CHAPTER xliv.

An Act to confirm a Provisional Order of the Local Government Board under the Gas and Water Works Facilities Act, 1870, and the Public Health Act, 1875, relating to the Urban Sanitary District of Wokingham. A.D. 1894.

[3rd July 1894.]

WHEREAS the Local Government Board have made the Provisional Order set forth in the schedule hereto under 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, and that the provision herein contained should be enacted with reference thereto:

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:—

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 have full validity and force.

Restriction of power to take houses of labouring class.

2. The Sanitary Authority mentioned in the said Order shall not, without the consent of the Local Government Board, purchase or acquire, either compulsorily or by agreement, in any city, borough, or other urban sanitary district, or in any parish or part of a parish not being within an urban sanitary district, ten or more houses which after the passing of this Act have been, or on the fifteenth day of December last were, occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

For the purposes of this section the expression "labouring class" includes mechanics, artizans, labourers, and others working for

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wages, hawkers, costermongers, persons not working for wages but working at some trade or handicraft without employing others except members of their own family, and persons, other than domestic servants, whose income does not exceed an average of thirty shillings a week, and the families of any of such persons who may be residing with them.

Short title.

3. This Act may be cited as the Local Government Board's Provisional Order Confirmation (Gas) Act, 1894.

SCHEDULE.

BOROUGH OF WOKINGHAM.

Wokingham (Gas) Order.

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

To the Mayor, Aldermen, and Burgesses of the Borough of Wokingham, being the Urban Sanitary Authority for that Borough;—

And to all others whom it may concern.

WHEREAS the Borough of Wokingham (herein-after referred to as "the Borough") is an Urban Sanitary District, of which the Mayor, Aldermen, and Burgesses, acting by the Council, are the Urban Sanitary Authority, and are herein-after referred to as "the Sanitary Authority";

And whereas the Sanitary Authority have (subject to the sanction of the Local Government Board) agreed to buy, and the Wokingham Gas and Coke Company (herein-after referred to as "the Company") have, in pursuance 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 of the Company specially convened with notice of the business to be transacted, agreed to sell and transfer to the Sanitary Authority all the interest of the Company in the lands, hereditaments, and premises described in the Schedule hereto, and all the gas-making apparatus, plant, and utensils, and other effects of the Company (in this Order referred to as "the undertaking of the Company");

And whereas the Sanitary Authority are, under the Public Health Act, 1875, themselves empowered to supply gas for the whole of the Borough, and have applied to the Local Government Board to issue a Provisional Order authorising them to maintain and continue the undertaking of the Company, if and when the same shall be acquired by them, to manufacture and supply gas, and to borrow money for those purposes:

Now therefore, We, the Local Government Board, in pursuance of the powers given to Us by Section 161 of the Public Health Act, 1875, and by any other enactments 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.,— 38 & 39 Vict. c. 55.

Art. I. This Order may be cited as the Wokingham Gas Order, 1894.

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 (unless there be something in the subject or context repugnant to that construction).

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Art. III. The limits within which this Order shall be in force and have effect shall be the boundaries of the Borough.

Art. IV. The 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 Sanitary Authority to acquire lands otherwise than by agreement, or to acquire any lands by agreement other than those mentioned in the Schedule hereto.

Art. V. 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 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 incorporated with this Order, but subject to such alterations as this Order may make therein ; and the said provisions of the said Gasworks Clauses Acts shall apply to mains, pipes, or works acquired by or vested in the Sanitary Authority under or by virtue of the Public Health Act, 1875, or of this Order, and to mains, pipes, or works which may be laid down or constructed under the authority of this Order.

Art. VI. The Sanitary Authority may (when the undertaking of the Company shall have been acquired by them), upon the lands described in the Schedule hereto, maintain, repair, renew, and continue, and from time to time construct, alter, enlarge, or, when necessary, remove buildings, apparatus, and works for the manufacture and storage of gas, and of coke, asphaltum, pitch, coal-tar, ammoniacal liquor, and other refuse or residual products arising from the manufacture of gas, and any matters producible therefrom, and dwellings for any persons employed in the said works, and they may, subject to the provisions of this Order, make gas, and supply and sell the same within the Borough for public and private purposes, and may convert or manufacture coke, culm, asphaltum, pitch, coal-tar, oil, ammoniacal liquor, 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 gasworks and elsewhere.

Art. VII. The Sanitary Authority shall not manufacture gas, or any residual products arising in the manufacture of gas, or store gas, on any land other than that specified in the Schedule hereto.

Art. VIII. The Sanitary Authority may manufacture, purchase, or hire, and sell or let on hire, gas-cooking ovens, stoves, meters, ranges, burners, or other fittings or apparatus used in the supply or consumption of gas for lighting or heating purposes.

Art. IX. The quality of the gas supplied by the 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. X. The 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 purpose of testing the quality of the gas, and shall at all times keep the same in proper order and repair.

Art. XI. 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 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. XII. For the purposes of the Gasworks Clauses Act, 1871, the prescribed testing place shall be a testing place to be provided by the Sanitary Authority at the gasworks situate on the land described in the Schedule hereto, before supplying, or within one month after commencing to supply, gas under the authority of this Order, 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. 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, 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. XIII. 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 produced by an unavoidable cause or accident.

Art. XIV. The price to be charged by the Sanitary Authority for gas supplied by them to consumers shall not exceed five shillings and sixpence per one thousand cubic feet, and so on in proportion for any less quantity supplied: Provided nevertheless that every odd fraction or portion of one hundred cubic feet may be charged for as one hundred cubic feet.

Art. XV. The Sanitary Authority may, with the sanction of the Local Government Board, and for the purposes of this Order (which purposes shall be deemed to include the costs payable by the Sanitary Authority of and connected with the preparation and making of this Order, and the sum to be paid for the purchase of the undertaking of the Company), borrow money upon the security of the moneys from time to time received by them by way of revenue under this Order, and upon the security of the district fund and general district rate of the Borough, or upon either of such securities.

Art. XVI. For the purpose of raising money under this Order the provisions of the Local Loans Act, 1875, shall be available to the Sanitary Authority, and Sections 236 to 238 (both inclusive) of the Public Health Act,

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1875, shall apply to all moneys borrowed and re-borrowed on mortgage under this Order.

Art. XVII. The moneys borrowed under this Order shall be repaid within such period, not exceeding fifty years from the date of borrowing, as the Sanitary Authority, with the sanction of the Local Government Board, shall in each case determine, and the period so determined and sanctioned is herein-after referred to as "the prescribed period," and shall be, with reference to the moneys to be repaid therein, the prescribed period for the purposes of the Local Loans Act, 1875.

Art. XVIII.—(1.) The Sanitary Authority shall repay the moneys borrowed or to be borrowed under this Order (other than moneys borrowed under the provisions of the Local Loans Act, 1875,) by equal annual instalments of principal, or by equal annual instalments of principal and interest combined, or by means of a sinking fund, or partly by one of these methods and partly by another or the others of them.

(2.) Subject to the provisions of Article XIX. of this Order, if the Sanitary Authority determine to repay by means of a sinking fund any moneys borrowed or to be borrowed under this Order, such sinking fund shall be formed and maintained either—

(*a.*) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed. A sinking fund so formed is herein-after called a non-accumulating sinking fund ; or

(*b.*) By payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three pounds per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed. A sinking fund so formed is herein-after called an accumulating sinking fund.

(3.) Every sum paid to a sinking fund, and, in the case of an accumulating sinking fund, the interest on the investments of the sinking fund, shall, unless applied in repayment of the loan in respect of which the sinking fund is formed, be immediately invested in securities in which trustees are by law for the time being authorised to invest, or in mortgages, bonds, debentures, debenture stock, stock, or other securities (not being annuity certificates or securities payable to bearer) duly issued by any Local Authority, as defined by Section 34 of the Local Loans Act, 1875, other than the Sanitary Authority, the Sanitary Authority being at liberty from time to time to vary and transpose such investments.

(4.) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Sanitary Authority towards the equal annual payments to the fund.

(5.) The Sanitary Authority may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed : Provided that, in the case of an accumulating sinking fund, the Sanitary Authority shall pay into the fund each year, and accumulate during the residue of the prescribed period, a sum equal to the interest which would have been produced by such sinking fund so applied

if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(6.)—(*a.*) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested, if the same were invested, at the rate per centum per annum on which the equal annual payments to the fund are based, any deficiency shall be made good by the Sanitary Authority.

(*b.*) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested, if the same were invested, at the rate per centum per annum on which the equal annual payments to the fund are based, any such excess may be applied towards such equal annual payments.

(7.) Any expenses connected with the formation, maintenance, investment, application, management, or otherwise of any sinking fund under this Order shall be paid by the Sanitary Authority, in addition to the payments provided for by this Order.

Art. XIX.—(1.) If it appears to the Sanitary Authority at any time that the amount in the sinking fund, with the future payments thereto, in accordance with the provisions of this Order, together with the accumulations thereon (in the case of an accumulating sinking fund), will probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed, it shall be the duty of the Sanitary Authority to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose: Provided that if it appears to the Local Government Board that any such increase is necessary, the Sanitary Authority shall increase the payments to such extent as the Board may direct.

(2.) If the Sanitary Authority desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(3.) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Order, together with the accumulations thereon (in the case of an accumulating sinking fund), will, in the opinion of the Local Government Board, be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed, the Sanitary Authority may reduce the payments to be made to the sinking fund, either temporarily or permanently, to such an extent as that Board shall approve.

(4.) If the amount in any sinking fund at any time, together with the probable accumulations thereon (in the case of an accumulating sinking fund), will, in the opinion of the Local Government Board, be sufficient to repay the loan in respect of which it is formed within the prescribed period, the Sanitary Authority may, with the consent of that Board, discontinue the equal annual payments to such sinking fund until the Local Government Board shall otherwise direct.

(5.) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose or purposes as the Sanitary Authority, with the consent of the Local Government Board, may determine.

Art. XX. The Sanitary Authority shall, except as herein-after provided, have power to re-borrow for the purpose of paying off any moneys borrowed or

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re-borrowed under this Order which have not been repaid and are intended to be forthwith repaid, or in respect of any moneys which have been repaid by the temporary application of funds at the disposal of the Sanitary Authority within twelve months before the re-borrowing, and which at the time of the repayment it was intended to re-borrow:

Provided that the Sanitary Authority shall not have power to re-borrow for the purpose of paying off any moneys repaid by instalments or annual payments, or by means of a sinking fund, or out of moneys derived from the sale of land, or out of any capital moneys properly applicable to the purpose of such repayment, other than moneys borrowed for that purpose: Provided also, that any moneys re-borrowed shall be deemed to form the same loan as the money for the repayment of which the re-borrowing has been made, and shall be repaid within the prescribed period.

Art. XXI.—(1.) The town clerk of the Borough shall, within twenty-one days after the Thirty-first day of March in each year, if during the twelve months next preceding the said Thirty-first day of March any sum is required to be paid as an instalment or annual payment, or to be appropriated, or to be paid to a sinking fund, in pursuance of the provisions of this Order, or in respect of any money raised thereunder, and at any other time when the Local Government Board may require such a return to be made, transmit to the Local Government Board a return, in such form as may from time to time be prescribed by that Board, and, if required by that Board, verified by statutory declaration of such town clerk, showing for the year next preceding the making of such return, or for such other period as the Board may prescribe, the amounts which have been paid as instalments or annual payments, and the amounts which have been appropriated, and the amounts which have been paid to or invested or applied for the purpose of the sinking fund, 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 compound interest, has been applied during the same period, and the total amount (if any) remaining invested at the end of the year; and, in the event of his failing to make such return, such town clerk shall for each offence be liable to a penalty not exceeding twenty pounds, to be recovered by action on behalf of the Crown in the High Court; and, notwithstanding the recovery of such penalty, the making of the return shall be enforceable by writ of mandamus, to be obtained by the Local Government Board out of the High Court.

(2.) If it appears to the Local Government Board by that return, or otherwise, that the Sanitary Authority have failed to pay any instalment or annual payment required to be paid, or to appropriate any sum required to be appropriated, or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by this Order, or by the Local Government Board in virtue thereof, to be paid, appropriated, or set apart), or have applied any portion of any sinking fund to any purpose other than those authorised, the Local Government Board may, by Order, direct that the sum in such Order mentioned, not exceeding double the amount in respect of which default has been made, shall be paid or applied as in such Order mentioned; and any such Order

shall be enforceable by writ of mandamus, to be obtained by the Local Government Board out of the High Court.

Art. XXII. All moneys from time to time borrowed or re-borrowed under this Order shall be applied by the Sanitary Authority only for the purposes for which the same are respectively authorised to be borrowed or re-borrowed, excepting that moneys which may have been borrowed or re-borrowed in excess of the amount required shall be applied in such manner as the Sanitary Authority, with the approval of the Local Government Board, determine; and all money received by the Sanitary Authority under this Order, 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 Sanitary Authority may determine, towards the reduction of the debt owing by the Sanitary Authority or towards the increase of the sinking fund set apart under this Order: Provided that it shall not be in any way incumbent on any mortgagee to see to the application of any moneys so borrowed or re-borrowed, nor shall the mortgagee be responsible for any misapplication thereof.

Art. XXIII. The powers of borrowing and re-borrowing conferred by this Order shall be deemed to be distinct from, and in addition to, the powers of borrowing and re-borrowing conferred on the Sanitary Authority by the Public Health Act, 1875.

Art. XXIV.—(1.) The mortgagees of the Sanitary Authority under this Order may enforce the payment of arrears of interest or of principal, or of principal and interest, by the appointment of a receiver. The amount of arrears to authorise the appointment of a receiver shall not be less than five hundred pounds in the whole.

(2.) The application for the appointment of a receiver shall be made to the High Court, and the Court, if it thinks fit, may appoint a receiver on such terms as it thinks fit, and may at any time discharge the receiver and otherwise exercise full jurisdiction over him.

Art. XXV. When the 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 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 Sanitary Authority may, if they think fit, invest any money so deposited with them in the manner provided by subdivision (3) of Article XVIII. of this Order as to the sinking fund, and in that case the Sanitary Authority shall pay no higher rate of interest than they themselves receive thereon.

Art. XXVI. The Sanitary Authority shall keep separate capital and revenue accounts of all receipts, credits, payments, liabilities, and transactions 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

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accounts of the Sanitary Authority, and shall be called respectively "the Gas Capital Account" and "the Gas Revenue Account."

Art. XXVII. All moneys from time to time received by the Sanitary Authority by way of revenue under this Order shall be applied for 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 gasworks and works connected therewith;

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

In providing for the discharge of any moneys borrowed or re-borrowed for the purposes of this Order in accordance with the provisions of this Order, or if such money was borrowed thereunder, of the Local Loans Act, 1875;

In setting apart, if the 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 gasworks 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 subdivision (3) of Article XVIII. of this Order as to the sinking fund, until it amounts, according to the market price of such investments, to the sum of five hundred pounds, and that whenever the reserve fund amounts, according to the market price of such investments, to the sum of five hundred pounds the income therefrom shall be applied in the same manner as money received by the Sanitary Authority by way of revenue under this Order;

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

Art. XXVIII. The Sanitary Authority shall keep separate records of the quantities of gas supplied to private consumers and for public lighting respectively. The price charged for gas for public lighting shall not be less than that charged to private consumers by more than ten per cent.

Art. XXIX. The 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 district fund and general district rate, out of that fund or rate when the price of gas to private consumers is less than five shillings and sixpence per one thousand cubic feet.

Art. XXX. Where the Local Government Board cause any local inquiry to be held with reference to any of the purposes of this Order, the costs incurred by that Board in relation to such inquiry (including such reasonable sum, not exceeding three guineas a day, as that Board may determine for the services of any inspector or officer of the Board engaged in such inquiry) shall be paid by

the Sanitary Authority, and the Local Government Board may certify the amount of the costs so incurred, and any sum so certified and directed by that Board to be paid by the Sanitary Authority shall be a debt due to the Crown from the Sanitary Authority.

Art. XXXI. If any difference arise between the Sanitary Authority and 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 purpose of meeting the demands for gas within the Borough, as to the mode of laying down, repairing altering, or enlarging the 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 at the request of either party; and the costs and expenses of and incidental to such appointment shall be paid by the Sanitary Authority and the company in equal moieties, unless the Local Government Board otherwise direct.

The SCHEDULE above referred to.

All that piece of land, together with the gasworks and other buildings thereon, belonging to the Wokingham Gas and Coke Company, situate in the parish and borough of Wokingham, in the county of Berks, containing 1,920 square yards or thereabouts, on the east side of and adjoining the high road leading from Wokingham to Sandhurst and Finchampstead, and called the Finchampstead Road, and having a frontage to that road of 110 feet or thereabouts, and bounded on or towards the north by property belonging or reputed to belong to Mrs. Warwick and Messrs. Brakspear, and on or towards the south by property belonging or reputed to belong to Mr. Arthur Everest and Mr. William Neal.

Given under the Seal of Office of the Local Government Board, this Nineteenth day of April, One thousand eight hundred and ninety-four.

(L.S.)

G. Shaw-Lefevre, President.
Hugh Owen, Secretary.

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