CHAPTER clxxvi.

An Act to confirm a Provisional Order made under the General Police and Improvement (Scotland) Act, 1862, relating to Forfar Gas. [26th August 1880.]

A.D. 1880.

WHEREAS the Right Honourable Sir William Vernon Harcourt, one of Her Majesty's Principal Secretaries of State, made the Provisional Order set forth in the schedule hereunto annexed, under the provisions of the General Police and Improvement (Scotland) Act, 1862:

25 & 26 Vict. c. 101.

And whereas it is necessary that the said Order should be confirmed by Parliament:

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:

Order in schedule confirmed.

1. The Order set forth in the schedule hereunto annexed is hereby confirmed.

Short title.

2. This Act may be cited as the Forfar Gas Amendment Confirmation Act, 1880.

A.D. 1880.

SCHEDULE.

ROYAL BURGH OF FORFAR.

Provisional Order under the General Police and Improvement (Scotland) Act, 1862. (25 & 26 Vict. cap. 101.)

WHEREAS by the General Police and Improvement (Scotland) Act, 1862, it is, inter alia, provided (section 79) that whenever it appears desirable to the magistrates and council or commissioners of police of any royal or parliamentary burgh, or to the commissioners for executing that Act in any burgh, that provision should be made in order the better to apply and execute therein the provisions of that Act in whole or part, or for the future application and execution of any Acts in force therein having relation to the purposes of that Act, or to the roads or streets within such burgh, or to any other matter or thing connected with the management and administration of the municipal or police affairs of such burgh, or that any such Acts or any exemptions from rating therefrom derived should be wholly or partially repealed or altered, the magistrates and council or the commissioners of such burgh may present a petition to one of Her Majesty's Principal Secretaries of State, praying for such provision, repeal, and alteration as aforesaid, or for any of such things; and that after such inquiry as the said Secretary of State may direct, it shall be lawful for him to issue a Provisional Order under his hand and seal of office, in relation to the several things mentioned in such petition, either in accordance with the prayer thereof or with such modifications or alterations as may appear to him to be requisite, and to obtain confirmation of such Provisional Order by Act of Parliament:

And whereas the General Police and Improvement (Scotland) Act, 1862, has, in pursuance of that Act, been in part adopted within the royal burgh of Forfar:

And whereas by the Forfar Gas Act, 1871, herein-after called "the Act of 1871," the supply of gas to the said burgh of Forfar and the suburbs thereof was vested in the Magistrates and Town Council of the said burgh (herein-after called "the Corporation"), and the property, powers, rights, and privileges of the Forfar Gaslight Company were transferred to and vested in the Corporation, who were authorised to maintain, restore, 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 said burgh of Forfar, 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 Corporation 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 Corporation were by the same Act empowered to borrow on mortgage for the purposes thereof any sums not exceeding five thousand pounds, and to make and grant mortgages of the property and works forming the undertaking thereby vested in the Corporation, and of the several rates and charges leviable by them under the provisions of the Act of 1871, in security of the payment of the money so borrowed and interest thereon; and the same Act directed that the Corporation should, "after the expiration of three years " from the passing of this Act, set apart as a sinking fund a sum of not less " than one hundred and fifty pounds per annum, 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 Corporation until the same be applied for the purposes " before specified":

And whereas the Corporation have presented a petition to me, as one of Her Majesty's Principal Secretaries of State, setting forth the said Acts, and that since the passing of the Act of 1871 they have maintained and managed the gasworks, and from time to time improved and extended the same, and have supplied the district within the limits of the Act of 1871 with gas: that the demand for gas in the said district has increased and is steadily increasing, and that the Corporation have been and are now under the necessity, in order to meet the demand for gas and to continue the effective lighting of the burgh, to expend, beyond the said sum of five thousand pounds authorised to be borrowed as before mentioned, a sum of about three thousand pounds in improving, extending, and enlarging their gasworks; but that their borrowing powers under the Act of 1871 are exhausted, and they have no money wherewith to defray the cost thereof:

And whereas it has been represented to me in the said petition that it is expedient and necessary that the Corporation should be authorised to borrow an additional sum of four thousand pounds, upon the security of the property and works forming the undertaking, and the several rates and charges hereinbefore mentioned, and that with these objects the Act of 1871 should be altered:

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 General Police and Improvement (Scotland) Act, 1862, I, as one of Her Majesty's Principal Secretaries of State, do by this Provisional Order direct as follows:—

A.D. 1880.

First. From and after the passing of the Act confirming this Order, the fifty-third section of the Act of 1871 shall be read as if the words "nine thousand pounds" had been inserted therein instead of the words "five thousand pounds"; and the sixty-third section of that Act shall be read as if the words "two hundred and seventy pounds" had been inserted therein instead of the words "one hundred and fifty pounds"; and the sixty-seventh section of that Act shall be construed as if the costs, charges, and expenses of and incident 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.

Second. The annuities held by annuitants by virtue of the Act of 1871, and all mortgages granted by the Corporation for securing money borrowed under the provisions of that Act, and subsisting at the passing of the Act confirming this Order, shall, during the non-redemption of such annuities and the continuance of such mortgages, have priority over all mortgages to be granted by the Corporation under the provisions of the Act of 1871, as amended by this Order, for securing money borrowed after the passing of the Act confirming this Order.

Given under my hand and seal at Whitehall this twenty-first day of July one thousand eight hundred and eighty.

W. V. Harcourt. L.S.

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