CHAPTER cxxx.

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An Act to amend the Birmingham (Corporation) Gas Act, 1875, with respect to Charges for Gas at Northfield and Yardley, in the county of Worcester; and for other purposes. [21st July 1879.]

27 & 28 Vict. c. ccxxxix.

WHEREAS by the Birmingham and Staffordshire Gas Act, 1864, the powers of the Birmingham and Staffordshire Gaslight Company (in this Act called "the Company") were enlarged, and the limits within which the said Company were empowered to supply gas were defined to include "the several towns, parishes, hamlets, "and places following; (that is to say,)

"Aston-juxta-Birmingham, Birmingham, Darlaston, Edgbaston,
"Handsworth, Harborne, King's Norton, Northfield, Oldbury,
"Rowley Regis, Smethwick, Solihull, Tipton, Walsall, Wednes-
"bury, West Bromwich, and Yardley, in the respective counties
"of Warwick, Stafford, Worcester, and Salop, and the royal
"town and parish of Sutton Coldfield, in the county of
"Warwick";

and by section twelve of the said Act it was provided that the maximum charge for gas supplied by the Company within the said parishes, townships, and places of Northfield, Yardley, and Solihull should be after the rate of five shillings per thousand cubic feet, and that the Company should at all times charge for gas so supplied not less than one shilling more per thousand cubic feet than they were for the time charging in other places within their limits for gas supplied under the like circumstances:

And whereas by the said Act the Company were empowered to sell their undertaking to the mayor, aldermen, and burgesses of Birmingham (in this Act referred to as "the Corporation"), and the Corporation were empowered to purchase the same:

And whereas under and by virtue of an agreement bearing date the seventeenth day of April one thousand eight hundred and

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38 & 39 Vict. c. clxxviii.

seventy-four, and made between the said Company and the Corporation, and of the Birmingham (Corporation) Gas Act, 1875, the whole undertaking of the Company has been transferred to and is now vested in the Corporation:

And whereas by the said last-mentioned Act it was enacted (section thirty-four) that, notwithstanding anything in that Act, the charge for gas supplied by the Corporation outside the borough (except within the parishes, townships, and places of Northfield and Yardley) should be the same as the charge for the time made for gas supplied by the Corporation within the borough in the like circumstances; and that section twelve of the Birmingham and Staffordshire Gas Act, 1864, should, as regards Northfield and Yardley, continue in force; and (section thirty-five) that, notwithstanding anything in that Act, the Corporation should not charge a higher price for gas supplied by them within or without the borough (except within the parishes, townships, and places of Northfield and Yardley) than at the rate of four shillings for one thousand cubic feet:

And whereas it is just and equitable that the charge for gas supplied by the Corporation within the said parishes, townships, and places of Northfield and Yardley should be regulated and limited in like manner in every respect, and should be subject to the same conditions as the charge for gas supplied by the Corporation to other parishes, townships, and places outside the borough of Birmingham and within the limits of the said last-mentioned Act, and that to effect such object the said Act should be amended, and that provisions should be made such as are in this Act contained:

And whereas ten being an absolute majority of the whole number of the sanitary authority of the rural sanitary district of the King's Norton Union, upon which by Order in Council the powers of an urban authority for lighting purposes have been conferred so far as affects the parish of Northfield, being one of the parishes included in the said district, at a meeting held on the fifth day of December one thousand eight hundred and seventy-eight, after ten clear days notice by public advertisement of such meeting and of the purpose thereof in "Aris's Birmingham Gazette," a local newspaper published and circulating in the district, such notice being in addition to the ordinary notice required for summoning such meeting, resolved that that authority should, for the benefit and interest of the inhabitants of the said parish of Northfield, promote the Bill for this Act:

And whereas such resolution was published twice in the "Birmingham Daily Post," a newspaper circulating in the district:

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And whereas the propriety of the promotion of the Bill for this Act was confirmed by ten, being an absolute majority of the whole number of the said sanitary authority, at a further special meeting held in pursuance of a similar notice on the second day of January one thousand eight hundred and seventy-nine, being not less than fourteen days after the deposit of the Bill in Parliament:

And whereas the owners and ratepayers of the said parish of Northfield, by resolution in the manner provided by the third schedule of the Public Health Act, 1875, consented to the promotion of the Bill for this Act: 38 & 39 Vict. c. 55.

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:

Short title.

1. This Act may be cited as the Birmingham Gas (Northfield and Yardley) Act, 1879.

Amending section 34 of 38 & 39 Vict. c. clxxviii.

2. From and after the thirtieth day of September one thousand eight hundred and seventy-nine, section thirty-four of the Birmingham (Corporation) Gas Act, 1875, shall be read and construed as though the words "except within the parishes, townships, and "places of Northfield and Yardley," and also the words "and "section twelve of the Birmingham and Staffordshire Gas Act, 1864, "shall, as regards Northfield and Yardley, continue in force," were not contained therein.

Amending section 35 of 38 & 39 Vict. c. clxxviii.

3. From and after the thirtieth day of September one thousand eight hundred and seventy-nine, section thirty-five of the Birmingham (Corporation) Gas Act, 1875, shall be read and construed as though the words "except within the parishes, "townships, and places of Northfield and Yardley" were not contained therein.

Repealing section 12 of 27 & 28 Vict. c. ccxxxix.

4. From and after the thirtieth day of September one thousand eight hundred and seventy-nine, section twelve of the Birmingham and Staffordshire Gas Act, 1864, shall be and the same is hereby repealed.

Power of sanitary authorities of King's Norton and Solihull to borrow for the purpose of paying

5. The sanitary authority of the rural sanitary district of the King's Norton Union, and the sanitary authority of the rural sanitary district of Solihull respectively (who are herein-after referred to as "the sanitary authorities"), may borrow on mortgage, or in any manner provided by and subject to the provisions of the Local

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expenses of this Act. 38 & 39 Vict. c. 83.

Loans Act, 1875, so much money as may be necessary for defraying the costs, charges, and expenses of this Act, herein-after provided for, and may charge any rate leviable by them as security for the repayment of such money, with interest.

Repayment of sums borrowed.

6. All sums borrowed by the sanitary authorities, or either of them, for the purposes of the last preceding section, shall be repaid by one or more of the methods (including a sinking fund) prescribed by the Local Loans Act, 1875, as the sanitary authorities may see fit, and within a period of twenty years after the same is borrowed.

Annual return to Local Government Board with respect to sinking fund.

7. The respective clerks to the sanitary authorities shall, within twenty-one days after the thirty-first day of December in each year during which any sums are required to be appropriated as instalments, or to be set apart for a sinking fund, 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, showing the amounts which have been appropriated as instalments, or invested for the purpose of such sinking fund during the year next 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 appropriated as instalments, or invested for the sinking fund, and all interest thereon, have been applied during the same period, and the total amount (if any) remaining invested at the end of the year.

If it appears to the Local Government Board by that return or otherwise that the sanitary authorities have failed to appropriate any instalment, or to set apart any sums required for the sinking fund, or have applied any portion of any instalment, or of any money set apart for the sinking fund, or of any sums accumulated by way of interest, to any purposes other than those authorised, the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which default shall have been made shall be paid, set apart, and invested or applied as part of the sinking fund, and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of Her Majesty's High Court of Justice.

Expenses of Act.

8. All the costs, charges, and expenses of applying for, preparing, obtaining, and passing this Act, and preliminary and incidental thereto (including the costs, charges, and expenses of the sanitary authority of the rural sanitary district of the Solihull Union incurred in relation thereto), shall be paid by the sanitary authorities out of the

separate rates herein-after provided for, or out of moneys borrowed under the powers of this Act, in such proportions as the sanitary authorities may by agreement determine, or, failing such agreement, in such proportions as the Local Government Board may determine: Provided always, that all moneys payable by the sanitary authority of the King's Norton Union shall be deemed to be special expenses within the meaning of the Public Health Act, 1875, and shall be chargeable and assessed and levied only upon property liable to such rates as aforesaid within the parish of Northfield, and shall be raised in manner provided by the two hundred and thirtieth section of the Public Health Act, 1875: Provided also, that, so far as respects the said parish of Yardley, the said costs, charges, and expenses shall be deemed to be private improvement expenses, and the rate in respect thereof shall be leviable only upon and paid by the occupiers of those premises in which gas shall at the date of the passing of this Act be consumed, and may be recovered and paid in manner provided by the two hundred and fifty-seventh section of the Public Health Act, 1875; and all such costs, charges, and expenses shall, before the same become chargeable, be taxed by the taxing officer of the House of Lords or of the House of Commons, or by some person authorised by the Local Government Board; and such taxing officer or person aforesaid may, if he think fit, include therein the costs and expenses of the proceedings taken by the sanitary authorities of the rural sanitary district of the King's Norton Union, with a view to comply with the provisions of the Municipal Corporations (Borough Funds) Act, 1872, and the resolution of owners and ratepayers passed in respect to the application for this Act.

35 & 36 Vict. c. 91.

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