



CHAPTER cxciv.

An Act to confirm certain Provisional Orders under the A.D. 1900.
Burgh Police (Scotland) Act 1892 relating to Perth and
Paisley. —
[30th July 1900.]

WHEREAS Her Majesty's Secretary for Scotland has made the
Provisional Orders set forth in the schedule hereunto annexed
under the provisions of the Burgh Police (Scotland) Act 1892 55 & 56 Vict.
and it is requisite that the said Orders should be confirmed by c. 55.
Parliament:

Be it therefore 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. The Provisional Orders contained in the schedule hereunto Confirmation
annexed shall be and the same are hereby confirmed. of Orders in
schedule.

2. This Act may be cited as the Perth and Paisley Gas Orders Short title.
Confirmation Act 1900.

A.D. 1900.

SCHEDULE.

Perth.

BURGH OF PERTH.

WHEREAS by the Burgh Police (Scotland) Act 1892 (herein-after called "the Act of 1892") which Act applies to the Burgh of Perth (herein-after called "the Burgh") it is inter alia enacted (section 45) as follows:—

"Whenever it shall appear to the Commissioners of any burgh to which
" this Act applies that they require additional powers for the better
" carrying out of the purposes of this Act and specially powers relating
" to the supply of gas or water or to the roads and streets or to
" drainage or sewers or the utilisation of sewage in addition to the
" powers conferred by the Public Health Acts or for the repeal or
" amendment of any local Acts of Parliament relating to such subjects
" or their adaptation and adjustment to the provisions of this Act with
" such amendments as may be found necessary or for the repeal of any
" exemption from rating derived from this or any general or local Act
" or to other matters cognate to the purposes of this Act they may
" apply to the Secretary for Scotland for a Provisional Order:"

and (section 46 sub-section (1))

" that upon the receipt of any such application for a Provisional Order
" the Secretary for Scotland may direct the sheriff or other commis-
" sioner or commissioners to hold a local inquiry in the district in
" respect to the several matters mentioned in the application " and that
" it shall be lawful for the Secretary for Scotland to issue a Provisional
" Order either in accordance with the prayer of the application or with
" such modifications or alterations as may appear to him to be
" requisite:"

And whereas the Commissioners of the Burgh acting under the Act of 1892 (herein-after called "the Burgh Commissioners") and their successors in office are the Perth Gas Commissioners incorporated by the Perth Gas Act 1871 (herein-after called "the Act of 1871") and are the local authority within the Burgh under the Electric Lighting Acts 1882 and 1888 and the Electric Lighting (Scotland) Act 1890 (herein-after called "the Electric Lighting Acts"):

And whereas by the Act of 1871 the Perth Water and Gas Act 1888 the Perth Harbour City Improvements and Gas Act 1897 (herein-after called "the Act of 1897") and the Perth Water Police and Gas Act 1899 (which Acts are all herein-after collectively called "the Gas Acts") the Burgh Commissioners as the Perth Gas Commissioners (herein-after called "the Commissioners") were authorised to borrow various sums of money for the purposes of the Gas Acts and of their Gas Undertaking:

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And whereas under the Electric Lighting Acts the Burgh Commissioners are authorised from time to time to borrow money on the security of the gas rates leviable and gas rents and other revenues receivable by them as Gas Commissioners aforesaid under the Gas Acts with the consent of the Secretary for Scotland and subject to the provisions and restrictions with respect to borrowing and the repayment of loans as are contained in the Gas Acts and the money so borrowed is to be deemed to be borrowed under the enactments subject to the provisions and restrictions of which it is borrowed :

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Perth.

And whereas the Burgh Commissioners have presented a Petition to me setting forth inter alia (1) that the moneys which as Gas Commissioners they are authorised to borrow under the Gas Acts for the purposes of those Acts and of their Gas Undertaking have been found insufficient for those purposes and that it is necessary and expedient that they should be authorised to borrow additional money therefor and (2) that their gas borrowing powers being insufficient as aforesaid they are unable to obtain from the Secretary for Scotland his consent under the Electric Lighting Acts to borrow money for the purposes of their Electric Lighting Undertaking and that it is necessary and expedient that the provisions and restrictions with respect to borrowing contained in the Gas Acts should be amended so as to enable them to apply for such consent :

And whereas due inquiry having been directed and held in respect of the matters set forth in the said Petition I have resolved to issue a Provisional Order in the terms herein-after expressed :

Now therefore in pursuance of the powers contained in the Act of 1892 I the Right Honourable Alexander Hugh Lord Balfour of Burleigh Her Majesty's Secretary for Scotland do by this Provisional Order under my hand and seal direct and order as follows:—

1. The Commissioners in addition to any money which they have borrowed or are authorised to borrow under the Gas Acts may from time to time under the authority of this Order borrow on mortgage any sums they think requisite for the purposes of the Gas Acts and their Gas Undertaking not exceeding in the whole the sum of seventy-five thousand pounds and may make and grant mortgages of and over the several rates and charges leviable by them under the provisions of the Gas Acts in security of the payment of the money so borrowed and interest thereon and if after having borrowed the sums of money hereby authorised to be borrowed or any part thereof the Commissioners pay off the same or any part thereof otherwise than by means of the sinking fund herein-after mentioned it shall be lawful for them again to borrow the amount so paid off and so from time to time.

Power to borrow.

2. The Commissioners may accept and take from any bank or banking company credit on a cash account to be opened and kept with such bank or banking company in the name of the Commissioners according to the usage of bankers in Scotland to the extent of the aggregate amount of the several sums which the Commissioners are by this Order authorised to borrow or any part thereof and may make and grant mortgages of and over the several rates and charges leviable by them under the provisions of the Gas Acts in security

And to borrow on cash account.

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of the payment of the amount of such credit or of the sums advanced from time to time on such cash account with interest thereon Provided always that the whole principal sums due and owing by the Commissioners on such cash account and for money borrowed by them on mortgage shall not when taken together exceed the aggregate amount of the several sums by the Gas Acts and this Order authorised to be borrowed by the Commissioners and not discharged by means of the sinking fund.

Exercise of borrowing powers and application of moneys borrowed or raised.

3. The borrowing power conferred by this Order shall not be exercised to the extent of more than twenty-five thousand pounds without the consent of the Secretary for Scotland Provided that no sums borrowed under the authority of this Order shall be applied to any purpose to which capital is not properly applicable or to any of the purposes to which the rates charges and revenues by the Gas Acts authorised to be levied are specially made applicable excepting temporary advances for payment of the annuities as provided by the Act of 1871.

Priority of existing mortgages and securities.

4. All mortgages and securities granted by the Commissioners in pursuance of the powers of the Gas Acts before the passing of the Act confirming this Order and which shall be then subsisting shall during the continuance of such mortgages and securities have priority over any mortgages or securities to be granted by the Commissioners under this Order.

Annual estimate to include interest on money borrowed &c.

5. In the estimate provided by section 65 of the Act of 1871 to be laid before the Commissioners at their annual general meeting of the sums required to meet for such year the outgoings and charges mentioned in that section the Commissioners shall include the interest on the money that may be borrowed by them under the authority of this Order and the moneys by this Order provided to be set apart or paid over to the sinking fund as hereinafter provided and any additional charges and expenses to be incurred in carrying out the purposes of this Order by the Commissioners and the rates by the Gas Acts authorised shall respectively be assessed and levied to such an amount as will be sufficient to meet the same in addition to the purposes mentioned in the said section of the Act of 1871 and the amount so levied shall be applied in payment thereof.

Sinking fund.

6. The Commissioners shall from and after the passing of the Act confirming this Order set apart or pay over annually to the sinking fund provided by the Act of 1871 the sum of seven hundred and fifty pounds and in addition thereto shall from and after the expiry of two years from the passing of the Act confirming this Order set apart or pay over annually to the said sinking fund a sum equal to one and a half per centum on the amount borrowed by them under the authority of this Order and notwithstanding anything in the Gas Acts contained such sinking fund and the income arising therefrom shall henceforth be invested in or on any security in or on which trust funds may be invested according to the law of Scotland not being a security of the Commissioners or by way of deposit in any bank in Scotland incorporated by Royal Charter or under the provisions of any Act of Parliament and such annual sum of seven hundred and fifty pounds and the income arising therefrom shall be applied in the redemption of the

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Perth Gas Annuities created by the Act of 1871 and to no other purpose whatever and subject thereto the said sinking fund shall be applied at such time as the Commissioners shall see fit towards the payment of the money borrowed under the authority of this Order as well as of the Gas Acts and to no other purpose whatever Provided that the provisions of section 76 of the Act of 1897 shall so far as applicable apply to the sums hereby directed to be set apart or paid over to the said sinking fund Provided further that the said annual payment of seven hundred and fifty pounds shall cease when in the opinion of the Secretary for Scotland the amount thereby accumulated together with the income thereof is sufficient to provide for the redemption of the said annuities.

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7. The money by this Order authorised to be borrowed or raised may be secured by mortgages in terms of and as provided for in the Gas Acts with reference to the moneys thereby authorised to be borrowed or raised by the Commissioners and subject to the provisions of this Order all the powers forms and provisions of the Gas Acts or any of them applicable to the moneys thereby authorised to be borrowed or raised and with regard to the mortgages or other securities to be granted therefor and the transfer transmission and discharge thereof shall mutatis mutandis apply to the moneys by this Order authorised to be borrowed or raised and to all mortgages or other securities granted for the same or any part thereof and to the transfer transmission and discharge thereof Provided that the mortgages or other securities to be granted for the moneys hereby authorised to be borrowed or raised shall declare that they are so granted by virtue or by and under the powers of this Order.

Security for
money
borrowed or
raised.

8. All costs charges and expenses of and incident to the preparing for obtaining and confirming this Order or otherwise in relation thereto shall be paid by the Commissioners out of their funds and revenues and the moneys which they are authorised to borrow or raise under the authority of this Order Provided that any money borrowed for paying any such costs charges and expenses shall be repaid within five years from the date of such borrowing.

Costs of Order.

9. This Order may be cited as the Perth Gas Order 1900 and the Gas Acts and the Act confirming this Order may be cited as the Perth Gas Acts 1871 to 1900.

Citation of
Order and
Acts.

Given under my hand and seal at Whitehall this twenty-fifth day of
May in the year one thousand nine hundred.

L.S.

BALFOUR OF BURLEIGH.

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BURGH OF PAISLEY.

Paisley.

WHEREAS by the Burgh Police (Scotland) Act 1892 it is (inter alia) provided (section 45) that whenever it shall appear to the commissioners of any burgh to which that Act applies that they require additional powers for the better carrying out of the purposes of that Act and specially powers relating to the supply of gas or water or to the roads and streets or to drainage or sewers or the utilisation of sewage in addition to the powers conferred by the Public Health Acts or for the repeal or amendment of any local Acts of Parliament relating to such subjects or their adaptation and adjustment to the provisions of the Act now in recital or for the other purposes therein mentioned they may apply to the Secretary for Scotland for a Provisional Order and (section 46) that after such inquiry as the Secretary for Scotland may direct it shall be lawful for him to issue a Provisional Order either in accordance with the prayer of the application or with such modifications or alterations as may appear to him requisite but no Provisional Order shall be of any validity unless the same has been confirmed by Act of Parliament:

And whereas the Burgh Police (Scotland) Act 1892 is in force within the Burgh of Paisley and the magistrates and town council thereof (herein-after called "the magistrates and town council") are the Commissioners under the said Act within the burgh:

And whereas by the Paisley Corporation Gas Act 1870 (herein-after called "the Act of 1870") the property powers rights and privileges of the Board of Commissioners in whom the gas supply of the said Burgh of Paisley was then vested were transferred to and vested in the magistrates and town council and the magistrates and town council were authorised to maintain improve extend and renew the gasworks thereby transferred to and vested in them and to supply gas to the said burgh and the suburbs thereof and places adjacent and were empowered to borrow for the purpose of carrying the Act of 1870 into execution any sum not exceeding the sum of fifteen thousand pounds on the security of the rents charges and revenues accruing to them from the lands property and works transferred to and vested in them by the Act of 1870 and thereafter to be acquired or constructed by them for the purposes of that Act and from the sale of gas and residual products:

And whereas by the General Police and Improvement (Scotland) Act 1862 Order Confirmation (Paisley) Act 1879 (herein-after called "the Order of 1879") the amount authorised to be borrowed by the magistrates and town council for the purposes of the Act of 1870 was increased to the sum of forty-five thousand pounds and by the Paisley Corporation Gas Order Confirmation Act 1899 (herein-after called "the Order of 1899") the amount authorised to be borrowed by the magistrates and town council for such purposes was further increased to the sum of seventy thousand pounds:

And whereas by the Paisley Electric Lighting Order 1891 (herein-after called "the Order of 1891") the magistrates and town council were

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authorised to supply electrical energy within the Burgh of Paisley for all public and private purposes as defined by the Electric Lighting Act 1882 :

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And whereas by virtue of section 8 of the Electric Lighting Act 1882 as amended by the Electric Lighting (Scotland) Act 1890 the magistrates and town council are empowered with the consent of the Secretary for Scotland to borrow money for the purposes of the Order of 1891 upon the security of the gas rates leviable and gas rents and other revenues receivable under the Act of 1870 subject to such provisions and restrictions with respect to borrowing and the repayment of loans as are contained in the Act of 1870 as amended by the Orders of 1879 and 1899 :

And whereas the magistrates and town council have since the commencement of the Order of 1891 with the consent of the Secretary for Scotland borrowed and expended the sum of sixty thousand pounds or thereabouts for the purposes of the Order of 1891 :

And whereas the magistrates and town council have borrowed and expended for the purposes of the Act of 1870 the full amount which they are by that Act as amended by the Orders of 1879 and 1899 authorised to borrow with the exception of a sum of thirteen thousand pounds which the magistrates and town council will shortly require to borrow for the purposes of the Act of 1870 :

And whereas doubts have arisen whether the magistrates and town council are authorised even with the consent of the Secretary for Scotland to borrow for the combined purposes of the Act of 1870 and the Order of 1891 any money in excess of that authorised to be borrowed by the Act of 1870 as amended by the Orders of 1879 and 1899 :

And whereas it is expedient that the borrowing powers of the magistrates and town council under the Act of 1870 should be increased so as (1) to remove any doubt in regard to their right to borrow the money already borrowed by them for the purposes of the Order of 1891 and (2) to enable them to apply to the Secretary for Scotland for his consent under the Electric Lighting Acts to additional borrowing for such purposes :

And whereas the magistrates and town council have presented a petition to me as Secretary for Scotland setting forth the matters herein-before recited :

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

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

1.—(1.) From and after the passing of the Act confirming this Order and subject as herein-after provided section 64 of the Act of 1870 as amended by the Order of 1879 and the Order of 1899 shall be read as if the words one hundred and fifty thousand pounds had been inserted therein instead of the amended words seventy thousand pounds Provided that the sum of sixty thousand pounds already borrowed by the magistrates and town council for the purposes of the Order of 1891 shall be deemed to have been borrowed with the consent of the Secretary for Scotland as part of the said sum of one

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hundred and fifty thousand pounds and that in construing section 71 of the Act of 1870 all moneys expended in payment of the costs charges and expenses of and incident to the preparing for obtaining and confirming this Order shall be held to be moneys applied in carrying the Act of 1845 (as defined by the Act of 1870) and the Act of 1870 into execution.

(2.) All money borrowed or deemed to have been borrowed under the authority of this Order shall be applied only for purposes to which capital is properly applicable.

(3.) Nothing in this Order shall authorise the magistrates and town council to borrow under the authority of the Act of 1870 as amended by the Orders of 1879 and 1899 and this Order except with the consent of the Secretary for Scotland any sum in excess of that which they are authorised to borrow by the Act of 1870 as amended by the Orders of 1879 and 1899.

Priority of
existing
mortgages.

2. All mortgages granted by the magistrates and town council for securing money borrowed or deemed to have been borrowed under the authority of the Act of 1870 as amended by the Order of 1879 and the Order of 1899 and this Order and subsisting at the passing of the Act confirming this Order shall without prejudice to their priorities inter se and during the continuance of such mortgages have priority over all mortgages granted by the magistrates and town council for securing money borrowed under the authority of the said Act and Orders after the passing of the Act confirming this Order.

Repayment
of borrowed
money.

3. The magistrates and town council shall pay off all money borrowed or deemed to have been borrowed by them under the authority of this Order within forty years from the date or dates of borrowing the same respectively and the provisions of section 3 of the Order of 1899 shall apply to money borrowed or deemed to have been borrowed under the authority of this Order as if it were money borrowed under the authority of the Order of 1899 Provided that the payments into sinking fund on account of any loan for paying the costs charges and expenses of this Order shall be sufficient to pay off such loan within five years from the date of borrowing the same.

Citation of
Order and
Acts.

4. This Order may be cited as the Paisley Gas Order 1900 and the Act of 1845 (as defined in the Act of 1870) the Act of 1870 and the Acts confirming the Orders of 1879 1899 and this Order may be collectively cited as the Paisley Gas Acts 1845 to 1900.

Given under my hand and seal at Whitehall this twenty-fifth day of
May in the year one thousand nine hundred.

L.S.

BALFOUR OF BURLEIGH.

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