CHAPTER xliii.

A.D. 1899.

An Act to authorise the Magistrates and Town Council of Arbroath to borrow additional money in connexion with their Gas Undertaking to amend and repeal certain provisions of the Arbroath Corporation Gas Act 1871 and for other purposes. [20th June 1899.]

WHEREAS prior to the year 1871 the Royal and Parliamentary burgh of Arbroath in the county of Forfar was lighted with gas by a company or association styled "The Arbroath Gas Light Company":

And whereas under the Arbroath Corporation Gas Act 1871 (herein-after called "the recited Act") the undertaking of the said company and their whole works lands buildings and others as therein mentioned were vested in the magistrates and town council of the burgh of Aberbrothwick or Arbroath (herein-after called "the Corporation") subject to the payment of the annuities to the shareholders of the company and of the mortgage or bond debt of the company and others by the recited Act provided to be paid by the Corporation and by the same Act various powers were conferred on the Corporation and inter alia powers to manufacture supply and sell gas for public and private use and to light with gas all or any of the streets or other places and all buildings within the burgh of Arbroath and also to sell and supply gas by special agreement at any place or places beyond the burgh within the parishes of Arbroath Saint Vigeans and Arbirlot in the county of Forfar: 34 & 35 Vict. c. xciii.

And whereas by the recited Act the Corporation were authorised to borrow on mortgage any sums not exceeding in all the sum of twenty thousand pounds and to make and grant mortgages of the undertaking by that Act vested in them and of the rents rates and revenues leviable and receivable by them under the provisions of that Act in security of the payment of the money so borrowed and interest thereon:

A.D. 1899.

And whereas the Corporation have since the passing of the recited Act managed and maintained their gas undertaking and executed the powers and purposes of that Act and have borrowed the whole of the money thereby authorised to be borrowed as aforesaid:

And whereas in consequence of the increasing demand for gas within the limits prescribed by the recited Act for the supply of gas by the Corporation and the extensions of works and mains thereby rendered necessary the powers of borrowing conferred by the recited Act have proved inadequate for the purposes thereof and it is expedient that the Corporation be empowered to borrow additional money for the purposes of the recited Act and this Act and of their gas undertaking:

And whereas it is further expedient that certain provisions of the recited Act should be repealed and that other provisions thereof should be amended as herein-after provided:

And whereas the purposes of this Act cannot be effected 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 (that is to say):—

Short title.

1. This Act may be cited as the Arbroath Corporation Gas Act 1899.

Application of Gasworks Clauses Act 1871.

2. The Gasworks Clauses Act 1871 excepting sections 8 and 35 thereof shall apply to the gas undertaking of the Corporation as if the same were by this Act authorised except in so far as otherwise expressly provided by the recited Act or this Act.

Interpretation.

3. In this Act the expressions "the Corporation" and "the undertaking" shall have respectively the same meanings as those expressions have in the recited Act.

Power to borrow additional money.

4. In addition to any money which the Corporation have borrowed or are authorised to borrow under the recited Act the Corporation may from time to time under the authority of this Act borrow such further sums as they think requisite for the purposes of the recited Act and this Act and of their gas undertaking not exceeding in all the sum of fifteen thousand pounds and may make and grant mortgages of the undertaking by the recited Act vested in them and of the rents rates and revenues leviable and receivable by them under the provisions of that Act and this Act in security of the payment of the money so borrowed and interest thereon and if after having borrowed the said sum of

fifteen thousand pounds or any part thereof the Corporation pay off the same otherwise than by means of the sinking fund hereinafter mentioned it shall be lawful for them again to borrow the amount so paid off and so from time to time.

Provisions as to mortgages &c. in recited Act to be applicable to this Act.

5. Sections 48 49 54 55 56 57 and 58 together with Schedules E F and G of the recited Act shall be and are hereby made applicable to the money to be borrowed and the mortgages interest warrants drafts or orders and discharges to be granted under the authority of this Act in the same manner as if the money to be borrowed and the mortgages interest warrants drafts or orders and discharges to be granted under the authority of this Act had been borrowed or granted under the authority of the recited Act Provided always that the whole principal sums due and owing by the Corporation on any cash account and for money borrowed by them on mortgage either under the recited Act or under this Act shall not when taken together exceed the sums by the recited Act and this Act authorised to be borrowed.

Provisions as to judicial factor &c. to be applicable to this Act.

6. Sections 59 and 60 of the recited Act shall be and are hereby made applicable to the money to be borrowed and the mortgages to be granted under the authority of this Act in the same manner as if the money to be borrowed under the authority of this Act had been borrowed under the authority of the recited Act.

Application of money borrowed.

7. The several sums borrowed by the Corporation under the authority of this Act shall be applied for the purposes of the recited Act and this Act to which capital is properly applicable and to no other purpose whatsoever Provided that with the exception of the cost of enlarging or increasing the number of mains and pipes and of extending works mains and pipes the several sums borrowed by the Corporation under the authority of this Act shall not be applied to any of the purposes to which the rents rates and revenues of the Corporation are by this Act specially made applicable.

Priority of existing mortgages.

8. All mortgages and securities granted by the Corporation in pursuance of the powers of the recited Act before the passing of this Act and which shall be subsisting at the passing of this Act shall during the continuance of such mortgages and securities have priority over any mortgages or securities to be granted by them under this Act.

Persons lending not bound to inquire as to observance of Acts.

9. Any person lending or paying money under the recited Act or this Act to the Corporation shall not be bound to inquire as to the observance by the Corporation of any of the provisions of the recited Act or this Act or be bound to see to the application or be

A.D. 1899.

answerable for any loss or non-application of such money or of any part thereof.

Sinking fund.

10. The Corporation shall in addition to the sums specified to be set apart annually as a sinking fund by the recited Act set apart or pay over annually to the sinking fund created under that Act a sum equal to one pound ten shillings per centum of the money from time to time borrowed or raised under the authority of this Act Provided always that such sum by accumulation with compound interest at the rate of three per centum per annum shall be sufficient to pay off the whole of the moneys that may be borrowed under the powers of this Act within forty years from the respective times of borrowing such moneys and the said sinking fund shall be from time to time applicable to the redemption of mortgages granted under the powers of this Act as well as of mortgages and annuities authorised by the recited Act and to no other purposes whatever.

Annual return to Secretary for Scotland with respect to sinking fund.

11. The treasurer to the Corporation shall within two months after the expiration of each financial year during which any sum is by this Act required to be set apart as a sinking fund transmit to the Secretary for Scotland a return in such form as may be prescribed by the Secretary for Scotland and verified by statutory declaration if so required by him showing the amount which has been so set apart in respect of that year and also showing the purposes to which any portion of such sinking fund and the interest thereof have been applied during the same period and the total amount remaining to the credit of such fund at the end of the same period and in the event of any wilful default in making such return the treasurer to the Corporation shall be liable to a penalty not exceeding twenty pounds recoverable by the Secretary for Scotland as a debt to the Crown is recoverable If it appear to the Secretary for Scotland by such return or otherwise that the Corporation have failed to set apart the sum required by this Act as a 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 Secretary for Scotland 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 as part of the sinking fund and such order shall be enforceable by decree of either Division of the Inner House of the Court of Session in Scotland pronounced in a summary application presented for that purpose.

Contingency and depreciation of works fund.

12. It shall be lawful for the Corporation and they are hereby required annually to set apart and invest in such way and manner as they may deem expedient a sum equal to not less than two per

centum of the gross annual revenue received by the Corporation in each year in respect of their gas undertaking as a contingency and depreciation of works fund and such fund shall from time to time be applied by them in payment of the cost and expense of any extensions of their works or of any extraordinary repairs thereon or of enlarging or increasing and renewing the number of their mains and pipes or of extending their works mains and pipes from time to time or in meeting any extraordinary contingencies liabilities and claims which may arise or may be incurred in respect of the gasworks or gas undertaking of the Corporation.

Quorum of sub-committees.

13. The quorum of every sub-committee of any committee appointed by the Corporation to carry into operation all or any of the purposes of the recited Act and this Act shall henceforth be fixed by the committee by whom such sub-committee is appointed and section 12 of the recited Act is hereby amended accordingly.

Quality of gas.

14. For the purposes of the Gasworks Clauses Act 1871 the prescribed number of sperm candles shall be twenty and section 42 of the recited Act is hereby amended accordingly.

Repeal of sections 47 and 65 of recited Act.

15. Sections 47 and 65 of the recited Act are hereby repealed.

Corporation to fix rates for gas &c.

16. The Corporation shall cause their treasurer to lay before them at a meeting of the Corporation to be held in the month of September next after the passing of this Act and also at a meeting of the Corporation to be held in the month of September in each year thereafter an estimate by him of the sums to be derived for the year then current or ensuing from the sale of gas secondary products and other materials or articles and from the letting of meters and also an estimate of the sums required to meet for such year the annuities interest on borrowed money expenses of management maintenance of works repairs materials wages taxes rates and other outgoings and charges and the payment of the sums required to be annually set apart for the sinking fund and the contingency and depreciation of works fund and the sum payable by the Corporation to the trustees of the harbour of Aberbrothwick in terms of the Aberbrothwick Harbour Finance Act 1897 and at said meetings or at any adjournment thereof the Corporation shall fix the sums or prices to be charged by them for gas within the burgh for the year then ensuing or then current as the case may be so that the revenue shall as nearly as possible meet the expenditure for each year Provided always that if in any year the revenue exceeds or is less than the amount required for the purposes aforesaid the Corporation shall make such reduction or increase in the price of gas to be charged by them in the following

A.D. 1899.

year as the case may be or carry or charge such surplus or deficiency to the contingency and depreciation of works fund herein-before provided as they shall think proper.

Application of revenue.

17. The rents rates and charges levied under the authority of the recited Act and this Act and the other revenues of the Corporation shall be applied in manner following (that is to say):—

(Firstly) In defraying the expenses of management and maintenance of the undertaking including the annual costs charges and expenses of providing and supplying gas the expenses of manufacturing residual products and the payment of any feu duties ground annuals casualties taxes rates assessments and public burdens exigible in respect of any lands or property forming part of the undertaking;

(Secondly) In payment of the annuities to the annuitants and of the interest of money borrowed under the authority of the recited Act;

(Thirdly) In payment of the interest of money borrowed under the authority of this Act;

(Fourthly) In payment of the sums by the recited Act and this Act required to be annually set apart and appropriated for the purpose of the sinking fund;

(Fifthly) In payment of the sum of two hundred and fifty pounds (so long as the same continues payable) provided to be paid by the Corporation to the trustees of the harbour of Aberbrothwick in virtue of the Aberbrothwick Harbour Finance Act 1897;

(Lastly) In payment of the sum which the Corporation are by this Act required to set apart as a contingency and depreciation of works fund.

Amendment of section 63 of recited Act.

18. Section 63 of the recited Act shall be read and have effect as if the fifteenth day of July had been therein inserted in place of the thirty-first day of May and as if the thirty-first day of August had been therein inserted in place of the thirtieth day of June and the said section is hereby amended accordingly Provided that the first audit of the Corporation's books after the passing of this Act shall embrace the period from the thirty-first day of May one thousand eight hundred and ninety-nine to the fifteenth day of July one thousand nine hundred and that in each and every year thereafter the audit shall be for the year ending on the fifteenth day of July in each year.

A.D. 1899.

Costs of Act.

19. The costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Corporation out of the funds and revenues of and applicable to their gas undertaking and the moneys which they are authorised to borrow under the authority of this Act.

Printed by Eyre and Spottiswoode,
FOR
T. Digby Pigott, 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.