CHAPTER cxxvii.

An Act to confirm certain Provisional Orders of the Local Government Board relating to Bourne and Wokingham. A.D. 1914.

[31st July 1914.]

WHEREAS the Local Government Board have made the Provisional Orders set forth in the schedule hereto under the provisions of 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:—

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. Orders in schedule confirmed.

2. This Act may be cited as the Local Government Board's Provisional Orders Confirmation (Gas) Act 1914. Short title.

[*Price* 1*s.* 9*d.*]

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SCHEDULE.

URBAN DISTRICT OF BOURNE.

Bourne (Gas) Order.

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

To the Urban District Council of Bourne; —

And to all others whom it may concern.

WHEREAS the Urban District Council of Bourne (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 Bourne in the parts of Kesteven in the County of Lincoln (herein-after referred to as "the District");

And whereas the Council have (subject to the sanction of the Local Government Board) agreed to buy and the Bourne Gas and Coke Company Limited (herein-after referred to as "the Company") being a company registered under the Companies Act 1862 have in pursuance of a special resolution of the members of the Company passed in manner provided by the Companies (Consolidation) Act 1908 agreed to sell and transfer to the Council all the interest of the Company in the lands hereditaments and premises described in the schedule hereto and all the plant engines machinery utensils implements and effects of the Company all of which are in this Order referred to as "the gas undertaking";

And whereas under the Public Health Act 1875 the Council are themselves empowered to supply gas for the whole of the District and have applied to the Local Government Board to issue a Provisional Order authorising them to maintain and continue the gas undertaking 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
38 & 39 Vict. c. 55. 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.:—

Short title. Art. I. This Order may be cited as the Bourne Gas Order 1914.

Interpretation. 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).

(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 by the Council:

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 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 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.

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

Construction of works.

Art. VI.—(1) The Council may (when the gas undertaking has been acquired by them) maintain repair renew and continue and from time to time construct extend enlarge and alter or when necessary remove 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 store and sell any residual products.

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

Art. VII.—(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 in the schedule to this Order 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 that dwelling-house.

Supply of gas fittings.

Art. VIII.—(1) 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.

(2) Any fittings let for hire under the provisions of this Article shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be Provided that such fittings are marked or impressed with a sufficient mark or brand indicating the Council as the actual owners thereof.

Quality of gas.

Art. IX. The quality of the gas supplied by the Council under this Order shall with respect to its illuminating power be such as to produce at the testing place herein-after mentioned when burned at the rate of five cubic feet per hour a light equal in intensity to the light produced by fourteen sperm candles of six to the pound each

consuming one hundred and twenty grains of sperm per hour and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act 1871.

Photometer to be provided.

Art. X. The Council shall before supplying or within three months 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. XI. All gas supplied by the Council under this Order 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 the consumer.

Testing place.

Art. XII.—(1) For the purposes of the Gasworks Clauses Act 1871 the prescribed testing place for testing the gas supplied under this Order shall be the testing place provided by the Company on the lands described in the schedule to this Order or such other testing place as may from time to time be provided by the Council on the said lands.

(2) For testing the illuminating power of the gas the burner to be used shall be that known as the Metropolitan Argand Burner No. 2 the photometer shall be the bar or table photometer the standard light shall be that supplied by Harcourt's ten-candle pentane lamp and in making the test in the case of a bar photometer the burner shall be so used as to obtain from the gas when burned at the rate aforesaid the greatest amount of light.

(3) The Board of Trade may on the application of the Council or any five consumers approve the use of any other burner photometer or standard light that may appear to the Board to be equally or more suitable for the testing.

(4) The Council shall within three months of their commencing to supply gas under this Order provide all the apparatus required by this Order for the testing of gas and shall at all times keep the same in proper order and repair.

(5) 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 the said 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 under this Order and for that purpose may open any street

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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. XIII. 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. XIV. 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. XV. 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 for lighting purposes by more than ten per centum.

Charge for gas supplied by means of prepayment meters.

Art. XVI.—(1) The Council may demand for any gas supplied through a prepayment meter a not greater charge than for gas supplied to private consumers through any other kind of meter or by any other method of supply.

(2) The Council shall not charge for the hire of any prepayment meter and fittings to be used therewith any sum other than a sum of money calculated according to the quantity of gas supplied through such prepayment meter and the maximum sum to be so charged shall be at the rate of tenpence per one thousand cubic feet supplied in manner aforesaid such sum to include the hire of meter and the fittings used therewith or at the rate of one shilling per one thousand cubic feet if such fittings include a cooking stove The said charge shall include the providing letting fixing repairing and maintenance of the meter and fittings and the cost of collection and other costs incurred by the Council in connexion with the meter and fittings.

(3) The Council shall not charge for the hire of any prepayment meter without fittings any sum other than a sum of money calculated according to the quantity of gas supplied through such prepayment meter and the maximum sum to be so charged shall be at the rate of sixpence per one thousand cubic feet supplied in manner aforesaid The said charge shall include the providing letting fixing repairing and maintenance of the meter and the cost of collection and other costs incurred by the Council in connexion with the meter.

(4) For the purpose of this Article the expression "prepayment meter" means any meter or appliance by which the quantity of gas supplied is regulated according to the amount prepaid therefor.

Power to refuse to supply persons in debt for other premises.

Art. XVII. If a person requiring a supply of gas from the Council has previously quitted premises at which gas was supplied to him by the Council without paying to them all gas charges and meter rent and rent for gas fittings due from him to the Council they may refuse to furnish to him a supply of gas until he pays the same.

Gas consumers to give notice to Council before removing.

Art. XVIII.—(1) At least twenty-four hours' notice shall be given to the Council by every gas consumer either personally at the office for the time being of the Council or in writing before he quits any premises supplied with gas by meter by the Council and in default of such notice the consumer so quitting shall be liable to pay to the Council the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such premises shall require the Council to supply gas to such premises whichever shall first occur.

(2) Notice of the effect of this requirement shall be endorsed upon every demand note for gas charges payable to the Council.

Authorising Council to require an anti-fluctuator to be used for controlling supply of gas to a gas engine.

Art. XIX.—(1) The Council may by notice in writing require a consumer of gas supplied by the Council and used for the working of an engine to fix and use an anti-fluctuator in a suitable position upon the premises to which the gas is supplied and whereon the engine is in use or to keep an anti-fluctuator so fixed and used in proper order and repair at all times while in use or to repair renew or replace an anti-fluctuator which is not in proper order or repair.

If the consumer after any such notice as aforesaid fails to fix and use an anti-fluctuator or to keep an anti-fluctuator in proper order and repair or to repair renew or replace an anti-fluctuator which is not in proper order and repair the Council may cease to supply him with gas.

(2) The Council may at all reasonable times demand and shall thereupon have access to any anti-fluctuator fixed upon any premises to which gas is supplied by the Council and for the purpose of ascertaining whether the anti-fluctuator is in proper order or repair may take off remove test inspect and replace the anti-fluctuator such taking off removing testing and replacing to be done at the expense of the Council if the anti-fluctuator be found in proper order but otherwise at the expense of the consumer.

(3) For the purposes of this Article an "anti-fluctuator" means any apparatus article or thing for the purpose of controlling and regulating the supply of gas to any engine and preventing any inconvenience or danger from the intermittent consumption of gas by the engine.

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Size and material of pipes and position of meters.

Art. XX.—(1) The Council may specify the size and material of any pipe which for the purposes of communication between a main of the Council and a meter on the premises of a consumer is to be laid or fixed by the consumer in such a manner or in such a position as to hinder or prevent the convenient inspection of the pipe at any time after the pipe is laid or fixed or while the pipe is in use for the supply of gas.

The Council in any such specification may prescribe particulars which may differ in detail and effect according as the premises to be supplied with gas belong to one or another of the several classes described in the specification and according as the Council set forth in the specification the quantity of gas which they estimate to be the greatest quantity consumable in any specified time upon premises of the class to which the said premises belong.

Every such specification shall be published once in each of two successive weeks in one and the same local newspaper published or circulating within the District and a copy of the specification shall be kept at the office for the time being of the Council and shall be open during office hours to inspection by any consumer or other person interested.

(2) Every meter belonging or let for hire to a consumer which is fixed in a new building or in a building not previously supplied with gas by the Council and which will be connected with a pipe laid or fixed or to be laid or fixed on the premises of the consumer for the purposes of communication with a main of the Council shall be fixed in such a position within the building as will be as near to the main as is reasonably practicable.

Notice and inspection.

(3) Every person who lays or fixes any such pipe or fixes any such meter as is herein-before in this Article described shall (not less than forty-eight hours before any work of covering up the pipe or any work which may hinder or prevent the convenient inspection of the pipe while the pipe is in use for the supply of gas is begun or not less than twenty-four hours before the meter is connected with a pipe for the purpose of communication with a main of the Council) give to the Council notice in writing of the situation of the premises or building whereon the pipe is laid or fixed or wherein the meter is fixed.

An officer duly appointed by the Council for the purpose or duly authorised in writing by the Council and producing his authority may within twenty-four hours after the receipt of the said notice by the Council enter the premises or building at any time between the hours of ten in the forenoon and five in the afternoon and inspect the pipe or meter.

In every case where in the opinion of the officer after the inspection of the pipe or meter the pipe is not in accordance with the particulars prescribed by a specification applicable for the time being to the said pipe and premises or the meter has not been fixed in such a position as to satisfy the requirements of subdivision (2) of this Article the officer may by an order in writing under his hand prohibit the use of the pipe or of the meter for the supply of gas or require the pipe to be altered or a pipe of specified size or material to be substituted or require the meter to be fixed in such other position as is described in the said order.

Refusal of supply.

(4) In every case where a person fails to give such notice or prevents obstructs or hinders such entry or inspection or refuses or neglects to do or to cause to be done any such work as is mentioned in subdivision (3) of this Article the Council may refuse to furnish any person with a supply of gas to or for the premises.

Appeals.

(5) A person aggrieved by any such order of an officer or any such refusal by the Council as is herein-before in this Article mentioned may within seven days after the date of the order or after the refusal appeal against the order or refusal to a court of summary jurisdiction.

Every such person shall give twenty-four hours' notice in writing of his appeal and of the grounds of his appeal to the clerk to the Council.

The court of summary jurisdiction for the determination of any such appeal may make such order as the court deem fit.

The order shall be final and so far as it requires anything other than the payment of money to be done or left undone may be enforced as provided by Section 34 of the Summary Jurisdiction Act 1879.

Article to be advertised.

(6) Notice of the provisions of this Article shall be given by advertisement inserted once in each of three consecutive weeks in one and the same local newspaper published or circulating in the District.

Period of error in defective meters.

Art. XXI.—(1) In the event of any meter used by a consumer of gas being tested in manner provided by the Sale of Gas Act 1859 and being proved to register erroneously within the meaning of the said Act such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter.

(2) The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Council shall be paid by or to the Council to or by the consumer as the case may be and shall be recoverable in like manner as gas rents are recoverable by the Council.

Notice of discontinuance.

Art. XXII. A notice to the Council from a consumer for the discontinuance of a supply of gas shall not be of any effect unless it be

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in writing signed by or on behalf of the consumer and be left at or sent by post to the office for the time being of the Council or be given by the consumer personally at the said office.

Borrowing powers.

Art. XXIII. Subject to the provisions of this Order the Council may with the sanction of the Local Government Board and for any of 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 the sum to be paid for the purchase of the gas undertaking) 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 those securities.

Local Loans Act and certain provisions of Public Health Act 1875 made applicable.

Art. XXIV. For the purpose of raising money in the exercise of the powers of 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 on mortgage under this Order.

Period for repayment of moneys borrowed.

Art. XXV. The moneys borrowed under Article XXIII. of this Order shall be repaid within such period not exceeding sixty 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 repayment of those moneys be the prescribed period for the purposes of this Order and of the Local Loans Act 1875.

Mode of repayment.

Art. XXVI.—(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 half-yearly or yearly instalments of principal or by equal half-yearly or yearly 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 XXVII. of this Order if the Council determine to repay by means of a sinking fund any moneys borrowed under this Order the 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 the 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 and the Council shall be at liberty from time to time to vary and transpose the 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 those 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.

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Increase reduction or discontinuance of payments to sinking fund.

Art. XXVII.—(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 the sinking fund until the Board 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 Council with the consent of the Local Government Board may determine.

Power to re-borrow.

Art. XXVIII.—(1) The Council shall have power—

(*a*) to borrow for the purpose of paying off any moneys previously borrowed under this Order which are intended to be forthwith repaid; or

(*b*) to borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Council in repaying moneys previously borrowed under this Order and which at the time of such repayment it was intended to replace by borrowed moneys.

(2) Any moneys borrowed under this Article shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the prescribed period which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this Article.

(3) The Council shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

(4) The Council shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid—

(*a*) by instalments or annual payments; or

(*b*) by means of a sinking fund; or

(*c*) out of moneys derived from the sale of land; or

(*d*) out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

Application of borrowed moneys.

Art. XXIX. All moneys from time to time borrowed under this Order shall be applied by the Council only for the purposes for which the same are respectively authorised to be borrowed excepting that moneys which may have been 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 Provided that it shall not be in any way incumbent on any mortgagee to see to the application of any moneys so borrowed nor shall the mortgagee be responsible for any misapplication thereof.

Receiver.

Art. XXX.—(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 the applicants collectively be not less than five hundred pounds in the whole.

Return as to repayment of debt.

Art. XXXI.—(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

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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 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 the clerk showing for the year next preceding the making of the 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 the return the 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 that 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 the 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 their order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as is mentioned in the said order 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. XXXII. The powers of borrowing conferred by this Order shall be deemed to be distinct from and in addition to the powers of borrowing conferred on the Council by the Public Health Act 1875.

Separate accounts.

Art. XXXIII. 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. XXXIV.—(1) 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 constructing continuing conducting managing and maintaining the gasworks;

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 those moneys were 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 the said 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 XXVI. of this Order as to the sinking fund until it amounts according to the market price of the investments to the sum of five hundred pounds and that whenever the reserve fund amounts according to the market price of the 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.

(2) The Council shall carry to the credit of the district fund so much of any balance remaining in any year of the revenue arising from their gas undertaking as may in the opinion of the Council not be required for carrying on the gas undertaking and paying the current expenses connected therewith Provided that no part of that revenue shall be carried to the credit of the district fund when the price of gas to private consumers exceeds four shillings and sixpence per one thousand cubic feet.

Charges of carrying Order into execution.

Art. XXXV. 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.

A.D. 1914.

Bourne (Gas) Order.

Inquiries and expenses.

Art. XXXVI. 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 that 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 the 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.

For protection of Great Northern Railway Company and Midland and Great Northern Railways Joint Committee.

Art. XXXVII. For the protection of the Great Northern Railway Company and the Midland and Great Northern Railways Joint Committee (which Company and Committee are in this Article respectively referred to as "the Company") the following provisions shall unless otherwise agreed in writing between the Company and the Council be in force and have effect:—

(1) In laying down or executing the repairs and renewals of any mains pipes or other works in the exercise of the powers contained in this Order upon across over under or in any way affecting the railways now or hereafter belonging to or used or occupied by the Company or the bridges or approaches viaducts stations or other works or any crossings over under or upon the railways of the Company or any lands used or occupied by the Company as a part of or in connexion with such railways the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the Company and except in cases of emergency only according to such plans to be submitted to and in such manner as shall be previously reasonably approved by him or in the event of disapproval then in such manner as shall be determined by arbitration in manner herein-after provided and in all things by and at the expense of the Council who shall also restore and make good the roads over any bridges level crossings and approaches which the Company are or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Council:

(2) All such works matters and things shall be constructed executed and done so as not to cause any unnecessary injury to such railways bridges level crossings approaches viaducts stations works or lands or avoidable interruption to the passage or conduct of traffic over such railways or at any station thereon:

(3) If any injury or interruption as aforesaid shall arise from or be in any way owing to any of the acts operations matters and things aforesaid or the leakage or failure of any such mains pipes or works the Council shall make compensation in respect thereof to the Company:

(4) If the said principal engineer does not express disapproval of such plans within twenty-one days after the same have been submitted to him he shall be deemed to have approved thereof and if the said engineer shall refuse or neglect to superintend any operations the Council may execute the work without his superintendence:

(5) Any dispute or difference which may arise between the Company and the Council with reference to the provisions of this Article or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer or other fit person to be appointed by the President of the Institution of Civil Engineers on the application of the Company and the Council or either of them and subject thereto the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

The SCHEDULE above referred to.

All those two pieces of land situate in the District belonging to the Company containing respectively 2170 square yards and 1175 square yards or thereabouts upon which the gasworks of the Company are now situate one of which pieces of land is bounded on the north by Spalding Road on the west by Victoria Place on the south by Eastgate and on the east by property known as Eastgate House and the other of which pieces of land is bounded on the north by a pond and property of the Great Northern Railway Company on the west by property known as Orchard Cottages on the south by Victoria Place and on the east by Car Dike.

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

(L.S.) HERBERT SAMUEL President.
H. C. MONRO Secretary.

A.D. 1914.

Wokingham (Gas) Order.

BOROUGH OF WOKINGHAM.

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 Mayor Aldermen and Burgesses of the Borough of Wokingham;—

And to all others whom it may concern.

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

And whereas by the Wokingham Gas Order 1894 (herein-after referred to as "the Order of 1894") which was confirmed by the Local Government Board's Provisional Order Confirmation (Gas) Act 1894 the Corporation were empowered on the lands described in the schedule to that Order to 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 subject to the provisions of that Order to make gas and supply and sell the same within the Borough for public and private purposes and to 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 to sell and dispose of the same at the gasworks and elsewhere but by that Order the Corporation were prohibited from acquiring any lands other than those mentioned in the schedule to the Order and from manufacturing gas or any residual products arising in the manufacture of gas or from storing gas on any land other than that specified in the schedule to the Order;

57 & 58 Vict. c. xliv.

And whereas by the Wokingham Gas Order 1899 (herein-after referred to as "the Order of 1899") which was confirmed by the Local Government Board's Provisional Orders Confirmation (Gas) Act 1899 the Corporation were empowered to use the land described in the schedule to that Order for the manufacture or storage of gas or of any refuse or residual products arising from the manufacture of gas and such land was to be deemed to be land described and included in the schedule to the Order of 1894;

62 & 63 Vict. c. cxiv.

And whereas the Corporation require to extend their gasworks and for that purpose to be authorised and empowered to use and appropriate certain lands already acquired by them to purchase additional lands and to borrow further moneys and in pursuance of Section 161 of the Public Health Act 1875 and of the enactments therein mentioned have made application to the Local Government Board for a Provisional Order to amend or vary the Order of 1894 and the Order of 1899 and it is expedient that those Orders 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 (herein-after referred to as "the commencement of this Order") the Order of 1894 and the Order of 1899 shall be amended and varied so that the following provisions shall take effect:— 33 & 34 Vict. c. 70. 36 & 37 Vict. c. 89. 38 & 39 Vict. c. 55.

Art. I. This Order may be cited as the Wokingham Gas Order 1914 and the Order of 1894 the Order of 1899 and this Order may be cited together as the Wokingham Gas Orders 1894 to 1914. Short titles.

Art. II.—(1) Notwithstanding anything in the Order of 1894 and the Order of 1899— Further lands for gas purposes.

(*a*) The Corporation may for the purposes of their gas undertaking purchase by agreement but not otherwise any lands not exceeding three acres in addition to the lands described in the schedule to the Order of 1894 the schedule to the Order of 1899 and the schedule to this Order;

(*b*) The Corporation may hold and use the land belonging to them and described in the schedule to this Order for all or any of the purposes of the said gas undertaking including the manufacture and storage of gas and residual products as if such land had been included in the lands described in the schedule to the Order of 1894.

(2) Nothing contained in this Order shall authorise the Corporation to manufacture or store gas or manufacture residual products arising in the manufacture of gas upon lands other than those described in the schedule to the Order of 1894 in the schedule to the Order of 1899 or in the schedule to this Order.

Art. III. The purposes of this Order (which purposes shall be deemed to include the costs payable by the Corporation of and in connexion with the preparation making and confirmation by Parliament of this Order and the sum paid for the purchase of the land Borrowing powers.

A.D. 1914.

Wokingham (Gas) Order.

described in the schedule hereto and any other land which the Corporation are authorised by this Order to purchase) shall be deemed to be purposes of the Order of 1894 for which the Corporation may borrow under and in accordance with the provisions of that Order.

Quality of gas and testing.

Art. IV.—(1) For the purposes of the Gasworks Clauses Act 1871 the prescribed testing place shall be the testing place already provided by the Corporation at their existing gasworks or a testing place to be hereafter provided upon the lands described in the schedules to the Order of 1894 the Order of 1899 and this Order.

(2) The quality of the gas supplied by the Corporation shall with respect to its illuminating power be such as to produce at the prescribed testing place when burned at the rate of five cubic feet per hour a light equal in intensity to the light produced by fourteen sperm candles of six to the pound each consuming one hundred and twenty grains of sperm per hour and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act 1871.

(3) For testing the illuminating power of the gas the burner to be used shall be that known as the Metropolitan Argand Burner No. 2 the photometer shall be the bar photometer the standard light shall be that supplied by Harcourt's ten candle pentane lamp and in making the test the burner shall be so used as to obtain from the gas when burned at the rate aforesaid the greatest amount of light The Board of Trade may on the application of the Corporation or any five consumers approve the use of any other burner photometer or standard light that may appear to that Board to be equally or more suitable for the testing.

(4) The Corporation shall within three months from the commencement of this Order provide at their gasworks all the apparatus required by this Order for the testing of gas and shall at all times keep the same in proper order and repair.

(5) 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 the said 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 and two hours' previous notice shall be given to the Corporation of the time and place at which any testing for pressure elsewhere than at the testing place will be conducted.

(6) Articles IX. X. and XII. of the Order of 1894 are hereby repealed.

Art. V.—(1) The Corporation may by notice in writing require a consumer of gas supplied by the Corporation and used for the working of an engine to fix and use an anti-fluctuator in a suitable position upon the premises to which the gas is supplied and whereon the engine is in use or to keep an anti-fluctuator so fixed and used in proper order and repair at all times while in use or to repair renew or replace an anti-fluctuator which is not in proper order or repair.

Authorising Council to require an anti-fluctuator to be used for controlling supply of gas to a gas engine.

If the consumer after any such notice as aforesaid fails to fix and use an anti-fluctuator or to keep an anti-fluctuator in proper order and repair or to repair renew or replace an anti-fluctuator which is not in proper order and repair the Corporation may cease to supply him with gas.

(2) The Corporation may at all reasonable times demand and shall thereupon have access to any anti-fluctuator fixed upon any premises to which gas is supplied by the Corporation and for the purpose of ascertaining whether the anti-fluctuator is in proper order or repair may take off remove test inspect and replace the anti-fluctuator Such taking off removing testing and replacing shall be done at the expense of the Corporation if the anti-fluctuator is found in proper order but otherwise at the expense of the consumer.

(3) For the purposes of this Article an "anti-fluctuator" means any apparatus article or thing for the purpose of controlling and regulating the supply of gas to any engine and preventing any inconvenience or danger from the intermittent consumption of gas by the engine.

Art. VI.—(1) At least twenty-four hours' notice shall be given to the Corporation by every gas consumer either personally at the gas office for the time being of the Corporation or in writing before he quits any premises supplied with gas by meter by the Corporation and in default of such notice the consumer so quitting shall be liable to pay to the Corporation the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such premises shall require the Corporation to supply gas to such premises whichever shall first occur.

Gas consumers to give notice to Corporation before removing.

(2) Notice of the effect of this requirement shall be endorsed upon every demand note for gas charges payable to the Corporation.

Art. VII. A notice to the Corporation from a consumer for the discontinuance of a supply of gas shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the gas office for the time being of the Corporation or be given by the consumer personally at the said gas office.

Notice of discontinuance.

A.D. 1914.

Wokingham (Gas) Order.

Power to refuse to supply persons in debt for other premises.

Art. VIII. If a person requiring a supply of gas from the Corporation has previously quitted premises at which gas was supplied to him by the Corporation without paying to them all gas charges and meter rent and rent for gas fittings due from him to the Corporation they may refuse to furnish to him a supply of gas until he pays the same.

Period of error in defective meters.

Art. IX.—(1) In the event of any meter used by a consumer of gas being tested in manner provided by the Sale of Gas Act 1859 and being proved to register erroneously within the meaning of the said Act such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter.

(2) The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Corporation shall be paid by or to the Corporation to or by the consumer as the case may be and shall be recoverable in the like manner as gas charges are recoverable by the Corporation.

Size and material of pipes and position of meters.

Art. X.—(1) The Corporation may specify the size and material of any pipe which for the purposes of communication between a main of the Corporation and a meter on the premises of a consumer is to be laid or fixed by the consumer in such a manner or in such a position as to hinder or prevent the convenient inspection of the pipe at any time after the pipe is laid or fixed or while the pipe is in use for the supply of gas.

The Corporation in any such specification may prescribe particulars which may differ in detail and effect according as the premises to be supplied with gas belong to one or another of the several classes described in the specification and according as the Corporation set forth in the specification the quantity of gas which they estimate to be the greatest quantity consumable in any specified time upon premises of the class to which the said premises belong.

Every such specification shall be published once in each of two successive weeks in one and the same local newspaper published or circulating within the Borough and a copy of the specification shall be kept at the gas office for the time being of the Corporation and shall be open during office hours to inspection by any consumer or other person interested.

(2) Every meter belonging or let for hire to a consumer which is fixed in a new building or in a building not previously supplied with gas by the Corporation and which will be connected with a pipe laid or fixed or to be laid or fixed on the premises of the consumer for the purposes of communication with a main of the Corporation shall

be fixed in such a position within the building as will be as near to the main as is reasonably practicable.

Notice and inspection.

(3) Every person who lays or fixes any such pipe or fixes any such meter as is herein-before in this Article described shall (not less than forty-eight hours before any work of covering up the pipe or any work which may hinder or prevent the convenient inspection of the pipe while the pipe is in use for the supply of gas is begun or not less than twenty-four hours before the meter is connected with a pipe for the purpose of communication with a main of the Corporation) give to the Corporation notice in writing of the situation of the premises or building whereon the pipe is laid or fixed or wherein the meter is fixed.

An officer duly appointed by the Corporation for the purpose or duly authorised in writing by the Corporation and producing his authority may within twenty-four hours after the receipt of the said notice by the Corporation enter the premises or building at any time between the hours of ten in the forenoon and five in the afternoon and inspect the pipe or meter.

In every case where in the opinion of the officer after the inspection of the pipe or meter the pipe is not in accordance with the particulars prescribed by a specification applicable for the time being to the said pipe and premises or the meter has not been fixed in such a position as to satisfy the requirements of subdivision (2) of this Article the officer may by an order in writing under his hand prohibit the use of the pipe or of the meter for the supply of gas or require the pipe to be altered or a pipe of specified size or material to be substituted or require the meter to be fixed in such other position as is described in the said order.

Refusal of supply.

(4) In every case where a person fails to give such notice or prevents obstructs or hinders such entry or inspection or refuses or neglects to do or to cause to be done any such work as is mentioned in subdivision (3) of this Article the Corporation may refuse to furnish any person with a supply of gas to or for the premises.

Appeals.

(5) A person aggrieved by any such order of an officer or any such refusal by the Corporation as is herein-before in this Article mentioned may within seven days after the date of the order or after the refusal appeal against the order or refusal to a court of summary jurisdiction.

Every such person shall give twenty-four hours' notice in writing of his appeal and of the grounds of his appeal to the town clerk.

The court of summary jurisdiction for the determination of any such appeal may make such order as the court deem fit.

A.D. 1914.

Wokingham (Gas) Order.

The order shall be final and so far as it requires anything other than the payment of money to be done or left undone may be enforced as provided by Section 34 of the Summary Jurisdiction Act 1879.

Article to be advertised.

(6) Notice of the provisions of this Article shall be given by advertisement inserted once in each of three consecutive weeks in one and the same local newspaper published or circulating in the Borough.

Supply of gas where consumer has separate supply.

Art. XI. Notwithstanding anything contained in the Gasworks Clauses Act 1871 or any other Act a person shall not be entitled to demand or to continue to receive from the Corporation a supply of gas for any premises for which he has at the same time a supply of gas from an installation other than that of the Corporation unless he shall have agreed to pay to the Corporation such minimum annual sum as will give to them a reasonable return on the capital expenditure and will cover other standing charges incurred by them in order to meet the possible maximum demand for those premises and the sum to be paid shall be determined in default of agreement by arbitration in manner provided by the Arbitration Act 1889.

Fittings not to be subject to distress.

Art. XII. Any fittings or apparatus let for hire under the provisions of the Order of 1894 shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be Provided that such fittings and apparatus are marked or impressed with a sufficient mark or brand indicating the Corporation as the actual owners thereof.

Fittings though fixed to premises to remain property of Corporation.

Art. XIII. — (1) Subject as herein-after provided all fittings or apparatus of the Corporation which at the commencement of this Order have been or shall thereafter be let by the Corporation for hire shall notwithstanding that they be fixed or fastened to any part of any premises in which they may be situate or to the soil under any such premises at all times continue to be the property of and removable by the Corporation.

(2) The Corporation shall only be entitled to the privileges and exemptions conferred by this Article in respect of such fittings and apparatus as shall have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Corporation as the actual owners thereof.

The SCHEDULE above referred to.

A piece of land in the parish of Wokingham Within in the Borough containing ·577 of an acre or thereabouts forming the site of twelve messuages cottages or tenements with the outbuildings gardens and appurtenances thereto respectively belonging and respectively known as Nos. 1 to 12 inclusive Prospect Place Finchampstead Road which said premises are bounded on or towards the north-east by property belonging or reputed to belong to Mesdames Monger and Dearlove on or towards the north-west by the Finchampstead Road aforesaid and on or towards the south and south-east by land on which the existing gasworks of the Corporation are situate.

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

(L.S.) HERBERT SAMUEL President.
H. C. MONRO Secretary.

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