CHAPTER xxiii.

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An Act to provide for the transfer of the undertaking of the Whitwick and Coalville Gas Company to the Coalville Urban District Council and to authorise that Council to supply Gas and for other purposes.

[6th June 1899.]

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

And whereas the Whitwick and Coalville Gaslight and Coke Company Limited was formed in the year one thousand eight hundred and fifty-nine for the purpose of supplying with gas the parish of Whitwick in the county of Leicester and adjacent parishes and townships including the said urban district and such Company was duly registered under the Joint Stock Companies Acts 1856 and 1857:

And whereas by the Whitwick and Coalville Gas Act 1898 (herein referred to as "the Act of 1898") the Whitwick and Coalville Gaslight and Coke Company Limited was dissolved and the Whitwick and Coalville Gas Company (herein-after referred to as "the company") was incorporated and the gas undertaking and property of the Whitwick and Coalville Gaslight and Coke Company Limited was vested in the company and the company was authorised to supply gas within the limits of that Act as defined by section 4 thereof:

And whereas the share capital of the company consists of fifteen thousand pounds divided as follows namely:—

	£
Capital A Stock - - - -	8,000
Capital B Stock - - - -	2,000
Additional capital - - -	5,000

and the company have borrowed and now owe two thousand five hundred pounds:

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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 parts of the district adjoining thereto:

And whereas by section 70 of the Act of 1898 it is enacted that if the Council shall introduce a Bill into Parliament and bonâ fide promote the same in the next session of Parliament to empower them to purchase the undertaking of the company the company shall not oppose such Bill except in so far as may be necessary in order to secure the insertion therein of clauses to protect their interests with respect to such purchase and for that purpose the company shall be at liberty to petition either or both Houses of Parliament and to appear on such petition by counsel agents and witnesses if they think fit And if the Council obtain an Act authorising such purchase and give a written notice of their intention to purchase within six months of the passing of such Act the company shall at the expiration of such six months sell and transfer and the Council shall purchase and acquire the undertaking property rights and privileges of the company subject to all their existing mortgages obligations and liabilities of the undertaking:

And whereas an absolute majority of the whole number of the Council at a meeting held on the twenty-third day of August 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 Coalville Times 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 Coalville Times 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 twenty-fourth 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

And whereas the objects 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 (that is to say):—

Short title.

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

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);

The Lands Clauses Acts (except the provisions relating to the purchase and taking of lands otherwise than by agreement and section 127 of the Lands Clauses Consolidation Act 1845):

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.

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 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 cash in hand or with their bankers book debts received or due on credit or revenue account and except any profits then to be divided and except

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the books and papers relating exclusively to the shareholders in and the constitution of the company and also except movable stock in trade gas coal and other stores which shall be taken over as in this Act provided at the date of transfer;

"The district" means the urban district of Coalville in the county of Leicester;

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

Limits of Act.

4. The limits of this Act for the supply of gas (in this Act referred to as "the limits of supply") shall be and include the district and the parishes of Thringstone Swannington Ravenstone and Snibstone with Alton Grange and Bardon all in the county of Leicester.

Company to sell their undertaking to Council.

5.—(1) The Council shall within one month of the passing of this Act give a written notice of their intention to purchase the undertaking of the company at the expiration of the half year ending on the thirtieth day of June or the thirty-first day of December respectively which shall first occur after the agreeing of the price or the decision of the arbitrator as the case may be (herein-after called "the date of transfer") and the company shall on that date sell and transfer and the Council shall purchase and acquire the undertaking property rights powers and privileges of the company subject to all then existing mortgages obligations and liabilities of the undertaking.

(2) The sale and purchase shall be for such price or consideration (being a sum in gross) and on 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 accordance with the provisions of the Lands Clauses Acts with reference to the purchase and taking of lands otherwise than by agreement and in the construction of the said provisions the expression "the promoters of the undertaking" shall mean the Council and the expression "lands" shall mean the undertaking of the company Provided that in addition to the sum to be paid by the Council to the company under the foregoing provisions of this section the Council shall pay to the company the actual cost of obtaining the Act of 1898 and the costs and expenses incurred by them of and incident to the winding up of the company and compensation to any officers and servants in the regular employment of the company in respect of any loss of office or diminution of salary or income the amount of such costs and expenses and compensation in default of agreement to be determined by arbitration as aforesaid but the arbitrator shall not in assessing the sum to be paid by the

Council to the company have regard to the fact that the company is incorporated by Act of Parliament. A.D. 1899.

(3) As and from the date of transfer the undertaking of the company shall by virtue of this Act become and be transferred to and shall thenceforth be vested in the Council subject and according to the provisions of this Act and thenceforth the Council shall have and hold the undertaking.

(4) The production of a Queen's Printers' copy of this Act duly stamped together with a receipt for the purchase money purporting to be signed by three directors of the company or by the cashier of the Bank of England shall (unless it be proved that such purchase money has not been paid) be conclusive evidence in all courts and proceedings of the transfer to and vesting in the Council of the undertaking of the company.

Interest on purchase money.

6. If the purchase and other moneys payable by the Council to the company in accordance with the provisions of this Act or any of such moneys be not paid to the company on or before the date of transfer the Council shall pay to the company interest at the rate of five per centum per annum on the moneys so unpaid from the date of transfer until payment thereof.

Council to purchase stock and stores.

7. The Council shall take over all movable stock in trade gas coal and other stores at the date of transfer belonging to the company at such price as failing agreement may be settled by a valuer to be agreed upon or failing agreement to be nominated by the Board of Trade on the application of either party and shall pay for the same within ten days after the date of transfer or in default of such payment shall pay to the company interest on the amount payable in respect of such stores from the expiration of such ten days until the actual payment thereof at the rate of five per centum per annum and the expense of such valuation shall be paid by the Council.

Pending actions &c. against company.

8. If at the date of transfer any action or other proceeding is pending or any cause of action or proceeding is existing against 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 against the Council as and when it might have been continued prosecuted and enforced against the company if this Act had not been passed and the Council shall indemnify the company against all costs thereof.

Contracts of company to be binding on Council.

9. Except as is by this Act otherwise provided all purchases sales conveyances deeds contracts bonds and agreements entered into or made and in force at the date of transfer shall be

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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.

Repeal of company's Act.

10. The Whitwick and Coalville Gas Act 1898 shall as from the date of transfer be repealed.

Maintenance of undertaking of company until transfer.

11. Until the date of 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 to the Council 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.

Mortgage debt to continue charge on undertaking.

12. The mortgage debt of the company and the interest thereon shall after the date of transfer continue to be a charge on the undertaking in the hands of the Council to the same extent and with the same incidents as if this Act had not been passed and as if the Council were substituted for the company in respect of such mortgage debt and the Council shall indemnify and hold harmless the company from all claims and demands in respect thereof.

Receipt for purchase money.

13. The receipt in writing of three of the directors of the company for any money to be paid to the company 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 concerned 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 they may pay the amount under this Act 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 said sum which shall have the same effect as the receipt of such three directors.

Purposes for which company to continue incorporated.

14.—(1) From and after the date of transfer the company shall subsist only for the purpose of paying their debts and liabilities (other than the mortgage debt) and of receiving and recovering the sums payable to the company as provided by this Act and distributing the same and the purchase money and any other moneys payable to the company in accordance with the provisions of this Act and for winding up the affairs of the company and carrying into effect the purposes of this Act so far as they relate to the

company And the directors of the company who are in office at the date of transfer and the survivors or survivor of them shall continue without re-election to hold the office of directors of the company and they or a majority of them shall have full power and authority to take all necessary proceedings for carrying into effect the several purposes of this section :

If the number of directors of the company be reduced by death resignation or otherwise below three before the completion of such winding-up the continuing directors shall from time to time choose a shareholder or shareholders of the company to fill the vacancy or vacancies so caused.

(2) Forthwith after the date of transfer the directors of the company shall proceed to wind up the affairs of the company and after payment of the debts and liabilities of the company (other than the mortgage debt of the company) shall pay and distribute their net moneys to and among the several persons who at the date of transfer are the registered holders of stock or shares in the capital of the company or their respective executors administrators and assigns according to the amount of the maximum dividend payable to each stockholder or 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 transfer to be the proprietors of stock or shares therein shall unless the contrary be proved to the satisfaction of the directors be considered to be stockholders or 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 such person 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 stock shares or interest in respect whereof that money is paid.

(3) When the directors of the company are for six months after the date of transfer unable after diligent inquiry to ascertain the person to whom any money ought to be paid or who can give an effectual receipt for the same they may pay the same into the High Court or if not exceeding five hundred pounds into the county court of Leicestershire holden at Leicester under any Act for the time being in force for the relief of trustees and every such payment shall effectually discharge the company and the directors thereof from all further liability with respect to the money so paid in.

(4) After the date of transfer and until the company shall be finally wound up and dissolved the company shall be entitled to retain the directors' minute books the register of stockholders and

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shareholders and other books relating solely to the holders of stocks or shares in and to the constitution of the company and shall have access at all reasonable times to the other books documents and accounts relating to the transferred undertaking for the purpose of making up the accounts of the company to the date of transfer and for all other reasonable purposes in relation to the winding up of the company.

Dissolution of company.

15. Upon the purposes specified in the last preceding section being fulfilled the company shall ipso facto be dissolved.

Power to take additional lands by agreement.

16. The Council may for any of the purposes of this Act purchase by agreement any lands not exceeding ten acres but the Council shall not create or permit the creation or continuance of any 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.

For protection of London and North Western and Midland Railway Companies.

17. The following provisions for the protection of the London and North Western and Midland Railway Companies (in this section called "the railway companies") shall be in force and have effect:—

In laying down and executing or in effecting the repairs and renewals of any mains pipes or other works upon across over under or in any way affecting the railways or works belonging to or used or worked by the railway companies or either of them or any bridge road or level crossing repairable by such companies or either of them the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the railway company or companies affected and according to plans and sections (where necessary in the opinion of such principal engineer) to be previously submitted to and reasonably approved by him and in all things by and at the expense 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 railways or the structure of such bridges approaches or works or interruption to the passage or conduct of the traffic over such railways or at any station thereon and if any injury or interruption shall arise from or be in any way owing to any of the acts operations matters and things aforesaid the Council shall make compensation in respect thereof to the railway company or companies affected the amount of such compensation to be recoverable from the Council by all and the same means as any simple contract debt is recoverable;

Any difference which may arise between the Council and the railway companies or either of them under this section shall be determined by an arbitrator to be appointed on the application of either party by the Board of Trade.

Restriction on taking houses of labouring class.

18. 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.

If the Council acquire or appropriate any house or houses under the powers by this Act granted in contravention of the foregoing provision 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.

For the purpose 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.

Powers as to maintenance of gasworks &c.

19. From and after the date of transfer and subject to the provisions of this Act the Council may maintain alter improve enlarge extend and renew or discontinue the existing gasworks upon the lands described in the schedule to this Act or any part thereof 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 limits of supply 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.

Power to supply gas apparatus

20. The Council may purchase provide supply sell let for hire and otherwise deal in and fix set up alter remove and refix (but

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engines &c. for heating motive and other purposes.

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 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.

Fittings not to be subject to distress.

Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be Provided that such fittings have upon them respectively 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.

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

21. 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 price of gas.

22. 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 and eightpence per one thousand cubic feet.

Pressure of gas.

23. 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. A.D. 1899.

Quality of gas.

24. The prescribed number of candles shall be fifteen.

Testing place.

25. Within six months from the date of transfer a testing place shall be provided at some convenient part of the gasworks of the Council or within two hundred yards from any part thereof.

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

26. 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.

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

27. The Council may upon the application of the owner or occupier of any premises abutting on or being erected in any street or road laid out or made but not dedicated to public use supply such premises with gas and may lay and from time to time take up alter relay or renew in across or along such street or road such pipes as may be requisite or proper for the 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 and for the protection of pipes when laid so far as they are applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof.

Burner.

28. The prescribed burner shall be Sugg's No. 1 London argand burner with a six-inch by one-and-three-quarter-inch glass chimney or if at any time the gas flame rises above the top of the glass a six-inch by two-inch chimney or such other burner as the Board of Trade may prescribe.

Power to hold licences under letters patent.

29. The Council may take hold and use within the limits of this Act patent rights or licences or authorities (not being exclusive) under any letters patent for the use of any invention relative to the manufacture conversion utilisation or distribution of gas and of such materials and residual products as aforesaid.

Gas consumers to give notice to Council before removing.

30. 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

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premises shall require the Council to supply gas to such premises whichever shall first occur Notice of the effect of this enactment shall be contained in every demand for gas rent.

Prepayment in certain cases.

31. 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 may refuse to supply gas unless the estimated cost thereof for such period as the Council may from time to time fix be prepaid and the Council shall be paid or shall repay any deficiency or excess of money actually payable for gas so supplied at the end of each such period.

Notice to discontinue supply of gas.

32. 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.

33. 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 last preceding quarter of the year in which the said meter shall be so tested unless it shall be proved to have arisen during the then current quarter 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 Notice of the effect of this enactment shall be contained in every demand for gas rent.

Discounts.

34. The Council may if they think fit allow discounts or rebates not exceeding in any case twenty per centum to consumers of gas in consideration of prompt payment of gas rents or of large consumption upon such scale and subject to such conditions and regulations as may be prescribed by the Council Provided that such discounts or rebates shall be of equal amount under like circumstances to all consumers.

Dwelling-houses for workmen.

35. The Council may upon any lands for the time being belonging or leased to them erect fit up maintain and let houses cottages and buildings for the officers and servants employed by the Council for the purposes of their undertaking.

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

36. The Council may contract with any local authority company or persons beyond the limits of supply (but only with the consent in writing of the local authority of and of any company or person supplying gas under parliamentary powers 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.

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

37. If at any time after the date of transfer any local authority whose district or any part thereof is within the limits of supply give not less than six months notice in writing to the Council of their desire to purchase such portions of the gasworks undertaking and plant of the Council as are 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 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 limits of supply) and to supply gas within such district then and in that case the Council shall 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 local authority shall purchase the portion of the said works (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 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 gasworks 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.

38.—(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 debt of the company and defraying the 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 or sums 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.

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(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.

39.—(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.

Mode of raising money.

40. 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 Provided that the section of this Act the marginal note of which is "Regulations as to sinking fund" shall apply to money so raised in lieu of section 15 of the Local Loans Act 1875.

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

41. 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.

42. 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.

43. 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" so far as regards the paying off the mortgage debt of the company within a period of forty years from the passing of this Act and so far as regards the remaining objects of the

purpose (*a*) 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.

44. 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.

45. 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 securities 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:

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(*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.

46. 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 the amount which has been paid as an instalment or invested for the purpose 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 portion 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. A.D. 1899.

Power to re-borrow.

47. 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.

48. 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.

49. 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.

50. 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.

51. 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

A.D. 1899.

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.

52. 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 interest on the mortgage debt 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 and for paying the mortgage debt of the company;

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 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 the 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.

53. 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.

54. 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.

55. 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.

A.D. 1899.

The SCHEDULE referred to in the foregoing Act.

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

The lands situate in the parish of Whitwick in the county of Leicester now belonging or reputed to belong to the company containing one acre two roods and eighteen square yards or thereabouts situate near and to the southward and westward of the junction of the road leading from Whitwick to Coalville with Green Lane and Silver Street Whitwick and which lands are bounded to the northward by the said road leading from Whitwick to Coalville to the westward in part by lands formerly belonging or reputed to belong to Mrs. Stenson but now to Albert Ottey and in part by land belonging or reputed to belong to Thomas Jesson and to the southward in part by lands belonging or reputed to belong to the said Thomas Jesson and in part by lands formerly belonging or reputed to belong to the said Thomas Jesson and Mrs. Branson but now to Edward Matchett and to the eastward partly by Green Lane and partly by lands abutting on that lane belonging or reputed to belong to Frank Crane and by other lands abutting on that lane formerly belonging or reputed to belong to Mrs. Sketchley and now to Charles Spencer.

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