CHAPTER xxxi.

An Act to confirm a Provisional Order of the Local Government Board for Ireland relating to the Bangor Gas Undertaking. A.D. 1882.

[19th June 1882.]

WHEREAS the Local Government Board for Ireland have, as regards the town of Bangor, made the Provisional Order set forth in the Schedule hereto, under the Gas and Water Works Facilities Acts, 1870 and 1873, and the Public Health (Ireland) Acts, 1878 and 1879; and it is requisite that the said Order should be confirmed by Parliament:

33 & 34 Vict. c. 70.
36 & 37 Vict. c. 89.
41 & 42 Vict. c. 52.
42 & 43 Vict. c. 57.

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:

Confirmation of Bangor Gas Order.

1. The Provisional Order contained in the Schedule to this Act shall be and is hereby confirmed, and from and after the passing of this Act shall have full validity and effect.

Short title.

2. This Act may be cited as the Local Government Board (Ireland) (Bangor Gas) Provisional Order Confirmation Act, 1882.

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SCHEDULE.

THE LOCAL GOVERNMENT BOARD FOR IRELAND.

Bangor.

Bangor Gas Undertaking.

Provisional Order.

Purchase of existing Gasworks, &c. under the Gas and Water Facilities Acts, 1870 *and* 1873, *and the Public Health (Ireland) Acts*, 1878 *and* 1879.

Whereas the town of Bangor, in the county of Down, is situate within and formed part of the rural sanitary district, under the authority of the guardians of the poor of the Newtownards Poor Law Union, and there are in the said town town commissioners, elected and acting under the Towns Improvement (Ireland) Act, 1854:

17 & 18 Vict. c. 103.

And whereas by the Bangor Provisional Order, 1879, confirmed by the Local Government (Ireland) Provisional Orders Confirmation (Waterford, &c.) Act, 1879, the said town was separated from the said rural sanitary district, and constituted an urban sanitary district, and the said town commissioners are the Urban Sanitary Authority of the said district, and are a body corporate for the purposes of the Public Health (Ireland) Act, 1878, under the title of the "Sanitary Authority of the town of Bangor," and are herein-after called the "Sanitary Authority";

42 & 43 Vict. c. lx.

And whereas the said Sanitary Authority have, in pursuance of the provisions of the 81st section of the said Public Health (Ireland) Act, 1878, agreed with the Bangor Gaslight Company (Limited), hereafter called "the company," for the purchase of the undertaking, and lands, hereditaments, and premises of the said company:

And whereas the Local Government Board for Ireland have sanctioned the said purchase, and there is now no company or person other than the Sanitary Authority authorised by or in pursuance of any Act of Parliament or any order confirmed by Act of Parliament to supply gas for public and private purposes supplying gas within any part of the said district:

And whereas the said Sanitary Authority require additional works for better supplying gas to the inhabitants of the said town of Bangor, and such additional works are intended to be erected upon the land before referred to:

And whereas the said Sanitary Authority have presented a petition to the Local Government Board for Ireland, in pursuance of the Gas and Water Works

Facilities Act, 1870, and the Gas and Water Works Facilities Amendment Act, 1873, and the Public Health (Ireland) Act, 1878, and the Public Health Amendment Act, 1879, praying that they, as such Sanitary Authority, may be allowed to put in force the powers of the aforesaid Acts:

And whereas the said Sanitary Authority have deposited at the office of the Local Government Board for Ireland in Dublin, maps, herein-after referred to as "the deposited maps," showing the lands, hereditaments, and premises of the said company, and the additional works intended to be executed thereon by the said Sanitary Authority as aforesaid:

And whereas all advertisements and notices required by the Gas and Water Works Facilities Acts, 1870 and 1873, and the Public Health (Ireland) Acts, 1878 and 1879, having been previously duly published, served, and given, it appears to the Local Government Board for Ireland to be proper to assent to the prayer of the said petition:

And whereas the grand jury of the county of Down, being the road authority of the said district, have consented to the making of this Order:

It is ordered by the Local Government Board for Ireland as follows:

Short title.

1. This Order may be cited as the Bangor Gas Order, 1882.

Purchase of existing gas-works in Bangor by Sanitary Authority.

2. From and after the time of the confirmation of this Order by Parliament the Urban Sanitary Authority of the urban sanitary district, consisting of the town of Bangor, in the county of Down, shall be empowered to purchase and acquire, but only by agreement, the lands, hereditaments, and premises shown on the deposited map, and described in Part One of the Schedule to this Order annexed.

Incorporation of Acts.

3. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry by the promoters of the undertaking) of the Gasworks Clauses Act, 1847, except sections 30 to 38, both inclusive, and sections 45 and 46, and of the Gasworks Clauses Act, 1871, except sections 24 and 27, and sections 29 and 35, and Schedule B., are hereby incorporated with this Order, except where the same are expressly varied by this Order; and the said provisions of the said Gasworks Clauses Act shall apply as well to the main pipes and works of the undertakers laid down or constructed before the passing of the Act confirming this Order, and situate within the limits of supply as defined by this Order, as to any main pipes or works which may be laid down or constructed under the authority of this Order.

10 & 11 Vict. c. 15.
34 & 35 Vict. c. 41.

Interpretation.

4. The several words, terms, and expressions to which by the Acts in whole or in part incorporated with this Order and by the Gas and Water Works Facilities Act, 1870, meanings are assigned have in this Order the same respective meanings.

Limits of Order.

5. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the urban sanitary district, situate in the town of Bangor aforesaid.

Undertakers.

6. The commissioners aforesaid shall be the undertakers for the purposes of this Order, and are in this Order referred to as the "Sanitary Authority."

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Limits of borrowing powers.

7. The amount of all moneys borrowed by the Sanitary Authority, and secured by mortgage of their gas undertaking, authorised by this Order, shall not at any time exceed in the whole three thousand pounds, and no higher rate of interest than five pounds per cent. per annum shall be paid by the undertakers without the consent of the Local Government Board, Ireland, in respect of any moneys borrowed by the Sanitary Authority after the passing of the Act confirming this Order, and secured as aforesaid.

Maintenance and continuance of Gasworks, and construction of additional Gasworks, Manufacture and Sale of Gas, &c.

Sanitary Authority may maintain, &c. gasworks, and make new gasworks, and sell gas.

8. The Sanitary Authority may, on the lands shown on the deposited map, and described in Part I. of the Schedule to this Order annexed, while they are possessed of the same, and not elsewhere, maintain and continue, and from time to time alter and enlarge, their existing gasworks, and works connected therewith as aforesaid, and they may on the lands shown on the deposited map construct and maintain, and from time to time alter and enlarge, additional retorts, gas-holders, receivers, purifiers, meters, apparatus, and works for the manufacture and storing of gas, and of coke, and other residual products obtained in the manufacture of gas, and matter producible therefrom; and they may, subject to the provisions of this Order, make gas and supply and sell the same within the limits of supply, and may manufacture coal tar, coke, pitch, asphaltum, and ammoniacal liquor, oil, and other residual products obtained in the manufacture of gas and matter producible therefrom, and may sell and dispose of the same at the works and elsewhere; and may also manufacture, purchase, or hire and supply gas meters, fittings, gas stoves, and cooking and other apparatus. It shall not be lawful for the said Sanitary Authority to manufacture gas or any residual products arising in the manufacture of gas on any lands except those above mentioned; nor shall it be lawful for the Sanitary Authority to store gas on any lands except those above mentioned, within three hundred yards from any dwelling-house existing at the time when the undertakers propose to store gas on such land, without the consent in writing of the owner, lessee, and occupier of such dwelling-house.

Settlement of differences.

9. If any difference arise between the Sanitary Authority, road authority, or any railway, canal, or other company, whose lands or works the Sanitary Authority have power to cross under the authority of this Order, for the purposes of meeting the demands for gas within the limits of supply, as to the mode of laying down, repairing, altering, or enlarging their pipes, or the facilities to be afforded for the same, the same shall be settled by an engineer to be appointed by the Local Government Board for Ireland, at the request of either party.

Power to take licences for patents.

10. The Sanitary Authority may, subject to the provisions of this Order (but only for the purposes of the undertaking within the limits of supply, and not so as to acquire any exclusive right therein), contract for, take, and use any leave, licence, or authority to work, use, exercise, and put in practice any invention under letters patent heretofore made or hereafter to be made granting any right or privilege of working, using, or vending any invention in relation to

the manufacture, production, and distribution of gas, or the conversion, manufacture, or utilization of any products obtainable in or arising from such manufacture or productions, or from the materials used therein.

Quality of Gas.

Quality of gas.

11. The quality of gas supplied by the Sanitary Authority shall, with respect to its illuminating power, be such as to produce a light equal in intensity to the light produced by fourteen sperm candles of six in the pound, and shall, in all respects, be in accordance with the provisions of the Gasworks Clauses Act, 1871. The Sanitary Authority shall, before supplying gas under the authority of this Order, provide and maintain a suitable photometer and other necessary appliances for the purpose of testing the quality of the gas, and shall at all times keep the same in proper order and repair.

Price of Gas.

Maximum price of gas.

12. The price to be charged by the Sanitary Authority for gas supplied by them to consumers shall not exceed six shillings and eightpence per one thousand cubic feet for gas supplied in places situate within a circle having for its centre the gasworks of the Sanitary Authority, and for its radius, one mile; seven shillings per one thousand cubic feet for gas supplied in places situate beyond that circle, and so on in proportion for any less quantity supplied; provided, nevertheless, that every fraction of one hundred feet may be charged as one hundred feet; and provided also, that at any time after the expiration of two years from the date of the passing of the Act confirming this Order, the Local Government Board for Ireland may, if they think fit, upon application made as herein-after mentioned, by order, alter the maximum price to be charged by the Sanitary Authority, as aforesaid, for gas supplied to consumers within or beyond the said circle, and from and after the date of such Order the price to be charged by the Sanitary Authority for gas supplied to consumers within or beyond the said circle shall not exceed the maximum price fixed by the Local Government Board of Ireland, by such Order. The profits, if any, made by sale of gas or of any products arising in the manufacture of gas shall be applied by the Sanitary Authority towards defraying the expenses incurred and payable by the said Sanitary Authority in execution of the Public Health (Ireland) Act, 1878.

An application to the Local Government Board for Ireland for an alteration of the maximum price to be charged by the Sanitary Authority for gas may be made by the Sanitary Authority, with respect to gas supplied either within or beyond the said circle and with respect to gas supplied within the said circle by twenty inhabitant ratepayers within the said circle, and with respect to gas supplied beyond the said circle, by twenty inhabitant ratepayers beyond the said circle and within the limits of supply.

Pressure of Gas.

Pressure of gas.

13. All gas supplied by the Sanitary Authority to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than six-tenths of an inch in height, and to balance from

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sunset to midnight a column of water 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.

Testing of Gas.

Testing of gas.

14. The Sanitary Authority shall, within six months after the passing of the Act confirming this Order, cause to be provided at their works a testing place, with apparatus therein, according to the provisions of the Gasworks Clauses Act, 1871, and the burner to be used for testing gas shall be a Sugg's London Argand, No. 1, with a 6-inch by 1-and-$\frac{3}{4}$-inch glass chimney, and if at any time the gas flame tails over the top of the glass, a 6-inch by 2-inch chimney shall be used, and any gas examiner appointed under the Gasworks Clauses Act, 1871, for the purposes of this Order may from time to time, subject to the terms of his appointment, at such testing place, or elsewhere, as and when he thinks fit, test the pressure at which the gas is supplied, and for that purpose may open any street, road, passage, or place vested in or under the control of any local or road authority.

Miscellaneous.

No penalty in case of unavoidable cause.

15. No penalty shall be incurred by the Sanitary Authority for insufficiency of pressure, defect of illuminating power, or for excess of impurity in the gas supplied by them, in any case in respect of which it is proved that such insufficiency, defect, or excess was caused by an unavoidable cause or accident.

Sanitary Authority to pay interest on deposit.

16. Where any money is deposited by any person, by way of security, with the Sanitary Authority for the payment to them of all moneys which may become due to them by such person in respect of any supply of gas, or of the purchase or hire of any meter, the Sanitary Authority shall pay interest at 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.

8 & 9 Vict. c. 16. sec. 140, incorporated.

17. Section 140 of the Companies Clauses Consolidation Act, 1845, shall be and is hereby incorporated with this Order, provided that, for the purposes of such incorporation, the expression "the company" in the said section shall be construed to mean the "Sanitary Authority."

Saving of existing contracts.

18. Nothing in this Order shall alter, vary, or affect any contract or agreement duly made or any liability incurred before the passing of this Act confirming this Order with respect to the gasworks of, or the supply of gas by, the Bangor Gaslight Company, Limited.

Costs of Order.

19. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the Sanitary Authority.

SCHEDULE.

GAS LANDS.

PART I.

That portion of land, situate in Ballymagee Street, in the town of Bangor, parish of Bangor, and county of Down, held for ever under fee-farm grant, containing 60 feet or thereabouts, fronting said street, and from front to rear 242 feet or thereabouts, bounded on the north by Ballymagee Street aforesaid, on the south by a mill stream and James Montgomery's tenement, on the east side by James M'Murray's and Sophia Davis's tenements, and on the west by a mill stream and lane (known as Christie's Lane), and to hold the same for the purposes contemplated or intended by the said Order.

PART II.

(Limits of Supply.)

The Urban Sanitary District of Bangor, in the town of Bangor, as defined by the Local Government (Ireland) Provisional Orders Confirmation (Waterford, &c.) Act, 1879. Limits of supply.

Given under our hands and seal of office, this seventeenth day of April one thousand eight hundred and eighty-two.

(Signed) HENRY ROBINSON.
CHARLES CROKER-KING.
GEORGE MORRIS.

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