CHAPTER clxiii.

An Act to confirm a Provisional Order under the Burgh Police (Scotland) Act 1892 relating to Hamilton Gas. A.D. 1904.

[15th August 1904.]

WHEREAS His Majesty's Secretary for Scotland has made the Provisional Order set forth in the schedule hereunto annexed under the provisions of the Burgh Police (Scotland) Act 1892 and it is requisite that the said Order should be confirmed by Parliament: 55 & 56 Vict. c. 55.

Be it therefore enacted by the King'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:—

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

2. This Act may be cited as the Hamilton Gas Order Confirmation Act 1904. Short title.

[*Price* 3*d.*]

A.D. 1904.

SCHEDULE.

PROVISIONAL ORDER.

WHEREAS by section 45 of the Burgh Police (Scotland) Act 1892 as read with the Town Councils (Scotland) Act 1900 it is provided that whenever it shall appear to the Town Council of any burgh to which the first cited Act applies that they require additional powers for the better carrying out of the purposes of that Act and specially powers relating to the supply of gas or water or to the roads and streets or to drainage or sewers or the utilisation of sewage in addition to the powers conferred by the Public Health Acts or for the repeal or amendment of any local Acts of Parliament relating to such subjects or their adaptation and adjustment to the provisions of the Act now in recital or for the other purposes therein mentioned they may apply to the Secretary for Scotland for a Provisional Order and (section 46) that after such inquiry as the Secretary for Scotland may direct it shall be lawful for him to issue a Provisional Order either in accordance with the prayer of the application or with such modifications or alterations as may appear to him requisite but no Provisional Order shall be of any validity unless the same has been confirmed by Act of Parliament:

And whereas the Burgh Police (Scotland) Act 1892 is in force within the burgh of Hamilton (hereinafter called "the burgh"):

And whereas by the Hamilton Electric Lighting Order 1898 (hereinafter called "the Order of 1898") the provost magistrates and councillors of the burgh (hereinafter called "the Town Council") were authorised to supply electrical energy within the burgh for all public and private purposes as defined by the Electric Lighting Act 1882:

And whereas the Hamilton New Gas Light Act 1846 (hereinafter called "the Act of 1846") and the Hamilton Burgh Act 1878 (hereinafter called "the Act of 1878") constitute for the purposes of the Order of 1898 the local Act within the meaning of the Electric Lighting Acts but the Acts of 1846 and 1878 do not confer upon the Town Council any power to levy a rate for gasworks purposes:

And whereas by the Hamilton Gas Order 1901 (hereinafter called "the Order of 1901") the Town Council were authorised inter alia to borrow money for the purposes of the Order of 1898 and to make and grant mortgages bonds and other dispositions for securing the money so borrowed and the interest thereon of or over the gas rates leviable and gas rents and revenue receivable under the Acts of 1846 and 1878 and the revenue of the common good of the burgh:

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And whereas the Town Council require to borrow money for the purposes of the Order of 1898 but in consequence of the Town Council being unable to levy a rate for gasworks purposes and to include such rate in the security for money borrowed under the Order of 1901 the Town Council have experienced difficulty in borrowing the money required for the purposes of the Order of 1898:

And whereas it is expedient in order to enable the Town Council to borrow money for the purposes aforesaid that the Town Council should be authorised to include the burgh general assessment in the security for money borrowed under the Order of 1901:

And whereas the Town Council have presented a petition to me as Secretary for Scotland setting forth the matters hereinbefore recited:

And whereas after due inquiry I have resolved to issue a Provisional Order in the terms hereinafter expressed:

Now therefore in pursuance of the powers vested in me by the Burgh Police (Scotland) Act 1892 I as Secretary for Scotland do by this Provisional Order direct as follows:—

Burgh general assessment may be included in security for money borrowed under Order of 1901.

1. The Town Council may include the burgh general assessment of the burgh in any mortgage bond disposition or other security granted by the Town Council for securing money borrowed by the Town Council under the authority of the Order of 1901 and the interest thereon in addition to the gas rates leviable and the gas rents and revenue receivable under the Acts of 1846 and 1878 and the revenue of the common good of the burgh.

Proportion of sinking fund payable out of burgh general assessment.

2. In the event of the burgh general assessment of the burgh being included in the security for money borrowed under the Order of 1901 in pursuance of the power contained in the preceding section of this Order or any part thereof the Town Council may set apart from time to time out of that assessment such proportion as the Town Council shall think reasonable of the sums which the Town Council are by the Order of 1901 required to set apart as a sinking fund in respect of money borrowed under that Order or for making good any deficiency in the income of that sinking fund Provided that the gas rates leviable and the gas rents and revenue receivable by the burgh under the Acts of 1846 and 1878 and the revenue of the common good of the burgh shall be primarily liable in each year for repayment of moneys borrowed as aforesaid.

Costs of Order.

3. All costs charges and expenses of and incident to the preparing for obtaining and confirming this Order shall be paid by the Town Council out of the burgh general assessment of the burgh or out of money which they are authorised to borrow under the authority of the Order of 1901 Provided that any money borrowed for paying such costs charges and expenses shall be repaid within five years from the date of such borrowing.

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Citation of Order.

4. This Order may be cited as the Hamilton Gas Order 1904 and the Act of 1846 the Act of 1878 the Order of 1901 and this Order may be cited together as the Hamilton Gas Acts 1846 to 1904.

As witness my hand and seal at Whitehall this Seventeenth day of June One thousand nine hundred and four.

L.S.

A. Graham Murray.

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