neglect or refuse to make such apportionment or to recover the same or any part thereof the receiver shall in every such case be entitled to make such apportionment and to exercise all or any of the powers by this section conferred on the board for recovering the amounts so apportioned.

(7.) In any year in which the constituent authorities are required to contribute to the making good of a deficiency under this section the board may provided they are charging the maximum rates for water supplied for domestic purposes within the districts of the constituent authorities demand and recover from consumers of water in the parishes rates and charges above the rates and charges otherwise payable by such consumers under this Act such additional rates and charges to be of such amount as will in the judgment of the board produce a sum equivalent to the share of the deficiency that would have been payable by the parishes had they been made liable to contribute to the making good of the deficiency under this section in the same manner as the constituent authorities.

60. No person shall be incapable of acting as a justice in the execution of this Act by reason of his being a member of the board or a mortgagee under this Act or of his being liable to the payment to the board of any gas or water rent or rate or other payment. Justices not disqualified.

61. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto as taxed by the Taxing Officer of the House of Lords or of the House of Commons (in this Act referred to as "the costs of this Act") shall in the first instance be paid by the corporation and the urban district councils in the same proportions as the respective gross estimated rentals of the borough of Chesterfield and the respective districts of the urban district Costs of Act.

[Ch. cxlvii.] *Chesterfield Gas and Water Board* [58 & 59 VICT.]
Act, 1895.

A.D. 1895. councils bear to the total gross estimated rentals of the said borough and districts according to the Poor Rate Valuation Lists made next before the passing of this Act out of any of their funds or revenues but shall be repaid to the corporation and the urban district councils by the board out of the moneys to be borrowed by them under the powers of this Act.

The SCHEDULE referred to in the foregoing Act.

A.D. 1895.

A piece of land about six acres and one rood in extent situate in the parish and borough of Chesterfield in the county of Derby bounded on the north or north east by a public footpath on the south or south west by the main road from Chesterfield to Baslow and by the centre of the bed of the Holme Brook otherwise Linacre Brook on the east or south east by a thoroughfare formerly called Pothouse Lane but now Foljambe Road and on the west or north west by lands belonging or reputed to belong to the Duke of Devonshire :

And also a piece of land about one acre one rood and twenty perches in extent situate in the parish and borough of Chesterfield aforesaid and bounded on the east by West Street on the south or south west by hereditaments formerly belonging or reputed to belong to the devisees of Benjamin Rooke deceased to Messrs. Spowage and another and to others and on the west or north west by land now or lately belonging or reputed to belong to Squire Heaton John Burton and others.

Printed by EYRE and SPOTTISWOODE,

FOR

T. DIGBY PICOTT, Esq., C.B., the Queen's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C.; or
JOHN MENZIES & Co., 12, HANOVER STREET, EDINBURGH, and
90, WEST NILE STREET, GLASGOW; or
HODGES, FIGGIS, & Co., LIMITED, 104, GRAFTON STREET, DUBLIN.

Faint, illegible text at the top of the page, possibly a header or title.

Second line of faint, illegible text.

Main body of faint, illegible text, appearing to be several lines of a letter or document.

Third section of faint, illegible text, possibly a signature or a specific section header.

Large block of faint, illegible text at the bottom of the page, possibly a footer or a long concluding paragraph.