CHAPTER lii.

An Act to authorise the Ashford Urban District Council to supply Gas and to provide for the transfer of the Undertaking of the Ashford Gas and Coke Company Limited to the said Council and for other purposes. A.D. 1897.

[3rd June 1897.]

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

And whereas the Ashford Gas and Coke Company Limited (in this Act called "the company") was formed in the year one thousand eight hundred and sixty-five for the purpose of supplying with gas the town of Ashford and the places adjoining thereto and such company was subsequently registered under the Companies Act 1862:

And whereas the share capital of the company consists of twenty thousand seven hundred pounds divided into thirteen hundred and eighty shares of ten pounds each and thirteen hundred and eighty shares of five pounds each the whole of which have been subscribed and fully paid up and the company have borrowed on mortgage three thousand pounds and on debenture bonds four thousand eight hundred pounds:

And whereas the company have erected gasworks upon the land described in the schedule to this Act or some portion thereof and are now supplying gas within the district of the Council and parts of the district adjoining thereto:

And whereas it has been agreed between the company and the Council and it is expedient that the undertaking of the company should be transferred to and vested in the Council for the consideration and on and subject to the terms and conditions in this Act mentioned and it is also expedient that further powers should be conferred upon the Council with respect to the supply of gas within the limits prescribed by this Act and that the Council

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should be empowered to extend and improve the existing gasworks of the company to meet the growing demands of the inhabitants within the said limits:

And whereas an absolute majority of the whole number of the Council at a meeting held on the twenty-second day of June 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 Kent County Examiner a local newspaper published and circulating in the district of the Council 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 fund or rate of the district:

And whereas such resolution was published twice in the Kent County Examiner 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 Council at a further special meeting held in pursuance of a similar notice on the sixth day of January one thousand eight hundred and ninety-seven being not less than fourteen days after the deposit of the Bill for this Act in Parliament:

And whereas the owners and ratepayers of the 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:

And whereas the objects aforesaid 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 Ashford Urban District Gas Act 1897.

Incorporation of Acts.

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):—

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 except section 38 relating to accounts):

And the Gasworks Clauses Act 1871 (except section 7 relating to shareholders section 8 relating to the appointment of a receiver and

section 35 relating to accounts &c.) shall apply to the gas undertaking of the Council.

Interpretation of terms.

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—

The expressions "the undertakers" and "the company" mean the Council:

And in this Act unless the context otherwise requires—

The expression "the undertaking of the company" includes all the gasworks engines mains pipes and machinery lands and buildings plant fixed and movable stock-in-trade gas coal and other stores and all other the real and personal property assets and effects of whatever nature and all the rights powers and privileges vested in or belonging to or had or enjoyed by the company at the date of the transfer of the undertaking of the company to the Council under the provisions of this Act except the books and papers relating exclusively to the shareholders in and the constitution of the company;

"The district" means the urban district of Ashford in the county of Kent;

"The district fund" and "general district rate" mean respectively the district fund and the general district rate of the district:

And the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or the Acts wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Company to sell their undertaking to the Council.

4. The company shall sell and the Council shall purchase the undertaking of the company for the consideration and upon and subject to the terms and conditions following (that is to say):—

(1) The consideration shall be (*a*) the payment by the Council to the company of a sum in gross equivalent to twenty-four years purchase of the maintainable profits of the company the amount of such profits to be settled in case of difference by J. Shiress Will as sole arbitrator (*b*) the payment by the Council to the company of a sum to be agreed or determined by valuation for the stock-in-trade of the company as it stands on the thirtieth day of June one thousand eight hundred and ninety-seven (*c*) the

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payment by the Council to the company of the sum of five hundred pounds towards the expenses incurred by them in connexion with the Bill promoted by the company in the present session (*d*) the taking over and payment by the Council of the mortgage and debenture debt of the company amounting to seven thousand eight hundred pounds and of all interest accruing thereon after the said thirtieth day of June (*e*) the payment by the Council to John Morton the present manager of the company by equal quarterly payments in each year from the date of his retirement on account of age accident causing permanent injury or ill-health or of his dismissal from the service of the Council (unless he shall be dismissed for misconduct) of an annuity of one hundred and eighty-three pounds six shillings and eight pence during the remaining term of his life :

(2) In the event of such arbitration as aforesaid taking place neither the company nor the Council shall be represented by more than one counsel or be entitled to call more than two expert witnesses and all costs of the arbitration and of the company in connexion therewith (except only the expenses of witnesses not being expert witnesses who are called by the company) shall be borne and paid by the Council :

(3) The company shall be entitled to and shall retain all sums standing to their credit at any bank or otherwise and all sums standing to the credit of their reserve fund and all cash in hand and shall also be entitled to receive and recover all debts accruing due to the company up to the said thirtieth day of June :

(4) Up to the said thirtieth day of June the company shall maintain their works and carry on their business as usual and shall pay and satisfy all debts and liabilities which in the ordinary course of business ought to be paid and satisfied up to and inclusive of that day and as from the said thirtieth day of June until the date of the transfer the company shall maintain and carry on their works and business at the cost and risk of the Council and the Council shall not exercise any powers of supplying gas until after the transfer :

(5) As from the said thirtieth day of June the Council shall be entitled to the profits from the said works and business and shall pay to the company interest after the rate of four per cent. per annum on the amount of the said sum in gross and on the amount of the sum to be agreed or determined by valuation for the stock-in-trade of the company as from the said thirtieth day of June to the date of the transfer :

(6) The purchase shall be completed and the transfer shall be carried into effect by a proper deed of conveyance truly stating the consideration duly stamped within three months from the date of the award of the arbitrator or at such earlier date as may be agreed in the event of an arbitration not taking place :

(7) In the event of the death unwillingness or inability to act of the said J. Shiress Will the question above referred to him shall be referred to and settled by some other arbitrator to be appointed by the company and the Council or in default of agreement by the president of the Gas Institute.

Receipt for purchase money.

5. The receipt in writing of three of the directors of the company for any sum to be paid to them by the Council shall effectually discharge the Council from the sum so paid and from being concerned to see to the application thereof and from being answerable or accountable for the loss misapplication or non-application thereof and on such payment the company shall forthwith proceed to take the necessary steps for a voluntary winding-up of their affairs Provided that if from any cause the Council are unable to obtain such receipt they may pay the money into the Bank of England in the name of the Paymaster-General for and on behalf of the Supreme Court to an account to be opened in the matter of this Act and a receipt given to the Council by the cashier of the said bank for the money shall have the same effect as the receipt of the said three directors.

Liabilities and actions &c. by or against company.

6. The said mortgage and debenture debt of the company shall be taken over and paid by the Council as herein-before provided and all other debts and liabilities due from or payable by the company (if any) which shall in the ordinary course of business remain at the date of the transfer unpaid or unsatisfied shall as between the company and the Council be paid or satisfied by the Council and if at the time of the transfer any action or proceeding or any cause of action or proceeding is pending or existing by or against or in favour of the company the same shall not abate or be discontinued or in anywise prejudicially affected by reason of the transfer or of anything in this Act but the same may be continued prosecuted and enforced by or against or in favour of the Council as and when it might have been continued prosecuted and enforced by or against or in favour of the company if this Act had not been passed.

Contracts &c. of company to be binding on Council.

7. Except as is by this Act otherwise specially provided all purchases sales conveyances grants assurances deeds contracts bonds and agreements entered into or made and subsisting at the time of

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the transfer and then in force shall be as binding and of as full force and effect in every respect against or in favour of the Council and may be enforced as fully and effectually as if instead of the company the Council had been a party thereto.

Books &c. to remain evidence.

8. All documents books and writings which if the transfer had not been made would have been receivable in evidence in respect of any matter for or against the company shall be admitted in evidence in respect of the same and the like matter for or against the Council.

Copy of Act to be registered.

9. The Council shall forward to the Registrar of Joint Stock Companies a printed copy of this Act and it shall be recorded by him and if such copy is not forwarded within three months from the passing of this Act the Council shall incur a penalty not exceeding two pounds for every day after the expiration of those three months during which the copy is omitted to be forwarded and every penalty shall be recovered summarily.

Gas limits.

10. The limits of this Act for the supply of gas (in this Act referred to as "the gas limits") shall be and include the district of the Council and the parishes of Willesborough Kennington Kingsnorth Great Chart and Sevington all in the county of Kent Provided that the Council shall not without the previous consent of the rural district council of East Ashford under their common seal supply gas in the parish of Sevington or in any part of the parishes of Kennington or Willesborough not at the passing of this Act supplied by the company.

Powers as to construction and maintenance of gasworks &c.

11. Subject to the provisions of this Act the Council may from time to time maintain alter improve enlarge extend and renew or discontinue the existing gasworks upon the lands on which the same are erected or any part thereof and which form part of the lands described in the schedule to this Act with all necessary retorts gasometers receivers drains sewers mains pipes meters lamps lamp-posts burners stop-cocks machinery and other works and apparatus and conveniences and may upon any of the lands aforesaid do all such acts as they may think proper for making and storing gas and for supplying gas within the gas limits and may make store and supply gas accordingly and may manufacture sell provide supply and deal in coal coke culm tar pitch asphaltum ammoniacal oil and all other products or residuum of any materials employed in or resulting from the manufacture of gas and also meters stoves ranges fittings tubes pipes and other articles and things connected with gasworks or with the supply of gas as they may from time to time think fit.

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For protection of South Eastern and London Chatham and Dover Railway Companies.

12. The following provisions for the protection of the South Eastern and London Chatham and Dover Railway Companies shall be in force and have effect:—

(1) In laying down and executing or in effecting the repairs and renewals of any mains pipes or other works over under or in any way affecting the railways lands or property now or hereafter belonging to or used or occupied by either of the above-named railway companies or the bridges approaches or level crossings of such railway company the same shall be done under the superintendence and to the reasonable satisfaction of the engineer of such railway company and only according to plans to be submitted to and in such manner as shall be previously reasonably approved by him and in all things by and at the expense of the Council who also shall restore and make good the roads over any such bridges level crossings and approaches which such railway company are or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Council and all such works matters and things shall be constructed executed and done so as not to cause any injury to such railway railway or other bridges level crossings approaches lands or property or interruption to the passage or conduct of traffic over such railways or at any station thereon All works affecting the permanent way of the railway shall if so required by the railway company be carried out by them under the superintendence of their engineer but at the expense of the Council:

(2) And if any injury to the railway or interruption to the railway traffic shall arise from or be in any way owing to any of the acts operations matters and things aforesaid or the leakage or failure of any such mains pipes or works the Council shall make compensation in respect thereof to such railway company and the amount of such compensation together with full costs shall be recoverable from the Council by all and the same means as any simple contract debt is recoverable:

(3) If any difference shall arise between the Council and either of the said railway companies as to the mode of laying down repairing altering or enlarging their mains pipes or other works under the approaches or lands of the railway company or the facilities to be afforded for the same such difference shall be settled by an engineer to be appointed by the Board of Trade at the request of either party.

For protection of county council of Kent.

13.—(A) Nothing herein contained shall tend to lessen or control any right power or authority now vested in the county council for the county of Kent for repairing altering or rebuilding any bridge

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and the length of roadway adjacent thereto repairable by the inhabitants of the said county which may be crossed by any of the mains pipes or other works of the Council but all such rights powers and authorities shall remain in full force as if this Act had not been passed and the said county council shall not be liable to make any compensation whatever for any damage or injury to the Council by the altering or rebuilding of any such bridge or the lengths of roadway adjacent thereto unless such damage or injury shall be caused by or arise from the negligence or default of the said county council or their contractors agents or servants provided that in altering or rebuilding any bridge or lengths of roadway adjacent thereto nothing shall be done to impede or interfere with the main pipes or other works of the Council for any greater length of time or in any other manner than shall be necessary for the execution of the works and before commencing such alteration or rebuilding one month's notice thereof shall be given to the Council and the said county council shall afford to the Council all necessary and reasonable facilities for enabling them to continue the supply of gas during such alteration or rebuilding.

(b) If any bridge repairable by the inhabitants of the said county upon or along which any main pipe or other work of the Council is laid be altered or rebuilt by the said county council and such alteration or rebuilding shall necessitate the raising sinking or otherwise altering of any of the mains pipes or other works of the Council which shall be placed along any such bridge or main road within the jurisdiction of the said county council the Council shall at their own expense within a reasonable time after being required so to do by notice in writing under the hand of the clerk of the said county council raise sink or alter the same and in default thereof the said county council or their surveyor or any other person acting by their order or under their authority may raise sink or alter the same and the reasonable expense thereby incurred shall be paid by the Council.

(c) Any difference which may arise between the said county council and the Council under this section shall be referred to an arbitrator to be agreed upon by the parties or to be appointed for that purpose by the Local Government Board upon the application of either party and the costs of and incident to the arbitration shall be borne and paid as the arbitrator shall direct.

Power to supply gas apparatus engines &c. for heating motive and other purposes.

14. The 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 Council as may be agreed upon between the Council and the person to or for whom the same are sold supplied let fixed set up altered or removed.

Power to refuse to supply persons in debt for other property.

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

Limiting the price of gas.

16. 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 four shillings per one thousand cubic feet and the Council may charge for gas supplied within the gas limits but outside the district an additional amount not exceeding ten per cent. more than is charged within the district.

Pressure of gas.

17. 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.

Quality of gas.

18. The prescribed number of candles shall be fifteen.

Testing place.

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

Burner.

20. 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 above the top of that glass a six-inch by two-inch chimney shall be

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used or any other method approved for this purpose by the Board of Trade.

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

21. 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.

Period of error in defective meters.

22. In the event of any meter used by a consumer of gas being tested in manner provided by the Sale of Gas Act 1859 and being proved to register erroneously within the meaning of the said Act such erroneous registration shall be deemed to have arisen only during the current and last preceding quarters of the year in which the said meter shall be so tested unless the contrary shall be proved to the satisfaction of the inspector testing the said meter under the said Act.

The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Council in pursuance of the certificate of the inspector shall be paid by or to the Council to or by the consumer as the case may be and shall be recoverable in like manner as gas rents are recoverable by the Council.

Supply of gas in bulk.

23. The Council may enter into and carry into effect agreements with any local authority of any district beyond the gas limits or 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.

Provision for sale of portion of undertaking to other sanitary authorities.

24. If at any time after the passing of this Act any urban or rural district council whose district or any part thereof is within the gas limits give not less than six months notice in writing to the Council of their desire to purchase such portions of the works of the Council (other than the gasworks) as are contained within the district of any such urban or rural district council 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 works (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 urban or rural district council shall purchase the portion of the said works (except as aforesaid) within the district of such urban or rural district council 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 Arbitration Act 1889 and the Council shall apply the proceeds of any sale under this section in discharge of money borrowed under this Act for gas-works purposes Any such purchase shall be deemed to be a purpose 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.

Power to borrow.

25.—(1) The Council may from time to time independently of any other borrowing power borrow at interest any sum or sums of money for the purposes herein-after mentioned (that is to say) :—

(*a*) For the purchase of the undertaking of the company and for paying any sums payable by the Council to the company under this Act and for paying the mortgage and debenture debts of the company and defraying the taxed costs and expenses incident to such purchase and to the transfer of such undertaking to the Council (other than the costs of this Act) such sum as may be required ;

(*b*) For paying the taxed costs and expenses of this Act as herein-after provided the sum requisite for that purpose :

And with the approval of the Local Government Board such further moneys as the Council may require for any of the purposes of this Act.

(2) In order to secure the repayment of the moneys borrowed under this section and the payment of the interest thereon the Council may mortgage or charge the revenue of the gas undertaking of the Council and the district fund and general district rate of the district.

Inquiries by Local Government Board.

26.—(1) 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.

(2) The Council shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries under this section including the expenses 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.

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Mode of raising money.

27. The Council may raise all or any moneys which they are authorised to borrow under this Act either by mortgage or by issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another.

Certain regulations of Public Health Act as to borrowing not to apply.

28. The powers of borrowing money by this Act given shall not be restricted by any of the regulations contained in section 234 of the Public Health Act 1875 and in calculating the amount which the Council may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

Provisions of Public Health Act as to mortgages to apply.

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

Periods for payment off of money borrowed.

30. The Council shall pay off all moneys borrowed by them under this Act within the respective periods (in this Act referred to as "the prescribed periods") following (that is to say):—

As to moneys borrowed for the purpose (*a*) mentioned in the section of this Act the marginal note whereof is "Power to borrow" within a period of forty years from the date or dates of the borrowing of the same;

As to moneys borrowed for the purpose (*b*) mentioned in the said section within a period of ten years from the date or dates of the borrowing of the same;

As to moneys borrowed with the approval of the Local Government Board such period as they may think fit to sanction.

Mode of payment off of money borrowed.

31. The Council shall pay off all moneys borrowed by them under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest or by means of a sinking fund or partly by such instalments and partly by a sinking fund.

Regulations as to sinking fund.

32. 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:—

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":

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 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 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 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 return to Local Government Board with respect to sinking fund.

33. The clerk to the 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 of the clerk if so required by them showing

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the amount which has been paid as an instalment or invested for the purposes 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 the clerk shall be liable to a penalty not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in a summary manner If it appear to the Local Government Board by such return or otherwise that the Council have failed to pay any instalment or to set apart the sum required for the sinking fund under this Act or have applied any portions 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 apply mutatis mutandis to appropriations and annual repayments.

Power to re-borrow.

34. If the Council pay off any part of any money borrowed by them under the powers of this Act otherwise than by means of instalments or appropriations or annual repayments or a sinking fund or out of the proceeds of the sale exchange or disposition of lands or out of fines or premiums on leases or other moneys received on capital account not being borrowed moneys 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 shall have been made and any amounts from time to time re-borrowed shall be deemed to form the same loan as the moneys in lieu of which such re-borrowing shall have been made and the obligations of the Council with respect to the repayment of such moneys shall not be in any way affected by such re-borrowing.

Council not to regard trusts.

35. The Council shall not be bound to 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 in whose name any loan or security for loan stands in the register or books of the Council shall from time to time be a sufficient discharge to the Council in respect thereof notwithstanding any trusts to which such loan or security may be

subject and whether or not the Council have had express or implied notice of any such 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 register or books and the 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 of any such money.

Application of borrowed moneys.

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

Expenses of execution of Act.

37. All expenses incurred by the Council in carrying into execution the provisions of this Act (except such as are to be paid out of borrowed money or are otherwise provided for) shall be paid out of the district fund and general district rate.

Separate account of gas undertaking to be kept.

38. The Council shall keep a separate account of their receipts and expenditure for gasworks purposes on capital and revenue account and the provisions of section 58 of the Local Government Act 1894 shall apply to the accounts of the Council and the accounts of their committees officers and assistants under this Act.

Application of gas revenue.

39. The Council shall apply all money from time to time received by them in respect of their gas undertaking except money borrowed and money derived from the sale of surplus lands or other moneys received on capital account as follows (that is to say) :—

First In payment of the working and establishment expenses and cost of maintenance of their gas undertaking ;

Secondly In payment of the interest on the mortgage and debenture debts of the Company and on moneys borrowed by the Council under this Act for the purposes of their gas undertaking ;

Thirdly In providing the requisite appropriations instalments or sinking funds under this Act in respect of moneys borrowed by the Council for the purposes of their gas undertaking ;

Fourthly In providing a reserve fund for their 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 the like securities as they are herein-before authorised to invest their sinking funds in and accumulating the same at compound interest until the fund so formed amounts to two thousand pounds which fund shall be applicable from time to time to answer any deficiency at any time happening in the income of the Council from their gas undertaking or to meet any extraordinary claim or demand at

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any time arising against the Council in respect of that undertaking and so that if that fund is at any time reduced it may thereafter be again restored to the sum of two thousand pounds and so from time to time as often as such reduction happens;

Fifthly In improving and extending their gas undertaking:

And the Council shall carry to the district fund any balance remaining in any year after retaining or setting aside such a sum as may in the opinion of the Council be required for carrying on their gas undertaking and paying the current expenses connected therewith and shall also carry to the district fund the annual proceeds of the reserve fund when such fund amounts to two thousand pounds.

As to deficiency in receipts.

40. Any deficiency in the revenues or receipts of the Council on account of their gas undertaking shall 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.

Authentication of notices.

41. Where any summons demand or other document under this Act (except a conveyance contract or security) requires authentication by the Council the signature thereof by their clerk shall be a sufficient authentication.

Costs of Act.

42. The costs charges and expenses preliminary to and of and incidental to preparing and obtaining this Act including the costs charges and expenses preliminary to and of and connected with the obtaining of the resolution of owners and ratepayers aforesaid as taxed by the taxing officer of the House of Lords or the House of Commons shall be paid by the Council primarily out of the general district rate but ultimately out of moneys borrowed under the authority of this Act.

The SCHEDULE referred to in the foregoing Act.

Lands on which the existing Gasworks and Gasholders of the Company are erected.

A piece of land situate in the parish of Ashford in the county of Kent containing two and a half acres or thereabouts bounded on the north-east by the South Eastern Railway Company on the south-east by a road called Gasworks Lane and land belonging or reputed to belong to George Elwick Jemmett and William Francis Bond Jemmett on the south-west and north-west by other land belonging or reputed to belong to the said George Elwick Jemmett and William Francis Bond Jemmett.

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