CHAPTER lxxix.

An Act to confirm certain Provisional Orders of the Local Government Board relating to Abertillery New Hunstanton and Stockton-on-Tees. [3rd August 1910.]

A.D. 1910.

WHEREAS the Local Government Board have made the Provisional Orders set forth in the schedule hereto under the provisions of the Public Health Act 1875: 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 (No. 2) Act 1910. Short title.

[*Price* 1*s.*]

A.D. 1910.

SCHEDULE.

URBAN DISTRICT OF ABERTILLERY.

Abertillery Order.

Provisional Order for partially repealing and altering the Brynmawr Gas Act 1866 *the Abertillery Gas and Water Act* 1867 *the Brynmawr and Abertillery Gas and Water Act* 1892 *and the Abertillery Local Board (Gas and Water) Act* 1894.

To the Urban District Council of Abertillery; —

And to all others whom it may concern.

WHEREAS the Urban District Council of Abertillery (herein-after referred to as "the Council") are the local authority within the meaning of the Public Health Act 1875 for the Urban District of Abertillery (herein-after referred to as "the District");

57 & 58 Vict. c. lxix.

And whereas by virtue of the Abertillery Local Board (Gas and Water) Act 1894 (herein-after referred to as "the Act of 1894") so much of the gas undertaking of the Brynmawr and Abertillery Gas and Water Company as was situated in the District became vested in the Council and by virtue of Section 20 of the Act of 1894 the Council subject as in the said section provided have and may exercise within the District all such and the like powers rights privileges and authorities as were at the date when the said undertaking vested in the Council exerciseable by the said Company within the District under the Brynmawr Gas Act 1866 the Abertillery Gas and Water Act 1867 and the Brynmawr and Abertillery Gas and Water Act 1892 (each of which Acts is herein-after referred to as the Act of the year in which it was passed and all of which Acts together with the Act of 1894 are herein-after collectively referred to as "the Local Acts") and the Acts incorporated with the Act of 1866 the Act of 1867 and the Act of 1892 and the three last-mentioned Acts are subject as in the said Section 20 mentioned to be read and have effect as if the Council had been named therein with respect to the exercise within the District of the said powers rights privileges and authorities;

29 & 30 Vict. c. clv.
30 & 31 Vict. c. clxxxvi.
55 & 56 Vict. c. cl.

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Abertillery Order.

And whereas in pursuance of the Act of 1894 and of the provisions of the Act of 1866 the Act of 1867 and the Act of 1892 by that Act made applicable to the Council the Council are empowered to manufacture and to supply gas within the District (herein-after referred to as "the gas limits") but by the Local Acts the Council are prohibited from using any lands for the purpose of manufacturing gas or residual products or of storing gas other than the lands described in the Schedule to the Act of 1867;

And whereas the Council have made application to the Local Government Board for the issue of a Provisional Order to repeal alter or amend the Local Acts so as to enable the Council to hold and use for all or any of the purposes of their gas undertaking the lands described in the Schedule to this Order and to sell or otherwise dispose of any superfluous lands vested in them for those purposes and so as to confer on the Council further powers with relation to that undertaking and to make further provision in connexion therewith:

Now therefore We the Local Government Board in pursuance of the powers given to Us by Section 303 of the Public Health Act 1875 and by any other Statutes in that behalf do hereby order that from and after the date of the Act of Parliament confirming this Order the Local Acts shall be partially repealed and altered so that the following provisions shall take effect that is to say:— 38 & 39 Vict. c. 55.

Art. I. The Act of 1894 shall be altered so that the provisions of Sections 39 40 41 and 42 of the Act of 1866 and Sections 36 37 38 and 39 of the Act of 1867 shall cease to apply to the gas undertaking of the Council. Certain provisions of Act of 1866 and Act of 1867 to cease to apply.

Art. II. The Council when they have acquired the lands described in the Schedule to this Order may notwithstanding anything in the Local Acts hold and use the lands for all or any of the purposes of their gas undertaking including the manufacture and storage of gas and residual products. Use of scheduled lands for gas purposes.

Art. III. The Council may with the consent of the Local Government Board sell or otherwise dispose of to such person in such manner and for such consideration and on such terms and conditions as they think fit any lands or any rights or interests in any lands which have been acquired by or are vested in the Council for the purposes of their gas undertaking and which are not required for the purposes of that undertaking or the Council may without that consent let lease or exchange any of those lands or any rights or interests therein and the Council may make do and execute any deed act or thing proper for effectuating any such sale letting lease exchange or other disposition and on any exchange may give or take any money for equality of exchange. Authorising Council to sell or otherwise dispose of lands not required for purposes of gas undertaking.

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Abertillery Order.

Authorising Council to require an antifluctuator to be used for controlling supply of gas to a gas engine.

Art. IV.—(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 antifluctuator in a suitable position upon the premises to which the gas is supplied and whereon the engine is in use or to keep an antifluctuator so fixed and used in proper order and repair at all times while in use or to repair renew or replace an antifluctuator which is not in proper order or repair.

If the consumer after any such notice as aforesaid fails to so fix and use an antifluctuator or to keep an antifluctuator in proper order and repair or to repair renew or replace an antifluctuator 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 antifluctuator fixed upon any premises to which gas is supplied by the Council and for the purpose of ascertaining whether the antifluctuator is in proper order or repair may take off remove test and inspect the antifluctuator.

(3) In this Article the expression "antifluctuator" includes any apparatus appliance 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.

Quality of gas.

Art. V. 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 when burned at the rate of five cubic feet per hour 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. VI. The Council shall maintain on the lands described in the schedule to the Act of 1867 or on the lands described in the schedule to this Order the bar photometer and other necessary appliances for the purpose of testing the quality of the gas 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.

Pressure.

Art. VII. 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 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.

Art. VIII.—(1) For the purposes of the Gasworks Clauses Act 1871 the prescribed testing place shall be the testing place to be provided by the Council as aforesaid and the burner to be used for testing the gas shall be the Metropolitan Argand No. 2 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. Testing place and burner.

(2) The Board of Trade may on the application of the Council 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.

(3) 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 Council of the time and place at which any testing for pressure elsewhere than at the testing place will be conducted.

Art. IX. 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 the insufficiency defect or excess was produced by an unavoidable cause or accident. No penalty in case of unavoidable cause.

Art. X. The Council may from time to time enter into and carry into effect and alter or rescind contracts and agreements with respect to the supply of gas in bulk beyond the gas limits to any other authority or company authorised to supply gas and any such contract or agreement may be subject to such terms and conditions and may be for such a period not exceeding in any case seven years from the making of the contract or agreement as may from time to time be agreed upon and the Council for the purpose of carrying into effect any contract or agreement in pursuance of this Article may exercise the powers of the Gasworks Clauses Act 1847 with respect to the breaking up of streets: Supply of gas in bulk without district.

Provided that nothing herein contained shall be construed as conferring any powers on the Council in relation to the laying down or placing of any pipe or the breaking up of any road or street or the execution of any work beyond the gas limits.

Art. XI. Where the Local Government Board cause any local inquiry to be held with reference to any of the purposes of the Local Inquiries and expenses.

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Abertillery Order.

Acts or 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.

Short title.

Art. XII. This Order may be cited as the Abertillery Order 1910.

The SCHEDULE above referred to.

All that piece or parcel of land situate in the Parish of Abertillery in the County of Monmouth containing an area of nine thousand five hundred and seven square yards or thereabouts delineated and edged pink on each of two plans which are marked "Plan referred to in the Abertillery Order 1910" and sealed with the official seal of the Local Government Board and of which one is deposited in their office and the other shall be deposited in the office of the Council within fourteen days from the date of this Order.

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

(L.S.)

John Burns President.
H. C. Monro Secretary.

URBAN DISTRICT OF NEW HUNSTANTON.

New Hunstanton Order.

Provisional Order for altering the New Hunstanton Water and Gas Act 1897.

To the Urban District Council of New Hunstanton;—

And to all others whom it may concern.

WHEREAS the Urban District Council of New Hunstanton (herein-after referred to as "the Council") are the local authority within the meaning of the Public Health Act 1875 for the Urban District of New Hunstanton (herein-after referred to as "the District") and the unrepealed provisions

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New Hunstanton Order.

of the New Hunstanton Water and Gas Act 1897 as altered by the New Hunstanton Improvement Act 1903 (each of which Acts is herein-after referred to as the Act of the year in which it was passed and which Acts are herein-after together referred to as "the Local Acts") are in force in the District;

60 & 61 Vict. c. cxxv.
3 Edw. 7. c. xcvi.

And whereas by Section 19 of the Act of 1897 the Council were empowered by agreement to supply any local authority or company authorised to supply water within any district situate outside the limits for the supply of water with water in bulk for such remuneration and upon such terms and conditions as might be agreed upon between the Council and such authority or company but notwithstanding any such agreement no such authority or company should be entitled to a supply of water under any such agreement whenever and as long as the Council are of opinion that the same would interfere with the proper supply of water for domestic purposes under the provisions of the Act of 1897 and it is by the said Section 19 provided that every such agreement shall be by virtue of the Act of 1897 determinable by the Council on one month's notice in writing;

And whereas by Section 6 of the Act of 1903 the limits for the supply of water by the Council for the purposes of the Local Acts are the District and the Parishes of Hunstanton and Great Ringstead in the County of Norfolk;

And whereas the Council have made application to the Local Government Board for the issue of a Provisional Order to alter or amend the Act of 1897 in the manner herein-after set forth:

Now therefore We the Local Government Board in pursuance of the powers given to Us by Section 303 of the Public Health Act 1875 and by any other Statutes in that behalf do hereby order that from and after the date of the Act of Parliament confirming this Order the Act of 1897 as altered as aforesaid shall be further altered as follows that is to say:—

38 & 39 Vict. c. 55.

Art. I. Section 19 of the Act of 1897 shall have effect as if the words "and every such agreement shall be by virtue of this Act "determinable by the District Council on one month's notice in "writing" were omitted from the section.

Alteration of Local Act.

Art. II. This Order may be cited as the New Hunstanton Order 1910.

Short title.

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

(L.S.)

John Burns President.
H. C. Monro Secretary.

A.D. 1910.

Stockton-on-Tees Order.

BOROUGH OF STOCKTON-ON-TEES.

Provisional Order for partially repealing and altering the Stockton-on-Tees Extension and Improvement Act 1889.

To the Mayor Aldermen and Burgesses of the Borough of Stockton-on-Tees ; —

And to all others whom it may concern.

WHEREAS the Borough of Stockton-on-Tees (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 the local authority within the meaning of the Public Health Act 1875 and the unrepealed provisions of the Stockton-on-Tees Extension and Improvement Act 1889 (herein-after referred to as "the Local Act") are in force in the Borough ;

52 & 53 Vict. c. xcii.

And whereas by Section 187 of the Local Act the Corporation were empowered from time to time to exercise any statutory borrowing power by creation of Stockton-on-Tees Corporation Redeemable Stock (herein-after referred to as "Corporation Stock") and by Section 190 of the Local Act it was provided that for the payment of dividends on and for the redemption and extinction or purchase and extinction of Corporation Stock there should be established and formed a fund called the Stockton-on-Tees Corporation Loans Fund (herein-after referred to as "the loans fund") ;

And whereas by subsections (3) and (5) of Section 192 of the Local Act the amounts of the contributions to the loans fund for redemption and extinction or purchase and extinction of Corporation Stock are prescribed and provision is made for payment of the sums therein mentioned into the loans fund if the extinction of any portion of Corporation Stock or any part thereof is accelerated by the application thereto of any part of the loans fund ;

And whereas by subsection (1) of Section 194 of the Local Act the Corporation are required to pay into the loans fund and to carry to the proper separate account forming part of the general account of the loans fund all such money being capital or in the nature of capital and not being otherwise wholly or in part appropriated or made applicable by law or by valid contract as shall from time to time arise from any sale lease or other disposition of land or other property of the Corporation on the revenues whereof any Corporation Stock is charged ;

And whereas by Sections 195 and 198 of the Local Act provision is made for the application of the loans fund and of certain moneys standing on separate accounts in the loans fund;

And whereas by Section 197 of the Local Act provision is made for the keeping by the Corporation of separate accounts as part of the general account of the loans fund and for showing in the separate accounts certain particulars in relation to each undertaking or purpose;

And whereas by Section 202 of the Local Act money raised by Corporation Stock is required to be applied for purposes for which money raiseable under the statutory borrowing power in exercise whereof the stock is issued ought by law to be applied and not otherwise;

And whereas the Corporation have made application to the Local Government Board for the issue of a Provisional Order to partially repeal and alter or amend the Local Act in the manner herein-after set forth:

Now therefore We the Local Government Board in pursuance of the powers given to Us by Section 303 of the Public Health Act 1875 and by any other Statutes in that behalf do hereby order that from and after the date of the Act of Parliament confirming this Order the Local Act shall be partially repealed and altered so that the following provisions shall take effect namely:— 38 & 39 Vict. c. 55.

Art. I. Subsection (3) of Section 192 of the Local Act shall be repealed and in substitution therefor the following provisions shall have effect that is to say:—

Contributions to loans fund for extinction of stock.

"(3) The amount of the contribution payable in respect of any portion of Corporation Stock (subject to any payment authorised by this Act in reduction of that amount) shall be such sum as will with accumulations at compound interest at a rate not exceeding three pounds per centum per annum be sufficient after payment of all expenses to purchase the amount of stock at par within the period within which under the statutory borrowing power the money represented by the amount of stock is to be repaid and that period for the purposes of this section is herein-after referred to as 'the prescribed period.'"

Art. II. Subsection (5) of Section 192 of the Local Act shall be repealed and in substitution therefor the following provisions shall have effect that is to say:—

Maintenance of loans fund Increase reduction and discontinuance of contributions.

"(5)—(*a*) If before the expiration of the prescribed period the Corporation apply a part of the loans fund in the redemption or purchase and extinction of stock then a sum equal to the interest which the part of the loans fund so applied would have produced at the rate per centum on which

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" the payments to the loans fund are calculated shall in " each year until the expiration of the prescribed period " be paid into the loans fund out of the revenues of the " Corporation chargeable with payment of the contribu- " tions to the loans fund in respect of the amount of stock " so redeemed or purchased and extinguished Provided " that if any amount of stock extinguished by application " of part of the loans fund as aforesaid is purchased by " the Corporation at a rate exceeding one hundred pounds " sterling for an amount of stock of the nominal value of " one hundred pounds the interest payable into the loans " fund under this section shall be calculated as if only one " hundred pounds sterling had been applied out of the " loans fund for each amount of stock of the nominal value " of one hundred pounds which may have been purchased " and the Corporation shall pay into the loans fund during " the year in which the purchase is made an additional " sum or sums equal in amount to the sum or sums paid " in excess of the said rate for the purchase of stock in " that year and the additional sum or sums shall be paid " out of the revenues of the Corporation chargeable with " the payment of the contributions to the loans fund in " respect of that amount of stock :

" (*b*) When the Corporation redeem or purchase and " extinguish stock by the application of any part of the " loans fund the stock so redeemed or purchased and " extinguished shall be deemed to be stock issued in " respect of such one or more of the statutory borrowing " powers exercised by the issue of stock and if in respect " of more than one in such proportions as the Corporation " shall direct Provided that no larger amount of stock " shall be redeemed or purchased and extinguished in " respect of any statutory borrowing power than the amount " which according to the actual price of redemption or " purchase could be redeemed or purchased with the contribu- " tions paid into the loans fund in respect of that borrowing " power and the accumulations (if any) thereon applicable " to the extinction of stock.

" (6)—(*a*) If it appears to the Corporation at any time that the " contributions which are being made to the loans fund " will not be sufficient to redeem or to purchase and extin- " guish the amount of Corporation Stock in respect of " which the said contributions are made within the pre- " scribed period the amount of those contributions shall

" be increased to such extent as will be sufficient for that " purpose and the amount of any such increased contri- " butions shall be paid out of the revenues of the Corpora- " tion chargeable with the payment of the contributions " Provided that if it appears to the Local Government Board " that any such increase is necessary the Corporation shall " increase the contributions to such extent as the Board " may direct :

" (*b*) The Corporation with the consent of the Local " Government Board may at any time reduce the contribu- " tions to be made to the loans fund as aforesaid either " temporarily or permanently in any case in which it " appears to the Board that the said contributions would " if maintained be more than sufficient to redeem or to " purchase and extinguish the amount of Corporation " Stock in respect of which those contributions are made " within the prescribed period :

" (*c*) If the amount in the loans fund at any time is in " the opinion of the Local Government Board sufficient " with accumulations to redeem or to purchase and extin- " guish any amount of Corporation Stock within the pre- " scribed period the Corporation with the consent of the " Board may discontinue the payment of contributions to " the loans fund in respect of that amount of stock :

" (*d*) If it appears to the Corporation at any time that " the amount in the loans fund to the credit of any loan " together with the probable accumulations thereof will be " more than sufficient to provide for the redemption and " extinction of the amount of stock outstanding in respect " of the loan within the prescribed period the Corporation " with the consent of the Local Government Board may " transfer a part of the amount in the loans fund to an " account of the loans fund relating to some other loan or " may apply any income from the said amount in the loans " fund in excess of the amount which will be sufficient to " provide for the redemption and extinction of the stock as " aforesaid towards the payment of dividends upon the " stock outstanding in respect of the loan or upon stock " outstanding in respect of any other loan :

" (*e*) Any surplus of the loans fund remaining after the " redemption or purchase and extinction of the whole " of the stock to the redemption of which the fund is

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Stockton-on-Tees Order.

" applicable shall be applied to such purpose or purposes " as the Corporation with the consent of the Local " Government Board may determine."

Art. III. Subsection (1) of Section 194 of the Local Act shall have effect as if there were added to that subsection the words "and as shall from time to time arise from any other source" and also the following paragraph that is to say:—

Investment and accumulation of capital receipts.

" Any sums paid into the loans fund in pursuance of this " subsection or in pursuance of subsection (4) of Section 200 of " this Act shall (unless the same be forthwith applied in the " redemption or purchase and extinction of Corporation Stock) " be invested in statutory securities and accumulated as the " sums paid into the loans fund in respect of contributions " under Section 192 of this Act are required to be invested and " accumulated."

Account of loans fund.

Art. IV. Section 197 of the Local Act shall have effect as if the words "arising from any sale lease or other disposition of land or other " property of the Corporation" were omitted from paragraph (E) of subsection (3) of that section.

Art. V. Section 198 of the Local Act shall be repealed and in substitution therefor the following provisions shall have effect that is to say:—

Application of income in reduction of contributions to loans fund.

" 198.—(1) Where any money is standing on a separate account in " the loans fund being money paid into the loans fund as " rents and profits of land and other property of the Cor- " poration or being money paid into the loans fund as " interest on cash balances received by the Corporation or " being other money paid into the loans fund but not " being capital or in the nature of capital the Corporation " may deal with the same as in this section provided.

" (2) Where any money standing on a separate account " in the loans fund and required by this Act to be invested " and accumulated produces in any year a sum in excess of " that which it would have produced at the rate of interest " on which the payments to the loans fund are calculated " the Corporation may if they think fit deal with the excess " so produced in accordance with the provisions of sub- " section (3) of this section.

" (3) The Corporation may if they think fit from time to " time apply the money described in subsection (1) of this " section and the excess referred to in subsection (2) of " this section to either of the purposes following or partly

" to one and partly to the other in such proportions as the " Corporation from time to time may consider equitable " and expedient that is to say:—

" (*a*) In reduction of such contributions out of the Corporation revenues as are payable into the loans fund in respect of dividends on the portion of Corporation Stock in relation to which the separate account on which the money or interest and annual proceeds is or are standing is kept:

" (*b*) In reduction of the contributions out of the Corporation revenues payable into the loans fund for redemption or purchase and extinction of that portion of stock."

Application of money raised by Corporation Stock.

Art. VI. Section 202 of the Local Act shall have effect as if the following proviso were added to that section that is to say:—

" Provided that if after the raising of any money by stock it shall be found that any part of that money is not required for the purpose to which it is applicable as aforesaid the Corporation shall pay the money not so required into the loans fund."

Short title.

Art. VII. This Order may be cited as the Stockton-on-Tees Order 1910.

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

(L.S.)

John Burns President.
H. C. Monro Secretary.

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