CHAPTER xxxviii.

An Act to empower the Urban District Council of Brigg to supply gas and to provide for the transfer of the undertaking of the Brigg Gas Company Limited to the Council and for other purposes. [20th June 1899.] A.D. 1899.

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

And whereas the Brigg Gas Company Limited was formed in the year one thousand eight hundred and thirty-six with a capital of one thousand six hundred pounds divided into sixty-four shares of twenty-five pounds each for the purpose of supplying with gas the township of Glamford Brigg and the surrounding district and such company was subsequently registered under the Joint Stock Companies Act 1862:

And whereas the share capital of the Company now consists of ten thousand pounds divided into four hundred and fifty shares of ten pounds each and five thousand five hundred shares of one pound each:

And whereas the Company have erected gasworks upon the lands described in the schedule to this Act or some portion thereof and are now supplying gas within the district of the Council:

And whereas it is expedient that the gas supply of the district should be in the hands of the Council and that the undertaking of the Brigg Gas Company Limited should be transferred to and vested in the Council in manner provided by this Act and that the Council should be empowered to extend and improve the gasworks in order to meet the growing demands of the inhabitants within the limits of this Act:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

[*Price* 1*s*. 3*d*.]

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And whereas an absolute majority of the whole number of the Council at a meeting held on the sixteenth day of November one thousand eight hundred and ninety-eight after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the North Lindsey Star a local newspaper published and circulating in the district 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 district fund and general district rate:

And whereas such resolution was published twice in the said North Lindsey Star 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 20th day of January one thousand eight hundred and ninety-nine 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:

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):—

PRELIMINARY.

Short title.

1. This Act may be cited as the Brigg Urban District Gas Act 1899.

Incorporation of Acts.

2. The following 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 and form part of this Act (namely):—

The Lands Clauses Acts;

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 with respect to the yearly receipt and expenditure of the Undertakers); and

The Gasworks Clauses Act 1871 (except sections 7 8 and 35 thereof).

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Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction And in this Act unless the subject or context otherwise requires—

"The Council" means the Urban District Council of Brigg;

"The district" means the urban district of Brigg;

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

"The Company" means the Brigg Gas Company Limited;

"Statutory security" means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security (not being annuities rentcharges or securities payable to bearer) authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or of any other local authority as defined by section 34 of the Local Loans Act 1875 other than securities of the Council.

Execution and limits of Act.

4. This Act shall be carried into execution by the Council and the limits of this Act shall be the urban district of Brigg the parishes of Bigby Scawby-with-Sturton and Wrawby and so much of the urban district of Broughton as lies between the river Ancholme and the west side of the road leading from Mill Place to Castlethorpe.

PURCHASE OF UNDERTAKING.

Company to sell their undertaking to Council.

5.—(1) In and for the purposes of this part of this Act the expression "the undertaking of the Company" includes all the gasworks engines mains pipes and machinery lands and buildings plant 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 save and except—

(*a*) The cash balances other than consumers' deposits in the Company's hands or in those of their bankers or agents on the day of the transfer and all sums standing to the credit of their reserve fund and all stock-in-trade and stores; and

(*b*) All rents and profits of and all book and other debts due to the Company and all rates accrued due on the day of the transfer and the books and papers relating exclusively to the shareholders in and the constitution of the Company.

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(2) The Council shall within six months after the passing of this Act by notice in writing under their seal require the Company to sell and transfer to the Council and the Company shall thereupon sell and transfer to the Council the undertaking of the Company for such a sum of money and upon such terms and conditions as may be agreed upon between the Company and the Council or as failing agreement shall be determined by arbitration in manner provided by the Lands Clauses Acts and in the event of such arbitration taking place the arbitrators and umpire shall in settling the amount of compensation to be paid by the Council to the Company have regard to and make allowance for the capacity of the works and plant being in excess of the requirements of the Company and sufficient to meet future requirements.

(3) In addition to the sums to be paid by the Council to the Company under the foregoing provisions of this section the Council shall on or before the first day of January one thousand nine hundred pay to the Company the sum of two hundred pounds towards the costs and expenses incurred by them of and incident to the promotion by them of their Provisional Order and the Council shall also pay all the costs and expenses of and incident to the transfer of the undertaking of the Company and the winding up of the Company.

(4) The Council shall also pay compensation to any officers and servants in the regular employment of the Company who shall not be retained by the Council in the same or similar office or employment and at the salary and on the terms and conditions in at and on which they respectively were employed by the Company at the passing of this Act in respect of any loss of office or diminution of salary or income by reason of the transfer of the undertaking of the Company to the Council the amount of such compensation in default of agreement to be determined by arbitration as aforesaid and no officer or servant who has been in the employment of the Company for twelve years or upwards shall lose his right to compensation as aforesaid by reason of his declining to continue in the service of the Council.

(5) 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 time of the transfer.

(6) The purchase shall be completed and the transfer shall be carried into effect 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) The Council shall pay to the Company such a sum as shall be agreed between them or determined by valuation for the stock-in-trade and stores of the Company as they stand on the day of transfer. A.D. 1899.

On payment of purchase money undertaking to vest.

6. On payment by the Council of the purchase-money in accordance with the provisions of this Act the undertaking of the Company shall by virtue of this Act become and shall thenceforth be transferred to and vested in the Council subject and according to the provisions of this Act and free as between the Company and the Council from all debts and liabilities affecting the same due from or payable by the Company up to the time of such transfer and thenceforth the Council shall have and hold the undertaking which said vesting is in this Act referred to as "the transfer."

Receipt for purchase money.

7. The receipt in writing of three directors of the Company for any money paid to them by the Council shall effectually discharge the Council from the sum which in such receipt shall be acknowledged to have been received and from being bound to see to the application thereof and from being answerable or accountable for the loss misapplication or non-application thereof Provided that if from any cause the Council are unable to obtain such receipt from the Company 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 shall be given to the Council by the cashier of the said bank for the money which shall have the same effect as the receipt of three directors of the Company.

Liabilities and actions &c. by or against Company.

8. All debts and liabilities due from or payable by the Company up to the time of transfer which shall then remain unpaid or unsatisfied shall as between the Company and the Council be paid or satisfied by the Company and the Company shall indemnify the Council against the same and if at the date of the transfer any action arbitration or proceeding or any cause of action arbitration 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 any wise 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 but as between the Company and the Council the Company shall indemnify the Council against any action or proceeding against the Company and shall be entitled to the benefit of any action or proceeding in favour of the Company which shall be pending at the date of transfer.

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Company to pay outgoings and be entitled to receipts until transfer.

9. The Company shall bear and pay all outgoings of every kind and shall receive all rates and other debts due to them and shall be entitled to all receipts from their undertaking up to the date of the transfer Provided that nothing in this Act contained shall entitle the Company to retain for their own benefit so much of any rates or other payments paid or payable in advance as shall be attributable to any period after the transfer but such rates or other payments shall be apportioned and so much thereof as is attributable to any period after the transfer shall be paid over by the Company to the Council.

Contracts of Company to be binding on Council.

10. All agreements contracts conveyances deeds and other instruments affecting the Company and in force at the time of the transfer shall after the transfer be as binding and of as full force and effect 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.

Application of purchase money.

11. The Company shall hold the purchase-money paid to them by the Council under this Act in trust to pay apply and distribute the same amongst the shareholders in the Company according to the amount of the maximum dividend payable to each shareholder and for the purpose of such distribution the several persons whose names shall appear in the books of the Company at the date of the transfer to be the proprietors of shares therein shall unless the contrary be proved to the satisfaction of the directors be considered to be shareholders of the Company and the receipt in writing of such persons or of their executors or administrators or of the committee or guardian of the estate of any of such persons who shall be an idiot lunatic or minor shall be an effectual discharge to the Company and the directors thereof for the money therein expressed to be received and shall exonerate them from any obligation affecting the share or interest in respect whereof that money is paid.

Payment into court by directors.

12. When the directors of the Company are for six months after the transfer unable after diligent inquiry to ascertain the person to whom any part of the purchase-money of the Company's undertaking is payable or where any part thereof is payable to a person by or on behalf of whom an effectual receipt cannot be given or on account of any other reasonable cause the directors may pay the same into the Supreme Court or if not exceeding five hundred pounds into the County Court of Lincolnshire holden at Brigg under any Act for the time being in force for the relief of trustees and every such payment into Court shall conclusively discharge the

Company and directors from all further liability with respect to the money so paid.

Books &c. to remain evidence.

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

Maintenance of undertaking by Company till transfer.

14. Until the transfer the undertaking of the Company shall be maintained and carried on by the Company as heretofore in the ordinary course of business but the Company shall not without the previous consent of the Council under the hand of the clerk make or enter into any contract agreement or obligation except such as shall be in the ordinary course of the maintenance of the works and the proper conduct of the undertaking.

Copy of Act to be registered.

15. 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 recoverable summarily.

MAINTENANCE OF GASWORKS AND SUPPLY OF GAS.

Powers as to construction and maintenance of gasworks.

16. Subject to the provisions of this Act the Council may maintain alter improve enlarge extend and renew or discontinue the gasworks for the time being belonging to them by virtue of this Act upon the lands on which the same are erected or any part thereof and which are described in the schedule to this Act and they may also erect lay down provide and maintain alter improve enlarge extend and renew or discontinue additional and other gasworks retorts gasometers condensers scrubbers exhausters purifiers gasholders tanks receivers drains sewers mains pipes meters lamps lamp-posts burners stop-cocks machinery and other works and apparatus and conveniences and may do all such acts as they may think proper for making and storing gas and for supplying gas within the limits of this Act and may make store and supply gas accordingly and may manufacture produce sell provide supply and deal in coke tar pitch asphaltum ammoniacal oil and all other products or residuum of any materials employed in or resulting from the manufacture of gas.

Power to purchase lands by agreement.

17. The Council may for the purposes of their undertaking purchase take and hold (by agreement but not otherwise) in addition

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Gas not to be manufactured except on lands scheduled.

to the lands described in the Schedule to this Act any lands and hereditaments not exceeding in the whole five acres which the Council may require for the purposes of their works and undertaking but the Council shall not create or permit a nuisance on any such lands and no lands shall be used by the Council for the purpose of manufacturing gas or residual products except the lands described in the schedule to this Act.

Restriction on taking houses of labouring class.

18.—(1) The Council shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

(2) If the Company acquire or appropriate any house or houses under the powers by this Act granted in contravention of the provisions of this section they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the Court may if it think fit reduce such penalty.

(3) For the purposes of this section the expression "labouring class" means mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Power to sell lands.

19. The Council may sell lease and dispose of any lands acquired by or vested in them under this Act and not for the time being required for the purposes thereof.

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

20. The Council may purchase provide supply sell let for hire and otherwise deal in and fix set up alter repair remove and refix and shall not manufacture 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 buildings the cooking of food and for all other purposes for which gas can or may be used and may provide all materials and do all work necessary or proper in that behalf 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 repairing or removing of such meters fittings engines stoves ranges pipes and other apparatus and appliances articles and things as aforesaid and for securing (both as regards the consumer and third parties) 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 repaired or removed The engines stoves ranges pipes fittings and other apparatus appliances articles and things let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent nor to be taken in execution under any process of a court of law or equity or any proceedings in bankruptcy against the persons in whose possession the same may be Provided that such engines stoves ranges pipes fittings apparatus appliances articles and things have upon them a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Council as the actual owners thereof.

Supply of gas for other than lighting purposes.

21. The Council may supply gas for heating cooking motive power warming ventilating and other purposes and for the particular requirements of any trade industry manufacture or business and may do all things needful therefor on such terms and conditions in all respects as may be agreed between the Council and the person to whom such supply shall be given.

Power to lay pipes in streets not dedicated to public use.

22. The Council may upon the application of the owner or occupier of any premises abutting on or being erected in any street laid out or made but not dedicated to the public use within the limits of this Act supply such premises with gas and may lay and repair take up alter relay and renew in across or along such street such pipes as may be requisite or proper for furnishing such supply and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes so far as they are applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof.

Limiting price of gas.

23. 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 thousand cubic feet for gas supplied within the district of the Council and five shillings per one thousand cubic feet for gas supplied outside the district of the Council.

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Pressure of gas.

24.—(1) 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.

(2) Any gas examiner appointed under the Gasworks Clauses Act 1871 may subject to the terms of his appointment 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.

25. The prescribed number of candles shall be not less than fifteen.

Testing place.

26. Within six months from the transfer a testing place or testing places shall be provided at some convenient part or parts of the gasworks of the Council or at the offices of the Council.

Burner.

27. The prescribed burner shall be an Argand twenty-four hole burner with a seven-inch chimney or any other burner or chimney approved for this purpose by the Board of Trade on the application of the Council.

Prepayment in certain cases.

28. Where the Council deem it necessary so to do they may require prepayment for gas required to be supplied for a period of six months or any shorter period and in such case may refuse to supply gas unless the estimated cost thereof for such period as the Council may fix be prepaid and at the end of each such period the Council shall be paid or shall repay any excess or deficiency of money actually payable for gas so supplied and the Council shall pay or allow interest at the rate of not less than four per centum per annum on every sum of ten shillings so prepaid during such period as aforesaid.

Council to pay interest on money deposited as security for meters.

29. If any person is required by the Council to give to them security for the payment of the price or rent of a meter the Council shall pay interest at 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.

No penalty in case of unavoidable cause.

30. No penalty shall be incurred by the Council for neglect or refusal to give a supply of gas in accordance with the provisions of this Act or for insufficiency of pressure defect of illuminating power or excess of impurity in the gas supplied by them in any case in respect of which the court having cognisance of the case are of opinion that such neglect refusal insufficiency defect or excess was caused by circumstances beyond the control of the Council or was of so slight or unimportant a character as not materially to affect the value of the supply.

Council may contract with local authority and others for supply in bulk.

31. The Council may contract with any local authority company or person beyond the limits of this Act (but only with the consent of any local authority company or person authorised by special Act or Provisional Order confirmed by Parliament to supply gas within the district within which the supply is to be given) for the supply to them respectively of gas in bulk upon such terms and conditions and for such periods not exceeding in any case seven years from the making of the contract as shall be agreed upon.

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

32. If a person requiring a supply of gas for any premises occupies or has occupied other premises at which gas was supplied to him by the Council and has not paid all gas or meter rent or other moneys due from him to the Council they may refuse to furnish to him a supply of gas for such first-mentioned premises until he pays the same.

Gas consumers to give notice before removing.

33. Twenty-four hours' notice in writing shall be given to the Council by every gas consumer before he shall quit any premises supplied with gas by meter by the Council and in default of such notice the consumer so quitting shall be liable to pay to the Council the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such premises shall require the Council to supply gas to such premises whichever shall first occur Notice of the effect of this enactment shall be endorsed upon every demand note for gas rent.

Notice of discontinuance.

34. A notice to the Council from a consumer for the discontinuance of a supply of gas shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the Council.

Period of error in defective meters.

35. 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 first arisen

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during the then last preceding quarter of the year unless it be proved to have first arisen during the current quarter and the amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Council shall be paid by or to the Council to or by the consumer as the case may be.

Dwelling houses for persons in employ of Council.

36. The Council may maintain and erect dwelling-houses for persons employed by them for the purposes of their gas undertaking upon the lands for the time being belonging to or leased by the Council.

Power to inspect gas fittings in new buildings.

37.—(1) Every person intending to lay down or fix any pipes or other fittings for the supply or distribution of gas by the Council in any new building within the limits of this Act which are intended to be covered over shall before such pipes or fittings are covered over give to the Council forty-eight hours' notice in writing specifying the situation of such building and any officer of the Council duly appointed for that purpose may before the expiration of such notice enter such building between the hours of ten in the forenoon and five in the afternoon and inspect such pipes and fittings and may by order in writing prohibit any such as by reason of improper arrangement inferior workmanship or insufficiency in size or material will in the opinion of such officer be dangerous by allowing the escape of gas and if any person shall fail to give such notice as aforesaid or shall refuse entry to such officer into such building within the time and for the purpose aforesaid or shall prevent him from making such inspection or shall not to the reasonable satisfaction of such officer make such alteration in the pipes and fittings as he may reasonably require the Corporation shall not be bound to furnish to such person a supply of gas for such building.

(2) Any person aggrieved by any order made under this section may appeal to a court of summary jurisdiction within seven days after the date of the said order provided he gives twenty-four hours' notice of such appeal and of the grounds thereof to the town clerk.

(3) Notice of the provisions of this section shall be given by advertisement published three times in a local newspaper published or circulated within the limits of this Act.

Provisions for sale of portions of gas undertaking to other sanitary authorities.

38. If at any time after the passing of this Act any local authority whose district is beyond the district of the Council but as to the whole or any part thereof within their limits for the supply of gas shall give not less than six months' notice in writing to the Council of their desire to purchase such portion of the gasworks and plant of the Council as is contained within the district of

any such local authority 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 portion of the gasworks and plant of the Council (except the mains and pipes or other apparatus which shall be necessary for supplying with gas any other part of the limits of the Council for the supply of gas) and to supply gas within such district then it shall not be lawful for the Council to 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 local authority shall purchase the portion of the gasworks and plant of the Council (except as aforesaid) within the district of such local authority 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 Lands Clauses Acts Any such purchase shall be deemed to be a purpose of the Public Health Act 1875 except so far as the same may be otherwise provided for by Parliament The Council shall apply the proceeds of any sale under this section in the same manner as they are required to apply money received from sales of land under this Act Provided that after the completion of such purchase all obligations on the part of the Council to supply gas within the district of the purchasing authority shall cease and determine.

FINANCE AND MISCELLANEOUS.

Power to borrow.

39.—(1) The Council may independently of any other borrowing power borrow at interest money for the following purposes (that is to say) :—

(*a*) For the purchase of the undertaking of the Company and defraying the costs charges and expenses incident to such purchase (other than the costs of this Act) the sums requisite for those purposes ;

(*b*) For the extension and improvement of the gas undertaking of the Council and for working capital the sum of ten thousand pounds ;

(*c*) For paying the 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 or otherwise in relation to the gas undertaking of the Council.

(2) In order to secure the repayment of the moneys borrowed under this section and the payment of the interest thereon the Council may primarily mortgage or charge the revenue of the gas

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undertaking of the Council and if they think fit in addition the district fund and general district rate of the district.

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

40. 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.

Mode of raising money.

41. The Council may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the 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 or others Provided that the provisions contained in the section of this Act whereof the marginal note is "Sinking fund" shall apply to sinking funds formed for the repayment of moneys borrowed under the Local Loans Act 1875 instead of the provisions of section 15 of that Act.

Provisions of Public Health Act as to mortgages to apply.

42. Sections 236 to 238 of the Public Health Act 1875 (as to the form register and transfer of mortgages) shall extend and apply to mortgages granted under this Act.

Periods for repayment of money borrowed.

43. The Council shall pay off all money 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 money borrowed for the purposes (*a*) and (*b*) mentioned in the section of this Act the marginal note whereof is "Power to borrow" within forty years from the date or dates of the borrowing of the same;

As to money borrowed for the purpose (*c*) in the said section mentioned within 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 within such period as that Board may prescribe:

Provided that the Council shall not be bound to commence the payment off of money borrowed for the said purposes (*a*) and (*b*) until the expiration of one year from the date or dates of the borrowing of the same.

Mode of payment off of money borrowed.

44. The Council shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or others of them and subject to the provisions of this Act the payment of the first instalment or the

first payment to the sinking fund shall be made within one year from the date of borrowing the sum in respect of which the payment is made.

Sinking fund.

45.—(1) If the Council determine to repay by means of a sinking fund any moneys borrowed by virtue of this Act such sinking fund shall be formed and maintained either—

(*a*) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed A sinking fund so formed is herein-after called a non-accumulating sinking fund; or

(*b*) By payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed A sinking fund so formed is herein-after called an accumulating sinking fund.

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in statutory securities the Council being at liberty from time to time to vary and transpose such investments.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Council towards the equal annual payments to the fund.

(4) The Council may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed Provided that in the case of an accumulating sinking fund the Council shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5) (*a*) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any deficiency shall be made good by the Council:

(*b*) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum

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on which the annual payments to the fund are based any such excess may be applied towards such annual payments.

(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Act shall be paid by the Council in addition to the payments provided for by this Act.

(7) If it appears to the Council at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating sinking fund) will probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Council to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose Provided always that if it appears to the Local Government Board that any such increase is necessary the Council shall increase the payments to such extent as the Board may direct.

(8) If the Council desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Council may reduce the payments to be made to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Local Government Board be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed.

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be sufficient to repay the loan in respect of which it is formed within the prescribed period the Council may with the consent of that Board discontinue the annual payments to such sinking fund until the Local Government Board shall otherwise direct.

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose as the Council with the consent of the Local Government Board may determine.

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Protection of lender from inquiry.

46. A person lending money to the Council under this Act shall not be bound to inquire as to the observance by the Council of any provisions of this Act or be bound to see to the application or be answerable for any loss mis-application or non-application of the money lent or of any part thereof.

Council not to regard trusts.

47. The Council shall not be bound to see to the execution of any trust whether express 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 of mortgages of the Council shall be 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 any interest thereon not entered in their register.

Power to re-borrow.

48. If the Council pay off any moneys borrowed by them under this Act otherwise than by instalments or by means of a sinking fund or out of the proceeds of the sale of land or other property or out of fines or premiums on leases or out of other moneys received on capital account not being borrowed moneys they may re-borrow the same but all moneys so re-borrowed shall be repaid within the prescribed period and shall be deemed to form the same loan as the moneys originally borrowed and the obligations of the Council with respect to the repayment of the loan and to the provision to be made for such repayment shall not be diminished by reason of such re-borrowing.

Annual return to Local Government Board.

49.—(1) The clerk of the Council shall within twenty-one days after the thirty-first day of March in each year during which any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of 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 if so required by them showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment of the sum accumulated by way of compound interest

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has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of any wilful default in making such return the clerk of the Council shall be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court.

(2) If it appear to the Local Government Board by that return or otherwise that the Council have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required by this Act for any sinking fund or have applied any portion of any sinking fund to any purpose other than those authorised the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default shall have been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

Application of money borrowed.

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

Proceeds of sale of surplus lands.

51. The proceeds of the sale of any lands acquired by the Council under the powers of this Act and the fines and premiums received by the Council on the lease of any such lands shall be distinguished as capital in the accounts of the Council and shall be applied in discharge of any moneys borrowed by the Council under the powers of this Act but shall not be applied to the payments of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board and borrowed money discharged by the application of such proceeds shall not be re-borrowed.

Application of revenue.

52. The Council shall apply all money 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 moneys borrowed by the Council for the purposes of their gas undertaking ;

Thirdly In providing the requisite appropriations instalments or sinking fund payments in respect of moneys borrowed by the Council for the purposes of their gas undertaking ;

Fourthly In extending improving and constructing (if the Council think fit) any works for the purposes of their gas undertaking;

Fifthly In providing a reserve fund (if the Council think fit) by setting aside such money as they think reasonable and investing the same and the resulting income thereof in statutory securities and accumulating the same at compound interest until the fund so formed amounts to one-fifth of the aggregate capital expenditure for the time being upon the gas undertaking of the Council which fund shall be applicable 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 any time arising against the Council in respect of that undertaking and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed limit and so from time to time as often as such reduction happens Provided that resort may be had to the reserve fund under the foregoing provisions although such fund may not at the time have reached or may have been reduced below the full amount of one-fifth of the said aggregate capital expenditure:

And the Council shall carry to the district fund so much of any balance remaining in any year of the income of their gas undertaking (including the interest on the reserve fund when such fund amounts to one-fifth of the said aggregate capital expenditure) as may in the opinion of the Council not be required for carrying on improving or extending their gas undertaking and paying the current expenses connected therewith.

As to deficiency in receipts.

53. Any deficiency in the revenue of the Council on account of their gas undertaking shall be made good out of the general district rate made next or next but one after each such deficiency is ascertained.

Expenses of execution of Act.

54. Any expenses of the execution by the Council of this Act with respect to which no other provision is made may be defrayed by the Council out of the district fund and general district rate.

Audit of accounts.

55. The accounts of receipts and expenditure of the Council under this Act shall be audited examined and published in like manner and with the same consequences as the other accounts of the Council are audited examined and published under the Public Health Act 1875.

Inquiries by Local Government Board.

56.—(1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in

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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 referred to in 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.

Costs of Act.

57. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Council and may be paid in the first instance out of any moneys in their hands but shall be charged to and recouped by the moneys which the Council are authorised to borrow under the powers of this Act.

The SCHEDULE referred to in the foregoing Act.

Lands upon which or parts of which the existing works of the Company are erected situate in the district and consisting of :—

A piece of land situate in the township of Glamford Brigg in the county of Lincoln containing three roods thirty-two perches or thereabouts bounded on the north and east by a field belonging or reputed to belong to Valentine Dudley Henry Cary-Elwes Esquire and in the occupation of Frederick Henry Grassby on the south in part by property or reputed property of Messrs. Spring and Company Limited and in the remaining part by property or reputed property of Matthew Henry Allbones and on the west by the towing path of the Ancholme Drainage and Navigation Commissioners.

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