CHAPTER lxvii.

A.D. 1881.

An Act to confirm a Provisional Order of the Local Government Board under the provisions of the Gas and Water Works Facilities Act, 1870, and the Public Health Act, 1875, relating to the Borough of Bridgnorth.

[27th June 1881.]

WHEREAS the Local Government Board have, as regards the borough of Bridgnorth, made the Provisional Order set forth in the schedule hereto, under the provisions of the Gas and Water Works Facilities Act, 1870, and the Public Health Act, 1875: 33 & 34 Vict. c. 70. 38 & 39 Vict. c. 55.

And whereas it is requisite that the said Order should be confirmed by Parliament:

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:

The Order in schedule confirmed.

1. The Order set out in the schedule hereto shall be and the same is hereby confirmed, and all the provisions thereof shall, from and after the passing of this Act, have full validity and force.

Short title.

2. This Act may be cited as the Local Government Board's (Gas) Provisional Order Confirmation Act, 1881.

SCHEDULE.

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Bridgnorth (Gas) Order.

BOROUGH OF BRIDGNORTH.

Provisional Order under the Gas and Water Works Facilities Act, 1870.

To the Mayor, Aldermen, and Burgesses of the Borough of Bridgnorth, in the County of Salop, being the Urban Sanitary Authority for that Borough; —

And to all others whom it may concern.

WHEREAS by Section 3 of the Gas and Water Works Facilities Act, 1870, it is enacted that that Act shall apply where powers are required for the purposes of constructing or maintaining and continuing gas works and works connected therewith, or of manufacturing and supplying gas in any district within which there is not an existing company, corporation, body of commissioners, or person empowered by Act of Parliament to construct such works or to manufacture and supply gas, and that such purposes shall, for the purposes of that Act, be deemed to be included in the term "Gas Undertaking;"

And whereas by Section 4 of the same Act it is enacted that Provisional Orders authorising any gas undertaking under the authority of that Act, may be obtained in any district by any company, companies, or person, and that in the construction of that Act the term "Undertakers" shall be deemed to include any such company, companies, or person;

And whereas by the same Act it is further enacted, that applications for such Provisional Orders shall be made to, and that such Provisional Orders may be made by, the Board of Trade;

And whereas by Section 161 of the Public Health Act, 1875, it is enacted that where there is not any company or person (other than the Urban Sanitary Authority) authorised by or in pursuance of any Act of Parliament, or any Order confirmed by Parliament to supply gas for public and private purposes, supplying gas within any part of the district of such Authority, such Authority may themselves undertake to supply gas for such purposes, or any of them throughout the whole or any part of their district, and that where an Urban Sanitary Authority may under the said Public Health Act, 1875, themselves undertake to supply gas for the whole or any part of their district, a Provisional Order authorising a gas undertaking may be obtained by such Authority under and subject to the provisions of the said Gas and Water Works Facilities Act, 1870, and any Act amending the same; and that in the construction of the said

Act, the term "the Undertakers" shall be deemed to include any such Urban Sanitary Authority; provided that for the purposes of the said Public Health Act, 1875, the Local Government Board shall throughout the said Gas and Water Works Facilities Act, 1870, and any Act amending the same, be deemed to be substituted for the Board of Trade;

And whereas by Section 162 of the Public Health Act, 1875, it is also enacted that for the purpose of supplying gas within their district or any part thereof, either for public or private purposes, any Urban Sanitary Authority may (with the sanction of the Local Government Board) buy, and the directors of any gas company, in pursuance, in the case of a company registered under the Companies Act, 1862, of a special resolution of the members passed in manner provided by that Act, and in the case of any other company, of a resolution passed by a majority of three-fourths in number and value of the members present, either personally, or by proxy, at a meeting specially convened with notice of the business to be transacted, may sell and transfer to such authority on such terms as may be agreed on between such authority and the company, all the rights, powers, and privileges, and all or any of the lands, premises, works, and other property of the company, but subject to all liabilities attached to the same at the time of such purchase;

And whereas the Mayor, Aldermen, and Burgesses of the Borough of Bridgnorth, in the County of Salop, being the Urban Sanitary Authority for that Borough (herein-after called "the Urban Sanitary Authority") have (subject to the sanction of the Local Government Board) agreed to buy, and the directors of the Bridgnorth Gas Company, Limited, have, in pursuance of a special resolution of the members passed in manner provided by the Companies Act, 1862, agreed to sell to the Urban Sanitary Authority, the company's gas undertaking, including all the land, buildings, plant, retorts, main-pipes, meters, syphons, and all works whatsoever which may have been laid down, fixed, erected, or placed by the said company and all other property whatsoever of the said company (herein-after called "the Gas Undertaking of the Company");

And whereas the Urban Sanitary Authority, being, under the Public Health Act, 1875, themselves empowered to supply gas for the whole or any part of their district, applied to the Local Government Board to issue a Provisional Order, authorising them to maintain and continue, if and when the same shall be acquired by them, the gas undertaking of the company, (not being a company authorised by or in pursuance of any Act of Parliament, or any Order confirmed by Parliament, to supply gas for public and private purposes,) to construct other gas works, to manufacture and supply gas, and to borrow money for those purposes, and duly complied with the provisions of the said Gas and Water Works Facilities Act, 1870, with respect to the service of notices, publication of advertisements, and deposit of documents;

And whereas the Local Government Board, upon receipt of such application, caused public inquiry to be held in the district of the Urban Sanitary Authority on the subject thereof, which inquiry was held, after due notice thereof, and report has been made to them thereon, in accordance with the provisions of Section 13 of the Gas and Water Works Facilities Act, 1870, Amendment Act, 1873:

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Now therefore, We, the Local Government Board, in pursuance of the powers given to Us by the Statutes in that behalf, do hereby Order that, from and after the date of the Act of Parliament confirming this Order, the following provisions shall take effect; viz.—

Art. I. This Order may be cited as "the Bridgnorth Gas Order, 1881."

Art. II. The several words 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.

Art. III. The limits within which the provisions of this Order shall be in force and have effect shall be the Parishes of Saint Leonard and Saint Mary Magdalene, within the said Borough of Bridgnorth.

Art. IV. The Urban Sanitary Authority shall, in relation to the purposes of this Order, exercise and be subject to all the powers and provisions of the Public Health Act, 1875, so far as the same are applicable to the purposes of this Order, but nothing herein contained shall empower the Urban Sanitary Authority to acquire lands otherwise than by agreement, or to acquire any lands by agreement, except to the extent limited in this Order.

Art. V. The provisions of the Lands Clauses Consolidation Acts (except with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry upon lands by the promoters of the undertaking, and except Section 127 of the Lands Clauses Consolidation Act, 1845), and the provisions of the Gasworks Clauses Act, 1847 (except Sections 30 to 38, both inclusive, and Sections 41, 43, 45, 46, and 47 thereof), and of the Gasworks Clauses Act, 1871 (except Sections 24 to 27, both inclusive, Sections 29 and 35, and Schedule B. thereof), are hereby incorporated with this Order, except where the same are expressly varied thereby, and the said provisions of the said Gasworks Clauses Acts shall apply as well to any mains, pipes, or works which may at any time be acquired by the Urban Sanitary Authority under or by virtue of the Public Health Act, 1875, as to any mains, pipes, or works which may be laid down or constructed under the authority of this Order.

Art. VI. The Urban Sanitary Authority may, on the land described in the Schedule hereto, if and when the same shall be acquired by them, repair, renew, maintain, continue, and from time to time, construct, erect, alter, enlarge, or, when necessary, remove buildings, apparatus and works for the manufacture and storage of gas and of coke and other refuse, or residual products arising from the manufacture of gas, and any matters producible therefrom; and they may, subject to the provisions of this Order, make gas, and supply and sell the same within the Parishes of Saint Leonard and Saint Mary Magdalene, within the said Borough, and may convert or manufacture coke, and all refuse or residual products arising from the manufacture of gas by them, and any matters producible therefrom, and may sell and dispose of the same at the gas works and elsewhere. The Urban Sanitary Authority may also (if hereafter considered expedient) erect an embankment wall along the side of the River Severn, from a point near the bridge, in the said parish of Saint Mary Magdalene, crossing the said river, to a point as near to the said gas works, in the said parish of Saint

Leonard, as may be necessary to enable the Urban Sanitary Authority to construct a road for the purpose of conveying coal and other things to and from the gas works, and for laying a main in order to afford a better supply of gas in the lower town and other parts of the said Parishes of Saint Leonard and Saint Mary Magdalene, and for such purposes may acquire, by agreement, such lands, buildings, premises, or other property as may be necessary to enable them to construct the said road in accordance with the plan and section prepared and deposited in manner provided by the Gas and Water Works Facilities Act, 1870, or as near thereto as circumstances may admit, and may construct such road and lay such main accordingly.

Art. VII. The Urban Sanitary Authority shall not manufacture gas or any residual products arising in the manufacture of gas, on any land other than that specified in the Schedule hereto, neither shall they store gas on any land other than that specified in the said Schedule, which shall be situated within 300 yards of any dwelling-house existing at the time when they propose to store gas thereon, without the consent in writing of the owner, lessee, and occupier of such dwelling-house.

Art. VIII. The quality of the gas supplied by the Urban Sanitary Authority, shall, with respect to its illuminating power, be such as to produce at the testing place herein-after mentioned, a light equal in intensity to the light produced by fifteen sperm candles of six to the pound, and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act, 1871.

Art. IX. The Urban Sanitary Authority shall, before supplying, or within one month after commencing to supply, gas under the authority of this Order, provide and maintain a suitable photometer and other necessary appliances for the purposes of testing the quality of the gas, and shall at all times keep the same in proper order and repair.

Art. X. All gas supplied by the Urban 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 five-tenths of an inch in height and to balance from sunset to midnight a column of water not less than eight-tenths of an inch in height at the main, or as near as may be to the junction therewith of the service-pipe supplying such consumer.

Art. XI. For the purposes of the Gasworks Clauses Act, 1871, the prescribed testing place shall be a testing place to be provided by the said Urban Sanitary Authority at the gasworks situate on the land described in the Schedule hereto, near to the carpet factory of Messrs. Southwell at the end of Friars Street, in the said parish of Saint Leonard, before supplying, or within one month after commencing to supply, gas under the authority of this Order, if the Urban Sanitary Authority shall acquire such gasworks, and the burner to be used for testing the gas shall be a Sugg's "London" Argand, No. 1, with a six-inch by one-and-three-quarter inch glass chimney, and if at any time the gas flame tails over the top of the glass, a six-inch by two-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,

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not being the immediate approach to any railway bridge or railway station, 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.

Art. XII. No penalty shall be incurred by the Urban 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 produced by an unavoidable cause or accident.

Art. XIII. The price to be charged by the Urban Sanitary Authority for gas supplied by them to consumers, shall not exceed five shillings per 1000 cubic feet, and so on in proportion for any less quantity supplied, provided nevertheless that every odd fraction or portion of 100 cubic feet may be charged for as 100 cubic feet.

Art. XIV. The Urban Sanitary Authority may, with the sanction of the Local Government Board, for the purposes of the gas undertaking hereby authorised, borrow money upon the security of any lands, works, or other property of which they shall be at any time possessed, for the purpose of such undertaking, and may mortgage such lands, works, or other property to any person or persons advancing such money, in the same manner in all respects as if they were the absolute owner, both at law and in equity, of the lands, works, or other property so mortgaged.

Art. XV. For the purposes of the loans mentioned in Article XIV., the provisions of the Local Loans Act, 1875, including the power of creating debenture stock, shall be available to the Urban Sanitary Authority.

Art. XVI. Any money borrowed by the Urban Sanitary Authority under the provisions of Articles XIV. and XV. of this Order, or otherwise, for the purposes of the said undertaking, shall be repaid within such period (not exceeding fifty years) as the Urban Sanitary Authority with the sanction of the Local Government Board shall determine, and the period so determined and sanctioned shall be deemed to be the "prescribed period" within the meaning of the Local Loans Act, 1875.

Art. XVII. The Urban Sanitary Authority shall repay the money borrowed under Article XIV., other than money borrowed under the Local Loans Act, 1875, either by equal annual instalments of principal, or of principal and interest, or by setting apart in every year as a sinking fund such a sum or sums as will, according to a reasonable calculation for the time being, with accumulations in the way of compound interest, be sufficient after payment of all expenses, to pay off the money so borrowed within the period sanctioned, and shall invest the same in the purchase of exchequer bills or other Government securities, or, if the Local Government Board shall assent, in securities in which trustees are by law for the time being authorised to invest, or in nominal debentures or nominal debenture stock issued under the Local Loans Act, 1875, by any Local Authority other than the Urban Sanitary Authority, the Urban Sanitary Authority being at liberty from time to time to vary and transpose such investments.

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Art. XVIII. The Urban Sanitary Authority may at any time apply the whole or any part of such sinking fund in or towards the discharge of the money for the repayment of which the fund is established; provided that the Urban Sanitary Authority pay into the fund each year, and accumulate until the whole of the money borrowed is discharged, a sum equivalent to the interest which would have been produced by the sinking fund or the part of the sinking fund so applied.

Art. XIX. The Urban Sanitary Authority may, with the sanction of the Local Government Board, reborrow money upon the security mentioned in Article XIV., for the purpose of discharging any loans contracted under that Article, other than loans contracted under the Local Loans Act, 1875: Provided that the money borrowed for such purpose shall be repaid in the manner provided by Articles XVI. and XVII., and the time for repayment of the money so borrowed shall not, except with the sanction of the Local Government Board, extend beyond the unexpired portion of the period for which the original loan was sanctioned, and shall in no case be extended beyond the period of fifty years from the date of the original loan.

Art. XX. All money borrowed or re-borrowed under this Order shall be appropriated to the purposes for which it is authorised to be so borrowed or reborrowed; and all money received by the Urban Sanitary Authority either as purchase money of lands sold, or for equality of exchange, or as consideration for a lease, shall be applied to works or objects on which capital may properly be expended, when the Local Government Board have sanctioned the application of the same to those purposes, or shall be applied, according as the Urban Sanitary Authority may determine, towards the reduction of the debt owing by the Urban Sanitary Authority, or towards the increase of the sinking fund under this Order; Provided that it shall not be in any way incumbent on any mortgagee to see to the application of any money so borrowed or reborrowed, nor shall the mortgagee be responsible for any misapplication thereof.

Art. XXI. The powers of borrowing and reborrowing conferred by Articles XIV., XV., and XIX. of this Order shall be deemed to be distinct from and in addition to the powers of borrowing conferred on the Urban Sanitary Authority by the Public Health Act, 1875.

Art. XXII. The Clerk of the Urban Sanitary Authority shall, within twenty one days after the expiration of each year during which any sum is required to be paid as an instalment, or to be set apart for a sinking fund, in respect of moneys borrowed under the provisions of this Order, 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 amounts which have been paid as instalments and the amounts which have been invested or applied for the purpose of such sinking fund during the year next preceding the making of such return, and the description of the securities upon which any investment has been made, and the purposes to which any portion of the sinking fund, or investment, or of the sums accumulated by way of interest has been applied during the same period, and the total amount (if any) remaining invested at the end of the year.

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Art. XXIII. If it appears to the Local Government Board, by that return or otherwise, that the Urban Sanitary Authority have failed to pay any instalment required to be paid, or to set apart any sum required for any sinking fund, or have applied any portion of the money set apart for any sinking fund, or of the sums accumulated by way of interest to any purposes other than those authorised, they may, by order, direct that a sum not exceeding double the amount in respect of which default has been made, shall be paid by way of instalment or be set apart and invested or applied as part of the sinking fund; and any such Order shall be enforceable by writ of mandamus, to be obtained by the Local Government Board out of Her Majesty's High Court of Justice.

Art. XXIV. When the Urban Sanitary Authority require money to be deposited by any person with them by way of security for the payment to them of any 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 Urban Sanitary Authority shall pay interest at the rate of three pounds per centum per annum on every sum of ten shillings so deposited, for every six months during which the same remains in their hands: Provided that the Urban Sanitary Authority may, if they think fit, invest any money so deposited with them in the manner provided in Article XVII. as to the sinking fund, and in that case the Urban Sanitary Authority shall pay no higher rate of interest than they themselves receive thereon.

Art. XXV. The Urban Sanitary Authority shall keep separate capital and revenue accounts of all receipts, credits, payments, and liabilities in and about the execution of this Order, and from or on account of the gas undertaking hereby authorised, which accounts shall be distinct from the other accounts of the Urban Sanitary Authority, and shall be called respectively "the gas capital account," and "the gas revenue account."

Art. XXVI. All moneys from time to time received by the Urban Sanitary Authority, by way of revenue under this Order, shall be applied to the following purposes:—

In payment of the gas establishment charges, that is to say, of the expenses properly chargeable to revenue, of establishing, conducting, managing, and maintaining the gas works and works connected therewith;

In payment of the interest on the moneys borrowed or reborrowed for the purposes of this Order;

In providing for the discharge of any moneys borrowed or reborrowed for the purposes of this Order;

In setting apart, if the Urban Sanitary Authority think fit, a yearly sum not exceeding ten pounds per centum of such revenue for the purpose of forming a reserve fund to provide for the expenses attendant upon or occasioned by any sudden accident to the said gas works and works connected therewith, or any other extraordinary expenditure authorised by this Order: Provided that such reserve fund shall be accumulated by way of compound interest by investment in the manner specified in Article XVII. as to the sinking fund, and shall not at any time exceed the sum of two thousand pounds, and that whenever the reserve fund amounts to

two thousand pounds the income therefrom shall be applied in the same manner as money received by the Urban Sanitary Authority by way of revenue under this Order;

In payment, if the Urban Sanitary Authority think fit, of the expenses of executing any permanent works authorised by this Order;

The residue, if any, of such revenue shall be carried to the district fund, but no part of such revenue shall be carried to the district fund when the price of gas to private consumers exceeds three shillings per thousand cubic feet.

Art. XXVII. The Urban Sanitary Authority shall keep separate records of the quantities of gas supplied to private consumers, and for public lighting, respectively, and for the purpose of ascertaining the quantity of gas supplied for public lighting, shall provide and maintain meters for the public street lamps in the proportion of not less than one meter for every twelve lamps. Separate accounts of the cost of the public and private lighting shall be kept by the Urban Sanitary Authority, and the price charged for gas for public lighting shall not be more than ten pounds per centum less than that charged to private consumers.

Art. XXVIII. The Urban Sanitary Authority shall not defray any of the charges and expenses of carrying this Order into execution, other than payments required to be made in respect of money borrowed on mortgage of the General District Rate, out of the General District Rate when the price of gas is less than five shillings per 1,000 cubic feet.

Art. XXIX. If any difference arise between the Urban Sanitary Authority and any railway, canal, or other company, into, over, through, across, or under whose land or works they may at any time have power to carry any mains, pipes, or other works, as to the mode of laying down, repairing, altering, or enlarging such mains, pipes, or other works, or as to the facilities to be afforded by such Company for such laying down, repairing, altering or enlarging, such difference shall, upon the application of the Urban Sanitary Authority, or the governing body of such company, be settled by an engineer to be appointed by the Local Government Board, and the costs and expenses of and incidental to such appointment shall be paid by the Urban Sanitary Authority and the Company in equal moieties, unless the Local Government Board shall otherwise order.

The SCHEDULE above referred to.

All that piece of land called "the Poplar Meadow," situate, lying, and being at or near the Friars, in the Parish of Saint Leonard, in the Borough of Bridgnorth, containing 1A. 3R. 5P., or thereabouts, now belonging to the Bridgnorth Gas Company, Limited, and in the possession or occupation in part of the said Bridgnorth Gas

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Company, Limited, and in part of the Severn Towing Path Commissioners, and bounded on or towards the north by a field called "Severn Meadow," belonging to Charles Henry Hinckesman; on the west by a field called "Little Meadow," also belonging to the said Charles Henry Hinckesman; on the south by a road leading from Friars Street to the River Severn; and on the east by the said River Severn.

Given under the Seal of Office of the Local Government Board, this Nineteenth day of April, in the year One thousand eight hundred and eighty-one.

J. G. DODSON, President.
JOHN LAMBERT, Secretary.

(L.S.)

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