CHAPTER cxxiii.

An Act to confirm certain Provisional Orders of the Local Government Board relating to East Dereham and Neyland. [22nd July 1904.]

A.D. 1904.

WHEREAS the Local Government Board have made the Provisional Orders set forth in the schedule hereto under the Gas and Water Works Facilities Act 1870 the Gas and Water Works Facilities Act 1870 Amendment Act 1873 and the Public Health Act 1875: 33 & 34 Vict. c. 70. 36 & 37 Vict. c. 89. 38 & 39 Vict. c. 55.

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

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:—

Orders in schedule confirmed.

1. The Orders set out in the schedule hereto shall be and the same are hereby confirmed and all the provisions thereof shall have full validity and force.

Short title.

2. This Act may be cited as the Local Government Board's Provisional Orders Confirmation (Gas) Act 1904.

[*Price* 1*s.* 3*d.*]

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SCHEDULE.

URBAN DISTRICT OF EAST DEREHAM.

East Dereham Order.

Provisional Order under the Gas and Water Works Facilities Act 1870 *and the Gas and Water Works Facilities Act* 1870 *Amendment Act* 1873.

To the Urban District Council of East Dereham; —

And to all others whom it may concern.

WHEREAS the Urban District Council of East Dereham (herein-after referred to as "the Council") are the Urban Authority within the meaning of the Public Health Act 1875 for the Urban District of East Dereham in the County of Norfolk (herein-after referred to as "the District");

And whereas by the East Dereham Gas Order 1885 (herein-after referred to as "the Order of 1885") which was confirmed by the Local Government Board's (Gas) Provisional Orders Confirmation Act 1885 and the East Dereham Gas Order 1887 (herein-after referred to as "the Order of 1887") which was confirmed by the Local Government Board's Provisional Orders Confirmation (Gas) Act 1887 the Council are empowered to carry on a gas undertaking and by the Order of 1885 the Council or their predecessors were empowered to borrow fifteen thousand pounds for the purposes of that undertaking;

48 & 49 Vict. c. lix.

50 & 51 Vict. c. lxxxiii.

And whereas it is expedient that the Order of 1885 should be amended and varied in manner herein-after appearing:

Now therefore We the Local Government Board in pursuance of the powers given to Us by the Gas and Water Works Facilities Act 1870 Section 12 of the Gas and Water Works Facilities Act 1870 Amendment Act 1873 and 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 Order of 1885 shall be amended and varied so that the following provisions shall take effect that is to say:—

33 & 34 Vict. c. 70.
36 & 37 Vict. c. 89.
38 & 39 Vict. c. 55.

Interpretation of "gas fittings."

Art. I. In this Order the expression "gas fittings" includes any meter engine oven stove range pipe or burner or any other apparatus appliance article or thing used or intended or adapted to be used in or in connexion with the supply or consumption of gas for the purposes of lighting motive power heating and cooking or for any other purpose for which gas can or may be used.

Supply of gas fittings.

Art. II. The Council may purchase or hire and sell or let on hire supply and otherwise deal in and fix set up alter remove and re-fix but shall not manufacture any gas fittings and may require and take such remuneration in money or such rents and charges for and make such terms and conditions with respect to the sale letting supply fixing setting up altering removing or re-fixing of such gas fittings and for securing their safety and (if the

circumstances so require) their return to the Council as may be agreed upon between the Council and the person to or for whom the said gas fittings are sold let supplied fixed set up altered removed or re-fixed.

Borrowing powers.

Art. III. The Council may with the sanction of the Local Government Board and for the purposes of the Order of 1885 the Order of 1887 and of this Order (which purposes shall be deemed to include the costs payable by the Council of and in connexion with the preparation making and confirmation by Parliament of this Order) borrow money in addition to the said sum of fifteen thousand pounds upon the security of the revenue of their gas undertaking and upon the security of the district fund and general district rate of the district or upon either of such securities.

Local Loans Act and certain provisions of Public Health Act *made* applicable.

Art. IV. For the purpose of raising money in the exercise of the powers of borrowing or re-borrowing conferred by this Order the provisions of the Local Loans Act 1875 shall be available to the Council and Sections 236 to 238 of the Public Health Act 1875 shall apply to all moneys borrowed or re-borrowed on mortgage under this Order.

Period for repayment of money borrowed.

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

Mode of repayment.

Art. VI.—(1) The Council shall repay the moneys 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 those methods and partly by another or the others of them.

Formation maintenance and application of sinking fund.

(2) Subject to the provisions of Article VII. of this Order if the Council determine to repay by means of a sinking fund any moneys 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.

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(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 but exclusive in every case of the securities of the Council the Council 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 Council towards the equal annual payments to the fund.

(5) The Council 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 Council 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 the sinking fund or the part of the 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 Council:

(*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 or management of or otherwise in relation to any sinking fund under this Order shall be paid by the Council in addition to the payments provided for by this Order.

Increase reduction or discontinuance of payments to sinking fund.

Art. VII.—(1) If it appears to the Council 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 Council 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 Council shall increase the payments to such extent as the Board may direct.

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

(3) If in the opinion of the Local Government Board 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 probably be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Council may reduce the payments to be made to the sinking fund either temporarily or permanently to such an extent as the Board approve.

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

Surplus of sinking fund.

(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 Council with the consent of the Local Government Board may determine.

Power to re-borrow.

Art. VIII. The Council shall except as herein-after provided have power to re-borrow for the purpose of paying off any moneys borrowed or 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 Council within twelve months before the re-borrowing and which at the time of the repayment it was intended to re-borrow :

Provided that the Council 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 moneys for the repayment of which the re-borrowing has been made and shall be repaid within the prescribed period.

Application of borrowed moneys.

Art. IX. All moneys from time to time borrowed or re-borrowed under this Order shall be applied by the Council 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 Council with the approval of the Local Government Board determine.

Receiver.

Art. X.—(1) Subject to the provisions of this Article any mortgagee of the Council in respect of a mortgage 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.

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(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:

Provided that no such application shall be entertained unless the amount of arrears due to the applicant or in the case of a joint application by two or more mortgagees to such applicants collectively be not less than five hundred pounds in the whole.

Art. XI.—(1) Articles XXIV. and XXV. of the Order of 1885 are hereby revoked except so far as those Articles may already have been acted upon.

Return as to provision for repayment of debt.

(2) The clerk to the Council 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 the Order of 1885 or 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 Board a return in such form as may from time to time be prescribed by the Board and if required by the Board verified by statutory declaration of such 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 the said 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 Board out of the High Court.

(3) If it appears to the Local Government Board by that return or otherwise that the Council 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 the Order of 1885 or by this Order or by the 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 an authorised purpose the 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

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mentioned and any such order shall be enforceable by writ of mandamus to be obtained by the Board out of the High Court.

Borrowing powers to be in addition to those in Public Health Act.

Art. XII. 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 Council by the Public Health Act 1875.

Art. XIII.—(1) Articles XXVIII. and XXX. of the Order of 1885 are hereby revoked except so far as those Articles may already have been acted upon.

Application of gas revenue.

(2) All moneys from time to time received by the Council by way of revenue under the Order of 1885 or of this Order shall be applied for the following purposes :—

In payment of the expenses properly chargeable to revenue of carrying on and maintaining their gas undertaking :

In payment of the interest on the moneys borrowed or re-borrowed for the purposes of the Order of 1885 or of this Order :

In providing for the discharge of any moneys borrowed or re-borrowed for the purposes of the Order of 1885 or of this Order in accordance with the provisions of such Orders respectively applicable to their discharge or if such money was borrowed thereunder of the Local Loans Act 1875 :

In setting apart if the Council 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 any extraordinary expenditure in connexion with the purposes of the gas undertaking Provided that such reserve fund shall be accumulated by way of compound interest by investment in the manner specified in subdivision (3) of Article VI. 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 Council by way of revenue under the Order of 1885 or of this Order :

In payment if the Council think fit of the expenses of executing any permanent works authorised by the Order of 1885 or 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 four shillings per one thousand cubic feet.

Charges of carrying Order into execution.

(3) The Council shall not defray any of the charges and expenses of carrying the Order of 1885 the Order of 1887 or 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

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Inquiries and expenses.

when the price of gas to private consumers is less than five shillings per one thousand cubic feet.

Art. XIV. Where the Local Government Board cause any local inquiry to be held with reference to any of the purposes of the Order of 1885 or of this Order the costs incurred by the Board in relation to such inquiry (including such reasonable sum not exceeding three guineas a day as the Board may determine for the services of any inspector or officer of the Board engaged in such inquiry) shall be paid by the Council and the Board may certify the amount of the costs so incurred and any sum so certified and directed by the Board to be paid by the Council shall be a debt due to the Crown from the Council.

Short title.

Art. XV. This Order may be cited as the East Dereham Gas Order 1904 and the Order of 1885 the Order of 1887 and this Order may be cited together as the East Dereham Gas Orders 1885 to 1904.

Given under the Seal of Office of the Local Government Board this Fifteenth day of April One thousand nine hundred and four.

(L.S.)

Walter H. Long President.
S. B. Provis Secretary.

URBAN DISTRICT OF NEYLAND.

Neyland (Gas) Order.

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

To the Urban District Council of Neyland ;—

And to all others whom it may concern.

WHEREAS the Urban District Council of Neyland (herein-after referred to as "the Council") are the Urban Authority within the meaning of the Public Health Act 1875 for the Urban District of Neyland in the County of Pembroke (herein-after referred to as "the district");

And whereas by the Pembroke Docks and Town Gas Order 1871 which was duly confirmed by Parliament the Pembroke Docks and Town Gas Company Limited (herein-after referred to as "the Company") were authorised to supply gas within the limits of supply thereby defined which included the district ;

3 Edw. 7. c. cxxxiii.

And whereas by Section 35 of the Pembroke Docks and Town Gas Order 1903 (herein-after referred to as "the Order of 1903") which was confirmed by the Gas Orders Confirmation (No. 2) Act 1903 it is provided that if before the expiration of the period of three years after the passing of the Act confirming that Order the Council shall obtain power to purchase the works mains and plant of the Company situate within the district (in that section called "the said works") and shall within the same period give notice to the Company requiring them to sell the said works the Company shall

thereupon sell and the Council shall purchase the same upon the terms of the Council paying to the Company the total amount which the Company shall have expended in the provision laying down and construction of or otherwise in connexion with the said works such amount to be determined in case of difference by arbitration in accordance with the provisions of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement and it is further provided that upon completion of the purchase the district shall cease to be within the Company's limits of supply;

And whereas the Council have in accordance with Section 35 of the Order of 1903 given notice to the Company requiring them to sell the works mains and plant of the Company within the district (which works mains and plant are herein-after referred to as "the works of the Company") and it is expedient that the Council should be empowered to purchase the works of the Company;

And whereas the Council have applied to the Local Government Board to issue a Provisional Order authorising a gas undertaking and empowering the Council with that object to maintain and continue the works of the Company if and when the same shall be acquired by the Council and to construct gasworks and 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 Neyland Gas Order 1904. Short title.

Art. II.—(1) Subject to the provisions of this Order 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-matter or context repugnant to that construction). Interpretation of terms.

(2) The expression "residual products" includes coke culm asphaltum pitch tar oil ammoniacal liquor or any other refuse or residual matter or thing produced in or resulting from the manufacture of gas:

The expression "gasworks" includes the works of the Company and any building structure machinery apparatus or work constructed or provided for use in or for the purposes of any process or operation connected with the manufacture or storage of gas or the manufacture conversion preparation or storage of any residual products or otherwise for any purpose of the gas undertaking or of any powers or duties of the Council under this Order or under any enactment incorporated with and applied by this Order:

The expression "gas fittings" includes any meter engine oven stove range pipe or burner or any other apparatus appliance article or thing used or intended or adapted to be used in or in connexion with the supply or

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consumption of gas for the purposes of lighting motive power heating and cooking or for any other purpose for which gas can or may be used.

Limits of Order.

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

Application of Public Health Act 1875.

Art. IV. The Council 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 Council to acquire lands otherwise than by agreement.

Incorporation of Acts.

Art. V.—(1) 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 and Sections 43 45 46 and 47 thereof) and of the Gasworks Clauses Act 1871 (except Sections 8 24 to 27 Sections 29 and 35 and Schedule B thereof) are incorporated with this Order and the said provisions of the said Gasworks Clauses Acts as so incorporated shall have effect subject to the provisions of this Order and shall apply to any gasworks acquired by or vested in the Council under or by virtue of the Public Health Act 1875 or of this Order and to any gasworks constructed or provided under the authority of this Order.

(2) The Council may purchase by agreement and subject to the provisions of this Order any land not exceeding two acres in addition to the lands described in the schedule hereto.

(3) No inclosure of common purporting to be made under the authority of this Order or any Act incorporated therewith shall be valid unless it is made with the consent of the Board of Agriculture and Fisheries.

Purchase by Council of Company's works within district.

Art. VI. The Council may purchase the works of the Company upon the terms and subject to the provisions of Section 35 of the Order of 1903.

Construction of works.

Art. VII.—(1) The Council may when the works of the Company have been acquired by them maintain repair renew and continue the same and may from time to time construct extend enlarge and alter any gasworks upon the lands described in the schedule to this Order.

(2) Subject to the provisions of this Order the Council may manufacture supply and sell gas within the district for public and private purposes and may manufacture convert or prepare and sell any residual products.

Council not to manufacture gas or residual products except on scheduled land.

Art. VIII.—(1) The Council shall not manufacture gas nor manufacture convert or prepare any residual products on any lands other than the lands described in the schedule to this Order.

(2) The Council shall not begin to store gas or any residual products on any lands (other than the lands described as aforesaid) which shall be situated within three hundred yards of any dwelling-house without the

previous consent in writing of the owner lessee and occupier of such dwelling-house.

Power to contract for purchase of gas in bulk.

Art. IX. The Council may when the works of the Company have been acquired by them contract with the Company or any other company or person for the purchase by and supply to the Council of gas in bulk.

Supply of fittings.

Art. X. The Council may purchase or hire and sell or let on hire supply and otherwise deal in and fix set up alter remove and re-fix but shall not manufacture any gas fittings and may require and take such remuneration in money or such rents and charges for and make such terms and conditions with respect to the sale letting supply fixing setting up altering removing or re-fixing of such gas fittings and for securing their safety and (if the circumstances so require) their return to the Council as may be agreed upon between the Council and the person to or for whom the said gas fittings are sold let supplied fixed set up altered removed or re-fixed.

Quality of gas supplied by Council.

Art. XI. The quality of the gas supplied by the Council 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 fourteen sperm candles of six tc the pound and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act 1871.

Photometer to be provided.

Art. XII. The Council shall before supplying or within one month after beginning 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.

Pressure.

Art. XIII. All gas supplied by the Council to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a columu 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.

Testing place and burner.

Art. XIV.—(1) For the purposes of the Gasworks Clauses Act 1871 the prescribed testing place shall be a testing place which shall be provided by the Council on the lands described in the schedule to this Order before supplying or within one month after beginning to supply gas under the authority of this Order and the burner to be used for testing the gas shall be either 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) or such other burner as the Board of Trade may approve.

(2) 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

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any street road passage or place vested in or under the control of any local or road authority and two hours' previous notice shall be given to the Council of the time and place at which any testing for pressure elsewhere than at the testing place will be conducted.

No penalty in case of unavoidable cause.

Art. XV. No penalty shall be incurred by the Council 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.

Maximum price.

Art. XVI. The price to be charged by the Council 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.

Price of gas for public supply.

Art. XVII. The Council shall keep separate records of the 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 centum.

Borrowing powers.

Art. XVIII. The Council 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 Council of and in connexion with the preparation making and confirmation by Parliament of this Order and any sum to be paid for the purchase of the works of the Company or in pursuance of the provisions of Section 35 of the Order of 1903) 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 district or upon either of such securities.

Local Loans Act and certain provisions of Public Health Act made applicable.

Art. XIX. For the purpose of raising money in the exercise of the powers of borrowing or re-borrowing conferred by this Order the provisions of the Local Loans Act 1875 shall be available to the Council and Sections 236 to 238 of the Public Health Act 1875 shall apply to all moneys borrowed or re-borrowed on mortgage under this Order.

Period for repayment of money borrowed.

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

Mode of repayment.

Art. XXI.—(1) The Council shall repay the moneys 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 those methods and partly by another or the others of them.

Formation maintenance and application of sinking fund.

(2) Subject to the provisions of Article XXII. of this Order if the Council determine to repay by means of a sinking fund any moneys 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 but exclusive in every case of the securities of the Council the Council 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 Council towards the equal annual payments to the fund.

(5) The Council 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 Council 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 the sinking fund or the part of the 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 Council:

(*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

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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 or management of or otherwise in relation to any sinking fund under this Order shall be paid by the Council in addition to the payments provided for by this Order.

Increase reduction or discontinuance of payments to sinking fund.

Art. XXII.—(1) If it appears to the Council 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 Council 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 Council shall increase the payments to such extent as the Board may direct.

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

(3) If in the opinion of the Local Government Board 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 probably be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Council may reduce the payments to be made to the sinking fund either temporarily or permanently to such an extent as the Board approve.

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

Surplus of sinking fund.

(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 Council with the consent of the Local Government Board may determine.

Power to re-borrow.

Art. XXIII. The Council shall except as herein-after provided have power to re-borrow for the purpose of paying off any moneys borrowed or 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 Council within twelve months before the re-borrowing and which at the time of the repayment it was intended to re-borrow :

Provided that the Council 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 moneys for the repayment of which the re-borrowing has been made and shall be repaid within the prescribed period.

Application of borrowed moneys.

Art. XXIV. All moneys from time to time borrowed or re-borrowed under this Order shall be applied by the Council 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 Council with the approval of the Local Government Board determine and all money received by the Council 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 Council may determine towards the reduction of the debt owing by the Council 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.

Receiver.

Art. XXV.—(1) Subject to the provisions of this Article any mortgagee of the Council in respect of a mortgage 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.

(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:

Provided that no such application shall be entertained unless the amount of arrears due to the applicant or in the case of a joint application by two or more mortgagees to such applicants collectively be not less than five hundred pounds in the whole.

Return as to provision for repayment of debt.

Art. XXVI.—(1) The clerk to the Council 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 tc 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 Board a return in such form as may from time to time be prescribed by the Board and if required by the Board verified by statutory declaration of such clerk showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts

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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 the said 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 Board out of the High Court.

(2) If it appears to the Local Government Board by that return or otherwise that the Council 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 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 an authorised purpose the 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 Board out of the High Court.

Borrowing powers to be in addition to those in Public Health Act.

Art. XXVII. 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 Council by the Public Health Act 1875.

Separate accounts.

Art. XXVIII. The Council shall keep separate capital and revenue accounts of all receipts credits payments liabilities and transactions in and about the execution and in relation to the purposes of this Order which accounts shall be distinct from the other accounts of the Council and shall be called respectively "the gas capital account" and "the gas revenue account."

Application of gas revenue.

Art. XXIX. All moneys from time to time received by the Council 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 carrying on and maintaining the gas undertaking:

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 Council 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 any extraordinary expenditure in connexion with the gas undertaking Provided that such reserve fund shall be accumulated by way of compound interest by investment in the manner specified in subdivision (3) of Article XXI. 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 Council by way of revenue under this Order:

In payment if the Council 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 four shillings per one thousand cubic feet.

Charges of carrying Order into execution.

Art. XXX. The Council 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.

Inquiries and expenses.

Art. XXXI. 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 the Board in relation to such inquiry (including such reasonable sum not exceeding three guineas a day as the Board may determine for the services of any inspector or officer of the Board engaged in such inquiry) shall be paid by the Council and the Board may certify the amount of the costs so incurred and any sum so certified and directed by the Board to be paid by the Council shall be a debt due to the Crown from the Council.

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The SCHEDULE above referred to.

A piece of land in the parish and urban district of Neyland formerly part of the parish of Llanstadwell containing an area of two thousand five hundred square yards or thereabouts and forming part of the enclosure numbered six hundred and sixty-five on the Ordnance Survey Map (scale $\frac{1}{2500}$ edition one thousand eight hundred and sixty-one) of the parish of Llanstadwell bounded on or towards the west by the military road leading from Church Lakes to Fort Scoveston on or towards the south by the Neyland Vale Road leading from the said military road to Great Honeyborough on or towards the north by a line drawn from a point in the said military road fifty yards or thereabouts northwards from the junction therewith of Neyland Vale Road and extending eastward until it intersects a line drawn northwards from a point on the Neyland Vale Road fifty yards or thereabouts eastwards from the said military road which last-mentioned line is the boundary on or towards the east.

Given under the Seal of Office of the Local Government Board this Eighteenth day of April One thousand nine hundred and four.

(L.S.) Walter H. Long President.
S. B. Provis Secretary.

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