CHAPTER lxxiv.

An Act to provide for the transfer of the undertaking of the Gainsborough Gas Company to the Gainsborough Urban District Council and to confer further powers on the said Council with respect to the supply of gas and for other purposes. [13th July 1899.] A.D. 1899.

WHEREAS the district of Gainsborough 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 Gainsborough Urban District Council and which district and Council are in this Act respectively called "the district" and "the Council":

And whereas by the Gainsborough Gas Act 1856 (in this Act called "the Act of 1856") the Gainsborough Gas Company (in this Act called "the company") were incorporated and were empowered to supply the townships hamlets and other parts of the parish of Gainsborough with gas and by that Act the share capital of the company was fixed at twenty thousand pounds in twelve thousand pounds of stock (in the said Act called "original stock") and eight thousand pounds in four hundred shares (in the said Act called "new shares") of twenty pounds each which original stock and new shares are in this Act called "original capital" and the company were authorised to borrow on mortgage a sum not exceeding in the whole five thousand pounds:

And whereas by the Gainsborough Gas Act 1898 (in this Act called "the Act of 1898") the company were authorised to raise in addition to the original capital any additional capital not exceeding in the whole the sum of twenty-five thousand pounds (in this Act called "additional capital") and to raise one fourth of the amount of such additional capital by borrowing:

And whereas the paid-up capital of the company consists under the Act of 1856 of twelve thousand pounds of original stock and eight thousand pounds in four hundred original shares of twenty

A.D. 1899.

pounds each such stock and shares being entitled to a maximum dividend of ten pounds per centum per annum the whole of which stock and shares respectively have been issued and paid up:

And whereas under the Act of 1898 the company have raised six thousand and forty-seven pounds ten shillings in four hundred ordinary shares of ten pounds each entitled to a maximum dividend of seven pounds per centum per annum:

And whereas the company have borrowed on mortgage under the Act of 1856 and now owe the sum of five thousand pounds:

And whereas by the Act of 1898 it was enacted (section 25) that if the Council should obtain the consent of the Local Government Board to make the purchase authorised by this Act and if within three years from the passing of the said Act the Council should give not less than six months' notice to the company of their desire to purchase their undertaking and should apply to Parliament for the authority and for power to supply gas within the district it should not be lawful for the company to oppose such application except as to details:

And whereas the Council have obtained the consent of the Local Government Board and have given notice to the company of their desire so to purchase their undertaking:

And whereas it is expedient that the undertaking of the company should therefore be transferred to and vested in the Council in manner provided by this Act and that powers should be conferred upon the Council as herein-after provided:

And whereas it is expedient that the Council be authorised to borrow money for the purchase of such undertaking and for the purchase of lands for the extension and improvement thereof:

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

And whereas an absolute majority of the whole number of the Council at a meeting held on the seventh day of December 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 Gainsborough News a local newspaper published and circulated 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 said Gainsborough News and has received the approval of the Local Government Board:

A.D. 1899.

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 sixteenth 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 have 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 Gainsborough Urban District Council (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).

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 Council of the urban district of Gainsborough;

"The district" means the urban district of Gainsborough;

"The gas district" means the district and the parish of Morton and the township or parish of Thonock;

A.D. 1899.

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

"The undertaking of the company" includes all the gasworks engines mains pipes machinery lands buildings plant stock-in-trade gas coal and other stores and all other the real and personal property assets and effects of whatever nature (except money or securities for money and choses in action) 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 their undertaking to the Council under the provisions of this Act except the books and papers relating exclusively to the shareholders in and the members and constitution of the company;

"The gas undertaking" means the undertaking of the company as transferred by this Act to the Council;

"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 local authority as defined by section 34 of the Local Loans Act 1875 other than the Council.

Execution of Act.

4. This Act shall be carried into execution by the Council.

PURCHASE OF UNDERTAKING OF GAS COMPANY.

Company to sell their undertaking to Council.

5.—(1) The company shall sell to the Council and the Council shall purchase the undertaking of the company 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 such agreement shall be determined by arbitration (the taxed costs if any of which shall be paid by the Council) 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.

(2) The Council shall pay to the company the taxed costs and expenses incurred by them of and incidental to the winding up of the company and the Council shall also pay to Francis Alexander Gamble the present secretary and accountant of the company compensation for loss of office and shall also pay to any officers and servants of the company (other than the secretary and directors) for whom no regular office or employment shall be found compensation in respect of any loss of office or diminution of salary or income the amount of any such compensation as aforesaid in default of agreement to be determined by arbitration in manner in this section herein-before provided with reference to the purchase of the undertaking.

(3) The Council shall pay the purchase money to the company on such day as may be agreed between the company and the Council or failing agreement on the usual quarter day of the company next after the expiration of three months from the date of the award determining the amount of the purchase money (that is to say) on the thirty-first day of March or the thirtieth day of June or the thirtieth day of September or the thirty-first day of December as the case may be and on such payment the undertaking of the company with their rights powers and privileges shall by virtue of this Act become and shall thenceforth be transferred to and vested in the Council and such transfer and vesting are in this Act referred to as "the transfer."

Receipt for purchase money.

6. The receipt in writing of three directors of the company for money 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 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.

Mortgage debt of company to be a charge on undertaking.

7. The mortgage and debenture debts of the company and the interest thereon shall after the transfer of the undertaking of the company and until discharged be a first charge on the gas undertaking of the Council and the company shall be relieved

A.D. 1899.

and discharged therefrom and from all interest payable in respect thereof.

Pending actions.

8. If at the date of the transfer any action arbitration or proceeding or any cause of action arbitration or proceeding is pending or existing 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 (if against or in favour of the company) may be continued prosecuted and enforced against or in favour of the Council as and when it might have been continued prosecuted and enforced against or in favour of the company if this Act had not been passed but not further or otherwise.

Contracts of company to be binding on Council.

9. 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 payable to company.

10. The company shall hold the purchase money paid to them by the Council under this Act in trust (after payment thereout of such costs charges and expenses of the company and such compensation to officers and servants as shall not be paid by the Council) to pay apply and distribute the same amongst the shareholders and stockholders in the company in such manner as the company shall in general meeting determine 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 or stock therein shall unless the contrary be proved to the satisfaction of the directors be considered to be shareholders or stockholders 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 shares stock or interest in respect whereof that money is paid.

Payment into court by directors.

11. Where 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 Gainsborough 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.

Winding up and dissolution of company.

12.—(1) So soon as conveniently may be after the transfer the affairs of the company shall be wound up and for that purpose the directors of the company then in office and the survivors of them shall continue in office without re-election and may and shall exercise all powers necessary for the distribution of the purchase money and for winding up the affairs of the company and when and so soon as such money shall have been distributed and their affairs shall have been wound up the company shall be by virtue of this Act dissolved.

(2) 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 choose a shareholder or shareholders of the company to fill the vacancy or vacancies so caused.

Company to pay outgoings and to be entitled to rents &c.

13. The company shall pay and discharge all outgoings and liabilities of every kind properly chargeable to revenue up to the transfer and shall be entitled to all rents profits and other receipts on revenue account from the undertaking up to the transfer and when necessary for the purpose of giving effect to this enactment such outgoings rents profits and receipts shall be apportioned between the company and the Council and any such rents profits or sums of money attributable to the period prior to the transfer but not due or payable at the time of the transfer may when due be recovered by the Council who shall pay to the company the proportion of such rents profits and sums of money due to them up to the time of the transfer.

Books &c. to remain evidence.

14. 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.

15. 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 their clerk make or enter into any new contract agreement or obligation except such

A.D. 1899.

as shall be in the ordinary course of the maintenance of the works and the proper conduct of the undertaking.

Repeal of company's Acts.

16. The Gainsborough Gas Act 1856 and the Gainsborough Gas Act 1898 shall as from the transfer to the Council of the undertaking of the company be repealed except so far as may be necessary to give effect to the provisions of this Act.

MAINTENANCE OF GASWORKS AND SUPPLY OF GAS.

Gas limits.

17. The limits of the Council for the supply of gas shall be and include the gas district.

Powers as to construction and maintenance of gasworks.

18. 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 gas-holders 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 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.

Provision for sale of plant outside district.

19. 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.

Power to purchase lands by agreement.

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

Gas not to be manufactured except on lands scheduled.

Restriction on taking houses of labouring class.

21.—(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 Council acquire or appropriate any house or houses for the purposes of this Act 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.

(3) For the purposes of this section the expression "labouring class" means mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others

A.D. 1899.

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.

22. 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.

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

24. 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

25. 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 down take up alter relay or 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. dedicated to public use.

26. 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 for every thousand cubic feet and so in proportion for every smaller quantity. Limiting price of gas.

27.—(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. Pressure of gas.

(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.

28. The prescribed number of candles shall be not less than fifteen. Quality of gas.

29. 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. Testing place.

30. 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. Burner.

31. Where the Council deem it necessary so to do they may require prepayment for gas required to be supplied for a period of three 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 Prepayment in certain cases.

A.D. 1899.

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.

32. 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.

33. 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 cognizance 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 Provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

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

34. The Council may contract with any local authority company or persons beyond the Council's 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 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.

35. If a person requiring a supply of gas from the Council has previously quitted premises at which gas was supplied to him by the Council without paying to them all gas or meter rent due from him to the Council they may refuse to furnish to him a supply of gas until he pays the same.

Gas consumers to give notice before removing.

36. 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 contained in every demand note for gas rent.

Notice of discontinuance.

37. 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.

38. 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 during the then last preceding quarter of the year unless it be proved to have first arisen during the current quarter 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.

As to inspection of gas fittings in new buildings.

39. Every person intending to lay down or fix any pipes or other fittings which are intended to be covered over for the distribution and supply of gas by the Council in any new house building or premises within the gas limits of the Council shall before such pipes or fittings are plastered or covered over give to the Council twenty-four hours' notice in writing specifying the situation of such house building or premises and any officer of the Council duly appointed for that purpose may before the expiration of such notice enter such house building or premises to inspect and test such pipes or fittings and may prohibit the use of any pipes or fittings which in the opinion of such officer will be likely to occasion danger or the escape of gas and until such pipes or fittings are altered to the reasonable satisfaction of such officer or if any person shall fail to give such notice as aforesaid or shall refuse such officer admittance into such house building or premises within the time and for the purposes aforesaid or shall prevent him from making such inspection the Council shall not be bound to furnish a supply of gas for such house building or premises.

FINANCE.

Power to borrow.

40.—(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 for paying any sums payable by the Council to the company or to any of their officers and servants by way of compensation

A.D. 1899.

under this Act and defraying the costs charges and expenses incident to such purchase and to the winding up of the company as provided by this Act (other than the costs of this Act) and for the payment of the mortgage and debenture debts of the company the sums requisite for those purposes;

(b) For the extension and improvement of the gas undertaking of the Council 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 mortgage or charge the revenue of the gas undertaking of the Council and if they think fit as a collateral security the district fund and general district rate.

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.

Mode of raising money.

42. 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 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.

43. Sections 236 to 239 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.

Protection of lenders from inquiry.

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

Periods for payment off of money borrowed.

45. The Council shall pay off all moneys borrowed by them under this Act and the mortgage and debenture debts of the company owing at the date of transfer within the respective periods

following (herein-after referred to as "the prescribed period") (that is to say):—

As to moneys borrowed for the purposes (A) and (B) mentioned in the section of this Act the marginal note of which is "Power to borrow" (except money borrowed for the payment of the mortgage and debenture debts of the company) forty years from the date or dates of the borrowing of the same;

As to the said mortgage and debenture debts and moneys borrowed for their repayment within forty years from the date of transfer;

As to moneys borrowed for the purpose (C) mentioned in the said section 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 not exceeding sixty years as they may think fit to sanction.

Mode of payment off of money borrowed.

46. The Council shall pay off all moneys borrowed by them on mortgage under the powers of this Act and the mortgage and debenture debts of the company 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 The first payment by instalment or to a sinking fund shall be made within twelve months from the date of borrowing the money in respect of which such payment is to be made or in the case of the said mortgage and debenture debts within one year from the date of the transfer.

Sinking fund.

47. If the Council determine to pay off by means of a sinking fund any moneys borrowed under the authority of this Act or the mortgage and debenture debts of the company the following regulations shall be observed:—

The Council in every year shall appropriate and set apart out of the revenue or rate chargeable with the same in pursuance of this Act such equal annual sums as will with the accumulations thereof by way of compound interest at a rate not exceeding three per centum per annum (in this section referred to as "the prescribed rate") be sufficient to pay off the principal moneys borrowed or the said mortgage and debenture debts (so far as the same are repayable by means of a sinking fund) within the prescribed period:

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

A.D. 1899.

interest and annual income thereof respectively in statutory securities 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:

(B) The Council may at any time apply the whole or part of the sinking fund in or towards the repayment of the borrowed 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 borrowed 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 borrowed 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.

48. 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.

Power to re-borrow.

49. 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 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.

50. 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 be a sufficient discharge to the Council in respect thereof notwithstanding any trust 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 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.

A.D. 1899.

Application of borrowed moneys.

51. 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.

52. 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.

53. 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 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.

54. 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 the gas undertaking of the Council;

Secondly In payment of the interest on the mortgage and debenture debts of the Company until those debts are discharged;

Thirdly In payment of the interest on moneys borrowed by the Council under this Act for the purposes of their gas undertaking;

Fourthly 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 in respect of the mortgage and debenture debts of the company;

Fifthly 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 Government securities or any statutory security and accumulating the same at compound interest until the fund so formed amounts to a sum not exceeding ten per centum of the amount of the capital account of the gas undertaking of the Council for the time being 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 amount aforesaid and so from time to time as often as such reduction happens;

Sixthly 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.

As to deficiency in receipts.

55. Any deficiency in the revenues or receipts of the Council on account of their gas undertaking shall be 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.

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 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.

MISCELLANEOUS.

Authentication of notices

57. 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.

58. The costs charges and expenses preliminary to and of and incidental to preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or the House of Commons shall be paid by the Council out of the district fund and general district rate or 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.

All that piece or parcel of land at present occupied by the Company's gasworks situate in the parish of Gainsborough in the county of Lincoln and bounded on the north and east partly by North Street and partly by property belonging or reputed to belong to Mrs. Frances Greenwood on the south by a footway called Gas House Lane leading from North Street aforesaid to Church Street and on the west by Church Street aforesaid.

Printed by Eyre and Spottiswoode,
for
T. Digby Pigott, Esq., C.B., the Queen's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
Eyre and Spottiswoode, East Harding Street, Fleet Street, E.C.; or
John Menzies & Co., 12, Hanover Street, Edinburgh, and
90, West Nile Street, Glasgow; or
Hodges, Figgis, & Co., Limited, 104, Grafton Street, Dublin.