CHAPTER ii.

An Act to confirm a Provisional Order under the Burgh Police (Scotland) Act 1892 relating to Arbroath Gas.

[19th December 1946.]

WHEREAS one of His Majesty's Principal Secretaries of State has made the Provisional Order set forth in the schedule hereunto annexed under the provisions of the Burgh Police (Scotland) Act 1892 as read with the Secretaries of State Act 1926 and it is requisite that the said Order should be confirmed by Parliament: 55 & 56 Vict. c. 55. 16 & 17 Geo. 5. c. 18.

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

1. The Provisional Order contained in the schedule hereunto annexed is hereby confirmed. Confirmation of Order in schedule.

2. This Act may be cited as the Arbroath Gas Order Confirmation Act 1946. Short title.

SCHEDULE.

ARBROATH GAS.

PROVISIONAL ORDER.

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

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

And whereas by the Arbroath Corporation Gas Act 1871 the undertaking of the Arbroath Gas Light Company was vested in the magistrates and town council of the burgh (in the said Act and hereinafter referred to as "the Corporation") and the Corporation were inter alia authorised to supply gas in the town of Arbroath and the suburbs thereof and places adjacent thereto within the boundaries of the parliamentary burgh of Arbroath and by agreement to certain parishes outwith the burgh and the Corporation were authorised to borrow moneys not exceeding twenty thousand pounds for the purposes of the said Act:

And whereas by the Arbroath Corporation Gas Act 1899 further powers were conferred on the Corporation and the Corporation were authorised to borrow further moneys for the purposes of their gas undertaking not exceeding the sum of fifteen thousand pounds:

And whereas the town council of Aberbrothock or Arbroath (hereinafter referred to as "the Corporation") came in place of the magistrates and town council of the burgh:

And whereas by the Arbroath Corporation Gas Order 1912 further powers were conferred on the Corporation and the Corporation were authorised to borrow further moneys for the purposes of their gas undertaking not exceeding the sum of fifteen thousand pounds:

And whereas the Corporation have from time to time in pursuance of their powers under the said Acts and Order borrowed for the purposes of their gas undertaking sums aggregating thirty-nine thousand nine hundred and seventy pounds and the unexhausted borrowing powers of the Corporation under the said Acts and Order for gas purposes amounted as at the sixteenth day of May one thousand nine hundred and forty-five to the sum of ten thousand and thirty pounds:

And whereas the demand for gas by domestic and industrial consumers has increased and is increasing necessitating the erection of additional vertical retorts the replacement of a disused gas holder by a holder of greater capacity additional gas mains and for the general purposes of the Corporation's gas undertaking:

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

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

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

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

Short title and citation.

1. This Order shall be cited as the Arbroath Gas Order 1946.

The Arbroath Corporation Gas Acts 1871 to 1912 and this Order may be cited together as the Arbroath Gas Acts 1871 to 1946.

Power to borrow for gas undertaking.

2.—(1) In addition to the sums which the Corporation are already authorised to borrow under the Arbroath Corporation Gas Acts 1871 to 1912 for the purposes of their gas undertaking the Corporation may borrow for additional vertical retorts a new gas holder additional gas mains and for the general purposes of the gas undertaking of the Corporation any sum not exceeding the sum of one hundred thousand pounds and section 4 (Power to borrow) of the Arbroath Corporation Gas Order 1912 shall as from the passing of the Act confirming this Order be read as if the words one hundred and fifteen thousand pounds had been inserted therein instead of the words fifteen thousand pounds.

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

Application of moneys borrowed.

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

Repayment of moneys borrowed.

4.—(1) Any moneys borrowed under the authority of subsection (1) of section 2 of this Order shall be repaid by way of sinking fund or by equal yearly or half-yearly instalments of principal or of

principal and interest combined within the following periods from the dates of borrowing:—

Money borrowed for vertical retorts	Within thirty years.
Money borrowed for gas holder	Within thirty years.
Money borrowed for gas mains	Within thirty years.
Money borrowed for general purposes of the gas undertaking	Within such period (not exceeding forty years) as may be prescribed by the Secretary of State.

(2) In relation to any moneys so borrowed the provisions of subsection (2) of section 10 and of section 11 of the Arbroath Corporation Gas Order 1912 shall subject to the foregoing subsection apply in any case in which the Corporation shall repay by way of sinking fund.

Saving for restrictions on borrowing.

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

Costs of Order.

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

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

L.S.

(Signed) J. WESTWOOD.

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and
King's Printer of Acts of Parliament

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(P. 5377)