CHAPTER liv.

An Act to provide for the transfer of the undertaking of the Lurgan Gas Light and Chemical Company Limited to the urban district council of Lurgan to confer further powers on the Council with respect to the supply of gas electricity and water and to make further and better provision for the improvement health and local government of the district and for other purposes. A.D. 1915.

[15th July 1915.]

WHEREAS the district of Lurgan in the county of Armagh was in the year 1854 constituted a town in pursuance of the provisions and for the purposes of the Towns Improvement (Ireland) Act 1854:

And whereas by the Public Health (Ireland) Amendment Act 1879 the Town Commissioners of Lurgan elected under the Towns Improvement (Ireland) Act 1854 for the municipal government and administration of the said town were incorporated as the urban sanitary authority for the said town as an urban sanitary district within the meaning of the Public Health (Ireland) Act 1878:

And whereas by the Lurgan Town Provisional Order 1882 scheduled to and confirmed by the Local Government Board (Ireland) Provisional Orders Confirmation (Ballina and Lurgan) Act 1882 there were transferred from the grand jury of the county of Armagh to the said urban sanitary authority all jurisdiction power and authority with respect to roads bridges footpaths and public works within the said town of Lurgan except public works concerning and chargeable on the county of Armagh at large: 45 & 46 Vict. c. lxv.

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And whereas under the Local Government (Ireland) Act 1898 the town of Lurgan being an urban sanitary district for the purposes of the Public Health (Ireland) Act 1878 was constituted an urban district within the meaning of the said Act of 1898 under the name of the urban district of Lurgan (in this Act referred to as "the district") and the town commissioners being the urban sanitary authority of the town of Lurgan were constituted an urban district council under the name of the urban district council of Lurgan (in this Act referred to as "the Council"):

And whereas the district which is wholly included in the parish of Shankill together with portions of that parish outside the district and of the parish of Seagoe are supplied with gas by the Lurgan Gas Light and Chemical Company Limited (in this Act referred to as "the company") and it is expedient that the gas supply of the district and certain parts of the adjoining rural districts should be in the hands of the Council:

And whereas the Council have subject to the approval of Parliament agreed to buy and the company have agreed to sell and transfer to the Council the undertaking of the company as defined by and subject to the terms and conditions contained in the agreement set forth in the First Schedule to this Act:

And whereas it is expedient that the said agreement be confirmed and made binding upon the company and the Council and that the Council be empowered to maintain extend and improve the existing gasworks upon the lands described in the Second Schedule to this Act and thereon to continue works for the manufacture and storage of gas and residual products as in this Act provided:

And whereas it will be for the public and local advantage that the Council should be empowered to supply gas within certain townlands and places adjacent to the district in which there is no supply of gas:

4 & 5 Geo. 5. c. clxxv.

And whereas by the Lurgan Electric Lighting Order 1914 confirmed by the Electric Lighting Orders Confirmation (No. 5) Act 1914 the Council were empowered to supply electricity within the district and it is expedient that further powers be conferred upon the Council in regard to the supply of electricity as by this Act provided:

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And whereas in pursuance of the powers of the Public Health (Ireland) Act 1878 the Council have constructed water-works and provided a supply of water for the district and it is expedient that further powers be conferred upon the Council with respect thereto:

And whereas it is expedient to make further provision in regard to streets and buildings in the district and that the powers of the Council in relation to slaughterhouses and as to the health local government and improvement of the district be enlarged as by this Act provided:

And whereas Parts III. and V. of the Public Health Acts Amendment Act 1890 are in force within the district:

And whereas by an order of the Chief Secretary for Ireland dated the nineteenth day of March one thousand nine hundred and eight the whole of Parts VII. VIII. and IX. of the Public Health Acts Amendment Act 1907 were declared to be in force within the district:

And whereas by an order of the Local Government Board for Ireland dated the second day of July one thousand nine hundred and eight the whole of Parts II. III. IV. V. VI. and X. of the Public Health Acts Amendment Act 1907 were declared to be in force within the district subject to certain conditions and adaptations specified in the said order:

And whereas estimates have been prepared by the Council for the extension and improvement of the gas undertaking and such estimates amount to the sum of five thousand pounds:

And whereas the works included in such estimates are permanent works and it is expedient that the cost thereof should be spread over a term of years and that the Council should be empowered to borrow further moneys for the other purposes of this Act:

And whereas the objects aforesaid cannot be effected without the authority of Parliament:

And whereas the Council have complied with the requirements of the Borough Funds (Ireland) Act 1888 in relation to the promotion of the Bill for this Act and have obtained the approval of the Local Government Board for Ireland and the Chief Secretary for Ireland in pursuance of the provisions of that Act:

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May it therefore please Your Majesty that it may be enacted and be it 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 (that is to say):—

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the Lurgan Urban District Council Act 1915.

Act divided into Parts.

2. This Act is divided into Parts as follows:—

Part I.—Preliminary.
Part II.—Acquisition of the undertaking of the Lurgan Gas Light and Chemical Company Limited.
Part III.—Lands and gasworks.
Part IV.—Supply of gas.
Part V.—Electricity.
Part VI.—Water.
Part VII.—Streets buildings sewers and drains.
Part VIII.—Infectious disease and sanitary provisions.
Part IX.—Financial.
Part X.—Miscellaneous.

Incorporation of general Acts.

3. The following Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with and form part of this Act (namely):—

(A) The Lands Clauses Acts except section 127 of the Lands Clauses Consolidation Act 1845 and except the provisions with respect to the purchase and taking of lands otherwise than by agreement:

(B) The Gasworks Clauses Act 1847 (except the provisions with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for their benefit and with respect to the yearly receipt and expenditure of the undertakers and with respect to access to the special Act) Provided that section 13 of that Act shall be read as if the words

" or any premises " were inserted after the words " private building " and as if the words " Provided " also that every such contract entered into by the " Council shall be alike in terms and amount under " like circumstances to all consumers " were added at the end of that section :

(c) The Gasworks Clauses Act 1871 except sections 7 8 24 27 and 35 thereof and section 1 of Part I. and section 1 of Part II. of Schedule A. and Schedule B. thereto Provided that the Act shall be read as if—

(1) In section 12 the words " quality of the " and the words " with respect to its illuminating " power be such as to produce at the testing place " provided in conformity with this Act a light equal " in intensity to that produced by the prescribed " number of sperm candles of six in the pound and " such gas shall " were omitted ;

(2) In sections 28 29 30 and 33 the words " calorific power " were inserted in lieu of the words " illuminating power " ; and

(3) In section 36 the words " of less illuminating power " were omitted.

Interpretation.

4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by the Public Health (Ireland) Acts 1878 to 1907 or by the Local Government (Ireland) Act 1898 have the same respective meanings unless there be something in the subject or context repugnant to such construction Provided that in the Acts wholly or partially incorporated with this Act for the purposes of this Act—

" The undertakers " or " the company " means the Council :

And in this Act unless the context otherwise requires—

" The district " means the urban district of Lurgan in the county of Armagh ;

" The Council " means the urban district council of the district ;

" The clerk " " the surveyor " and " the medical officer " mean respectively the clerk the surveyor and the medical officer of health of the district and respectively

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include any person duly authorised to discharge temporarily the duties of those offices;

"The company" means the Lurgan Gas Light and Chemical Company Limited;

"The undertaking of the company" means the gas undertaking of the company as defined in the agreement set forth in the First Schedule to this Act;

"The date of transfer" means the date upon which the undertaking of the company is transferred to the Council under the provisions of the said agreement;

"The gas undertaking" means the gas undertaking of the Council under this Act;

"The limits of supply" means the limits within which the Council are by this Act authorised to supply gas;

"Calorific power" means the total heat value expressed in British thermal units;

"British thermal units" means British thermal units gross per cubic foot of gas;

"The area of supply" means the limits within which the Council are for the time being authorised to supply electricity;

"The Order of 1914" means the Lurgan Electric Lighting Order 1914 confirmed by the Electric Lighting Orders Confirmation (No. 5) Act 1914;

"The district fund" and "the district rate" mean respectively the district fund and the rate raised by the Council under the powers of the Towns Improvement (Ireland) Act 1854 and the Public Health (Ireland) Act 1878 as extended by any other Act;

"Daily penalty" means a penalty for each day on which any offence is continued by a person after conviction;

"Infectious disease" means any infectious disease to which the Infectious Disease (Notification) Act 1889 for the time being applies within the district;

"Statutory security" means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any

county council or municipal corporation in the United Kingdom or of any other local authority as defined by section 34 of the Local Loans Act 1875 or of any urban district council in Ireland but does not include annuities rentcharges or securities transferable by delivery or any securities of the Council;

"Statutory borrowing power" means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed;

"Revenues of the Council" includes the revenues of the Council from time to time arising from any land undertakings or other property for the time being of the Council and the rates or contributions leviable by or on the order or precept of the Council;

"Local Government Board" means the Local Government Board for Ireland;

"Court of summary jurisdiction" means a court of summary jurisdiction constituted in accordance with the provisions of section 249 of the Public Health (Ireland) Act 1878.

PART II.

ACQUISITION OF THE UNDERTAKING OF THE LURGAN GAS LIGHT AND CHEMICAL COMPANY LIMITED.

Confirmation of scheduled agreement.

5. The agreement dated the twenty-seventh day of June one thousand nine hundred and fourteen and made between the Company of the one part and the Council of the other part as set forth in the First Schedule to this Act is hereby confirmed and made binding upon the company and the Council and shall be carried into effect accordingly.

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Transfer of undertaking of company to Council.

6. Upon payment of the purchase money and completion of the sale in accordance with the agreement aforesaid the undertaking of the company shall thenceforth be transferred to and vested in the Council in manner provided by the said agreement.

Receipt for purchase money.

7. If from any cause the Council are unable to obtain the receipt in writing of three directors of the company for the purchase money or any part thereof and for any other sums payable to the company as provided in the agreement aforesaid they may pay the money into the Bank of Ireland in the name of the Accountant-General of the Supreme Court in Ireland to an account to be opened "In the matter of the Lurgan Urban District Council Act 1915" and a receipt shall be given to the Council by the cashier of the said bank for the money which shall have the same effect as the receipt of such three directors.

Proof of transfer and vesting.

8. The production of a King's Printer's copy of this Act duly stamped together with a receipt for the purchase money purporting to be signed by three directors of the company or by the cashier of the Bank of Ireland shall (unless it be proved that the purchase money has not been paid) be conclusive evidence in all courts and proceedings of the transfer to and vesting in the Council of the undertaking of the company.

Pending actions.

9. If at the date of transfer any action arbitration or proceeding or any cause of action arbitration or proceeding is pending or existing against or in favour of the company the same shall not abate or be discontinued or in any wise prejudicially affected by reason of the transfer or of anything in this Act but the same (if against or in favour of the company) may be continued prosecuted and enforced against or in favour of the Council as and when it might have been continued prosecuted and enforced against or in favour of the company if this Act had not been passed but not further or otherwise Provided that as between the company and the Council the company shall indemnify the Council against any action or proceeding against the company and shall be entitled to the benefit of any action or proceeding in favour of the company which shall be pending on the date of transfer.

Books &c. to remain evidence.

10. All books and documents in the possession of the company which if the transfer had not been made would have been evidence in respect of any matter for or against the company.

shall be admitted in evidence in respect of the same and the like matter for or against the Council.

Copy of Act to be registered.

11. The Council shall forward to the Registrar of Joint Stock Companies a printed copy of this Act and it shall be recorded by him and if such copy is not forwarded within three months from the passing of this Act the Council shall incur a penalty not exceeding two pounds for every day after the expiration of those three months during which the copy is omitted to be forwarded and every penalty shall be recovered summarily There shall be paid to the registrar by the Council on such copy being registered the like fee as is for the time being payable under the Companies (Consolidation) Act 1908 on registration of any document other than a memorandum of association.

PART III.

LANDS AND GASWORKS.

Power to continue and maintain gasworks.

12.—(1) The Council may upon the lands described in the Second Schedule to this Act upon which the existing gasworks of the company are erected maintain alter extend and renew the existing gas and other works of the company and may upon those lands or any part thereof erect maintain alter extend and renew gasworks with all necessary machinery and apparatus and do all such acts as may be proper for making and storing gas and for supplying gas within the limits of supply and may on the said lands work up and convert the residual products arising directly or indirectly from the manufacture of gas by them.

(2) The Council may also—

(A) Purchase the residual products arising from the manufacture of gas by other undertakers and therewith upon the said lands manufacture other products of the same kind as the Council are manufacturing from their own residual products:

(B) Purchase from other gas undertakers and elsewhere and use the materials required to work up and convert upon the said lands the residual products so arising from their own manufacture of gas or purchased as aforesaid:

But the Council shall not manufacture chemicals exclusively from raw materials purchased from sources other than gas

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undertakings or in the manufacture of which the use of residual products produced by the Council or purchased from other gas undertakings is merely subsidiary.

Power to purchase lands by agreement.

13. The Council may from time to time for the purposes of the gas undertaking purchase and take (by agreement but not otherwise) and may hold in addition to the lands described in the Second Schedule to this Act any lands and hereditaments not exceeding in the whole five acres which the Council may require for the purposes of the gas undertaking but the Council shall not create or permit a nuisance on any such lands and no lands shall be used by the Council for the purpose of manufacturing gas or residual products except the lands described in the said Schedule.

Power to retain sell &c. lands.

14. Notwithstanding anything in the Lands Clauses Acts or in any other Act or Acts to the contrary the Council may retain hold and use for such time as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and in case of sale either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interests therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

Proceeds of sale of surplus lands.

15. The proceeds of the sale of any lands or other property of the Council under the powers of this Act and the fines and premiums on any leases granted by the Council under this Act shall be distinguished as capital in the accounts of the Council and shall be applied in discharge of any moneys borrowed by the Council under this Act to which such capital moneys would be properly applicable or if there shall be no moneys owing under this Act such proceeds shall be applied in or towards paying off any other moneys for the time being owing by the Council but shall not be applied to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local

Government Board and borrowed moneys discharged by the application of such sums shall not be re-borrowed. A.D. 1915.

Power to lay pipes in streets not dedicated to public use.

16. The Council may on the application of the owner or occupier of any premises within the limits of supply abutting on or being erected in any street or road laid out or made but not dedicated to public use supply such premises with gas and for that purpose the Gasworks Clauses Act 1847 shall apply as if section 7 of that Act were excepted from incorporation in this Act.

Power to lay down and utilise pipes for ancillary purposes.

17. The Council may lay down place repair alter remove and renew mains pipes culverts and other apparatus within the limits of supply for the purpose of procuring conducting or disposing of any oil tar or other materials used by them in or resulting from the manufacture of gas or any residual products thereof or for any other purpose connected with their undertaking and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid so far as applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof.

Dwelling-houses for employees offices &c.

18. The Council may purchase or take on lease houses cottages and other buildings for persons employed by them in connection with the gas undertaking and offices showrooms and other buildings for the purposes of the gas undertaking and may erect fit up maintain and let any such buildings upon any lands for the time being belonging to or leased by the Council for the purposes of that undertaking.

For protection of Down County Council.

19. In executing any works and exercising any powers in pursuance of this Act so far as they affect roads and bridges repairable by the county council of Down (in this section called "the county council") the following provisions for the protection of the county council shall unless otherwise agreed in writing between the county council and the Council apply and have effect (that is to say):—

(1) The notice required by section 8 of the Gasworks Clauses Act 1847 with respect to the breaking up of streets shall as regards any such road or bridge be not less than seven days instead of three days:

(2) All new mains pipes and works (not being replacements of existing mains pipes or works) to be laid in or

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along any road or in upon or across any bridge or approach shall be laid in such position in or at the side thereof as the county council shall by writing under the hand of their surveyor reasonably direct:

(3) All works shall be executed so as not to stop or unreasonably interfere with the traffic over or along any such road or bridge or approach and the Council shall not without the consent of the county council under the hand of their surveyor open or break up at any one time a greater consecutive length of such road bridge and approach than two hundred yards:

(4) Nothing in this Act contained shall in any way limit or affect the powers of the county council to divert improve alter widen or reconstruct any road or to remove alter widen or rebuild any bridge or approach in alongside over under or near to which any such works of the Council are laid and in the event of any such road bridge or approach in alongside over under or near to which any such works are laid being diverted improved removed altered widened reconstructed or rebuilt as aforesaid the Council shall within such reasonable time as the surveyor of the county council may prescribe alter such works to such position as he may reasonably fix and replace the same to his reasonable satisfaction Provided that before such diversion improvement removal alteration widening reconstruction or rebuilding of any such road bridge or approach shall be commenced the county council shall (except in cases of emergency) give twenty-one days' notice in writing to the Council of their intention to carry out such works and if in order to avoid interruption to the supply of gas by the Council it is in the opinion of such surveyor necessary to temporarily remove any works belonging to the Council from such bridge or road then the Council shall (and they are hereby authorised so to do) temporarily carry their works across such bridge or by the side of such road in such manner as will not be a danger or inconvenience to the public or unreasonably interfere with the works to be carried out by the county council and shall be approved of

by the county surveyor Provided that in the case of the diversion improvement alteration widening or reconstruction of any road or approach to any bridge the county council shall repay to the Council any expense reasonably incurred by them in complying with any requirement of the said surveyor under this subsection or in temporarily carrying their works by the side of such road or approach:

(5) If any difference shall arise between the county council and the Council under this section such difference shall be referred to two justices sitting as a court of summary jurisdiction who shall hear and determine the matter in dispute in all respects as if the same were a difference between the Council and the county council under the Gasworks Clauses Act 1847.

PART IV.

SUPPLY OF GAS.

20.—(1) The limits of the Council for the supply of gas shall be and include— Limits of supply.

(A) In the county of Armagh—

The urban district of Lurgan;

The townlands of Annaloist Boconnell Clankilvoragh Clanrolla Cornakinnegar Derrylisnahavil Donagreagh Drumnakelly Drumnykerne Drumnamoe part of Drumnamoe detached Killaghy Kinnegoe Liscorran Lurgantarry Monbrief Silverwood Taghnevan Tannaghmore North Tirsogue Tullygally Turmoyra and so much of the townlands of Aghnacloy Ballyblagh Demesne Derry Dougher Knocknashane Shankill Tannaghmore South and Toberhewny as are not included within the said urban district of Lurgan all in the rural district of Lurgan and barony of Oneilland East:

(B) In the county of Down—

The townlands of Ballymagin Ballymakeonan Ballymacbredan Ballymacmaine Ballymacateer Ballynadrone Corcreeny Cornreany Drumo and Drumcro Kilmcre Magherana Taughrane Tullyanaghan and Tullyherron all in the rural district of Moira and barony of Lower Iveagh Upper Half.

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(2)—(A) The limits of supply are shown in pink colour on a map signed in triplicate by William Middlebrook esquire the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred which maps have been respectively deposited in the Office of the Clerk of the Parliaments House of Lords in the Private Bill Office of the House of Commons and in the office of the Council If there be any discrepancy between the provisions of subsection (1) of this section and the said map the latter shall prevail.

(B) Copies of the said map deposited at the office of the Council certified by the clerk to be true copies shall be received in all courts of justice and proceedings as prima facie evidence of the contents of such map.

Sale of plant outside district.

21. If at any time after the passing of this Act any local authority whose district is beyond the district of the Council but as to the whole or any part thereof within the limits of supply shall give not less than six months' notice in writing to the Council of their desire to purchase such portion of the gasworks and plant of the Council as is contained within the district of any such local authority and shall obtain the consent of the Local Government Board to such purchase and shall apply to Parliament or the Local Government Board for power to purchase such portion of the gasworks and plant of the Council (except the mains and pipes or other apparatus which shall be necessary for supplying with gas any other part of the limits of supply) and to supply gas within such district then it shall not be lawful for the Council to oppose such application (except as to the details thereof) and if such powers of purchase and supply be granted the Council shall sell and such local authority shall purchase the portion of the gasworks and plant of the Council (except as aforesaid) within the district of such local authority at such price being a sum in gross and upon such terms and conditions as shall be fixed in default of agreement by arbitration under the provisions of the Lands Clauses Acts Any such purchase shall be deemed to be a purpose of the Public Health (Ireland) Act 1878 except so far as may be otherwise provided for by Parliament The Council shall apply the proceeds of any sale under this section in the same manner as they are required to apply money received from sales of land under this Act Provided that after the completion of such purchase all obligations on the part of the Council to supply

gas within the district of the purchasing authority shall cease and determine. A.D. 1915.

General powers of gas supply.

22. The Council may subject to the provisions of this Act manufacture store and supply gas for lighting heating motive power and other purposes within the limits of supply.

Limiting price of gas.

23. The price to be charged by the Council for gas supplied by them to persons who shall burn the same by meter shall not at any time exceed four shillings and sixpence for every thousand cubic feet and so in proportion for every smaller quantity.

Power to vary price according to purpose for which gas is supplied.

24. Notwithstanding anything contained in this or any other Act relating to the Council the price to be charged by the Council for a supply of gas may vary according to the purposes for which the gas is supplied as may be agreed upon between the Council and the person taking such supply Provided that the Council shall not under the powers of this section give any preferential price as between any consumers who shall take a supply of gas for the same purpose under like circumstances.

Charges for gas supplied by means of prepayment meter.

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

(2) The charge for the hire of any prepayment meter and fittings to be used therewith shall be a sum of money calculated according to the quantity of gas supplied through the prepayment meter and the maximum charge 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 or in either of such cases at the rate of ten per centum per annum on the cost of the meter and fittings whichever shall be the higher.

(3) The charge for the hire of any prepayment meter without fittings shall be a sum of money calculated according to the quantity of gas supplied through the prepayment meter and the maximum charge shall be at the rate of sixpence per one thousand cubic feet supplied in manner aforesaid or at the rate of ten per centum per annum on the cost of the meter whichever shall be the higher.

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(4) The said charges shall include the providing letting fixing repairing and maintenance of the meters and fittings or of the meters (as the case may be) and the cost of collection and other costs incurred by the Council in connection therewith.

(5) For the purposes of this section the expression "pre-payment meter" means any meter or appliance by which the quantity of gas supplied is regulated according to the amount of money prepaid therefor.

Testing place.

26. For the purposes of the Gasworks Clauses Act 1871 as varied by this Act the prescribed testing place shall be a testing place which shall be provided by the Council within six months from the date of transfer at some convenient part or parts of the gasworks of the Council or at the office of the Council.

Testing for calorific power.

27.—(1) Within six months from the date of transfer the Council shall provide and maintain at the prescribed testing place apparatus for testing the calorific power of the gas supplied by them at such testing place similar to the apparatus for the time being prescribed by the metropolitan gas referees for testing the calorific power of the gas supplied by the companies referred to in the London Gas Act 1905.

(2) The gas supplied by the Council shall be tested in the mode and under the conditions for the time being prescribed by the metropolitan gas referees and shall be of a calorific power of five hundred British thermal units and that power is in this Act referred to as "the standard calorific power."

Provisions as to testing for calorific power.

28.—(1) Not more than one testing for calorific power shall be made on any one day Provided that if on any occasion of testing the calorific power is found to be below the standard calorific power a second testing shall be made on the same day after an interval of not less than one hour and the average of the two testings shall be deemed to be the calorific power of the gas on that day.

(2) The gas examiner shall forthwith deliver a report of the result of his testing to the Council and that report shall be receivable in evidence.

Penalties for deficient calorific power.

29. If on any testing the calorific power of the gas supplied by the Council is found to be below the standard calorific power they shall be liable to the following penalties in respect of such deficiency (that is to say):—

If the deficiency does not exceed fourteen British thermal units a sum not exceeding two pounds:

If the deficiency exceeds fourteen British thermal units but does not amount to twenty-eight British thermal units a sum not exceeding five pounds:

For each complete twenty-eight British thermal units of defective power a sum not exceeding ten pounds.

Pressure.

30.—(1) All gas supplied by the Council to any consumer of gas shall be supplied at such pressure as to balance a column of water not less than eight-tenths of an inch in height at the main or as near as may be to the junction therewith of the service pipe supplying such consumer.

(2) Any gas examiner appointed under the Gasworks Clauses Act 1871 may for the purposes of this Act subject to the terms of his appointment at the testing place or at any public lamp as and when he thinks fit test the pressure at which the gas is supplied The Council shall afford to the examiner all reasonable facilities for making the test.

Saving as to penalties.

31. No penalty shall be incurred by the Council for insufficiency of pressure defect of calorific power or 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 any circumstance beyond the control of the Council.

Power to supply gas fittings &c.

32.—(1) The Council may purchase sell let for hire fix repair and remove but shall not manufacture engines stoves ranges pipes and other gas fittings for lighting motive heating ventilating cooking or any other purposes and may provide all materials and work necessary or proper in that behalf and with respect thereto may demand and take such remuneration or rents and charges and make such terms and conditions as may be agreed upon:

(2) The Council may enter into contracts for the execution of any of the powers of this section and shall not themselves lay any pipes on the consumer's premises except between the main of the Council and the consumer's meter nor shall they sell any such gas fittings as aforesaid except through a contractor.

(3) Provided as follows:—

(A) The Council shall so adjust the charges to be made by them for any such fittings or for the fixing

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repairing or removal thereof as to meet any expenditure by them under the powers of this section in connection therewith (including interest upon moneys borrowed for those purposes and all sums applied to sinking fund for repayment of moneys so borrowed):

(B) Every sum charged by the Council in respect of the provision of such fittings or the fixing repairing or removal thereof shall be separately stated on every demand note delivered by the Council to the consumer:

(C) The total sums expended and received by the Council in connection with the purposes in this section mentioned in each year (including interest and sinking fund) shall be separately shown in the published accounts of the gas undertaking of the Council for that year.

Gas fittings not to be subject to distress &c.

33. Any engines stoves ranges pipes and other gas fittings let by the Council for hire under this Act 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 proceedings in bankruptcy against the person in whose possession the same may be and all such fittings 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 Council Provided that nothing in this section shall affect the amount of assessment for rating of any premises upon which any such fittings are or shall be fixed Provided also that the Council shall only be entitled to the privileges and exemptions conferred by this section in respect of such fittings as shall be marked or impressed with a sufficient mark or brand indicating the Council as the actual owners thereof.

As to construction and placing of pipes &c. between mains and meters.

34. In order to enable the Council to ensure a satisfactory supply of gas to their consumers the following provisions shall have effect:—

(1) The Council may specify the size and material of the pipes with the fittings thereof which are to be laid by the consumer on his own premises either in the first instance or on the occasion of any renewal between

the Council's mains and the meter so far as such pipes and fittings are intended to be covered over: A.D. 1915.

(2) The Council may if they think fit make different specifications for different classes of premises having regard to the probable maximum consumption of gas thereon at any one time:

(3) The specification shall be published twice in some newspaper or once in each of two newspapers circulating within the limits of supply and a copy thereof shall be kept exhibited in the office of the Council:

(4) Every meter to be used in a new building or a building not previously supplied with gas or in connection with a new or substituted pipe laid by the consumer between the main and the consumer's meter shall be placed as near as reasonably practicable to the Council's main but within the outside wall of the building:

(5) When any such pipe or meter as aforesaid has been laid or placed notice thereof shall be given to the Council and the pipe shall not be covered over until after the expiration of twenty-four hours from the service of such notice on the Council Any officer of the Council duly appointed may between nine o'clock in the morning and five o'clock in the afternoon attend and inspect such pipes (with their fittings) and meter and if the officer is not permitted to make the inspection or if the pipes or fittings are not according to the Council's specification or if the meter is not placed as required by this section the Council may refuse to supply gas to the premises until the provisions of this section have been complied with:

(6) Any person to whom the Council refuse a supply of gas under the provisions of this section may appeal to a court of summary jurisdiction against such refusal and the court may after hearing the parties and considering any questions as to the reasonableness of the Council's specification make such order as seems to them proper in the circumstances and may order by which of the parties the costs of and incident to the appeal shall be paid.

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

35. 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 due from him to the Council they may refuse to furnish to him a supply of gas until he pays the same.

Supply of gas where consumer has separate supply.

36. Notwithstanding anything contained in the Gasworks Clauses Act 1871 or any other Act a person shall not be entitled to demand or continue to receive from the Council a supply of gas for any premises for which he has at the same time a supply of gas from any installation other than that of the Council or a supply of electricity unless he shall have agreed to pay to the Council 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 so paid shall be determined in default of agreement by arbitration in manner provided by the Common Law Procedure (Ireland) Act 1856.

Power to enter premises and remove fittings.

37. The power to enter premises and to remove pipes meters fittings or apparatus conferred upon the Council by section 22 of the Gasworks Clauses Act 1871 shall extend to all cases in which any person entering into occupation of any premises previously supplied with gas by the Council shall not require to take a supply of gas from the Council or to hire from the Council all or any of the pipes meters fittings or apparatus belonging to the Council and let by them on hire to any former occupier of such premises.

Gas consumers to give notice to Council before removing.

38. At least twenty-four hours' notice shall be given to the Council by every gas consumer either personally at the office of the Council or in writing before he shall quit 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 Notice of the effect of this enactment shall be endorsed on every demand note for gas charges payable to the Council.

Notice to discontinue supply of gas.

39. 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 in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the clerk or be given by the consumer personally at the office of the clerk.

Period of error in defective meters.

40. 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 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 the like manner as gas charges are recoverable by the Council.

Council to pay interest on money deposited as security for gas meter &c.

41. If any person is required by the Council to give to them security for any supply of gas or the payment of the price or rent of a meter and such security is made by way of deposit the Council shall pay interest at the rate of four pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

Power to require use of anti-fluctuators for gas engines.

42.—(1) Every consumer of gas supplied by the Council who uses a gas engine shall if required to do so by the Council use an anti-fluctuator and shall at all times at his own expense keep such anti-fluctuator in proper order and if any consumer shall make default in complying with the provisions of this section the Council may cease to supply him with gas.

(2) The Council shall have access to and be at liberty to take off remove test inspect and replace any such anti-fluctuator at all reasonable times such taking off removal testing inspecting 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 such consumer.

Silencers for internal combustion engines.

43.—(1) Every consumer of gas whether supplied by the Council or from any other source and every other person who uses a stationary or fixed internal combustion engine shall provide and use effective means to silence the exhaust gases of such engine and shall at all times at his own expense keep the

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same in proper repair and in default of his so providing using or keeping the same in proper repair the Council may if gas is supplied by them cease to supply gas to such consumer The Council shall have access to and be at liberty to inspect and test at all reasonable times any means of silencing so provided such inspecting and testing to be done at the expense of the Council if the means of silencing be found in proper order but otherwise at the expense of the consumer or other person aforesaid.

(2) Any person neglecting to carry out the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Power to hold licences under letters patent.

44. The Council may take hold and use patents rights and licences or authorities (not being exclusive) under any letters patent for the use of any invention relative to the manufacture of gas or of the residual products hereinbefore mentioned.

Council may contract with local authority &c. for supply in bulk.

45. The Council may contract with any local authority company or persons authorised to supply gas under parliamentary powers in any district adjacent to the limits of supply for the supply to them respectively of gas in bulk upon such terms and conditions and for such periods not exceeding in any case seven years from the making of the contract as may be agreed upon but nothing in this section shall authorise the Council to lay any mains or interfere with any street beyond the limits of supply.

Saving as to general Acts.

46. Nothing in this Act shall exempt the Council or their gas undertaking from the provisions of any general Act relating to the supply of gas which may be passed in this or any future session of Parliament.

PART V.

ELECTRICITY.

Electrical fittings.

47.—(1) The Council may subject to the provisions of this section sell let for hire and fix repair and remove but shall not manufacture lamps meters electric lines fuses switches lamp-holders motors and other electrical fittings for lighting and motive or other purposes (all of which are in this section referred to as "fittings") and may provide all materials and work necessary

or proper in that behalf and with respect thereto may make such charges terms and conditions as may be agreed upon.

(2) The Council shall not themselves execute the wiring of private property except between the main of the Council and the consumer's meter but they may enter into contracts for the execution of any of the powers of this section including the wiring of private property provided that the contractor acts independently of the Council in the execution of the contract The Council shall not sell any fittings except through a contractor carrying on his business independently of the Council.

(3) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or liable to be taken in execution under process of law or proceedings in bankruptcy against the person 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.

(4) Provided as follows:—

(A) The Council shall so adjust the charges to be made by them for any fittings or for the fixing repairing or removal thereof as to meet the sum properly chargeable for the costs and expenses incurred by them under the powers of this section in connection therewith (including interest upon moneys borrowed for those purposes and all sums applied to sinking fund for repayment of moneys so borrowed):

(B) The sums properly chargeable and received by the Council in connection with the purposes in this section mentioned in each year (including interest and sinking fund) shall be separately shown in the published accounts of the electricity undertaking of the Council for that year:

(c) Every sum charged by the Council to a consumer in respect of the provision of fittings or the fixing repairing or removal thereof shall be separately stated on every demand note delivered by the Council to the consumer.

Byelaws as to wires apparatus and fittings.

48. The Council may make byelaws for the purpose of preventing fire in any building or premises supplied with electrical energy by the Council with respect to the nature material

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workmanship and mode of arrangement of the wires apparatus and fittings in any such building or premises and required or used for the purpose of such supply and the provisions of section 6 of the Electric Lighting Act 1882 shall apply to any byelaws made under his section.

Power to lay electric lines &c. in streets not dedicated to public use.

49. The Council may on the application of the owner or occupier of any premises within the area of supply abutting on or erected or being erected in any street laid out or made but not dedicated to public use supply such premises with electrical energy and may lay down take up alter relay repair remove and renew in across along or out of such street such electric lines and apparatus as may be requisite or proper for furnishing such supply and the provisions of the Order of 1914 the Electric Lighting Acts 1882 to 1909 and the Electric Lighting (Clauses) Act 1899 so far as they are applicable for the purposes of this section shall extend and apply to and for the purposes hereof and to any works constructed or executed by the Council under the powers of this section.

Power to construct electrical sub-stations under streets.

50. The Council may construct and maintain in or under any street or road in charge of or maintainable wholly or partly by or at the expense of the local authority or dedicated to public use sub-stations transforming stations and other works in connection with their electricity undertaking and may in any such street or road provide and maintain all such means of access and approach to such sub-stations transforming stations and works as may be necessary or convenient.

Attachment of brackets and wires to buildings.

51. The Council may with the consent of the owner of any building wall or bridge attach to that structure such brackets wires and apparatus as may be required for lighting any street in the area of supply:

Provided that—

(1) Where in the opinion of the Council any consent under this section is unreasonably refused they may appeal to a court of summary jurisdiction who shall have power having regard to the character of the building and to the other circumstances of the case to allow the attachment subject to such terms as to compensation or rent and otherwise as they may think reasonable in the circumstances

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or to disallow the same and to determine by which of the parties the costs of the appeal are to be paid :

(2) Any consent of an owner and any order of a court of summary jurisdiction under this section shall not have effect after the owner ceases to be in possession of the structure but any attachments fixed under the provisions of this section shall not be removed until the expiration of three months after any subsequent owner shall have given to the Council notice in writing requiring the attachments to be removed Where such notice is given the preceding provisions of this section shall apply and the court of summary jurisdiction shall have the same powers as under the first proviso to this section :

(3) The owner may require the Council temporarily to remove the attachments where necessary during any reconstruction or repair of the structure.

For the purpose of this section any occupier of a structure whose tenancy exceeds one year unexpired and in the case of any other tenancy the person receiving the rackrent shall be deemed to be the owner.

Provisions as to supply of electricity by agreement.

52.—(1) If any consumer of electricity supplied by the Council under the terms of any agreement uses the energy supplied to him by the Council in any manner contrary to the terms of such agreement the Council may if they think fit discontinue to supply electrical energy to such consumer until they are satisfied that any energy so supplied will be consumed in accordance with the terms of such agreement Provided that before discontinuing any such supply the Council shall give to the consumer taking the same seven days' notice in writing of their intention so to do and shall in such notice specify the respect in which the energy is used contrary to the terms of such agreement.

(2) A consumer supplied with electrical energy by the Council under the terms of any agreement shall be deemed to be a person to whom the Council may be and are required to supply energy within the meaning of section 30 of the schedule to the Electric Lighting (Clauses) Act 1899 and the provisions

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of that section shall apply to the supply afforded by the Council under such agreement unless the provisions of that section are expressly excluded from application in any such agreement and if the Council fail to supply energy to such consumer they shall not be liable for any damages occasioned to such consumer by reason of such failure unless the same is caused by or in consequence of the wilful neglect or default of the Council Provided that the provisions of this sub-section shall not operate to deprive any consumer of electricity supplied by the Council under the terms of any agreement existing at the date of this Act of any right to which he would be entitled but for the said provisions.

As to maximum power which may be demanded.

53.—(1) The maximum electrical power with which any consumer shall be entitled to be supplied by the Council shall not include any supply of energy taken only on extraordinary occasions or as a standby supply unless such consumer shall pay to the Council such minimum annual sum as will give them a reasonable return on the capital expenditure and will cover other standing charges incurred by the Council in order to meet the possible maximum demand for those premises the sum to be so paid to be determined in default of agreement by arbitration in the manner provided by section 28 of the Electric Lighting Act 1882.

(2) The provisions of this section shall not operate to deprive any consumer of electricity supplied by the Council under the terms of any agreement existing at the passing of this Act of any right to which he would be entitled but for the said provisions.

Extending section 15 of Electric Lighting Act 1909.

54. The provisions of section 15 of the Electric Lighting Act 1909 shall extend and apply to the supply of electricity by the Council to any premises having a supply of motive power other than electricity.

Further powers as to entry upon premises.

55.—(1) Any person who shall hinder an officer appointed by the Council from entering any premises in pursuance of section 24 of the Electric Lighting Act 1882 or from exercising the powers contained in that section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(2) Where any premises which the Council are entitled to enter in pursuance of the said section 24 are unoccupied the Council may after giving not less than forty-eight hours' notice

to the owner thereof or if he is unknown to them and if he cannot be ascertained by them after diligent inquiry by affixing such notice upon a conspicuous part of the premises forcibly enter the same doing no unnecessary damage.

Period of error in defective meters.

56.—(1) In the event of a meter of a construction and pattern approved by the Board of Trade used by any consumer of electricity being proved to register erroneously 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 paid to or 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 the like manner as charges for electricity are recoverable by the Council.

Notice to discontinue supply of electricity.

57.—(1) A notice to the Council from a consumer for the discontinuance of a supply of electricity shall not be of any effect unless it be in writing signed by or on behalf of the consumer and left with or sent by post to the Council or be given by the consumer personally at the office of the Council.

(2) Notice to the effect of this section shall be endorsed upon any demand note for charges for electricity.

Power to recover charge for reconnection.

58. Any expenses reasonably incurred by the Council in reconnecting any electric line or other work through which electricity may be supplied which may have been lawfully cut off or disconnected by reason of any default of the consumer may be recovered by the Council in like manner as expenses lawfully incurred by them in such cutting off or disconnecting.

Power to refuse to supply electrical energy in certain cases.

59. The Council may refuse to supply electrical energy to any person whose payments for the supply of electricity or meter rent are for the time being in arrear (not being the subject of a bonâ fide dispute) whether any such payments be due to the Council in respect of a supply to the premises in respect of which such supply is demanded or in respect of other premises.

Repeal of section 8 of Order of 1914.

60. Section 8 (Revision of price so as to balance revenue and expenditure) of the Order of 1914 is hereby repealed.

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As to expenses and receipts.

61.—(1) Any expenses incurred by the Council in carrying into effect the provisions of this Part of this Act and for which no other provision is made by this Act shall be deemed to be expenses incurred by the Council under the Electric Lighting Act 1882 and not otherwise provided for and the provisions of sections 7 and 8 of that Act shall extend and apply accordingly to such expenses.

(2) Any moneys received by the Council under the said provisions shall be applied in manner provided by section 7 of the schedule to the Electric Lighting (Clauses) Act 1899.

PART VI.

WATER.

Supply of water by hose pipe for washing carriages &c.

62. When water supplied for domestic purposes is used for washing carriages or motor cars or for other purposes in premises where carriages or motor cars are kept the Council may if a hose pipe or other similar apparatus is used charge such additional sum not exceeding twenty shillings per annum as they may prescribe and any sum charged under this section shall be recoverable in the same manner as water rates.

Council not bound to supply several houses by one pipe.

63. The Council shall not be bound to supply more than one house by means of the same communication pipe and they may if they think fit require that a separate pipe be laid from the main pipe into each house supplied by them with water.

Notice of discontinuance.

64. A notice to the Council from a consumer for the discontinuance of a supply of water 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 office of the Council or be given by the consumer personally at the office of the Council.

Byelaws for preventing waste &c. of water.

65.—(1) The Council may make byelaws for the purpose of preventing the waste undue consumption misuse or contamination of water and may by such byelaws prescribe the size nature materials workmanship and strength and the mode of arrangement connection disconnection alteration and repair of pipes meters cocks ferrules valves soil-pans waterclosets baths cisterns and other apparatus (in this section referred to as "water fittings") to be used and forbid any arrangements and

the use of any water fittings which may allow or tend to waste undue consumption misuse erroneous measurement or contamination.

(2) Such byelaws shall apply only in the case of premises to which the Council do in fact afford or are prepared on demand to afford a constant supply.

(3) In case of failure of any person to observe such byelaws as are for the time being in force the Council may if they think fit after twenty-four hours' notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any water fittings belonging to or used by such person and not being in accordance with the requirements of such byelaws and the expense of every such repair replacement or alteration shall be recoverable by the Council as the water rates in respect of the premises are recoverable.

Detection of waste.

66.—(1) Subject to the provisions of the Waterworks Clauses Act 1847 the Council may for the purpose of preventing and detecting waste affix and maintain meters and similar apparatus on the service pipes and mains of the Council and stopcocks in the pipes supplying houses with water and may insert in the roads or footways the necessary covers or boxes for giving access and protection thereto and may for that purpose stop break up and interfere temporarily with public and private streets roads lanes footways sewers courts passages tramways gas or water pipes electric lines wires and apparatus.

(2) Provided that the Council shall not interfere with any electric lines wires or apparatus belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

Power to supply water fittings.

67.—(1) The Council may if requested by any person supplied or about to be supplied by them with water furnish to him and repair or alter but shall not manufacture any such pipes valves cocks cisterns baths meters soil-pans water-closets and other fittings as are required or permitted by their regulations and may provide all materials and work necessary or proper in that behalf and the reasonable charges of the Council in providing such materials and executing such work shall be paid by the person requiring the same.

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(2) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be Provided that such fittings 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 Council as the actual owners thereof:

Provided as follows:—

(*a*) The Council shall so adjust the charges to be made by them for any such fittings or for the fixing repairing or removal thereof as to meet any expenditure by them under the powers of this section in connection therewith (including interest upon any moneys borrowed for those purposes and all sums applied to sinking fund for repayment of moneys so borrowed):

(*b*) Every sum charged by the Council in respect of provision of such fittings or the repairing fixing or removal thereof shall be clearly stated in every demand note delivered by the Council to the consumer:

(*c*) The total sums expended and received by the Council in connection with the purposes in this section mentioned in each year (including interest and sinking fund) shall be separately shown in the published accounts of the water undertaking of the Council for such year.

Entry on premises to remove fittings and meters.

68. The Council by their agents or workmen after forty-eight hours' notice in writing under the hand of the clerk or some other officer of the Council to the occupier or if there is no occupier then to the owner or lessee of any house building or land in which any pipe meter or fitting belonging to the Council is laid or fixed and through or in which the supply of water is from any cause other than the default of the Council discontinued for the space of forty-eight hours may enter such house building or land between the hours of nine in the morning and four in the afternoon or at any other time with

the authority in writing of a justice for the purpose of removing and may remove every such pipe meter and fitting repairing all damage caused by such entry or removal.

Power to sell meters.

69. The Council may sell meters and any fittings connected therewith upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit.

As to communication pipes.

70.—(1) For the purpose of complying with any obligation under the Waterworks Clauses Act 1847 to maintain any pipe or apparatus the person liable to maintain the same shall have the like power to open the ground as is conferred upon him by and subject to the conditions of sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes.

(2) The Council may by agreement with any owner or occupier entitled or required to lay maintain repair or remove any communication pipe and for that purpose to open or break up any street in the district execute such works on behalf of such owner or occupier and any expenses incurred by the Council shall be repaid by the owner or occupier with whom the agreement is made and shall be recoverable summarily as a civil debt.

Notice to Council of connecting or disconnecting meters.

71. Before any person connects or disconnects any meter by means of which any water of the Council is intended to be or has been registered he shall give not less than twenty-four hours' notice in writing to the Council of his intention to do so and all alterations or repairs and the connecting and disconnecting of meters shall be done at his cost and under the superintendence of any officer of or person authorised by the Council and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Power to Council to repair communication pipes.

72. If it should appear to the Council that by reason of any injury to or defect in any communication pipe which the Council are not under obligation to maintain any waste of water or injury or risk of injury to person or property is caused or likely to be caused it shall be lawful for the Council to execute such repairs as they may think necessary or expedient in the circumstances of the case without being requested so to do and the expense incurred by the Council in executing such repairs

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shall be recoverable by the Council from the owner of the premises supplied or in cases where the communication pipe has been laid by and belongs to the occupier of such premises from the occupier Provided that except in case of emergency the Council shall not under the powers of this section enter into any house or private premises unless they shall have given to the owner of such house or premises not less than twenty-four hours' notice of their intention so to enter.

Maintenance of common pipe.

73. When several houses or parts of houses in the occupation of several persons are supplied with water by one common pipe belonging to the several owners or occupiers of such houses or parts of houses the said several owners or occupiers shall be liable to contribute the amount of any expenses from time to time incurred by the Council in the maintenance and repair of such pipe and their respective proportions of contributions shall be settled by the surveyor or other officer duly authorised in that behalf by the Council.

Water undertaking to be carried on under Public Health Acts.

74. The provisions of this Act shall apply to the existing water undertaking of the Council which shall continue to be carried on by them under the powers of the Public Health (Ireland) Acts 1878 to 1907 relating to water supply.

PART VII.

STREETS BUILDINGS SEWERS AND DRAINS.

Council may define future line of streets.

75.--(1) Where any street or road in the district in charge of or maintainable wholly or partly by or at the expense of the Council is in the opinion of the Council narrow or inconvenient or without any sufficiently regular line of frontage or where in their opinion it is necessary or desirable that the line of frontage should be altered the Council may from time to time prescribe and define what shall thereafter be the line of frontage to be observed on either side of such street or road The line which in any case the Council propose so to prescribe and define shall be distinctly marked and shown on a plan to be signed by the chairman of the Council or by the clerk and deposited with the surveyor and such plan shall be at all reasonable times thereafter open for the inspection of the public without charge and one month at least before the Council formally prescribe and define the line they shall give notice in writing of the deposit of the said plan to every owner interested whose name

and address they can ascertain and in cases where such name and address cannot be ascertained by affixing such notice to or on the premises No new building erection excavation or obstruction (being of a permanent character) shall be made nearer to the centre of the street or road than such line.

(2) The Council may and if required so to do by the owner shall purchase and the owner shall if required so to do by the Council sell the land for the time being unbuilt upon lying between any such line as aforesaid and the street or road and the same when purchased shall vest in the Council as part of the street or road and the amount of purchase money shall in case of difference be settled by arbitration under the Common Law Procedure (Ireland) Act 1856.

(3) Whenever in any of the above cases the Council shall require the said line to be observed and kept they shall make full compensation to the owner and other persons interested in any land for any loss or damage they may sustain in consequence of the line of frontage being set back and the Council shall also make to the owner of any adjoining land or building and to all other persons interested in any such adjoining land or building full compensation in respect thereof for all damage loss or injury (if any) sustained by them to such land or building by reason of the Council requiring the said line to be observed and kept.

(4) If after any such line has been defined and prescribed as aforesaid any person offends against the provisions of this section he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Application of purchase money in certain cases.

76. The provisions of the Lands Clauses Consolidation Act 1845 with respect to the purchase money coming to parties having limited interests or prevented from treating or not making title shall apply to any purchase money or compensation payable under the foregoing provisions of this Part of this Act.

Continuation of existing streets to be deemed new streets.

77. Every continuation of an existing street shall for the purposes of the Public Health (Ireland) Acts 1878 to 1907 and of this Act and of any byelaws made thereunder and for the time being in force within the district be deemed to be a new street.

No building allowed until street defined.

78.—(1) No person except with the consent of the Council shall in any new street commence to erect any new building or

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to excavate for the foundation thereof until the whole length of the street shall have been defined by posts or in some other sufficient manner to indicate the approved line and level thereof.

(2) Any person who shall offend against this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

Further provisions as to new streets.

79. When a road or lane within the district is about to become a new street but the land on only one side of such street has been or is in course of being built on the Council may instead of requiring the owner of the land built on or in course of being built on to widen such road or lane to a width prescribed by the byelaws in force within the district require such owner to widen such road or lane so as to give a width not less than one-half of such prescribed width from the old centre line of such road or lane to the boundary thereof adjoining such land Provided that if and when the land on the opposite side of such road or lane shall be in course of being built on the owner of such land shall complete the widening of such road or lane so as to comply in all respects with the byelaws of the Council.

Exchange of parts of streets disused.

80. The Council may agree with the owner of any land in any street to give up land for the purpose of widening opening enlarging or otherwise improving such street in exchange for any part of such street which shall front other land belonging to such owner and shall be behind the general line of such street and which shall be no longer required for public use or for approach to any property adjoining the same and for such other consideration (if any) as may be agreed and all public rights of way over any portion of any street so exchanged shall be extinguished.

For preventing soil sand and other debris from being washed into streets.

81.—(1) The owners or occupiers of all lands shall construct such works as may be necessary for the purpose of preventing as far as reasonably practicable the soil sand and other debris of such lands from falling upon or being washed or carried into any public street sewer or gully in such quantities as will obstruct the highway or choke up such sewer or gully or cause the houses in such street to be flooded.

(2) If any person shall for one month after notice in writing from the Council fail in any respect to comply with

the provisions of subsection (1) of this section he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(3) For the purpose of this section "public street" means a street or road in charge of or maintainable wholly or partly by or at the expense of the Council.

Forecourts to be fenced off from streets.

82. Whenever any person erecting any building shall be desirous of leaving an opening which may be a source of danger to the public or of placing any steps or other projection in any forecourt area or space left in front of such building such forecourt area or space shall if required by the Council be well and sufficiently fenced off from the footpath or street and any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Trees or shrubs overhanging streets and footpaths.

83.—(1) Where any tree hedge or shrub overhangs any street or footpath so as to obstruct or interfere with the light from any public lamp or to interfere with vehicular traffic or with the free passage or comfort of passengers the Council may serve a notice on the owner of the tree hedge or shrub or on the occupier of the premises on which such tree hedge or shrub is growing requiring him to lop the tree hedge or shrub within seven days so as to prevent such obstruction or interference and in default of compliance the Council may themselves carry out the requisition of their notice doing no unnecessary damage.

(2) Any person aggrieved by any requirement of the Council under this section may appeal to a court of summary jurisdiction within seven clear days after the service of such notice provided he gives written notice of such appeal and the grounds thereof to the clerk and the court shall have power to make such order as the court may think fit and to award costs such costs to be recoverable as a civil debt Notice of the right to appeal shall be endorsed on every requirement of the Council under this section.

Erection of buildings to greater height than adjoining buildings.

84.—(1) In case any building is at any time after the passing of this Act erected or raised to a greater height than the adjoining building and any flues or chimneys of such adjoining building are in the outer or party wall or against the building so erected or raised the person erecting or raising such

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building shall at his own expense build up those flues and chimneys so that the top thereof may be of the same height as the top of the chimneys of the building so erected or raised.

(2) Any person who shall offend against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Provisions as to houses without water supply.

85. The owner of any dwelling-house which is not provided with a proper and sufficient water supply who shall occupy or allow to be occupied such dwelling-house shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings unless the dwelling-house was erected before the passing of this Act and such supply is not available.

Sanitary conveniences for workmen engaged on buildings.

86.—(1) The contractor or builder engaged in or upon the construction reconstruction or alteration of any building in the district shall if practicable provide to the reasonable satisfaction of the Council and until the completion of any such work or operation sufficient water or other closets and urinals for the use of workmen employed by him on such building.

(2) Any person offending against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Council may require enlarged sewer.

87. If the Council in any street or road (not being a street or road in charge of or maintainable wholly or partly by or at the expense of the Council) for the purpose of main drainage or otherwise shall require a larger sewer to be made than they consider necessary for the ordinary sewerage of such street the person laying out such street shall construct such enlarged sewer in accordance with the requirements of the Council and the additional cost thereof as ascertained by the surveyor shall be paid by the Council.

Ejection of steam and gas to annoyance of public.

88. All steam or waste gas ejected from any fixed engine or the boiler or condensers thereof and all condensing water above a temperature of one hundred and ten degrees Fahrenheit so ejected and all spent and ejected steam arising or produced in any trade business or manufacture shall be so discharged as not to be an annoyance to the public but nothing in this section shall apply to steam ejected from any locomotive boiler or engine now or hereafter belonging to any railway company

Any person who shall offend against this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings. A.D. 1915.

Boilers &c. not to be tapped or blown off direct into sewer.

89.—(1) From and after the date of the passing of this Act it shall not be lawful for any person to tap or blow off any steam boiler in connection with any premises where any trade or manufacture is carried on at a greater pressure than twenty pounds or to discharge the water from any dyepan or other receptacle into any sewer of the Council unless the water in such boiler or dyepan or receptacle shall have been so cooled as effectually to prevent any steam from such water being emitted in any street manhole gully or other drain opening in connection with such sewer.

(2) Any person who shall offend against the provisions of this section shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding twenty shillings.

Council may order houses to be drained by a combined drain.

90.—(1) If it appears to the Council that two or more houses may be drained more economically or advantageously in combination than separately and a sewer of sufficient size already exists or is about to be constructed within one hundred feet of any part of the premises the Council may when the drains of such houses are first laid order that such houses be drained by a combined drain to be constructed either by the Council if they so decide or by the owners in such manner as the Council shall direct and the costs and expenses of such combined drain and of the repair and maintenance thereof shall be apportioned between the owners of such houses in such manner as the Council shall determine and if such drain is constructed by the Council such costs and expenses may be recovered by the Council from such owners.

(2) Any combined drain constructed in pursuance of this section shall for the purposes of the Public Health (Ireland) Acts 1878 to 1907 be deemed to be a drain and not a sewer.

(3) Provided that the Council shall not exercise the powers conferred by this section in respect of any house plans for the drainage of which shall have been previously approved by them.

Amendment of section 19 of Public Health Acts Amendment Act 1890.

91. The powers given by section 19 of the Public Health Acts Amendment Act 1890 in relation to two or more houses

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belonging to different owners shall extend and apply to two or more houses belonging to the same owner.

Power to lay drains in private streets.

92. The Council may on the application and at the expense of any person owning or occupying premises abutting or fronting on any street or road (not being a street or road in charge of or maintainable wholly or partly by or at the expense of the Council) wherein a sewer has been laid lay down take up alter relay or renew in across or along such street such drains as may be requisite or proper for connecting such premises with the sewer doing as little damage as may be in the execution of the powers hereby granted and making compensation for any damage which may be done in the execution of such powers such compensation in case of dispute to be ascertained by and recovered before a court of summary jurisdiction.

Council to make communication between drains and sewers.

93. If the owner or occupier of any premises within the district desires that the sewer or drain from such premises shall be made to communicate with any sewer of the Council such communication shall be made by the Council upon the cost or estimated cost of making the communication being paid to the Council or the payment thereof to them being secured to their satisfaction and the Council may execute all works necessary for that purpose.

Notice of intention to repair drains.

94.—(1) It shall not be lawful for any person to repair any drain communicating with any sewer of the Council without giving to the Council or the surveyor twenty-four hours' previous notice in writing of his intention to do so except in case of emergency and in that case it shall not be lawful for any person to cover over the drain without giving the like notice of his intention to do so.

(2) Free access to such drain or work of repair shall be afforded to the surveyor or any officer of the Council authorised in writing by him for the purpose of inspection.

(3) Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds.

Improper construction or repair of water-closet or drain.

95. If a water-closet drain or soil pipe is so constructed or repaired as to be a nuisance or injurious or dangerous to health the person who undertook or executed such construction or repair shall unless he shows that such construction or repair

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was not due to any wilful act neglect or default be liable to a penalty not exceeding twenty pounds Provided that where a person is charged with an offence under this section he shall be entitled upon information duly laid by him to have any other person being his agent servant or workman whom he charges as the actual offender brought before the court at the time appointed for hearing the charge and if he proves to the satisfaction of the court that he had used due diligence to prevent the commission of the offence and that the said other person committed the offence without his knowledge consent or connivance he shall be exempt from any penalty and the said other person may be summarily convicted of the offence.

Penalty for injuring street works.

96. Any person who without the consent of the Council wilfully displaces or takes up or who injures the pavement stones materials fences or posts of or the trees in any street road or footpath in charge of or maintainable wholly or partly by or at the expense of the Council shall be liable to a penalty not exceeding five pounds and to a further penalty not exceeding five shillings for every square foot of pavement stones or other materials so displaced taken up or injured He shall also be liable in the case of fences posts or trees to pay to the Council such amount of compensation as a court of summary jurisdiction may award.

Wilful damage to drains water-closets &c.

97. If any person causes any drain water-closet earth-closet privy or ashpit to be a nuisance or injurious or dangerous to health by wilfully destroying or damaging the same or any water supply apparatus pipe or work connected therewith or by otherwise wilfully stopping up or wilfully interfering with or improperly using the same or any such water supply apparatus pipe or work he shall be liable to a penalty not exceeding five pounds Provided that nothing in this section shall prejudice any right which the owner or occupier of any premises aggrieved by any such act may have to recover compensation in respect of any damage suffered by him by reason of such act.

Penalty on occupiers refusing execution of Act.

98. If the occupier of any house or part of a house shall prevent the owner thereof from carrying into effect any requirement of the Council under this Part of this Act then after notice of this provision shall have been given by the owner to the occupier any court of summary jurisdiction upon proof

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thereof may make an order in writing requiring the occupier to permit the owner to execute the works required by the Council to be done and if after the expiration of seven days from the service of such order the occupier shall continue to refuse to permit the owner to execute the said works he shall for every day during which he shall so continue to refuse be liable to a penalty not exceeding two pounds and during the continuance of his refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

Saving as to railway companies.

99. The provisions of this Part of this Act shall not extend or apply to any building (not being a dwelling-house) belonging to and used and occupied by a railway company as a part of or for the purposes of their railway under any Act of Parliament.

PART VIII.

INFECTIOUS DISEASE AND SANITARY PROVISIONS.

Information to be furnished to medical officer in case of infectious disease.

100.—(1) The occupier of any building in the district which is used for human habitation and in which there is or has been any person suffering from an infectious disease shall on the application of the medical officer at any time during the illness of such person or within six weeks from the occurrence of such illness furnish such information within his knowledge as the medical officer may reasonably require for the purpose of enabling measures to be taken to prevent the spread of the disease.

(2) Any occupier knowingly furnishing false information shall be liable on summary conviction to a penalty not exceeding forty shillings.

(3) In this section the expression "occupier" shall have the same meaning as in the Infectious Disease (Notification) Act 1889.

For regulating manufacture and sale of ice-cream &c.

101.—(1) Any person being a manufacturer vendor or merchant of or dealer in ice-cream or other similar commodity who within the district—

(*a*) Causes or permits ice-cream or any similar commodity or any materials used in the manufacture thereof to be manufactured sold or stored in any sleeping room or in any room cellar or place which is in a condition

likely to render such commodity injurious to health or in which there is an inlet or opening to a drain; or

(*b*) In the manufacture sale or storage of any such commodity does any act or thing likely to expose such commodity to infection or contamination or omits to take any proper precaution for the due protection of such commodity from infection or contamination; or

(*c*) Omits on the outbreak of any infectious disease amongst the persons employed in his business to give notice thereof to the medical officer;

shall be liable to a penalty not exceeding forty shillings.

(2) In the event of any inmate of any building (any part of which is used for the manufacture of ice-cream or similar commodity) suffering from any infectious disease the medical officer may seize and destroy all ice-cream or similar commodity or materials for the manufacture of the same in such building and the Council shall compensate the owner of the ice-cream commodity or materials so destroyed.

(3) Every dealer in ice-cream or other similar commodity vending his wares from any cart barrow or other vehicle or stand shall have his name and address legibly painted or inscribed on such cart barrow vehicle or stand and any person who shall fail to comply with this subsection shall be liable upon conviction to a penalty not exceeding forty shillings.

(4) Any officer duly authorised by the Council in that behalf shall at all reasonable times have the same power of entry into and inspection of the premises of any manufacturer vendor or merchant of or dealer in ice-cream or other similar commodity for the purpose of inspecting such premises and the materials or commodities or articles of food therein as an officer of the Council would have under section 118 (Power of entry of sanitary authority) of the Public Health (Ireland) Act 1878 in the cases therein mentioned and any person refusing entry into or inspection of such premises as aforesaid or obstructing such officer as aforesaid in the execution of his duty shall be liable upon conviction to a penalty not exceeding forty shillings.

Soil pipes to be ventilated.

102.—(1) The soil pipe of any water-closet within a house or building shall be properly ventilated by means of a pipe carried up therefrom or by such other method subject to the

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provisions of section 37 of the Public Health Acts Amendment Act 1907 as the Council shall direct.

(2) Any owner or occupier of such house or building who shall neglect or fail to comply with any requirement of the Council under this section for a period of twenty-eight days after notice in writing of such requirement and the mode in which the same is to be complied with shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Penalty where chimneys are on fire.

103. If the chimney of any house or other building within the district is on fire the occupier of such house or building shall be liable to a penalty not exceeding ten shillings but if such occupier proves that such fire occurred by reason of the neglect or wilful default of any other person he may recover summarily from such person the whole or any part of the penalty he may have so incurred.

Regulation dustbins.

104.—(1) The Council may by notice in writing require the owner or occupier of any dwelling-house warehouse or shop to provide portable galvanised iron or enamelled iron dustbins in lieu of ashpits or ashtubs or other receptacles for refuse and such bins shall be of such size and construction as may be approved by the Council.

(2) Any owner or occupier who fails within fourteen days after notice given to him to comply with the requirements of the Council under this section shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding five shillings.

(3) Provided that this section shall not apply to any ashpits or any ashtubs or other receptacles for refuse in use at the passing of this Act so long as the same are of suitable material size and construction and in proper order and condition.

Slaughtering prohibited except in Council slaughter-houses when provided.

105.—(1) At any time after the passing of this Act the Council may—

(A) Acquire by agreement any premises within the district used for the purpose of slaughtering cattle (hereinafter referred to as a "slaughter-house") and the interests or interest of any owner lessee and occupier of such premises:

(B) Agree with the owner lessee and occupier of any slaughter-house for the abolition of slaughtering therein on such terms and conditions as may be arranged between the parties.

(2) At any time after the expiration of three years from the passing of this Act and after the Council have provided adequate slaughter-house accommodation conveniently situated (to the satisfaction of the Local Government Board) and after the expiration of six calendar months from the date of publication by the Council in a local newspaper circulating in the district of notice to that effect no person shall slaughter in the way of trade any cattle within the district except in slaughter-houses provided by the Council but this shall not apply to the slaughtering on premises by the owner lessee or occupier thereof of any cattle belonging to him and not slaughtered for the purpose of trade and if any person acts in contravention of this section he shall be liable for each offence to a penalty not exceeding five pounds Provided that nothing in this section shall prevent a farmer from slaughtering on land occupied by him for agricultural purposes only any cattle belonging to him with the consent of the Council or in case of emergency without such consent but no part of the carcase of any animal so slaughtered by a farmer shall be removed from the farm until after inspection by the medical officer such inspection to be made within a reasonable time.

(3) The Council shall pay compensation to the owner lessee and occupier of every slaughter-house who may be injuriously affected by the exercise of the above powers and the amount of such compensation shall in case of difference be settled as cases of disputed compensation are settled under the Lands Clauses Acts and the provisions of those Acts shall apply accordingly.

(4) The fees and charges to be demanded and received by the Council in respect of the use of any slaughter-house provided by them or of any convenience connected therewith shall be regulated by byelaws to be approved by the Local Government Board and the Council may make byelaws accordingly provided that the Council shall have power to charge for separate accommodation in any slaughter-house such weekly monthly or other rent as may be agreed upon by the Council and the renters.

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(5) Nothing in this section shall interfere with the operation or effect of the Diseases of Animals (Ireland) Acts 1894 to 1914 or of any order or licence of the Department of Agriculture and Technical Instruction for Ireland made or granted thereunder.

Prohibition of blowing or inflating carcases.

106. It shall not be lawful to blow or inflate the carcase or any part of the carcase of any animal slaughtered within or brought into the district and any person offending against this enactment or exposing or depositing for sale within the district a carcase so blown or inflated or any part thereof shall be liable to a penalty not exceeding twenty shillings.

Public notice to be given of provisions of this Part of Act.

107.—(1) Public notice of the foregoing provisions of this Part of this Act shall be given forthwith after the passing of this Act by advertisement in two newspapers published or circulating in the district and by a notice affixed outside the Council offices and by the distribution of handbills amongst persons affected or likely to be affected so far as such persons can reasonably be ascertained.

(2) Copies of the newspapers containing the advertisements shall be sufficient evidence that the provisions of this section have been complied with.

PART IX.

FINANCIAL.

Power to borrow.

108.—(1) The Council may from time to time independently of any other borrowing power borrow at interest any sum or sums of money for the purposes hereinafter mentioned not exceeding the respective amounts following (that is to say):—

(A) For the purchase of the undertaking of the company and for paying any sums payable by the Council to the company under this Act and the agreement set forth in the First Schedule to this Act and defraying the costs charges and expenses incident to such purchase (other than the costs of this Act) the sums requisite for those purposes:

(B) For the extension and improvement of the gas undertaking any sum or sums not exceeding in the whole five thousand pounds:

(C) For working capital in respect of the gas undertaking any sum or sums not exceeding in the whole two thousand pounds:

(D) For paying the costs charges and expenses of this Act as hereinafter provided the sum requisite for that purpose.

The Council may also with the consent of the Local Government Board borrow such further money as the Council may require for any of the purposes of this Act or of the gas undertaking.

(2) The Council shall out of the district fund and district rate and notwithstanding any limits placed by any Act upon the amount of such rate which limits are hereby removed for the purposes of this section pay off all money borrowed by them under subsection (1) of this section within the respective periods (each of which is in this Act referred to as "the prescribed period") following (that is to say):—

As to money borrowed for the purposes (A) and (B) mentioned in this section within forty years from the date or dates of borrowing the same:

As to money borrowed for the purpose (C) mentioned in this section within ten years from the date or dates of borrowing the same:

As to money borrowed for the purpose (D) mentioned in this section within five years from the passing of this Act:

As to money borrowed with the consent of the Local Government Board within such period as may be prescribed by that Board.

(3) In order to secure the repayment of the money borrowed under this section and the payment of the interest thereon the Council may mortgage or charge—

As regards moneys borrowed for the purposes (A) (B) and (C) hereinbefore mentioned the revenue of the gas undertaking and if they think fit as a collateral security the district fund and the district rate:

As regards moneys borrowed for the purpose (D) hereinbefore mentioned the district fund and the district rate:

As regards moneys borrowed with the consent of the Local Government Board such fund rate or revenue as that Board may prescribe.

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The provisions of this section shall not limit the powers conferred on the Council by the section of this Act whereof the marginal note is "Power to use one form of mortgage for all purposes."

Certain regulations of Public Health (Ireland) Act 1878 not to apply.

109. The powers of borrowing money conferred on the Council by this Act shall not be restricted by any of the provisions of the Public Health (Ireland) Act 1878 and in calculating the amount which the Council may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

Application of moneys borrowed.

110. Any money borrowed or raised under the provisions of this Act shall be applied only to the purposes for which it is authorised to be borrowed or raised and (except in the case of money borrowed for working capital) to which capital is properly applicable Provided that moneys which may have been borrowed in excess of the amount required shall be paid into the sinking fund or shall be applied in such manner as the Council with the approval of the Local Government Board determine.

Provisions as to mortgages.

111. The following sections of the Public Health (Ireland) Act 1878 (that is to say):—

Section 240 (Form of mortgage);
Section 241 (Register of mortgages);
Section 242 (Transfer of mortgages);
Section 243 (Receiver may be appointed in certain cases);

shall (subject to the provisions of the section of this Act the marginal note of which is "Power to use one form of mortgage for all purposes") apply to and in relation to all mortgages granted under the powers of this Act as if they were with necessary modifications re-enacted in this Act.

Protection of lender from inquiry.

112. Any person lending money to the Council under this Act shall not be bound to inquire as to the observance by them of any provisions of this Act nor be bound to see to the application nor be answerable for any loss misapplication or non-application of the money lent or of any part thereof.

Mode of payment off of money borrowed.

113. The Council shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and

interest combined or by means of a sinking fund or partly by one of those methods and partly by another or others of them and the payment of the first instalment or the first payment to the sinking fund shall be made within one year or when the money is repaid by half-yearly instalments within six months from the date of borrowing.

Sinking fund.

114.—(1) If the Council determine to repay by means of a sinking fund any moneys borrowed by virtue of this Act such 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 hereinafter called a "non-accumulating sinking fund"; or

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

(2) 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 or in accordance with the provisions of the section of this Act of which the marginal note is "Power to use sinking fund instead of borrowing" be immediately invested in statutory securities the Council being at liberty from time to time to vary and transpose such investments.

(3) 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.

(4) The Council may at any time apply the whole or any part of any sinking fund in or towards the discharge of the moneys 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

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residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund or part thereof so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5)--(*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 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 annual payments to the fund are based any such excess may be applied towards such annual payments.

(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Act shall be paid by the Council in addition to the payments provided for by this Act.

(7) If it appear 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 Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will 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 appear 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.

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

(9) If the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be more than sufficient to repay

within the prescribed period the moneys for the repayment of which the sinking fund is formed the Council may reduce the payments to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Local Government Board be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed.

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Council may with the consent of that Board discontinue the annual payments to such sinking fund until the Board shall otherwise direct.

(11) 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 use sinking fund instead of borrowing.

115.—(1) Where the Council are authorised by any statutory borrowing power to raise money for any purpose they may instead of exercising such borrowing power by the issue of any fresh security in respect thereof exercise the said power and raise the said money either wholly or partially by using for such purpose so much of any money for the time being forming part of a sinking fund as shall be available for the repayment of—

(*a*) A loan which is secured by a charge on the same rate fund or revenue as would be specifically chargeable as the security for the repayment of a loan under the statutory borrowing power if the same were raised by the issue of a fresh security and which is not shown by the deed to be raised in exercise of a particular borrowing power specified therein; or

(*b*) Moneys borrowed and charged upon all the revenues of the Council in manner provided by the section of this Act whereof the marginal note is "Power to use one form of mortgage for all purposes" and not shown by the deed to be raised in exercise of a particular borrowing power specified therein.

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(2) The Council when exercising the powers conferred on them by this section shall—

(*a*) Withdraw from the sinking fund a sum equal to the amount of the statutory borrowing power proposed to be exercised by the user of money from such sinking fund:

(*b*) Credit such sinking fund with the repayment of an amount of the principal moneys for the repayment of which the fund is established equal to the sum withdrawn from the sinking fund and thereupon the amount so credited shall be deemed to be principal moneys discharged by application of the sinking fund:

(*c*) Debit the account of the statutory borrowing power proposed to be exercised with an amount of the principal money equal to the sum withdrawn from such sinking fund and thereupon the statutory borrowing power shall be deemed to have been exercised as fully as if the said amount had been raised by the issue of a fresh security and the provisions of any enactment as to the repayment and re-borrowing of sums raised under the statutory borrowing power shall apply thereto accordingly.

(3) The Council shall furnish all such information (if any) to the Local Government Board with regard to the exercise of the powers contained in this section as that Board shall require.

Power to use one form of mortgage for all purposes.

116.—(1) Where the Council have for the time being any statutory borrowing power they may for the purpose of exercising such power grant mortgages in pursuance of the provisions of this section.

(2) Every mortgage granted under this section shall be by deed truly stating the consideration and the time or the mode of ascertaining the time and the place of payment and shall be sealed with the common seal of the Council and may be made in the form contained in the Third Schedule to this Act or to the like effect.

(3) All mortgages granted under this section shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the date of the mortgages or on any other ground whatsoever

and shall also rank equally with all other securities granted by the Council at any time after the date of the first grant of a mortgage under this section.

(4) The repayment of all principal sums and the payment of interest thereon secured by mortgages granted under this section shall be and the same are by virtue of this Act charged indifferently upon all the revenues of the Council.

(5) Nothing in this section contained shall alter or affect the obligations of the Council to provide for the repayment of the sums secured by mortgages granted under this section and all such sums shall be repaid within the periods by the means and out of the funds rates or revenues within by and out of which they would have been repayable respectively if this section had not been enacted.

(6) Nothing in this section contained shall alter or affect the obligations of the Council to provide for the payment of interest upon the sums secured by mortgages granted under this section and the interest upon such sums shall be paid out of the funds rates or revenues out of which such interest would have been payable respectively if this section had not been enacted.

(7) There shall be kept at the office of the Council a register of the mortgages granted under this section and within fourteen days after the date of any such mortgage an entry shall be made in the register of the number and date thereof and of the names and descriptions of the parties thereto as stated in the deed Every such register shall be open to public inspection during office hours at the said office without fee or reward and the clerk or other the person having the custody of the same refusing to allow such inspection shall be liable to a penalty not exceeding five pounds.

(8) Any mortgagee or other person entitled to any mortgage granted under this section may transfer his estate and interest therein to any other person by deed duly stamped truly stating the consideration and such transfer may be according to the form contained in the Third Schedule to this Act or to the like effect.

(9) There shall be kept at the office of the Council a register of the transfers of mortgages granted under this section and within thirty days after the date of every deed of transfer if executed within the United Kingdom or within thirty days after its arrival in the United Kingdom if executed elsewhere

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the same shall be produced to the clerk who shall on payment of a sum not exceeding five shillings cause an entry to be made in such register of its date and of the names and descriptions of the parties thereto as stated in the deed of transfer and until such entry is made the Council shall not be in any manner responsible to the transferee.

(10) On the registration of any transfer the transferee his executors or administrators shall be entitled to the full benefit of the original mortgage and the principal and interest secured thereby and any transferee may in like manner transfer his estate and interest in any such mortgage and no person except the last transferee his executors or administrators shall be entitled to release or discharge any such mortgage or any money secured thereby.

(11) If the clerk wilfully neglects or refuses to make in the register any entry by this section required to be made he shall be liable to a penalty not exceeding twenty pounds.

Council not to regard trusts.

117. The Council shall not be bound to see to the execution of any trust whether express implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages of the Council shall be a sufficient discharge to the Council in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Council have had express or implied notice of any such trust or of any charge or encumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register.

Power to re-borrow.

118.—(1) The Council shall have power—

(*a*) To borrow for the purpose of paying off any moneys previously borrowed under any statutory borrowing power 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 any statutory borrowing power and which at the time of such repayment it was intended to replace by borrowed moneys.

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(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the period prescribed for the repayment of that loan 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 section.

(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.

Returns to Local Government Board respecting sinking fund.

119.—(1) The clerk shall within twenty-one days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Act or in respect of any money raised under any statutory borrowing power and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may be prescribed by that Board and if required by that Board verified by statutory declaration of the clerk showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if

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any) remaining invested at the end of the year and in the event of any default in making such return the clerk shall be liable to a penalty not exceeding forty shillings a day during the continuance of the default which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health (Ireland) Act 1878 in a summary manner may be recovered by parties aggrieved within the meaning of that Act.

(2) If it appear to the Local Government Board by that return or otherwise that the Council have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by the Act in pursuance of which the moneys are raised or by the Local Government Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

Power to invest sinking funds in statutory securities.

120. When under the provisions of any Act of Parliament or of any order confirmed by or having the effect of an Act of Parliament whether passed confirmed or made before or after the passing of this Act the Council are empowered or required to form a sinking fund for the payment off of money borrowed or payable by them they may (in addition to any other powers for the time being vested in them) invest such sinking fund and the interest on the investments of such sinking fund in statutory securities.

Separate accounts of gas undertaking to be kept.

121. The Council shall keep separate accounts of their receipts and expenditure on capital and revenue account for the purposes of the gas undertaking.

Application of revenue and deficiency of receipts in respect of gas undertaking.

122.—(1) The Council shall apply all moneys received by them on revenue account in respect of the gas undertaking in the order following (that is to say):—

First In payment of the working and establishment expenses and cost of maintenance of the undertaking:

Secondly In payment of the interest on moneys borrowed for the purposes of the undertaking:

Thirdly In providing the requisite appropriations or instalments or sinking fund payments in respect of moneys borrowed for the purposes of the undertaking:

Fourthly In extending and improving (if the Council think fit) any works for the purposes of the undertaking:

Fifthly In providing a reserve fund (if the Council think fit) by setting aside such money as they think reasonable and investing the same and the resulting income thereof in statutory securities and accumulating the same at compound interest until the fund so formed amounts to the maximum reserve fund for the time being prescribed by the Council not exceeding a sum equal to one-fifth of the aggregate capital expenditure for the time being by the Council upon the undertaking which fund shall be applicable to answer any deficiency at any time happening in the income of the Council from the undertaking or to meet any extraordinary claim or demand at any time arising against the Council in respect of the undertaking or for payment of the cost of renewing any part of the undertaking and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens Provided that resort may be had to the reserve fund under the foregoing provisions although such fund may not at the time have reached or may have been reduced below the prescribed maximum:

And the Council shall carry to the district fund so much of any balance remaining in any year of the money so received (including the interest on the reserve fund when such fund amounts to the prescribed maximum) as may in the opinion of the Council not be required for carrying on the undertaking and paying the current expenses connected therewith.

(2) Any deficiency in the revenue of the gas undertaking of the Council shall be made good out of the district rate within twelve months after the deficiency is ascertained.

Scheme for fixed equated periods.

123.—(1) The Council may at any time hereafter and from time to time make a scheme for prescribing one or more uniform periods within which all or any loans contracted by

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them under statutory borrowing powers shall be discharged and such scheme may extend or vary the periods within which such loans shall be discharged and may make provision in regard to all matters incidental thereto.

(2) No scheme made by the Council under this section shall have any force or effect until confirmed by the Local Government Board who may by order confirm the same with or without modifications and when so confirmed the scheme shall notwithstanding any enactment order or sanction to the contrary have full force and effect and such scheme shall be deemed to be within the powers of this Act Provided that nothing in any scheme made under this section shall prejudice or affect the security rights and remedies of any mortgagee under any mortgage existing at the time of the confirmation of the scheme or of the holder of any stock existing at that time except with the consent of such mortgagee or holder.

(3) The Council may with the sanction of the Local Government Board and on the security of the revenues funds or rates respectively on the security of which the moneys included in the scheme were respectively authorised to be borrowed borrow such sums as may be necessary for the purpose of giving effect to such scheme and for compensating the holders of securities of the Council for their consent thereto and any moneys so borrowed shall be repaid within such period as the Local Government Board may sanction.

(4) Any scheme confirmed under this Act may be altered extended amended or annulled by any other scheme prepared and confirmed in like manner as the original scheme.

Expenses of executing Act.

124. All expenses incurred by the Council in carrying into execution the provisions of this Act and not otherwise expressly provided for shall be defrayed as expenses under the Public Health (Ireland) Act 1878 Provided that when any expenditure is incurred or any money is received for purposes common to two or more accounts the Council may apportion the same between those accounts in such manner as they deem equitable.

Apportionment of rates payable by occupiers.

125.—(1) When after the passing of this Act any rate has been made by the Council under the provisions of the Towns Improvement (Ireland) Act 1854 or the Public Health (Ireland) Act 1878 for a particular period and the occupier of any rateable property who is rated in respect thereof to such rate ceases to be the occupier of such property before the end of such period

and has not paid such rate it shall be lawful for the Council to determine that such occupier shall be liable to a portion only of such rate payable for the whole of such period proportionate to the portion of such period during which he remained occupier and thereupon he shall notwithstanding anything in any of the said Acts be liable to pay such portion only Provided however that the amount of such portion shall not be leviable by distress and sale of any goods or chattels other than those of the person who has ceased to be such occupier.

(2) In case the Council shall have arrived at any such determination as aforesaid and if any other person before the end of the period for which such rate was made becomes the occupier of the property such person shall pay a portion of such rate payable for the whole of such period proportionate to the portion of such period between his becoming such occupier and the end of such period and the same shall be recovered from him in the same manner as if he had been originally rated for such property.

(3) Subject to the provisions of this section the portions of any rate which shall become payable under this Act shall and may be collected and levied sued for and recovered by such and the same ways and means as the whole of such rate might have been collected levied sued for and recovered if this Act had not passed.

(4) This section shall not apply to any rate made by the Council under the provisions of section 229 (Power to make private improvement rates) of the Public Health (Ireland) Act 1878.

Council not to borrow during continuance of war.

126. Notwithstanding anything in this Act the Council shall not under the powers of this Act borrow any money other than money required for the payment of the costs charges and expenses of this Act as hereinafter provided during the continuance of the present war and twelve months thereafter unless the consent of the Treasury has been previously obtained.

PART X.

MISCELLANEOUS.

Application of Local Government Acts to

127.—(1) As from the date of the passing of this Act any lands purchased or acquired by the Council or their predecessors for the purpose of public parks under the provisions of the

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parks &c. acquired under Public Parks (Ireland) Act 1869.

Public Parks (Ireland) Act 1869 (in this section referred to as "the Act of 1869") shall for all purposes of and incidental to their management administration control regulation maintenance and improvement and the cost and expenses thereof be deemed to be recreation grounds or public walks acquired or purchased by the Council under the provisions of section 36 of the Local Government (Ireland) Act 1898.

(2) Any limitations upon the amount of the rate to be made in respect of the expenses incurred by the Council in connection with such public parks or in carrying into effect any resolution under the Act of 1869 are hereby removed.

(3) Nothing in this section contained shall affect or in any way interfere with the operation of section 8 (Power to borrow money) of the Act of 1869 or with any mortgage made thereunder.

Council may build or provide fire-engines stations &c.

128. Section 73 (Commissioners may provide fire-engines and firemen) of the Towns Improvement (Ireland) Act 1854 shall in its application to the district be deemed to be amended and extended so as to authorise the Council to build provide acquire take on lease or hire fire-engines stations and houses and places for keeping engines for extinguishing fire and their appurtenances.

Power to grant gratuities in certain cases.

129.—(1) The Council may if they think fit in cases not within the Workmen's Compensation Act 1906 or the Local Officers Superannuation Act (Ireland) 1869 grant a gratuity of any sum (not exceeding one year's pay) to any of their officers or servants who may be disabled or injured in their service or may become incapacitated through age or other infirmity or to the widow or family of any such officer or servant who may die in their service.

(2) Every such gratuity shall be charged on and paid out of the fund or funds on or out of which the salary wages or emoluments of such officer or servant would have been charged or paid if he had continued in his office or service.

Evidence of appointments authority &c.

130. Where in any legal proceedings taken by or on behalf of or against the Council or any officer servant solicitor or agent of the Council or of any committee of the Council under this Act or under any general or local Act for the time

being in force in the district it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Council or of any committee of the Council or to prove any resolution or order of the Council or any resolution order or report of any committee of the Council a certificate of such appointment authority resolution order or report purporting to be authenticated by the signature of the chairman of the Council or of the clerk shall be prima facie evidence of such appointment authority resolution order or report without further proof of the holding of any meeting or the production of any minute book or other record or document.

In executing works for owner Council only liable for negligence.

131. Whenever the Council or the surveyor or other duly authorised officer of the Council under any enactment or byelaw for the time being in force within the district execute re-execute or alter any work or do any act or thing in default or at the request of the owner occupier or other person required to do such work act or thing (not being undertakers under any Act or Order made under the Electric Lighting Acts 1882 to 1909) the Council shall not as between themselves and such owner occupier or other person in the absence of any negligence on the part of the Council or the surveyor or other such officer as aforesaid or of any contractor or other person employed by them or him be liable to pay any damages penalties costs charges or expenses for or in respect of or consequent upon the executing re-executing or altering of such work or the doing of such act or thing and any such damages penalties costs charges or expenses paid by the Council in the absence of negligence as aforesaid shall be deemed to be part of the expenses payable by such owner occupier or other person and shall be recoverable accordingly.

Expenses may be declared private improvement expenses.

132. The Council may declare any expenses incurred by them under the provisions of this Act which are recoverable from the owner or owners of any premises to be private improvement expenses and thenceforth those expenses may be recovered and shall be charged upon the premises in respect of which they were incurred in accordance with the provisions of section 255 of the Public Health (Ireland) Act 1878.

Authentication and service of notices &c.

133.—(1) Where any notice or demand under this Act or under any local Act Provisional Order or byelaw for the time being in force within the district requires authentication by the

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Council the signature of the clerk or other duly authorised officer of the Council shall be sufficient authentication.

(2) Notices demands orders and other documents required or authorised to be served under this Act or under any local Act Provisional Order or byelaw for the time being in force within the district may be served in the same manner as notices under the Public Health (Ireland) Act 1878 are by section 267 of that Act authorised to be served Provided that in the case of any company any such notice demand order or document shall be delivered or sent by post addressed to the secretary of the company at their registered office or at their principal office or place of business.

Confirmation of byelaws.

134. The provisions of sections 219 to 223 (both inclusive) of the Public Health (Ireland) Act 1878 so far as they relate to byelaws made by a sanitary authority shall apply to all byelaws made by the Council under the powers of this Act except the byelaws made under the section of this Act of which the marginal note is "Byelaws as to wires apparatus and fittings."

Consent of Council to be in writing.

135. All consents given by the Council under the provisions of this Act shall be given in writing and unless otherwise prescribed shall be given under the hand of the clerk.

As to breach of conditions of consent of Council.

136. Where under this Act or under any general or local Act for the time being in force in the district the Council give their consent to the execution of any work or the doing of any act or thing subject to any terms or conditions which they are authorised to impose any breach of any such terms and conditions shall be deemed as regards liability to a penalty and other consequences equivalent to the execution of the work or the doing of the act or thing without the required consent.

As to appeal.

137. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate licence consent or approval of or by the Council or of or by any officer of the Council under the provisions of this Act or by any conviction or order made by a court of summary jurisdiction under the provisions of this Act may if no other mode of appeal is provided by this Act appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction (Ireland) Acts.

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Apportionment of expenses in case of joint owners.

138. Where under the provisions of this Act the Council shall construct or do any works for the common benefit of two or more buildings belonging to different owners the expenses which under this Act are recoverable by the Council from the owners shall be paid by the owners of such buildings in such proportions as shall be determined by the surveyor or in case of dispute by a court of summary jurisdiction.

Recovery of penalties &c.

139. Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner as provided for by sections 249 and 250 of the Public Health (Ireland) Act 1878 Provided that costs and expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Recovery of demands.

140. Proceedings for the recovery of any demand made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

Compensation how to be determined.

141. When any compensation costs damages or expenses is or are by this Act directed to be paid and the method for determining the amount thereof is not otherwise provided for such amount shall in default of agreement be ascertained by arbitration in the manner provided by sections 216 to 218 (both inclusive) of the Public Health (Ireland) Act 1878 as amended by any subsequent Act which sections shall apply to every such arbitration.

Informations by whom to be laid.

142. Save as otherwise by this Act expressly provided all informations and complaints under or in respect of the breach of any of the provisions of this Act or any byelaw made thereunder may be laid and made by an officer of the Council authorised in that behalf or by the clerk.

Penalties to be paid over to treasurer.

143. All penalties recovered on the prosecution of the Council or any officer of the Council on their behalf under this Act or under any byelaw thereunder shall be paid to the

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treasurer of the Council and be by him carried to the credit of the district fund or to such other fund as the Council shall direct.

Judges not disqualified.

144. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate.

Application of certain sections of Public Health (Ireland) Act 1878.

145. The provisions of section 118 (Power of entry of sanitary authority) section 119 (Penalty for disobedience of order) and section 264 (Protection of sanitary authority and their officers from personal liability) of the Public Health (Ireland) Act 1878 shall extend and apply to the purposes of Parts VII. (Streets buildings sewers and drains) and VIII. (Infectious disease and sanitary provisions) of this Act as if those purposes had been mentioned in the said sections.

Damages and charges to be settled by justices.

146. Where any damages expenses costs or charges are directed or authorised to be paid or recovered in addition to any penalty for any offence in this Act mentioned the amount of such damages expenses costs or charges in case of dispute respecting the same may be settled and determined by the court before whom any offender is convicted.

Saving for indictments &c.

147. Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings or shall relieve any person in respect of any such matter from any penal or other consequence to which he would have been liable if such matter had not been made punishable by this Act Provided that nothing in this Act shall make a person liable to be punished more than once for the same offence.

Inquiries by Local Government Board.

148.—(1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in regard to the exercise of any powers conferred upon them or the giving of any consents under this Act and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health (Ireland) Act 1878.

(2) The Council shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries referred to in this section including the expenses of any witnesses

summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector. A.D. 1915.

Powers of Act cumulative.

149. All powers rights and remedies given to the Council by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers rights or remedies conferred on them or on any committee appointed by them by Act of Parliament charter law or custom and the Council or such committee (as the case may be) may exercise such other powers and be entitled to such other rights and remedies as if this Act had not been passed Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence.

Crown rights.

150. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown or subjects to the provisions of this Act any lands buildings or works vested in or occupied by the Crown or any department of His Majesty's Government except to such extent as His Majesty or the Commissioners of Public Works may voluntarily agree.

Expenses of Act.

151. The costs charges and expenses preliminary to and of and incidental to preparing and obtaining this Act including the costs charges and expenses preliminary to and of and connected with the compliance with the requirements of the Borough Funds (Ireland) Act 1888 with respect to the Bill for this Act shall after taxation by the taxing officer of the House of Lords or of the House of Commons be paid by the Council out of the district fund and district rate or out of moneys to be borrowed by the Council under this Act.

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The SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

Stamp.

Ten shillings.

AN AGREEMENT made the twenty-seventh day of June one thousand nine hundred and fourteen between the LURGAN GAS LIGHT AND CHEMICAL COMPANY LIMITED whose registered office is at William Street Lurgan (hereinafter referred to as "the company") of the one part and the LURGAN URBAN DISTRICT COUNCIL (hereinafter called "the Council") of the other part.

WHEREAS the company have introduced into Parliament in the present session a Bill intituled "A Bill to empower the Lurgan Gas Light and Chemical Company Limited to manufacture and supply gas in the urban district of Lurgan and the neighbourhood thereof and to generate and supply electricity in that district and for other purposes" and the Council have deposited a petition against the Bill :-

And whereas the Council in December one thousand nine hundred and thirteen made application to the Board of Trade for a Provisional Order under the Electric Lighting Acts 1882 to 1909 to authorise them to supply electricity for all purposes in the urban district of Lurgan and a Provisional Order for the purpose was made by the Board of Trade and included in a Bill for confirmation by Parliament (hereinafter called "the Confirming Bill") :

And whereas the company deposited a petition against the Confirming Bill and the said Provisional Order :

And whereas the company have agreed to sell their gas undertaking to the Council who have agreed to purchase the same on the terms and conditions hereinafter contained :

And whereas the company have further agreed to withdraw their said Bill and also to cease from opposing the said Provisional Order and the Confirming Bill :

Now these presents witness as follows :—

1. Subject to the provisions of this agreement the company shall sell and the Council shall purchase the gas undertaking of the company.

2. For the purpose of this agreement the expression "the gas undertaking of the company" means the gasworks and all plant fixed and moveable apparatus and works connected therewith and all mains

pipes meters stoves and fittings which are or have been fixed and all tools furniture books assets and other effects and all property real and personal of the company (except as hereinafter provided) freed and discharged from all debts of the company together with all easements rights powers authorities and privileges enjoyed or exerciseable by the company as such works plant apparatus effects property easements rights powers authorities and privileges shall exist on the day hereinafter appointed for the completion of such sale and purchase (hereinafter called "the day of transfer") And also all contracts and benefit of and any obligations under contracts being in subsistence on the day of transfer And all registers books accounts maps and documents relating to the undertaking of the company but the said expression ("the gas undertaking of the company") does not mean or include and there shall be excepted from such sale and purchase (A) the cash balances (other than consumers' deposits if any) in the company's hands or in those of their bankers or agents or on deposit on the day of transfer (B) all reserve and other funds of the company existing on the day of transfer (C) all rents and profits and all book and other debts due to the company on revenue account prior to the day of transfer and (D) the books and papers relating exclusively to the shareholders in and the constitution of the company.

3. The consideration for the sale shall be (A) the payment by the Council to the company on the day of transfer of (1) the sum of forty thousand pounds (2) a sum equal to the actual expenditure on proper capital account incurred by the company with the consent in writing of the Council under the hand of their clerk from the date of this agreement until the day of transfer exclusive of the expenditure on the purchase and erection of the two new exhausters and engines which the company have agreed to purchase for the sum of two hundred and ninety pounds as such expenditure may be ascertained by an accountant or valuer to be nominated by the Council and an accountant or valuer to be nominated by the company (3) a sum equal to the value at the day of transfer of all gas coal and residual products and of all pipes tubes meters stoves and fittings which are not or shall not have been fixed (hereinafter called "moveable stores") as such value may be ascertained by an accountant or valuer to be agreed upon by the Council and the company or failing agreement to be appointed by the President of the Institution of Gas Engineers and (B) the taking over by the Council of all payments (if any) in advance or held by the company in trust for payment of consumers' accounts and for laying and constructing mains pipes and fittings and carrying out other works and belonging to depositors when the net amount due under this head is correctly ascertained by an accountant or valuer to be appointed by the Council Provided that if the Council give notice to the company on or before the first day of August one thousand

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nine hundred and fifteen that they do not desire to take over the said moveable stores of the company they shall not be under obligation to do so or to pay the fair value thereof to the company and such moveable stores shall be and remain the property of the company and shall (notwithstanding anything hereinbefore contained) be excluded from the gas undertaking of the company and may be disposed of by the company as and when they think fit.

4. The company shall proceed with all reasonable despatch to erect the said two new exhausters and engines which the company have agreed to purchase as aforesaid.

5. The company shall forthwith after the day of transfer discharge and pay the debts and liabilities of the company (if any) in respect of mortgages debentures debenture stock and money borrowed and interest accrued due thereon and the debts and liabilities of the company on revenue account and all other the debts and liabilities of the company of every kind and description in subsistence at the day of transfer and shall indemnify the Council from all demands claims and liability in respect thereof and in respect of any action arbitration or other proceeding which may be pending against the company.

6. The receipt of any three directors of the company for all or any part or parts of the aforesaid sum of forty thousand pounds forming part of the consideration for the sale and for any other sums payable by the Council to the company shall be a sufficient discharge to the Council for the moneys thereby acknowledged to have been received and the Council shall not be bound to see to the application or be answerable for any loss or misapplication of all or any part or parts of such moneys.

7. The company shall subject as hereinafter provided be entitled to all the rents and charges accrued due in respect of the undertaking up to the day of transfer and to the proportion of any such rents and charges on that day accruing to the company but not at that day actually due or payable which shall be attributable to the period prior to that day and as from the day of transfer the Council shall be entitled to all such rents and charges The Council shall have and may exercise all the powers of the company or of the Council for the collection and recovery of rents and charges unpaid on the day of transfer and shall collect and recover all current rents and charges and all arrears of rents and charges due to the company on the day of transfer All arrears of rents and charges so recovered by the Council shall with such deductions therefrom by way of commission for collection as may be agreed between Charles Frederic Spencer on behalf of the Council and William Cash on behalf of the company be paid over by the Council to the company.

8. The company shall until the day of transfer continue to carry on and manage the gas undertaking of the company according to

their usual course of business and shall uphold maintain and keep the works and property included in the gas undertaking of the company in their present state and condition (reasonable wear and tear and strikes of workmen excepted) and maintain and keep alive adequate policies of insurance against fire explosion workmen's compensation and third party risks and shall keep proper accounts Provided always that after the date of these presents the company shall not without the previous consent in writing of the Council under the hand of their clerk borrow money on mortgage or otherwise or make or incur any expenditure on capital account or contract make or enter into any new liability contract agreement or other obligation in respect of the gas undertaking of the company.

9. A proper apportionment shall be made between the Council and the company of all rents rates taxes insurance premiums and any other outgoings upon the day of transfer and the Council shall pay to the company the fair proportion of such rents rates taxes premiums and outgoings attributable to any period subsequent to that day.

10. From and after the day of transfer and until the company shall be finally wound up and dissolved the company shall have full access at all reasonable times to the registers documents books and accounts relative to the gas undertaking of the company for the purpose of making up the accounts of the company and for all other reasonable purposes in relation to the winding-up of the company and the Council shall permit the officers and servants of the Council who have been in the employ of the company so far as may be necessary for such purposes and compatible with the execution of their duties to the Council to assist in making up such accounts.

11. The day appointed for the completion of the sale and purchase (hereinbefore referred to as "the day of transfer") shall (subject as hereinafter provided) be the first day of October one thousand nine hundred and fifteen but if from any cause the aforesaid sum of forty thousand pounds forming part of the consideration for the sale or any other sums payable by the Council shall not be paid on that day the day of transfer shall be the first day of January one thousand nine hundred and sixteen but if from any cause the said sum of forty thousand pounds and any other sums as aforesaid are not paid by such last-mentioned date the Council shall pay to the company interest at the rate of five pounds per centum per annum on the moneys so remaining unpaid from the said first day of January one thousand nine hundred and sixteen until payment thereof.

12. If from any cause the sale and purchase shall not actually be completed on the day of transfer the company shall as agents for and at the expense and risk of the Council carry on the undertaking until the sale and purchase shall be actually completed And the Council shall on or before the actual completion of the sale pay to the company

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(in addition to any other moneys payable by them under this agreement) for the directors thereof a sum or sums equal to the amount of the directors' fees in respect of the period subsequent to the said first day of January one thousand nine hundred and sixteen during which the company shall act as such agents (such fees to be at the rate of the directors' fees on the date of this agreement).

13. From and after the day of transfer the Council shall hold the sum of money (if any) equal to that found to be due from the company as payment in advance and held by them in trust for payment of consumers' accounts and for laying and constructing mains pipes and fittings and carrying out other works and belonging to depositors and to be repaid to depositors at some future date in trust for such depositors and when the same shall become payable the Council shall repay the same and shall keep the company and the directors and servants of the company indemnified from all claims demands costs and liabilities in respect thereof.

14. The Council shall promote and use its best endeavours to procure the passing into law in the next session of Parliament available for Private Bill Legislation of a Bill to confirm this agreement or to carry the provisions of this agreement into effect and the company will not oppose such Bill except in so far as they deem necessary in order to secure the insertion therein of provisions to carry out the terms of this agreement or otherwise to protect their interests with regard thereto and for such purposes the company shall be at liberty to petition either or both Houses of Parliament and to appear on any such petition by counsel agents and witnesses The company will aid and assist the Council in any reasonable manner in its endeavours to secure the passing of the said Bill into law and in furtherance of this object shall supply to the Council at the expense of the Council such information particulars and evidence in the possession of the company or of any of their officers and servants as the Council may reasonably require and the company by themselves their officers and servants shall support the Bill by evidence or otherwise if need be at the expense of the Council.

15. Not less than ten days before the Council first deposit the said Bill in Parliament they shall submit a copy thereof to the company for any observations they may wish to make thereon.

16. This agreement is subject to the approval of Parliament and to such additions and alterations as Parliament may think fit to make therein but in the event of either House of Parliament making any material alteration in this agreement or in the said Bill so far as the same relates to this agreement if this agreement is not scheduled to the Bill it shall be in the option of either party to withdraw from the said agreement and if this agreement is scheduled to the Bill to withdraw this agreement.

17. If the said Bill be not passed by Parliament in the next session available for Private Bill Legislation this agreement (except so far as the same shall have been actually carried into effect) shall be void and become of no effect.

18. On and from the passing of any such Bill promoted by the Council for giving effect to this agreement the clerk and treasurer of the Council and any valuer or accountant appointed by the Council shall have access to the offices of the company during office hours and may inspect the books papers records and writings of and otherwise make themselves acquainted with the affairs of the company preparatory to the taking over of the undertaking on the day of transfer and the company shall direct their secretary and engineer to give to the said clerk treasurer valuer and accountant such assistance and information relating to such affairs as they may reasonably require but the giving of such assistance and information shall not in any way interfere with the conduct of the business of the company.

19. If any question difference or dispute shall arise with reference to this agreement or to the construction thereof or as to anything herein contained or as to anything not fully provided for or as to the rights liabilities or duties of either party hereunder the same shall be referred to an arbitrator to be agreed upon between the Council and the company or failing such agreement to be appointed by the President of the Institution of Gas Engineers and the provisions of the Common Law Procedure (Ireland) Act 1856 or any statutory modification thereof shall apply to such reference and arbitration and to this agreement as if it were a submission to arbitration under that Act.

In witness whereof the company and the Council have caused their respective common seals to be hereunto affixed the day and year first before written.

One part { Present when the common seal of the Lurgan Gas Light and Chemical Company Limited was affixed— } L.S.

FRED. W. MAGAHAN Secretary

E. GEORGE BELL } Directors.
WM. F. B. BAIRD }

Other part { Present when the common seal of the Lurgan Urban District Council was affixed hereto— } L.S.

F. W. POLLOCK Clerk of Council
COURTNEY JOHNSTON Solicitor Lurgan
JOHN MAHAFFY Chairman.

A.D. 1915.

SECOND SCHEDULE.

GAS LANDS.

Certain lands now belonging to the company and occupied by their gasworks in the urban district of Lurgan parish of Shankill Barony of Oneilland East in the county of Armagh containing two acres thirty-three perches and six yards or thereabouts and bounded as follows:—

On or towards the south-west partly by William Street and partly by property belonging or reputed to belong to the representatives of the late John Long and lying to the rear of numbers 39 41 43 45 47 49 and 51 William Street and partly by property belonging or reputed to belong to Joseph Herbert and lying to the rear of the premises known as numbers 33 35 and 37 William Street which last-mentioned property is occupied with numbers 16 and 18 North Street;

On or towards the north-west by a cartway extending from William Street to Ulster Street on property known as numbers 63 65 and 67 William Street belonging or reputed to belong to J. N. Richardson Sons and Owden Limited;

On or towards the north-east by Ulster Street; and

On or towards the south-east partly by the playground at the rear of the North Street National School and partly by property lying to the rear of premises known as numbers 20 22 24 26 28 30 32 and 34 North Street and belonging or reputed to belong to Mary Jordan and of premises known as number 36 North Street belonging or reputed to belong to James Jordan J.P.

THIRD SCHEDULE.

FORM OF MORTGAGE.

By virtue of the Lurgan Urban District Council Act 1915 and of other their powers in that behalf them enabling the urban district council of Lurgan (hereinafter called "the Council") in consideration of the sum of pounds paid to the treasurer of the Council by (hereinafter called "the mortgagee") do hereby grant and assign unto the mortgagee [his] executors administrators and assigns such proportion of the revenues

of the Council in the said Act defined as the said sum so paid doth or shall bear to the whole sum which is or shall be charged on the said revenues To hold unto the mortgagee [his] executors administrators and assigns from the day of the date of these presents until the said sum of pounds shall be fully paid and satisfied with interest for the same (subject as hereinafter provided) at the rate of per centum per annum from the day of one thousand nine hundred and until payment of the said principal sum such interest to be paid half-yearly [on the day of and the day of in each year] And it is hereby agreed that the said principal sum of pounds shall be repaid at the office of the Council in the said district [(subject as hereinafter provided) on the day of one thousand nine hundred and] [by]:

Provided always and it is hereby agreed and declared that the before-mentioned time for repayment may be extended to such subsequent day or days and upon any such extension the before-mentioned rate of interest may be altered to such other rate or rates of interest as shall from time to time be agreed between the Council and the mortgagee and specified in an endorsement to be made hereon under the hands of the chairman and clerk of the Council for the time being respectively and that upon any such endorsement being made whether relating to extension of time only or to extension of time with alteration of rate of interest the provisions thereof shall be incorporated herewith and shall operate and take effect as though they had been originally inserted herein.

In witness whereof the Council have caused their common seal to be hereunto affixed this day of one thousand nine hundred and .

The Endorsement within referred to.

The within named consenting the within-mentioned time for repayment of the within-mentioned principal sum of is hereby extended to the day of one thousand nine hundred and [and the interest to be paid thereon on and from the day of one thousand nine hundred and is hereby declared to be at the rate of per centum per annum.]

Dated this day of one thousand nine hundred and .

A.D. 1915.

FORM OF TRANSFER OF MORTGAGE.

I [the within named]
[of]
in consideration of the sum of
pounds paid to me by
of
(hereinafter called "the transferee") do hereby transfer to the transferee [his] executors administrators and assigns [the within-written security] [the mortgage number of the revenues of the urban district council of Lurgan bearing date the day of] and all my right and interest under the same subject to the several conditions on which I hold the same at the time of the execution hereof and I the transferee for myself my executors administrators and assigns do hereby agree to take the said mortgage security subject to the same conditions.

Dated this day of one thousand nine hundred and .

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