CHAPTER xl.

An Act for conferring further powers on the Local Board for the district of Hindley, in the county of Lancaster, to purchase Lands and extend their Gasworks; to extend the Time for the Completion of their Waterworks; to amend the Hindley Local Board Act, 1872; to empower the Local Board to raise further Money; and for other purposes. A.D. 1875.

[14th June 1875.]

WHEREAS by the Hindley Local Board Act, 1872, (herein-after called the Act of 1872,) the Local Board for the district of Hindley, in the parish of Wigan and county of Lancaster (herein-after called the Local Board), were empowered to purchase the undertaking of the Hindley Gas, Coke, Meter, and Fitting Company, Limited, and to supply gas within the said district and the neighbourhood thereof, and to erect waterworks, and other powers in relation to gas and water, and for other purposes, were conferred on the Local Board: 35 & 36 Vict. c. lxxx.

And whereas the Local Board have put the powers of the said Act with respect to gas into execution:

And whereas it is expedient that the Local Board should be empowered to erect additional gasworks on lands belonging to the Local Board, and to remove certain restrictions as to the manufacture of gas contained in the Act of 1872:

And whereas it is expedient that the respective periods limited by the Act of 1872 for the compulsory purchase of lands for waterworks purposes and for the completion of the waterworks by that Act authorised should be extended:

And whereas, by reason of the greatly increased cost of coals and other materials used in the manufacture of gas, and of workmen's wages and other labour, the rates at present levied by the Local Board for the supply of gas to the inhabitants of their district are insufficient to defray the expenses of their gasworks, and it is therefore

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expedient that the limit of the price of gas which the Local Board are by the Act of 1872 restricted from exceeding be increased as herein-after provided:

And whereas it is expedient that the Local Board should be authorised to raise further money by rates and by borrowing for the purposes of this Act:

And whereas twelve of the whole number of the members of the Local Board (the whole number being twenty-one), at a meeting held on the tenth day of November one thousand eight hundred and seventy-four, after ten clear days notice by public advertisement of such meeting and of the purposes thereof in the "Wigan Examiner," a local newspaper published or circulating in the district of the Local Board, such notice being in addition to the ordinary notices required for summoning such meeting, resolved to promote the Bill for this Act:

And whereas such resolution was published twice in the said "Wigan Examiner," and has received the approval of one of Her Majesty's Principal Secretaries of State and 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 members of the Local Board at a further special meeting held in pursuance of a similar notice on the twelfth day of January one thousand eight hundred and seventy-five, being not less than fourteen days after the deposit of the Bill in Parliament:

And whereas the owners and ratepayers of the district of the Local Board, by resolution in the manner provided in the Local Government Act, 1858, for the adoption of that Act, consented to the promotion of the Bill for this Act:

And whereas the objects aforesaid 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 for all purposes be cited as "The Hindley Local Board Act, 1875."

This Act and Act of 1872 to be read as one Act.

2. This Act and the Act of 1872 shall be construed together as one Act, but this Act shall supersede the Act of 1872 in all cases where the provisions of the Act of 1872 and of this Act conflict, or where the powers of the Act of 1872 are amended and enlarged by this Act.

Provisions of certain general Acts incorporated.

3. 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 the Gasworks Clauses Act, 1871, and the provisions of the Commissioners Clauses Act, 1847, with respect to the mortgages to be executed by the commissioners, so far as the provisions of those Acts respectively are applicable for the purposes of and not expressly varied by or inconsistent with the provisions of this Act, are hereby incorporated with and form part of this Act.

Same meaning to words in incorporated Acts and this Act.

4. 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 be something in the subject or context repugnant to such construction: Provided always, that in the Acts wholly or partially incorporated with this Act, for the purposes of this Act, the expressions "the undertakers," "the company," or "the commissioners," shall mean the Local Board, and the expression "clerk to the commissioners" shall mean the clerk to the Local Board.

Interpretation of terms.

5. In this Act the following words and expressions shall have the meaning hereby assigned to them, unless there be something in the subject or context repugnant to such construction; (that is to say,)

The expression "the gas undertaking" shall mean the gas undertaking of the Local Board under the powers of the Act of 1872 and of this Act:

The expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or the Acts incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute:

The expression "the Local Government Acts" shall have the same meaning as that assigned to it in "The Public Health Act, 1872."

Act to be executed by Local Board.

6. This Act shall be executed by the Local Board, with the powers and indemnities and according to the provisions of the Local Government Acts, and those Acts shall in relation to the Local Board and the several objects and purposes of this Act be read and construed as if the purposes and provisions of this Act were purposes and provisions of the Local Government Acts, so far as the same shall be applicable thereto, and except so far as any of the provisions of the Local Government Acts are expressly varied or otherwise provided for by this Act.

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Power to erect and maintain gasworks.

7. So much of the 19th section of the Act of 1872 as enacts that the Local Board shall not erect or use any works for the manufacture of gas or any residual products on any lands other than the lands described in the Schedule (A.) to that Act annexed is hereby repealed, and from and after the passing of this Act the Local Board may from time to time, in or upon the lands described in Schedules (A.) and (B.) to this Act annexed, or any part thereof, erect, maintain, enlarge, alter, extend, and discontinue gasworks for the manufacture, storage, and supply of gas, with all necessary conveniences, houses, buildings, apparatus, roads, and approaches, and do all such acts as they may think proper for manufacturing and storing gas and for supplying gas, and sell and dispose of coke, coal, tar, pitch, asphaltum, ammoniacal liquor, oil, and all other refuse or residuary products arising, remaining, produced by, or obtained from the manufacture of gas by them or the materials used therein, and in or upon the said lands described in Schedule (A.) to this Act (but not on or upon any part of the said lands described in the said Schedule (B.)) may manufacture and sell such articles as can be produced from or by means of the several matters and things aforesaid, and may contract for, take, and use any leave, license, or authority to work, use, exercise, or put in practice any invention or inventions under any letters patent at any time heretofore made or hereafter to be made granting any right or privilege of working, using, exercising, or vending any invention in relation to the manufacture and distribution of gas, or the utilization of the residual products arising from the manufacture of gas, or otherwise in relation thereto, but the Local Board shall not acquire any exclusive right to any such invention; and the Local Board may also manufacture and sell, let, or deal in gas fittings, tubes, meters, pipes, and all other articles and things in any way connected with gasworks or with the supply of gas to the consumers thereof, in such manner as the Local Board may think proper, and generally carry on the business usually carried on by gas companies or which is or may become incident thereto: Provided nevertheless, that the Local Board, their successors and assigns, shall use every reasonable means to render the said powers for manufacturing and storing gas and for supplying gas, and the exercise of such powers or any of them in or upon the said lands described in Schedule (B.), inoffensive and innocuous.

As to maximum price of gas.

8. The 26th section of the Act of 1872 is hereby repealed, and the price chargeable by the Local Board for gas may from and after the passing of this Act be at any rate not exceeding five shillings per one thousand cubic feet.

Extension of time for purchase of lands for waterworks purposes.

9. The powers of the Local Board for the compulsory purchase of lands for the waterworks purposes of the Act of 1872 are by this Act extended, and may be exercised within but shall not be exercised after the expiration of three years from the passing of this Act.

Extension of time for completion of waterworks.

10. The period limited by the Act of 1872 for the completion of the waterworks by that Act authorised is by this Act extended, and those waterworks may and shall be completed within five years from the eighteenth day of July one thousand eight hundred and seventy-seven, and on the expiration of that period the powers by the Act of 1872 and this Act granted to the Local Board for making those waterworks, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Contracts between companies and public bodies for supply of water or rights relative thereto.

11. The Local Board may from time to time enter into agreements with any local boards, commissioners, corporations, companies, trustees, or other public or local bodies, for the supply of water for the district of the Local Board in bulk or otherwise, or for any such easement or rights relative thereto as may be necessary to enable the Local Board to convey the water so supplied to their district, and the contracts may be for such times and for such remuneration and on such terms and conditions as the contracting parties think fit.

Power to borrow for gas undertaking.

12. The Local Board from time to time, under the authority of this Act and with the sanction of the Local Government Board, in addition to any moneys they are authorised to borrow under the Local Government Acts and the Act of 1872, may borrow at interest on mortgage of their gas undertaking, and also on mortgage of the general district rates leviable by the Local Board under the Local Government Acts, or of any such securities, either together or separately, all such sums as they may from time to time think requisite for any of the purposes of this Act, not exceeding in respect of the gas undertaking thirty thousand pounds, and after having paid off otherwise than by the sinking fund any moneys so borrowed may re-borrow the amount so paid off, and so from time to time.

Extension of provisions of Act of 1872 to this Act.

13. The provisions of the Act of 1872 as to borrowing and mortgages, rates, and income contained in sections 69 to 82, both inclusive, of that Act shall apply and extend to borrowing and mortgages, the levying of rates, and income under this Act, as if the same were here repeated mutatis mutandis, but so that the Local Government Acts as defined by the Local Government Act, 1872, shall be substituted for the Public Health Acts wherever the last-mentioned expression occurs in those sections.

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Application of moneys borrowed.

14. All moneys from time to time borrowed under this Act on mortgage shall be applied by the Local Board only as follows:

Firstly. In payment of the costs, charges, and expenses of and incident and preparatory to the obtaining and passing of this Act, or such proportion thereof as the Local Board think fit:

Secondly. In the erection of gasworks by this Act authorised, and the extension and improvement of such works and of the existing gasworks of the Local Board:

Thirdly. In the exercise of the powers of this Act and the Act of 1872 with respect to the paying off of moneys borrowed otherwise than by means of the sinking fund, and of re-borrowing.

Local Board to pay interest on money deposited as security for gas meter, &c.

15. If any person is required by the Local Board to give to them security for the payment of the price or rent of a meter, the Local Board shall pay interest after the rate of five pounds 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.

Annual return to Local Government Board with respect to sinking fund.

16. The clerk to the Local Board 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 paid off by instalment under the Act of 1872 or 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 if so required by them, showing the amount which has been 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 the amount paid off by instalment, and also showing the purposes to which any portion of the moneys invested for the sinking fund 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 such clerk shall be liable to a penalty of not exceeding twenty pounds. If it appear to the Local Government Board, by such return or otherwise, that the Local Board have failed to set apart the sum required by the Act of 1872 or this Act for the sinking fund, or to pay any instalment, or have applied any portion of the moneys set apart for that fund 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 Court of Queen's Bench.

Saving rights of Local Board.

17. Except as is by this Act expressly provided, this Act or anything therein contained shall not take away, lessen, or prejudice any of the estates, rights, powers, or privileges of the Local Board.

Expenses of Act.

18. All the costs, charges, and expenses of and incident and preparatory to the obtaining and passing of this Act, or otherwise in relation thereto, shall be paid by the Local Board out of the first moneys at their disposal.

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

A piece or parcel of land containing two thousand superficial square yards or thereabouts, bounded and measuring as follows; namely, on the southerly side seventy-six yards or thereabouts by the present gasworks of the Local Board, on the westerly side twenty-eight yards or thereabouts by Derby Lane, on the northerly side seventy yards or thereabouts by land belonging or reputed to belong to Richard Pennington, and on the easterly side twenty-eight yards or thereabouts by other lands of the said Richard Pennington.

SCHEDULE (B.)

An enclosed piece or parcel of land, part of the Low Hall Estate, situate and abutting upon a private occupation road leading from Lowe Green Road to the Low Hall Collieries, in the township of Hindley and parish of Wigan, belonging or reputed to belong to the trustees of the late Francis Duke of Bridgewater, and now in the possession of the Local Board, and measuring on the north-westerly side thereof three hundred and forty-six feet six inches, on the south-easterly side thereof two hundred and seventy-five feet six inches, on the north-easterly side thereof two hundred feet, and on the south-westerly side two hundred and forty feet or thereabouts, and containing in the whole seven thousand three hundred and thirty-two superficial square yards or thereabouts, bounded on the north-westerly, south-easterly, and south-westerly sides thereof respectively by other portions of the said estate called the Low Hall Estate, belonging or reputed to belong to the said trustees of the said Francis Duke of Bridgewater, and on the north-easterly side thereof by the said occupation road.

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