



CHAPTER cxxv.

An Act to authorise the New Hunstanton Urban District Council to supply Water and Gas and to acquire the Undertakings of the Hunstanton Water Company Limited and the Hunstanton Gas Company Limited. A.D. 1897.
[15th July 1897.]

WHEREAS the district of New Hunstanton in the county of Norfolk (in this Act called "the district") is an urban district within the meaning of the Local Government Act 1894 and is under the control and management of the New Hunstanton Urban District Council :

And whereas the Hunstanton Water Company Limited (in this Act called "the Water Company") was registered under the Companies Acts 1862 to 1886 for the purpose of supplying water within the district and other places :

And whereas the nominal capital of the Water Company is four thousand eight hundred pounds divided into four hundred and eighty shares of ten pounds each of which four hundred and thirty-seven shares have been taken up and fully paid and forty shares have been treated as fully paid :

And whereas the Hunstanton Gas Company Limited (in this Act called "the Gas Company") was registered under the Companies Acts 1862 to 1886 for the purpose of supplying gas within the district and other places :

And whereas the nominal capital of the Gas Company is two thousand six hundred pounds divided into five hundred and twenty shares of five pounds each of which four hundred and forty shares have been taken up and fully paid and eighty shares have been treated as fully paid :

And whereas the Water Company has a debenture debt of one thousand and two hundred pounds and the Gas Company has a debenture debt of one thousand one hundred pounds :

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And whereas by an Act passed in the present session of Parliament intituled "the Hunstanton Water and Gas Act 1897" the Water Company and the Gas Company were dissolved and re-incorporated under the title of "the Hunstanton Water and Gas Company":

And whereas it is expedient that the supply of water and gas should be under the control of the District Council and that they should be authorised to acquire the undertaking of the Hunstanton Water and Gas Company:

And whereas it is expedient that powers be conferred upon the District Council as in this Act appears in relation to the supply of water and gas:

And whereas it is expedient that the District Council be authorised to borrow money and to apply their funds for the purposes of this Act:

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

And whereas an absolute majority of the whole number of the District Council at a meeting held on the eleventh day of December one thousand eight hundred and ninety-six after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the Lynn Advertiser being a local newspaper circulating in the district such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the general district rate:

And whereas such resolution was published twice in the Lynn Advertiser aforesaid and has received the approval of the Local Government 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 District Council at a further special meeting held in pursuance of a similar notice on the fifth day of February one thousand eight hundred and ninety-seven being not less than fourteen days after the deposit of the Bill in Parliament:

And whereas the owners and ratepayers of the said district by resolution in the manner provided in the Third Schedule of the Public Health Act 1875 consented to the promotion of the Bill for this Act:

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 (that is to say) :— A.D. 1897.

Preliminary.

1. This Act may be cited as the New Hunstanton Water and Gas Act 1897. Short title.

2. The following Acts and parts of 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 this Act namely :— Provisions of certain general Acts incorporated.

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 section 38 relating to accounts) and the Gasworks Clauses Act 1871 (except sections 8 and 35) shall apply to the gas undertaking of the District Council :

The Waterworks Clauses Act 1847 (except section 83 and the provisions thereof with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit) subject to the provisoes contained in section 57 of the Public Health Act 1875 :

The Lands Clauses Acts except the provisions with respect to the purchase and taking of lands otherwise than by agreement :

The Waterworks Clauses Act 1863.

3. The several words and expressions to which by the Acts wholly or partially incorporated with this Act meanings are assigned shall in this Act have the same respective meanings unless there is something in the subject or context repugnant to such construction. Provided that in the Acts wholly or partially incorporated with this Act for the purposes of this Act— Interpretation.

The expressions “ the undertakers ” and “ the company ” mean the District Council :

And in this Act unless the context otherwise requires—

“ The district ” means the urban district of New Hunstanton ;

“ The District Council ” or “ the Council ” means the New Hunstanton Urban District Council ;

“ The Water Company ” means the Hunstanton Water Company Limited ;

“ The Gas Company ” means the Hunstanton Gas Company Limited ;

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“The Companies” means the Water Company and the Gas Company ;

“The Water and Gas Company” means the Hunstanton Water and Gas Company incorporated by the Hunstanton Water and Gas Act 1897 ;

“The district fund” and “the general district rate” mean respectively the district fund and general district rate of the district ;

“The undertaking of the Water Company” means the water undertaking and waterworks lands buildings easements reservoirs plant machinery mains pipes apparatus chattels fixed and moveable stock-in-trade authorities rights powers and privileges and all other the property real and personal (other than money securities for money and choses in action) vested in or belonging to the Water Company or to the Gas Company or to the Water and Gas Company by virtue of the Hunstanton Water and Gas Act 1897 or otherwise ;

“The undertaking of the Gas Company” means the gas undertaking and gasworks lands buildings gas-holders purifiers easements plant machinery mains pipes apparatus chattels fixed and moveable stock-in-trade authorities rights powers and privileges and all other the property real and personal (other than money securities for money and choses in action) vested in or belonging to the Gas Company or to the Water and Gas Company by virtue of the Hunstanton Water and Gas Act 1897 or otherwise ;

“The gas undertaking” and “the water undertaking” respectively mean the gas undertaking and the water undertaking of the District Council under this Act ;

“Gas revenue” and “water revenue” respectively mean and include all moneys received by the District Council for or in relation to the gas undertaking and the water undertaking respectively other than borrowed moneys and other moneys which ought to be carried to the account of capital:

Provided that for the purposes of this Act in the Acts and parts of Acts incorporated with this Act the expression “superior courts” or “court of competent jurisdiction” shall have effect as if the debt or demand with respect to which it is used were a simple contract debt and not a debt or demand created by statute.

Limits of
Act.

4. The limits of this Act for the supply of water and gas (in this Act referred to as “the limits of supply”) shall be the

district and the parishes of Hunstanton Great Ringstead and A.D. 1897.
 Heacham in the county of Norfolk.

5. This Act shall be carried into execution by the District Council. Act to be
executed by
District
Council.

Transfer of the Undertaking of the Water and Gas Company.

6. The Water and Gas Company shall sell and the District Council shall purchase within the period and subject to the terms and conditions herein-after set forth the whole undertaking of the Water and Gas Company including the undertakings of the Water Company and of the Gas Company :— Sale of
undertakings
to District
Council.

(1.) The purchase money shall be twenty thousand pounds :

(2.) The purchase money shall be appropriated as follows :—

	£
In respect of the undertaking of the Water Company - - - - -	13,000
The debenture debt of the Water Company to be assumed and taken over by the District Council - - - - -	1,200
In respect of the undertaking of the Gas Company - - - - -	4,050
The debenture debt of the Gas Company to be assumed and taken over by the District Council - - - - -	1,100
To the Water and Gas Company in respect of costs expenses and compensations to be dealt with as that Company may resolve - - -	650
	<u>£20,000</u>

(3.) The Water and Gas Company shall be entitled to retain the reserve fund of the Water Company and all moneys in hand of and all water rates due and accruing due to the Water Company up to and inclusive of the twenty-ninth day of September one thousand eight hundred and ninety-seven and shall also be entitled to be paid by the District Council for all materials and stock in hand in respect of the water undertaking the amount to be determined in case of difference by arbitration :

(4.) The Water and Gas Company shall be entitled to retain the reserve fund of the Gas Company and all moneys in hand and all gas rates due and accruing due to the Gas Company up to and inclusive of the first day of October one thousand

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eight hundred and ninety-seven and shall also be entitled to be paid by the District Council for all materials and stock in hand in respect of the gas undertaking the amount to be determined in case of difference by arbitration :

- (5.) The purchase shall be completed on the first day of October one thousand eight hundred and ninety-seven Provided that if it be not then completed interest shall be paid at the rate of five per centum per annum on the said purchase money from the twenty-ninth day of September one thousand eight hundred and ninety-seven until the date of completion or the thirty-first day of March one thousand eight hundred and ninety-eight whichever shall first happen :
- (6.) As from the day on which the purchase is completed and the interest as aforesaid (if any) is paid the said undertaking of the Water and Gas Company (including the undertakings of the Water Company and the Gas Company) shall vest in the District Council and that day is herein-after referred to as the date of the transfer :
- (7.) In the event of the purchase money not being paid by the thirty-first day of March one thousand eight hundred and ninety-eight the provisions of this Act shall become void and cease to have effect :
- (8.) Any matter to be determined by arbitration under this section shall failing agreement be determined by arbitration under the provisions of the Arbitration Act 1889 but the costs of the reference and award as taxed or settled under that Act shall be paid by the District Council.

Debts of
Company.

7. All the debts and liabilities of the Water and Gas Company including any debts and liabilities of the Water Company and of the Gas Company other than the said mortgage debts of twelve hundred pounds and eleven hundred pounds respectively shall as between the Water and Gas Company on the one hand and the District Council on the other hand be paid or satisfied by the Water and Gas Company and the Companies shall pay their respective outgoings and receive all rents rates and other debts due to them and all receipts from their undertakings up to the said twenty-ninth day of September and first day of October respectively.

Distribution
of purchase
money.

8. The directors of the Water and Gas Company shall proceed to distribute the purchase money and assets of that Company as follows :—

All the moneys received by them in respect of the Water Undertaking shall be distributed by them among the share-

holders of the Water Company and all the moneys received by them in respect of the gas undertaking shall be distributed by them among the shareholders of the Gas Company : A.D. 1897.

After discharging and satisfying the obligations of the said Company the sum of six hundred and fifty pounds shall be applied by the directors of the said Company either by way of compensations or otherwise as may be directed by resolution of a general meeting and failing any other application thereof the said sum of six hundred and fifty pounds shall be divided between the gas and water undertakings in proportion to the purchase money of the said undertakings as fixed by this Act viz. Water undertaking thirteen thousand pounds gas undertaking four thousand and fifty pounds.

9. Subject to this Act all agreements conveyances contracts deeds and other instruments entered into or made with or by either of the Companies or with or by the Water and Gas Company 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 District Council and may be enforced as fully and effectually as if instead of the Companies respectively or the Water and Gas Company the District Council had been a party thereto. Contracts of Companies to be binding on District Council.

10. Until the transfer the undertaking of the Water and Gas Company shall be maintained and carried on by the Water and Gas Company in the ordinary course of business but the Water and Gas Company shall not without the previous consent of the District Council under the hand of the clerk to the District Council 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 respective undertakings. Maintenance of undertaking of Company until transfer.

11. The receipt in writing of three of the directors of the Water and Gas Company for any money to be paid to that Company by the District Council shall effectually discharge the District Council from the sum which in such receipt shall be acknowledged 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 : Receipt for purchase money.

Provided that if from any cause the District Council are unable to obtain such receipt they may pay the amount under this Act into the Bank of England in the name of the Paymaster

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— be opened in the matter of this Act and a receipt shall be given to
the District Council by the cashier of the said bank for the said
sum which shall have the same effect as the receipt of such three
directors.

Print of Act
to be filed.

12. The Council shall within three months after the passing
of this Act cause a printed copy of this Act to be filed at Somerset
House with the papers relative to the Water Company and the
Gas Company.

Power to
take addi-
tional lands
by agree-
ment.

13. The District Council may from time to time for any of
the purposes of their water or gas undertakings purchase by
agreement any lands not exceeding ten acres but the District
Council shall not create or permit the creation or continuance
of any nuisance on any such lands or use such lands for any
buildings except offices and dwellings for persons in their employ
and such buildings and works as may be incident to or connected
with their waterworks or gasworks.

Restriction
on taking
houses of
labouring
class.

14. The District Council 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.

Water Supply.

Power to
hold lands
for protec-
tion of
works.

15. The District Council may hold any lands acquired by
them under the powers of this Act and which may in their opinion
be necessary for the purpose of protecting their waters and
waterworks against pollution nuisances encroachment or injury
and so long as such necessity shall in the opinion of the District
Council continue such lands shall not be deemed to be superfluous
lands within the meaning of the Lands Clauses Acts Provided

that the District Council shall not create or permit a nuisance and shall not erect or authorise or permit the erection on any such lands whilst so held by them of any buildings other than buildings necessary for or connected with their waterworks. A.D. 1897.

16. The District Council shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of this Act to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for domestic purposes at rates not exceeding the rates herein-after specified (that is to say) :—

Rates for
supply of
water for
domestic
purposes.

Where the rateable value of the premises so supplied with water does not amount to five pounds the sum of eight shillings and eightpence per annum ;

Where such rateable value amounts to five pounds but does not exceed seven pounds the sum of ten shillings per annum ;

Where such rateable value exceeds seven pounds at the rate of one shilling and sixpence in the pound per annum upon such rateable value ;

and so in proportion for any shorter period Provided that the rateable value of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement of the quarter for which the water rate accrues or if there is no such valuation list then in force then by the last rate made for the relief of the poor Provided also that where the water rate is chargeable on the rateable value of a part only of any tenement entered in the valuation list such rateable value shall be a fairly apportioned part of the rateable value of the whole tenement ascertained as aforesaid the apportionment in case of dispute to be determined by two justices.

17. In addition to the foregoing charges the District Council may charge in respect of every watercloset beyond the first for which no additional charge shall be made on any premises within the limits of supply a sum not exceeding five shillings per annum and for every fixed bath capable of containing not more than fifty gallons a sum not exceeding ten shillings per annum and for every fixed bath containing as usually filled for use more than fifty gallons such sum as the District Council may think fit such additional sums to be paid quarterly in advance and to be recoverable in all respects with and as the water rate Provided that the District Council shall not be compelled to supply water for any bath containing more than fifty gallons.

Rates for
waterclosets
&c.

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Power for
Council to
make regu-
lations for
preventing
waste misuse
and conta-
mination of
water.

18. For preventing waste misuse undue consumption or contamination of the water of the District Council the following provisions shall be in force and have effect namely :—

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

(2.) Such byelaws shall apply only in the case of premises to which the District Council are bound to afford and do in fact afford or are prepared on demand to afford a constant supply of water and all byelaws made under this section shall be made under and according to the provisions contained in sections 182 to 186 (except as much thereof as relates to byelaws made by a rural sanitary authority) of the Public Health Act 1875 :

(3.) In case of failure of any person to observe such byelaws as are for the time being in force the District Council may if they think fit after twenty-four hours' notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any pipe meter valve cock ferrule tank cistern bath soil-pan watercloset or other apparatus means contrivance or receptacle fittings or appliances belonging to or used by any such person and not being in accordance with the requirements of such byelaws and the expense of every such repair replacement or alteration shall be repaid to the District Council by the person on whose credit the water is supplied and may be recovered by them as water rates are recoverable.

Supply of
water in
bulk out-
side limits.

19. The District Council may from time to time by agreement supply any local authority or company authorised to supply water within any district situate outside the limits of supply with water in bulk for such remuneration and upon such terms and conditions as may be agreed upon between the District Council

and such authority or company but notwithstanding any such agreement no such authority or company shall be entitled to a supply of water under any such agreement whenever and as long as the District Council are of opinion that the same would interfere with the proper supply of water for domestic purposes under the provisions of this Act and every such agreement shall be by virtue of this Act determinable by the District Council on one month's notice in writing. Provided that nothing herein contained shall be construed as conferring any powers on the District Council in relation to the laying down or placing of any pipe or conduit or the breaking up of any road or street or the execution of any work beyond the limits of supply or as empowering the District Council to supply or to continue to supply water within the limits of supply of any local authority company or person now or hereafter empowered by Act of Parliament or Provisional Order to supply water without the consent in writing of that local authority company or person.

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20. If at any time after the passing of this Act any local authority whose district is beyond the district but wholly or partially within the limits of the District Council for the supply of water shall give not less than six months' notice in writing to the District Council of their desire to purchase such portion of the waterworks and plant of the District Council as is contained within any part of the district of any such local authority and shall obtain the consent of the Local Government Board to such purchase and shall apply to Parliament or the Local Government Board for power to purchase such portion of the waterworks and plant of the District Council (except the mains and pipes or other apparatus which shall be necessary for supplying with water any other part of the limits of the District Council for the supply of water) and to supply water within such part of such district then it shall not be lawful for the District Council to oppose such application (except as to the details thereof) and if such powers of purchase and supply be granted the District Council shall sell and such local authority shall under and for the purposes of the Public Health Act 1875 purchase the portion of the waterworks and plant of the District Council (except as aforesaid) within such part of the district of such local authority 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 the District Council shall apply the proceeds of any sale under this section in discharge of money borrowed under this Act for waterworks purposes

Provision for
sale of por-
tion of
waterworks
and plant
to other
local autho-
rities.

A.D. 1897. — Provided that after the completion of such purchase all obligations on the part of the District Council to supply water within such part of such district shall cease and determine.

Supply of
water by
agreement.

21. Subject to the provisions of this Act the District Council may if they think fit enter into agreements for the supply of water within the limits of supply for other than domestic purposes on such terms and conditions as they think fit and may enter into agreements for the supply of water by measure within the limits of supply either for domestic or other purposes provided that such supply for other than domestic purposes does not interfere with the supply for domestic purposes.

Rent of
meters.

22. The District Council may charge a rent for each meter for measuring water provided by them at a rate per annum not exceeding fifteen per centum of the cost of such meter such rent to be paid quarterly in advance and to be recoverable in all respects with and as the water rate.

Undertakers
to keep
meters in
repair.

23. The District Council shall at all times at their own expense keep all meters for measuring water let by them for hire to any person in proper order for correctly registering the supply of water and in default of their doing so such person shall not be liable to pay rent for the same during such time as such default continues The District Council shall for the purpose aforesaid have access to and be at liberty to remove test inspect and replace any such meter at all reasonable times.

Register of
meters
to be evi-
dence.

24. Where water is supplied by measure the register of the meter for measuring water shall be *prima facie* evidence of the quantity of water consumed and in respect of which any water rate is charged and sought to be recovered by the District Council Provided that if the District Council and the person to whom the water is supplied differ as to the quantity consumed such difference shall be determined upon the application of either party by a court of summary jurisdiction who may also order by which of the parties any costs of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties.

As to re-
covery of
charges for
supply of
water.

25. All charges due to the District Council under any agreement for the supply of water by measure or for other than domestic purposes may be recovered in all respects as water rates are recoverable and the District Council shall have in respect to such charges all such and the like powers and remedies as they for the time being have with respect to water rates.

26. The District Council may furnish to any person supplied or about to be supplied or any part of whose property or premises is supplied or is about to be supplied by them with water and may from time to time renew repair or alter any meters cisterns pipes valves ferrules cocks baths soil-pans and waterclosets apparatus receptacles fittings and appliances in connection with such supply and may provide all materials and do all work necessary or proper in that behalf and the reasonable charges of the District Council in providing such materials and executing such work shall be paid by the person requiring the same.

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Power for Council to supply materials &c.

27. Water supplied under this Act need not be supplied in any case at a level above that at which water can be supplied by gravitation from the waterworks of the Council and need not be laid on constantly under pressure until the expiration of two years after the transfer of the undertaking of the Water and Gas Company.

Water need not be supplied in certain cases.

28. Where several houses or parts of houses in the occupation of several persons are supplied by one common pipe the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rates for the supply of water as they would have been liable to if each of such several houses or parts of houses had been separately supplied with water from the works of the District Council by a distinct pipe.

Where several houses supplied by one pipe each to pay.

29. Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or any fittings belonging to the District Council or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the District Council shall without prejudice to any other right or remedy for the protection of the District Council or the punishment of the offender for every such offence forfeit and pay to the District Council a sum not exceeding five pounds and the District Council may in addition thereto recover the amount of any damage by them sustained The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the District Council when such pipe meter or fittings is or are under the custody or control of the consumer shall be *prima facie* evidence that such injury alteration prevention abstraction consumption or use as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter or fittings.

Injuring meters &c.

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Application
of section
267 of Public
Health Act to
notices under
this Act.

30. The provisions of section 267 of the Public Health Act 1875 in reference to the giving of notices shall apply to all notices given under the powers of this part of this Act.

Gas Supply.

Power to
supply gas
apparatus
engines &c.
for heating
motive and
other pur-
poses.

31. The District Council may purchase provide supply sell let for hire and otherwise deal in and fix set up alter remove and re-fix gas 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 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 District Council as may be agreed upon between the District Council and the person to or for whom the same are sold supplied let fixed set up altered or removed.

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

32. Twenty-four hours' notice in writing shall be given to the Council at their gas office by every gas consumer 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 Notice of the provisions of this section shall be contained in every demand note for gas-rent.

Power to lay
pipes against
buildings.

33. The Council with the consent of the owner and occupier of any building may lay any pipe branch or any other necessary apparatus from any main or branch pipe into through or against such building for the purpose of lighting it and may with the like consent provide and set up any apparatus necessary for securing to such building a proper and complete supply of gas and for measuring and ascertaining the extent of such supply and may from time to time with the like consent repair replace alter discontinue and remove any such pipe branch or apparatus.

Limiting the
price of gas.

34. The price to be charged by the Council for gas supplied by them to persons who shall burn the same by meter shall not at any time exceed six shillings per one thousand cubic feet.

35. The District Council may if they think fit allow discounts or rebates to every consumer of gas within the district who shall within twenty-eight days after delivery of the gas account pay such account at the gas office of the District Council (that is to say) :—

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 ———
 Discounts.

When such account amounts to one pound and under five pounds at the rate of two and a half per centum ;

When such account amounts to five pounds and under ten pounds at the rate of five per centum ;

When such account amounts to ten pounds and upwards at the rate of ten per centum :

The accounts referred to in this section shall be for a supply of gas during such period not being more than three months nor less than one month as the District Council shall from time to time prescribe.

36. If a person requiring a supply of gas from the District Council has previously quitted premises at which gas was supplied to him by the District Council without paying all gas or meter rent due from him the District Council may refuse to furnish to him a supply of gas until he pays the same.

Power to
 refuse to
 supply gas
 to persons
 in debt for
 other pro-
 perty.

37. All gas supplied by the Council to any consumer of gas shall be supplied at such pressure as to balance a column of water from midnight to sunset not less than six-tenths of an inch and from sunset to midnight not less than eight-tenths of an inch in height at the main as near as may be to the junction therewith of the service pipe supplying such consumer and any gas examiner appointed under the Gasworks Clauses Act 1871 may subject to the terms of his appointment from time to time test the pressure at which the gas is supplied and may for that purpose open any street road passage or place vested in or under the control of any local or road authority and the provisions of the Gasworks Clauses Act 1871 with reference to testing of gas and to penalties shall mutatis mutandis apply to such testing of pressure and two hours' previous notice shall be given to the Council of the time and place at which such testing shall be conducted.

Pressure
 of gas.

38. The prescribed number of candles shall be fifteen.

Quality
 of gas.

39. Within six months from the transfer a testing place shall be provided at some convenient part of the gasworks of the Council.

Testing
 place.

40. The prescribed burner shall be Sugg's London Argand Burner Number 1 with a six-inch by one and three-quarter inch glass chimney but if at any time and so long as the gas flame rises

Burner.

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

41. If any person is required by the Council to give to them security for the payment of the price or rent of a gas meter the Council shall pay interest after the rate of four 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.

Supply of
gas in bulk.

42. The Council may enter into and carry into effect agreements with any local authority of any district beyond the limits of this Act or with any company authorised to supply gas under Parliamentary authority beyond such limits for the supply by the Council to such authority or company respectively of gas in bulk or otherwise.

Provision
for sale of
portion of
gasworks
to other
local autho-
rities.

43. If at any time after the passing of this Act any local authority whose district or any part thereof is beyond the district of the Council but within the limits of this Act give not less than six months' notice in writing to the Council of their desire to purchase such portions of the gasworks of the Council as are contained within the district of any such local authority and shall obtain the consent of the Local Government Board to such purchase and shall apply to Parliament or the Local Government Board for power to purchase such portions of the said gasworks (except any mains and pipes or other apparatus which shall be necessary for supplying with gas any other part of the gas limits) and to supply gas within such district then and in that case the Council will not oppose such application except as to the details thereof and if such powers of purchase and supply be granted the Council shall sell and such local authority shall purchase the portion of the said gasworks (except as aforesaid) within the district of such local authority at such price (being a sum in gross) and upon such terms and conditions as shall be fixed in default of agreement by arbitration under the provisions of the Lands Clauses Acts in manner provided by those Acts and the Council shall apply the proceeds of any sale under this section in discharge of moneys borrowed under this Act Any such purchase shall be deemed to be a purchase under the powers of the Public Health Act 1875 except so far as the same may be otherwise provided for by Parliament Provided that after the completion of such purchase all obligations on the part of the Council to supply gas within such district shall cease and determine.

Financial.

A.D. 1897.

Power to
borrow.

44. The District Council may for the purposes herein-after mentioned from time to time (in addition to any other moneys which they are now authorised to borrow) borrow at interest on the security of the gas revenue and the water revenue respectively (so far as such purposes relate to the gas undertaking or the water undertaking as the case may be) and of the district fund and the general district rate as follows (that is to say) :—

Firstly. For paying the costs and expenses of this Act as herein-after defined such sum as may be required ;

Secondly. For the purpose of acquiring the undertaking of the Water Company (including the mortgage debt on the water undertaking) and for defraying the taxed costs and expenses incident to such acquisition and to the transfer of the undertaking to the District Council such sum as may be required ;

Thirdly. For the extension and improvement of the water undertaking of the Council the sum of five thousand pounds ;

Fourthly. For the purpose of acquiring the undertaking of the Gas Company (including the mortgage debt on the gas undertaking) and for defraying the taxed costs and expenses incident to such acquisition and to the transfer of the undertaking to the District Council such sum as may be required ;

Fifthly. For the extension and improvement of the gas undertaking of the District Council the sum of five thousand pounds ;

Sixthly. For working capital for the water undertaking and gas undertaking respectively and for additions and alterations to the waterworks and gasworks respectively such sum or sums as may be from time to time sanctioned by the Local Government Board ;

and may with respect to the water undertaking or with respect to the gas undertaking from time to time mortgage the water revenue or the gas revenue respectively and also the district fund and the general district rate for securing the repayment of the moneys so borrowed with interest accordingly Provided also that the powers of borrowing moneys by this Act conferred shall not be restricted by any of the regulations contained in the Public Health Act 1875 and that in calculating the sum the District Council may borrow under the Public Health Act 1875 or any other enactment any sums they may borrow under this Act shall not be reckoned.

A.D. 1897.

Inquiries
by Local
Government
Board.

45. 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. The District Council shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries or proceedings under this Act including the expense 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.

Provisions
of Public
Health Act
1875 as to
mortgages
to apply.

46. Sections 236 to 239 of the Public Health Act 1875 shall extend and apply mutatis mutandis to and in relation to all mortgages granted under this Act.

Power to
borrow
under Local
Loans Act.
1875.

47. The District Council may if they think fit borrow any moneys which they are by this Act authorised to borrow under the powers and subject to the provisions of the Local Loans Act 1875 by means of a loan or loans to be raised by the issue of debentures debenture stock or annuity certificates or partly in one way and partly in another. Any moneys borrowed in manner by this section authorised shall be a charge upon and shall be paid out of the same fund rate revenue and security as they would be charged upon and paid out of if raised by way of mortgage under the powers of this Act and such fund rate revenue or security shall be deemed to be the local rate as defined by the Local Loans Act 1875.

Payment off
of money
borrowed.

48. The District Council shall within the prescribed periods pay off all money borrowed by them under the powers of this Act or of the Local Loans Act 1875 and the debenture debts of the Companies by equal annual or half-yearly instalments of principal or of principal and interest combined or by any one or more of the methods.

Period for
discharge of
borrowed
moneys.

49. All moneys borrowed by the District Council under the authority of this Act may be borrowed for any term not exceeding the terms herein-after respectively mentioned from the date on which the same are originally borrowed under this Act (that is to say) :—

(A.) As regards moneys borrowed for the purpose firstly herein-before mentioned within ten years ;

- (b.) As regards moneys borrowed for the purposes secondly and thirdly herein-before mentioned within fifty years ; A.D. 1897.
(c.) As regards moneys borrowed for the purposes fourthly and fifthly herein-before mentioned within forty years :

And all moneys borrowed by the District Council under the authority of this Act with the consent of the Local Government Board may be borrowed for such term and on such conditions as the Local Government Board may prescribe :

Provided it shall not be obligatory to commence such repayment by instalments or to set apart or appropriate any moneys to or for the purposes of a sinking fund until the expiration of two years from the date of borrowing the same :

The respective periods for which the District Council are herein-before authorised to borrow money are in this Act referred to as the prescribed periods.

50. If the District Council pay off any part of any moneys borrowed by them under the powers of this Act otherwise than by instalments appropriations or annual repayments or by means of a sinking fund or out of the proceeds of sale of land or other property or out of fines or premiums on leases or other moneys received on capital account except borrowed money they may from time to time re-borrow the same but all moneys so re-borrowed shall be repaid within the period prescribed for the repayment of the moneys in lieu of which such re-borrowing has been made and shall be deemed to form the same loan as the money originally borrowed and the obligations of the District Council with respect to the repayment of the loan and to the provision to be made for such repayment shall not be diminished by reason of such re-borrowing. Power to re-borrow.

51. If the Council determine to pay off by means of a sinking fund any moneys borrowed under the authority of this Act the following regulations shall be observed :— Regulations as to sinking fund.

The Council in every year shall appropriate and set apart out of the rate and revenue on the security of which such moneys shall have been borrowed such equal annual sums as will with the accumulations thereof by way of compound interest at not exceeding three per centum per annum with yearly rests be sufficient to pay off the whole of the principal moneys for the repayment of which the sinking fund is provided within "the prescribed periods" :

The rate of accumulation on which the amounts paid to the sinking fund are based is herein-after referred to as "the prescribed rate" :

A.D. 1897.

Provided as follows (that is to say) :—

(A.) The yearly sums so to be appropriated and set apart shall be invested from time to time and accumulated in the way of compound interest by investing the same and the dividends interest and annual income thereof respectively in securities in which trustees are for the time being authorised to invest or in mortgages debenture stock or other securities (not being annuities or transferable by delivery) duly created and issued by any local authority as defined by the Local Loans Act 1875 (other than the Council) and any such investments may be from time to time varied or transposed. Provided that if in any year the income arising from the investments of the sinking fund does not equal the prescribed rate any deficiency shall be made good out of the rate and revenue from which the annual payments to such fund are made and that if in any year such income exceeds the prescribed rate any excess may be applied in reduction of the annual payments which would otherwise be required to be made to such fund :

(B.) The Council may at any time apply the whole or part of the sinking fund in or towards the repayment of the borrowed moneys for the repayment of which it was set apart in such order and manner as they deem proper. Provided that in such case they pay into such sinking fund in each year afterwards and accumulate as herein-before prescribed until the whole of the borrowed moneys to which such sinking fund is applicable are discharged a sum equal to the interest produced by the sinking fund or part thereof so applied at the prescribed rate. Provided also that whenever and so long as the value of the securities standing to the credit of the sinking fund taken at the market price of the day shall be equal to the amount of the borrowed moneys then outstanding for the repayment of which it was set aside the Council may in lieu of investing the yearly income of such fund apply the same in payment of interest on moneys in respect of which the fund was set aside and may during such periods discontinue the payment to the sinking fund of the yearly sums required to be paid thereto.

Annual re-
turn to Local
Government
Board with
respect to
sinking fund.

52. The clerk to the District Council shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund or any instalment is required to be paid 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 A.D. 1897.
showing the amount which has been paid as an instalment
or invested for the purpose of such sinking fund during
the year 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 thereof have been applied during the same period
and the total amount remaining invested at the end of the
year and in the event of any wilful default in making
such return such clerk shall be liable to a penalty of 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 such return or otherwise that the District Council 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 the Local
Government Board may by order direct that a sum not exceeding
double the amount in respect of which such default shall have
been made shall be set apart and invested as part of the sinking
fund and 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.

53. All moneys borrowed by the District Council under this Act shall be applied only to purposes for which they are by this Act respectively authorised to be raised and to which capital is properly applicable. Application
of moneys
borrowed.

54. The District Council shall apply all moneys from time to time received by them in respect of any sales exchanges or dispositions of lands and premises by this Act authorised or by way of fine or premium on any lease of any such lands in or towards paying off moneys borrowed and for the time being owing under this Act 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 District Council Provided that such proceeds when used to pay off borrowed moneys shall not be applicable to the payment of Application
of moneys
from sale
&c. of land.

A.D. 1897. instalments appropriations or annual repayments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board.

Protection
of lenders
from inquiry.

55. A person lending money to the District Council shall not be bound to inquire as to the observance by the District Council of any of the provisions of this Act or be bound to see to the application or be responsible for the loss misapplication or non-application of the money lent or any part thereof.

District
Council not
to regard
trusts.

56. The District Council shall not be bound to recognise or see to the execution of any trust whether expressed or implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person or of any one of the persons or as the case may be of the personal representative or representatives of the person or the last survivor of the persons in whose name or names any loan or security for a loan stands in the books of the District Council shall from time to time be a sufficient discharge to the District Council in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the District Council have had express or implied notice of any 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 books and the District Council shall not be bound to see to the application of the money paid on any such receipt or be answerable or accountable for any loss misapplication or non-application thereof.

Saving for
existing
charges.

57. Nothing in this Act shall prejudicially affect any charge on the district fund or general district rate or the estates and property of the District Council subsisting at the passing of this Act and every mortgagee or person for the time being entitled to the benefit of any such charge shall have the same priority of charge and all the like rights and remedies in respect of the rate and property subject to his charge as if this Act had not been passed.

District
Council to
keep sepa-
rate accounts
of gas and
water under-
takings.

58. The District Council shall keep separate accounts of their receipts and expenditure for gasworks and waterworks purposes respectively on capital and revenue account and they may apportion between those accounts any expenditure incurred for purposes common to both. The provisions of section 58 of the Local Government Act 1894 shall apply to the accounts of the District Council and the accounts of their committees officers and assistants under this Act.

59. The District Council shall apply the gas revenue as follows (that is to say) :—

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Application
of gas
revenue.

Firstly. In payment of their costs charges and expenses of and incidental to the collecting and recovering of gas revenue and of the borrowing of money for gasworks under this Act ;

Secondly. In payment of the working and establishment expenses and costs of management and maintenance of the gas undertaking ;

Thirdly. In providing the moneys required to pay the interest on moneys borrowed by them under this Act for the gas undertaking and on the debenture debt of the Company ;

Fourthly. In providing the requisite instalments or sinking fund under this Act or otherwise making provision for repayment of the moneys borrowed under this Act for the gas undertaking and the debenture debt of the Company ;

Fifthly. In providing a reserve fund for the gas undertaking if they think fit by setting aside such money as they from time to time think reasonable and investing the same and the resulting income thereof in Government securities or any security in which trustees are or may be authorised to invest trust moneys (except securities of the District Council) and accumulating the same at compound interest until the fund so formed amounts to five hundred pounds which fund shall be applicable from time to time to answer any deficiency at any time happening in the income of the District Council from the gas undertaking or to meet any extraordinary claim or demand at any time arising against the District Council in respect of that undertaking or to the improving and extending thereof and so that if that fund is at any time reduced it may thereafter be again restored to the sum of five hundred pounds and so from time to time as often as such reduction happens ;

Sixthly. In improving and extending the gas undertaking :

And any balance remaining in any year as may in the opinion of the District Council not be required for carrying on the gas undertaking and paying the current expenses connected therewith and the annual proceeds of the reserve fund when such fund amounts to five hundred pounds shall be applied by the District Council in equal moieties in reducing to the consumer the cost of gas supplied under the authority of this Act and in increasing the district fund.

A.D. 1897.

Application
of water
revenue.

60. The District Council shall apply the water revenue as follows (that is to say) :—

Firstly. In payment of their costs charges and expenses of and incidental to the collecting and recovering of water revenue and of the borrowing of money for waterworks under this Act ;

Secondly. In payment of the working and establishment expenses and costs of management and maintenance of the water undertaking ;

Thirdly. In providing the moneys required to pay the interest on moneys borrowed by them under this Act for the water undertaking and on the debenture debt of the Company ;

Fourthly. In providing the requisite instalments or sinking fund under this Act or otherwise making provision for repayment of the moneys borrowed under this Act for the water undertaking and the debenture debt of the Company ;

Fifthly. In providing a reserve fund for the water undertaking if they think fit by setting aside such money as they from time to time think reasonable and investing the same and the resulting income thereof in Government securities or any security in which trustees are or may be authorised to invest trust moneys (except securities of the District Council) and accumulating the same at compound interest until the fund so formed amounts to five hundred pounds which fund shall be applicable from time to time to answer any deficiency at any time happening in the income of the District Council from the water undertaking or to meet any extraordinary claim or demand at any time arising against the District Council in respect of that undertaking or to the improving and extending thereof and so that if that fund is at any time reduced it may thereafter be again restored to the sum of five hundred pounds and so from time to time as often as such reduction happens :

And any balance remaining in any year as may in the opinion of the District Council not be required for carrying on the water undertaking and paying the current expenses connected therewith and the annual proceeds of the reserve fund when such fund amounts to five hundred pounds shall be applied by the District Council in increasing the district fund.

As to de-
ficiency in
receipts.

61. Any deficiency in the revenues and receipts of the District Council on account of the gas undertaking or water undertaking

shall in the absence of a reserve fund applicable to the purpose or so far as such reserve fund is not sufficient for the purpose be from time to time made good out of the district fund and the next general district rate to be made by the Council shall be increased so far as may be necessary to recoup to the district fund the amount so made good out of that fund.

A.D. 1897.
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Miscellaneous.

62. A notice to the District Council for the discontinuance of the supply of gas or water shall not be of any effect unless it is in writing and left in the office of the District Council or sent by prepaid letter by the post addressed to the District Council.

Notice of
discon-
tinuance.

63. No person entering into any contract with the District Council for the supply of gas or water to him or for any meter or apparatus to be furnished to him or for any work to be done for him for the purposes of such supply shall thereby be disabled from being a member officer or servant of the District Council or incur any penalty by reason of such contract but any member of the District Council concerned directly or indirectly by himself or any partner in any such contract except for a domestic supply shall not take part in any proceeding relative thereto at any meeting of the District Council.

Contracts
for gas and
water not to
disqualify.

64. Penalties recovered by the District Council under this Act shall belong to the District Council and shall be applied in the manner herein-before provided with respect to moneys from time to time received by them in respect of the gas revenue and water revenue Penalties imposed for one and the same offence by several Acts of Parliament shall not be cumulative and for that purpose this Act and all Acts incorporated with the said Acts respectively shall be deemed several Acts.

As to
penalties.

65. All the costs charges and expenses of and incident to and preparatory to the obtaining and passing of this Act or otherwise in relation thereto shall when taxed and ascertained by the Taxing Officer of the House of Lords or the House of Commons be paid by the District Council in the first instance out of the district fund and general district rate but ultimately out of money borrowed under this Act.

Expenses
of Act.

[Ch. cxxv.] *New Hunstanton Water and Gas* [60 & 61 VICT.]
Act, 1897.

A.D. 1897.

The SCHEDULE referred to in the foregoing Act.

GAS LANDS.

A piece of land in the parish of New Hunstanton on the south side of the town of New Hunstanton bounded on the north by the gasworks road and land belonging or reputed to belong to Hamon le Strange respectively on the east and south by land belonging or reputed to belong to the said Hamon le Strange and on the west by the railway from Lynn to Hunstanton belonging or reputed to belong to the Great Eastern Railway Company.

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