# CHAPTER lix.

An Act to confirm a Provisional Order under the Burgh Police (Scotland) Act 1892 relating to Kilmarnock Gas.

A.D. 1915.

[15th July 1915.]

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:—

Confirmation of Order in schedule.

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

Short title.

**2.** This Act may be cited as the Kilmarnock Gas Order Confirmation Act 1915.

[*Price* 3*d.*]

A.D. 1915.

# SCHEDULE.

## KILMARNOCK GAS.

### *Provisional Order.*

WHEREAS by the Burgh Police (Scotland) Act 1892 it is (inter alia) provided (section 45) that whenever it shall appear to the commissioners of any burgh to which that 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 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 to be 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 Kilmarnock (hereinafter referred to as "the burgh"):

And whereas by the Kilmarnock Municipal Extension and Improvement Act 1871 (hereinafter called "the Act of 1871") the property and powers of the Town Improvement Trustees and of the Commissioners of Police of the burgh and the property powers rights and privileges of the Kilmarnock Gaslight Company in whom the gas supply of the town of Kilmarnock and the Parishes of Kilmarnock and Riccarton was then vested were transferred to and vested in the provost magistrates and councillors of the burgh (hereinafter referred to as "the Corporation") who were authorised to maintain improve or alter the gasworks thereby transferred to and vested in them and to supply gas within the burgh as extended by the Act of 1871 and the parishes of Kilmarnock Riccarton and Kilmaurs and to borrow for the purposes of their gas undertaking any sums not exceeding the sum of fifty thousand pounds on the security of the gasworks thereby vested in them and of the gas rates and charges by that Act authorised:

And whereas the borrowing powers of the Corporation under the Act of 1871 were increased by the Kilmarnock Corporation Order 1901 (hereinafter called "the Order of 1901") by a sum of sixty thousand pounds:

And whereas the borrowing powers of the Corporation under the Act of 1871 were further increased by the Kilmarnock Gas Order 1912 (hereinafter called "the Order of 1912") by a sum of ten thousand pounds:

And whereas the said respective sums of fifty thousand pounds sixty thousand pounds and ten thousand pounds have been duly raised and expended by the Corporation for the purposes of their gas undertaking:

And whereas the demand for gas within the burgh and parishes hereinbefore mentioned has increased and is increasing and it is expedient that the Corporation should for the purpose of further enlarging extending and improving their gasworks and works connected therewith be authorised to borrow an additional sum not exceeding twenty thousand pounds upon the security of the revenues of their gas undertaking:

And whereas the Corporation have presented to me as Secretary for Scotland a petition 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:—

Short title.

1. This Order may be cited as the Kilmarnock Gas Order 1915.

Power to borrow.

2.—(1) In addition to the respective sums of fifty thousand pounds sixty thousand pounds and ten thousand pounds which the Corporation are already authorised to borrow for the purposes of their gas undertaking under the Act of 1871 the Order of 1901 and the Order of 1912 the Corporation may borrow the sum of twenty thousand pounds on the security of the revenues of the said undertaking and may mortgage the same accordingly and subsection (1) of section 14 of the Order of 1901 shall from and after the passing of the Act confirming this Order be read as if the words "ninety thousand pounds" had been inserted therein instead of the words "sixty thousand pounds."

(2) Subsection (1) of section 16 of the Order of 1901 as amended by the Order of 1912 shall apply to money borrowed by the Corporation under the authority of this Order.

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Application of money borrowed.

3. All money borrowed by the Corporation under the authority of this Order for the purposes of their gas undertaking shall be applied only to the purposes for which it is authorised to be borrowed and to which capital is properly applicable.

Priority of existing mortgages.

4. All mortgages granted by the Corporation for securing money borrowed under the provisions of the Act of 1871 the Order of 1901 and the Order of 1912 for the purposes of their gas undertaking and subsisting at the passing of the Act confirming this Order shall while subsisting and without prejudice to their priorities have priority over any mortgages granted by the Corporation under the authority of this Order for the purposes of their gas undertaking.

Repayment of money borrowed.

5. The Corporation shall by means of the sinking fund directed to be formed by subsection (1) of section 16 of the Order of 1901 pay off all money borrowed by them under the authority of this Order for the purposes of their gas undertaking and the provisions of that subsection as amended by the Order of 1912 and of section 17 (Annual return to Secretary for Scotland with respect to sinking fund) of the Order of 1901 shall apply to money so borrowed as if it were money borrowed under the authority of the Order of 1901.

Restriction on exercise of borrowing powers.

6. Notwithstanding anything in this Order contained the Corporation shall not under the powers of this Order borrow any money during the continuance of the present war and twelve months thereafter unless the consent of the Treasury has been previously obtained.

Costs of Order

7. The costs charges and expenses of and incident to the preparing for obtaining and confirming this Order or otherwise in relation thereto shall be paid by the Corporation out of their gas revenues and the money they are by this Order authorised to borrow and if paid out of money so borrowed shall be repaid within five years from the passing of the Act confirming this Order.

Given under my hand and seal at Whitehall this twenty-fifth day of May One thousand nine hundred and fifteen.

(L.S.) (Signed) T. M'KINNON WOOD.

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