CHAPTER xxx.

An Act to confirm a Provisional Order under the Burgh Police (Scotland) Act 1892 relating to Broughty Ferry Gas Supply and Paving. [20th June 1899.]

A.D. 1899.

WHEREAS Her Majesty's Secretary for Scotland has made the Provisional Order set forth in the schedule hereunto annexed under the provisions of the Burgh Police (Scotland) Act 1892 and it is necessary that the said Order should be confirmed by Parliament:

55 & 56 Vict. c. 55.

Be it therefore 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:—

Confirmation of Order in schedule.

1. The Provisional Order contained in the schedule hereunto annexed shall be and the same is hereby confirmed.

Short title.

2. This Act may be cited as the Broughty Ferry Gas and Paving Order Confirmation Act 1899.

A.D. 1899.

SCHEDULE.

PROVISIONAL ORDER.

WHEREAS by the Burgh Police (Scotland) Act 1892 it is inter alia provided (Section 45) that whenever it shall appear to the Commissioners of any Burgh to which that Act applies that they require additional powers for the better carrying out of the purposes of that Act and specially powers relating to the supply of gas or water or to the roads and streets or to drainage or sewers or the utilisation of sewage in addition to the powers conferred by the Public Health Acts or for the repeal or amendment of any local Acts of Parliament relating to such subjects or their adaptation and adjustment to the provisions of the Acts now in recital or for the other purposes therein mentioned they may apply to the Secretary for Scotland for a Provisional Order and (Section 46) that after such inquiry as the Secretary for Scotland may direct it shall be lawful for him to issue a Provisional Order either in accordance with the prayer of the application or with such modifications or alterations as may appear to him to be requisite but no Provisional Order shall be of any validity unless the same has been confirmed by Act of Parliament:

And whereas the said Burgh Police (Scotland) Act 1892 is in force within the said Burgh of Broughty Ferry:

And whereas by the Broughty Ferry Commissioners Gas Act 1870 the supply of gas to the Burgh of Broughty Ferry and the suburbs thereof was vested in the Commissioners of Police of the Burgh and the property powers rights and privileges of the Broughty Ferry Gaslight Company were transferred to and vested in the said Commissioners who were authorised to maintain improve or alter the gasworks thereby transferred to and vested in them and to erect new works and to manufacture gas and to supply gas for the purpose of lighting the streets and public places within the Burgh of Broughty Ferry and to supply gas to the inhabitants' houses buildings works and premises within the limits of the Act and to do all such acts as the Commissioners should consider necessary for these purposes and to purchase land and to exercise all other powers necessary for carrying out the purposes of that Act and the said Commissioners were by the same Act empowered to borrow for the purpose of carrying the purposes thereof into execution any money not exceeding the sum of eight thousand pounds on the security of the undertaking thereby vested in them and of the works and property to be constructed and acquired and also of the several rates and charges leviable by them under the provisions of the said Act in security of the payment of the money so borrowed and interest thereon and the said Act directed that the said Commissioners should "after the "expiration of one year from the passing of the said Act set apart as a sinking

" fund a sum of not less than one hundred pounds per annum and such sinking " fund should from time to time be applicable to the redemption of mortgages " and annuities and to no other purpose and should be lodged in any of the " banks of Scotland incorporated by Act of Parliament or Royal Charter or " invested in Government securities or lent out at interest in name of the " Broughty Ferry Gas Commissioners and at the discretion of the Com- " missioners until the same should be applied to the purposes before specified :"

And whereas by the General Police and Improvement (Scotland) Act 1862 Order Confirmation (Broughty Ferry) Act 1880 it was declared that—

" From and after the passing of the Act confirming this Order the fifty-first " section of the Broughty Ferry Commissioners Gas Act 1870 shall " be read as if the words 'fourteen thousand pounds' had been inserted " therein instead of the words 'eight thousand pounds' and the sixty- " second section of that Act shall be read as if the words 'one hundred " and seventy-five pounds' had been inserted therein instead of the " words 'one hundred pounds' and the sixty-fifth section of that Act " shall be construed as if the costs charges and expenses of and " incidental to the preparing for obtaining and confirming this Order or " otherwise in relation thereto were part of the costs for the payment of " which provision is made by that section :"

And whereas the Commissioners of the said Burgh have presented a Petition to me Her Majesty's Secretary for Scotland setting forth the said Acts and that since the passing of the Broughty Ferry Commissioners Gas Act 1870 they have maintained and managed the gas works and from time to time improved and extended the same and have supplied the Burgh and suburbs of Broughty Ferry with gas That the Burgh of Broughty Ferry and suburbs have grown and are steadily growing in size and importance and the demand for gas in the said Burgh of Broughty Ferry and suburbs within the limits of supply has increased and is steadily increasing and that the said Commissioners are now under the necessity in order to meet the demand for gas and to continue the effective lighting of the Burgh and suburbs to expend a considerable sum of money in extending and enlarging their gas works but that their borrowing powers under the said Acts are exhausted and they have no money wherewith to defray the cost thereof and praying for authority to borrow an additional sum of Fifteen thousand pounds :

And whereas it has been represented to me in the said Petition that it is expedient that the said Commissioners should be authorised to borrow such additional sum of money upon the security of the undertaking and works and property and rates and charges and revenues herein-before mentioned and that with these objects the said Broughty Ferry Commissioners Gas Act 1870 should be altered :

And whereas the Broughty Ferry Paving Act 1883 contains provisions with reference to the laying down and forming and maintaining in the said Burgh of Broughty Ferry of gravel footways and kerbstones and gutters and water channels and also with reference to the paving and maintaining of footways

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with flagstones or concrete or other material approved of by the Commissioners and the provision of kerbstones and gutters and water channels and whereas by the said Act certain provisions are made for the taking over of said formed footways and for their maintenance by the Commissioners by means of a special paving assessment to be imposed and levied in terms of section 101 of the General Police and Improvement (Scotland) Act 1862 and whereas the said section 101 of the said General Police and Improvement (Scotland) Act 1862 lays upon the owners of lands and premises in Burghs the burden of maintaining and upkeeping the footways and the said assessment under the Act of 1883 in Broughty Ferry being leviable in terms of said section 101 of the said last-mentioned Police Act falls on the owners of lands and premises within the said Burgh :

And whereas it has been represented to me that the said assessment under the Broughty Ferry Paving Act 1883 for the maintenance of the said footways and kerbstones and gutters and water channels should not be laid upon the said owners of lands and premises but should form part of and be recoverable in the same manner as the Burgh General Assessment under the Police Act of 1892 and that the said Act of 1883 should be altered accordingly :

And whereas due inquiry having been directed and held in respect of the matters mentioned in the said Petition I have resolved to issue a Provisional Order in the terms herein-after expressed :—

Now therefore in pursuance of the powers vested in me by the Burgh Police (Scotland) Act 1892 I as Her Majesty's Secretary for Scotland do by this Provisional Order under my hand and Seal of Office direct that from and after the passing of any Act of Parliament confirming the same—

1. The fifty-first section of the Broughty Ferry Commissioners Gas Act 1870 shall be read as if the words "twenty-nine thousand pounds" had been inserted therein instead of the words "eight thousand pounds."

2. The sixty-second section of the Broughty Ferry Commissioners Gas Act 1870 and the General Police and Improvement (Scotland) Act 1862 Order Confirmation (Broughty Ferry) Act 1880 shall be cancelled and the following provisions shall be substituted therefor The Commissioners shall from and after the passing of the Act confirming this Order set apart annually as a sinking fund the sums following viz. :—

   (*a*) A sum not less than Two Pounds per centum upon the capital value computed at 22½ years' purchase of the perpetual annuities due by the Commissioners as at the date of this Order ;

   (*b*) A sum not less than Two Pounds per centum on the total amount borrowed by the Commissioners in exercise of the borrowing powers conferred upon them prior to the date of this Order ;

   (*c*) A sum not less than Three Pounds per centum upon all monies from time to time borrowed in exercise of the additional borrowing power conferred by this Order :

And such sinking fund shall from time to time be applicable to the redemption of mortgages and annuities and to no other purpose and shall

be lodged in any of the banks in Scotland incorporated by Act of Parliament or Royal Charter or invested in Government Securities or lent out at interest in the name and at the discretion of the Broughty Ferry Gas Commissioners until the same be applied to the purposes before specified.

3. The sixty-fifth section of the said Act of 1870 shall be construed as if the costs charges and expenses of and incidental to the preparing for obtaining and confirming this Order or otherwise in relation thereto were part of the costs for the payment of which provision is made by that section.

4. The Broughty Ferry Paving Act 1883 shall be amended in so far that it is now declared that the cost of maintenance and repair of all formed footways and kerbstones and gutters and water channels in the Burgh of Broughty Ferry taken over by the Commissioners under the powers of the said Act of 1883 shall form part of the Burgh General Assessment and such assessment shall be recoverable in the same manner as the Burgh General Assessment is authorised to be recovered under the Burgh Police (Scotland) Act 1892.

Given under my hand and seal at Whitehall this third day of June one thousand eight hundred and ninety-eight.

(L.S.) Balfour of Burleigh.

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