CHAPTER cxxiii.

An Act to authorise the Matlock Bath and Scarthin Nick Urban District Council to supply gas and to provide for the transfer of the undertaking of the Matlock Bath Gaslight and Coke Company Limited to the said Council and for other purposes. [20th July 1896.]

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WHEREAS the district of Matlock Bath and Scarthin Nick in the county of Derby is an urban district within the meaning of the Local Government Act 1894 and is under the management and control of the Matlock Bath and Scarthin Nick Urban District Council (in this Act called "the Council"):

And whereas the Matlock Bath Gaslight and Coke Company Limited (in this Act called "the Company") was formed in the year one thousand eight hundred and fifty-three for the purpose of supplying with gas the town of Matlock Bath and the surrounding district and such Company was subsequently registered under the Companies Act 1862:

And whereas the share capital of the Company recently consisted of four thousand five hundred pounds divided into nine hundred shares of five pounds each the whole of which shares have been subscribed and fully paid up but in the year one thousand eight hundred and ninety-five the capital of the Company was increased to fifteen thousand pounds divided into three thousand shares of five pounds each and the capital holding of each shareholder was doubled without any further payment being made or obligation incurred by such shareholder:

And whereas the Company have erected gasworks upon the land described in the first part of the schedule to this Act or some portion thereof and are now supplying gas within the district of the Council and parts of the urban district of Matlock and the rural district of Cromford:

And whereas it is expedient that the undertaking of the Company should be transferred to and vested in the Council in manner

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provided by this Act and that further powers should be conferred upon the Council with respect to the supply of gas within the limits prescribed by this Act and that the Council should be empowered to acquire for the purpose of gasworks the lands described in the second part of the schedule to this Act and to construct gasworks and to extend and improve the existing gasworks of the Company to meet the growing demands of the inhabitants within the said limits:

And whereas plans describing the lands proposed to be acquired under the powers and for the purposes of this Act and a book of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of such lands were duly deposited with the clerk of the peace for the county of Derby and are in this Act respectively referred to as the deposited plans and book of reference:

And whereas estimates have been prepared by the Council for the construction extension and improvement of the gasworks and for the purchase of the said lands and such estimates amount to the sum of ten thousand pounds and the several works included in such estimates are permanent works within the meaning of section 234 of the Public Health Act 1875:

And whereas an absolute majority of the whole number of the Council at a meeting held on the twenty-fifth day of October one thousand eight hundred and ninety-five after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the High Peak News a local newspaper published and circulating in the district of the Council such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the general district fund or rate of the district:

And whereas such resolution was published twice in the Derbyshire Times a local newspaper published and circulating in the district of the Council and has received the approval of the Local Government Board:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the Council at a further special meeting held in pursuance of a similar notice on the fourteenth day of January one thousand eight hundred and ninety-six being not less than fourteen days after the deposit of the Bill for this Act in Parliament:

And whereas the owners and ratepayers of the district by resolution in the manner provided in the Third Schedule of the Public Health Act 1875 consented to the promotion of the Bill for this Act:

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):—

Part I.—Preliminary.

Short title.

1. This Act may be cited as the Matlock Bath Gas Act 1896.

Division into parts.

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

Part I.—Preliminary.
Part II.—Transfer of undertaking.
Part III.—Gas.
Part IV.—Financial.
Part V.—Miscellaneous.

Part III. not to take effect until transfer.

3. The provisions of Part III of this Act shall not take effect until after the transfer of the undertaking of the Company to the Council.

Incorporation of Acts.

4. The following Acts and parts of 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 this Act (namely):—

The Lands Clauses Acts;

The Gasworks Clauses Act 1847 (except the provisions thereof with respect to the amount of profit to be received by the Undertakers when the gasworks are carried on for their benefit and except section 38 relating to accounts):

And the Gasworks Clauses Act 1871 (except section 7 relating to shareholders section 8 relating to the appointment of a receiver and section 35 relating to accounts &c.) shall apply to the gas undertaking of the Council.

Interpretation of terms.

5. The several words and expressions to which by the Acts wholly or partially incorporated with this Act meanings are assigned shall in this Act have the same respective meanings unless there is 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 expressions "the undertakers" and "the Company" mean the Council:

And in this Act unless the context otherwise requires—

The expression "the undertaking of the Company" includes all the gasworks engines mains pipes and machinery lands and

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buildings plant fixed and moveable stock-in-trade gas coal and other stores and all other the real and personal property assets and effects of whatever nature and all the rights powers and privileges vested in or belonging to or had or enjoyed by the Company at the date of the transfer of the undertaking of the Company to the Council under the provisions of this Act except the books and papers relating exclusively to the shareholders in and the constitution of the Company;

"The district" means the urban district of Matlock Bath and Scarthin Nick;

"The district fund" and "general district rate" mean respectively the district fund and the general district rate of the district:

And the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or the Acts wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Part II.—Transfer of Undertaking.

Company to sell their undertaking to Council.

6. The Company shall sell and the Council shall purchase the undertaking of the Company for such price or consideration being a sum in gross and on such terms and conditions as may be agreed upon between the Company and the Council or as failing such agreement shall be determined by arbitration in accordance with the provisions of the Arbitration Act 1889:

And in addition to the sums to be paid by the Council to the Company under the foregoing provisions of this section the Council shall pay to the Company a sum of two hundred and fifty pounds in consideration of the costs and expenses incurred by them of and incident to the winding up of the Company:

And the Council shall also pay to any officer (other than a director) and servant (other than a weekly servant) in the employment of the Company who has been in such employment for a period of eight years or upwards and who shall not be willing to continue or shall not be continued in the service of the Council an amount equal to two years salary.

On payment of purchase money undertaking to vest.

7. On payment by the Council of the purchase money in accordance with the provisions of this Act the undertaking of the Company shall by virtue of this Act become and shall thenceforth be transferred to and vested in the Council subject and according to the provisions of this Act and free as between the Company and the Council from all debts and liabilities affecting the same due from or

payable by the Company up to the time of such transfer and thenceforth the Council shall have and hold the undertaking.

A Queen's printers copy of this Act shall be chargeable with the same stamp duty as would be chargeable if the transaction effected by the Act were a transaction effected by an executed instrument in writing and the copy were the instrument and that copy shall within three months from the date of vesting be produced to the Commissioners of Inland Revenue and in default of such production the ad valorem stamp duty with interest thereon at the rate of five pounds per centum per annum from the date of vesting to the day of payment shall be recoverable from the Council with full costs of suit and all costs and charges attending the same.

Receipt for purchase money.

8. The receipt in writing of three of the directors of the Company for the purchase money or any other sum to be paid to them by the Council shall effectually discharge the Council from the sum so paid and from being concerned to see to the application thereof and from being answerable or accountable for the loss misapplication or non-application thereof and on such payment the Company shall forthwith proceed to take the necessary steps for a voluntary winding up of their affairs Provided that if from any cause the Council are unable to obtain such receipt they may pay the money into the Bank of England in the name of the Paymaster-General and on behalf of the High Court to an account to be opened in the matter of this Act and a receipt given to the Council by the cashier of the said bank for the money shall have the same effect as the receipt of the said three directors.

Liabilities and actions &c. by or against Company.

9. All debts and liabilities due from or payable by the Company up to the time of transfer which shall then remain unpaid or unsatisfied shall as between the Company and the Council be paid or satisfied by the Company and the Company shall indemnify the Council against the same and if at the time of the transfer any action or proceeding or any cause of action or proceeding is pending or existing by or against or in favour of the Company the same shall not abate or be discontinued or in anywise prejudicially affected by reason of the transfer or of anything in this Act but the same may be continued prosecuted and enforced by or against or in favour of the Council as and when it might have been continued prosecuted and enforced by or against or in favour of the Company if this Act had not been passed but 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 at the time of the transfer.

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Contracts of Company to be binding on Council.

10. Except as is by this Act otherwise specially provided all purchases sales conveyances grants assurances deeds contracts bonds and agreements entered into or made and subsisting at the time of the transfer and then in force shall be as binding and of as full force and effect in every respect against or in favour of the Council and may be enforced as fully and effectually as if instead of the Company the Council had been a party thereto.

Books &c. to remain evidence.

11. All documents books and writings which if the transfer had not been made would have been receivable in 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.

PART III.—GAS.

Gas limits.

12. The limits of this Act for the supply of gas (in this Act referred to as "the gas limits") shall be and include the district of the Council the urban district of Bonsall the rural district of Cromford and so much of the urban district of Matlock as is south or south-west of an imaginary line drawn from the River Derwent at a point two and a half chains or thereabouts north of the centre of the footbridge carrying the path leading from Matlock Bath to the Paint Works across the River Derwent thence in a south-easterly direction to the junction with the footpath leading from Starkholmes thence in a straight line in a south-easterly direction to the south-east corner of the field numbered 1438 on the $\frac{1}{2500}$ Ordnance Survey Sheet No. XXXIV 7 of the county of Derby thence crossing Willersley Lane in an easterly direction to and continuing for a distance of two hundred and fifty yards along the southerly fence of the occupation road leading to Woodseats Farm and thence in a straight line due east to the easterly boundary of the parish of Matlock Provided that it shall not be lawful for the Council to supply gas within the present limits of supply of the Matlock and District Gas Company Limited unless with the previous consent in writing of that company.

Powers as to construction and maintenance of gasworks &c.

13. Subject to the provisions of this Act the Council may from time to time maintain alter improve enlarge extend and renew or discontinue the existing gasworks upon the lands on which the same are erected or any part thereof and which form part of the lands described in the first part of the schedule to this Act and they may also when they have acquired the lands described in the second part of the schedule to this Act erect lay down provide and from time to time upon any part of the said lands construct and maintain alter improve enlarge extend and renew or discontinue other gasworks

retorts gasometers receivers drains sewers mains pipes meters lamps lamp-posts burners stop cocks machinery and other works and apparatus and conveniences and may upon any of the lands aforesaid do all such acts as they may think proper for making and storing gas and for supplying gas within the gas limits and may make store and supply gas accordingly and may manufacture sell provide supply and deal in coke tar pitch asphaltum ammoniacal oil and all other products or residuum of any materials employed in or resulting from the manufacture of gas and also meters stoves ranges fittings tubes pipes and other articles and things connected with gasworks or with the supply of gas as they may from time to time think fit.

For the protection of the Matlock Urban District Council.

14. For the protection of the Matlock Urban District Council (in this section referred to as "the Matlock Council") the following provisions notwithstanding anything to the contrary in this Act shall have effect:—

(1) As to the roads and streets within the area of the Matlock urban district (in this section referred to as "the Matlock district") so long as the Council shall continue to supply gas therein the Council shall give to the surveyor of the Matlock Council twenty-four hours previous notice in writing of their intention to break up any of the roads or streets in the Matlock district and shall also state in such notice the probable time at which the laying down repairing altering or enlarging their mains pipes or other works will be completed and the excavations or openings ready to be filled in and the said surveyor shall do the work of filling in and making good the said works and providing all necessary materials therefor and the Council shall forthwith reimburse the Matlock Council all the cost and expenses thereof which shall be recoverable accordingly in any court of competent jurisdiction:

(2) The Council shall within seven years from the date of the transfer of the Company's undertaking remove the existing gasworks from the lands on which the same are at the said date erected to some place or places without the Matlock district and shall cease to manufacture or store gas or to manufacture or store coke tar pitch asphaltum ammoniacal oil or any other products or residuum of any materials employed in or resulting from the manufacture of gas on the existing site.

For protection of the London and North Western Railway Company.

15. The following provisions for the protection of the London and North Western Railway Company shall be in force and have effect:—

(1) In laying down and executing or in effecting the repairs and renewals of any mains pipes or other works upon across

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over under or in any way affecting the railways lands or property now or hereafter belonging to or used or occupied by such railway company or the bridges approaches viaducts stations or other works or any level crossings of such railway company the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of such railway company and only according to plans to be submitted to and in such manner as shall be previously reasonably approved by him and in all things by and at the expense of the Council who also shall restore and make good the roads over any such bridges level crossings and approaches which such railway company are or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Council and all such works matters and things shall be constructed executed and done so as not to cause any injury to such railways bridges level crossings approaches viaducts stations works lands or property or interruption to the passage or conduct of traffic over such railways or at any station thereon:

(2) And if any such injury or interruption shall arise from or be in any way owing to any of the acts operations matters and things aforsaid or the bursting leakage or failure of any such mains pipes or works the Council shall make compensation in respect thereof to such railway company the amount of such compensation together with full costs to be recoverable from the Council by all and the same means as any simple contract debt is recoverable:

(3) If any difference shall arise between the Council and the railway company as to the mode of laying down repairing altering or enlarging their mains pipes or other works or the facilities to be afforded for the same such difference shall be settled by an engineer to be appointed by the Board of Trade at the request of either party.

Power to take lands.

16. The Council may subject to the provisions of this Act enter upon take use and hold for the purposes of this Act or any of them any part of the lands described in the schedule to this Act and delineated on the deposited plans and described in the deposited book of reference Provided always that no lands shall be used by the Council for the purpose of manufacturing gas or residual products except the lands described in the schedule to this Act.

Restriction on taking houses of labouring class.

17. The Council shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except

with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

For the purpose of this section the expression "labouring class" means and includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Period for compulsory purchase of land.

18. The powers of the Council for the compulsory purchase of land authorised by this Act shall cease after the expiration of three years from the passing of this Act.

Power to supply gas apparatus engines &c. for heating motive and other purposes.

19. The Council may purchase provide supply sell let for hire and otherwise deal in and fix set up alter remove and re-fix gas meters and fittings gas engines stoves ranges pipes and other apparatus and appliances articles and things for lighting motive power the warming and ventilation of houses and buildings the cooking of food and for all other purposes for which gas can or may be used and may require and take such remuneration in money or such rents and charges for and make such terms and conditions with respect to the sale supply letting fixing setting up altering or removing of such meters fittings engines stoves ranges pipes and other apparatus and appliances articles and things as aforesaid and for securing their safety and return to the Council as may be agreed upon between the Council and the person to or for whom the same are sold supplied let fixed set up altered or removed.

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

20. If a person requiring a supply of gas has previously quitted premises at which gas was supplied to him by the Council without paying all gas or meter rent due from him the Council may refuse to furnish to him a supply of gas until he pays the same.

Gas consumers to give notice to Council before removing.

21. Twenty-four hours notice in writing shall be given to the Council at their gas office by every gas consumer 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.

Power to lay pipes against buildings.

22. The Council with the consent of the owner and occupier of any building may lay any pipe branch or any other necessary apparatus from any main or branch pipe into through or against such building for the purpose of lighting it and may with the like

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consent provide and set up any apparatus necessary for securing to such building a proper and complete supply of gas and for measuring and ascertaining the extent of which supply and may from time to time with the like consent repair replace alter discontinue and remove any such pipe branch or apparatus.

Limiting the 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 per one thousand cubic feet The Council shall not at any time charge consumers of gas within the portion of the gas limits which is outside the district of the Council a higher price than that charged to consumers in the district of the Council under like circumstances.

Pressure of gas.

24. All gas supplied by the Council to any consumer of gas shall be supplied at such pressure as to balance a column of water from midnight to sunset not less than six-tenths of an inch and from sunset to midnight not less than eight-tenths of an inch in height at the main as near as may be to the junction therewith of the service-pipe supplying such consumer and any gas examiner appointed under the Gasworks Clauses Act 1871 may subject to the terms of his appointment from time to time test the pressure at which the gas is supplied and may for that purpose open any street road passage or place vested in or under the control of any local or road authority and the provisions of the Gasworks Clauses Act 1871 with reference to testing of gas and to penalties shall mutatis mutandis apply to such testing of pressure and two hours previous notice shall be given to the Council of the time and place at which such testing shall be conducted.

Quality of gas.

25. The prescribed number of candles shall be eighteen.

Testing place.

26. Within six months from the transfer a testing place shall be provided at some convenient part of the gasworks of the Council.

Burner.

27. The prescribed burner shall be Sugg's London argand burner Number 1 with a six-inch by one and three-quarter inch glass chimney but if at any time and so long as the gas flame rises above the top of that glass a six-inch by two-inch chimney shall be used or any other burner or chimney approved for this purpose by the Board of Trade.

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

28. If any person is required by the Council to give to them security for the payment of the price or rent of a gas meter the Council shall pay interest after 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.

Supply of gas in bulk.

29. The Council may from time to time enter into and carry into effect agreements with any local authority of any district beyond the gas limits or any company authorised to supply gas under Parliamentary authority beyond such limits for the supply by the Council to such authority or company respectively of gas in bulk.

Provision for sale of portion of undertaking to other sanitary authorities.

30. If at any time after the passing of this Act any urban or rural district council whose district or any part thereof is within the gas limits give not less than six months notice in writing to the Council of their desire to purchase such portions of the works of the Council other than the gasworks as are contained within the district of any such urban or rural district council 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 portions of the said works (except any mains and pipes or other apparatus which shall be necessary for supplying with gas any other part of the gas limits) and to supply gas within such district then and in that case the Council will not 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 urban or rural district council shall purchase the portion of the said works (except as aforesaid) within the district of such urban or rural district council at such price and upon such terms and conditions as shall be fixed in default of agreement by arbitration under the provisions of the Lands Clauses Acts in manner provided by those Acts and the Council shall apply the proceeds of any sale under this section in discharge of money borrowed under this Act for gasworks purposes Provided that after the completion of such purchase all obligations on the part of the Council to supply gas within such district shall cease and determine.

Part IV.—Financial.

Power to borrow.

31.—(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 herein-after mentioned not exceeding the respective amounts herein-after specified (if any) (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 defraying the taxed costs and expenses incident to such purchase and to the transfer of such undertaking to the Council (other than the costs of this Act) such sum as may be required;

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(*b*) For the purchase of lands for and for the extension and improvement of the gasworks of the Council the sum of ten thousand pounds;

(*c*) For paying the taxed costs and expenses of this Act as herein-after provided the sum requisite for that purpose:

And with the approval of the Local Government Board such further moneys as the Council may require for any of the purposes of this Act.

(2) In order to secure the repayment of the moneys borrowed under this section and the payment of the interest thereon the Council may mortgage or charge the revenue of the gas undertaking of the Council and the district fund and general district rate of the district.

Inquiries by Local Government Board.

32.—(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 Act 1875.

(2) The Council shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries under 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.

Mode of raising money.

33. The Council may raise all or any moneys which they are authorised to borrow under this Act either by mortgage or by issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another.

Certain regulations of Public Health Act as to borrowing not to apply.

34. The powers of borrowing money by this Act given shall not be restricted by any of the regulations contained in section 234 of the Public Health Act 1875 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.

Provisions of Public Health Act as to mortgages to apply.

35. Sections 236 to 239 of the Public Health Act 1875 shall extend and apply mutatis mutandis to mortgages granted under this Act.

Periods for payment off of money borrowed.

36. The Council shall pay off all moneys borrowed by them under this Act within the respective periods (in this Act referred to as "the prescribed periods") following (that is to say):—

As to moneys borrowed for the purposes (*a*) and (*b*) mentioned in the section of this Act the marginal note whereof is "Power to borrow" within a period of fifty years from the date or dates of the borrowing of the same;

As to moneys borrowed for the purpose (*c*) mentioned in the said section within a period of ten years from the date or dates of the borrowing of the same;

As to moneys borrowed with the approval of the Local Government Board such period as they may think fit to sanction.

Mode of payment off of money borrowed.

37. 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 or by means of a sinking fund or partly by such instalments and partly by a sinking fund.

Regulations as to sinking fund.

38. If the Council determine to pay off by means of a sinking fund any moneys borrowed under the authority of this Act the following regulations shall be observed:—

The Council in every year shall appropriate and set apart out of the rate and revenue on the security of which such moneys shall have been borrowed such equal annual sums as will with the accumulations thereof by way of compound interest at not exceeding three per centum per annum with yearly rests be sufficient to pay off the whole of the principal moneys borrowed on such security within the prescribed periods:

Provided as follows (that is to say):—

(A) The yearly sums so to be appropriated and set apart shall be invested from time to time and accumulated in the way of compound interest by investing the same and the dividends interest and annual income thereof respectively in securities in which trustees are for the time being authorised to invest or in mortgages debenture stock or other securities (not being transferable by delivery) duly created and issued by any local authority as defined by the Local Loans Act 1875 other than the Council and any such investments may be from time to time varied or transposed Provided that if in any year the income arising from the investments of the sinking fund does not equal the prescribed rate of accumulation any deficiency shall be made good out of the rate and revenue from which the annual payments to such fund are made and that if in any year such income exceeds the prescribed rate of accumulation any excess may be applied in reduction of the annual payments which would otherwise be required to be made to such fund;

(B) The Council may at any time apply the whole or part of the sinking fund in or towards the repayment of the borrowed

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moneys for the repayment of which it was set apart in such order and manner as they deem proper. Provided that in such case they pay into such sinking fund in each year afterwards and accumulate as herein-before prescribed until the whole of the borrowed moneys to which such sinking fund is applicable are discharged a sum equal to the interest produced by the sinking fund or part thereof so applied at the rate per centum on which the annual payments to the sinking fund are based Provided also that whenever and so long as the value of the securities standing to the credit of the sinking fund taken at the market price of the day shall be equal to the amount of the borrowed moneys then outstanding for the repayment of which it was set aside the Council may in lieu of investing the yearly income of such fund apply the same in payment of interest on moneys in respect of which the fund was set aside and may during such periods discontinue the payment to the sinking fund of the yearly sums required to be paid thereto.

Annual return to Local Government Board with respect to sinking fund.

39. The clerk to the Council shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund or any instalment is required to be paid under this Act transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration of the clerk if so required by them showing the amount which has been paid as an instalment or invested for the purposes of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof have been applied during the same period and the total amount remaining invested at the end of the year and, in the event of any wilful default in making such return the clerk shall be liable to a penalty not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in a summary manner. If it appear to the Local Government Board by such return or otherwise that the Council have failed to pay any instalment or to set apart the sum required for the sinking fund under this Act or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such

order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court and the provisions of this section shall apply mutatis mutandis to appropriations and annual repayments.

Power to re-borrow.

40. If the Council pay off any part of any money borrowed by them under the powers of this Act otherwise than by means of instalments or appropriations or annual repayments or a sinking fund or out of the proceeds of the sale exchange or disposition of lands or out of fines or premiums on leases or other moneys received on capital account not being borrowed moneys they may from time to time re-borrow the same but all moneys so re-borrowed shall be repaid within the period prescribed for the repayment of the moneys in lieu of which such re-borrowing shall have been made and any amounts from time to time re-borrowed shall be deemed to form the same loan as the moneys in lieu of which such re-borrowing shall have been made and the obligations of the Council with respect to the repayment of such moneys shall not be in any way affected by such re-borrowing.

Council not to regard trusts.

41. The Council shall not be bound to see to the execution of any trust whether expressed or 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 or books of the Council shall from time to time 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 incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register or books and the Council shall not be bound to see to the application of the money paid on any such receipt or be answerable or accountable for any loss misapplication or non-application of any such money.

Application of borrowed moneys.

42. All moneys borrowed by the Council under the powers of this Act shall be applied only to the purposes for which they are respectively authorised to be borrowed and to which capital is properly applicable.

Expenses of execution of Act.

43. All expenses incurred by the Council in carrying into execution the provisions of this Act (except such as are to be paid out of borrowed money or are otherwise provided for) shall be paid out of the district fund and general district rate.

Separate account of gas undertaking to be kept.

44. The Council shall keep a separate account of their receipts and expenditure for gasworks purposes on capital and revenue account and the provisions of section 58 of the Local Government

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Act 1894 shall apply to the accounts of the Council and the accounts of their committees officers and assistants under this Act.

Application of gas revenue.

45. The Council shall apply all money from time to time received by them in respect of their gas undertaking except money borrowed and money derived from the sale of surplus lands or other moneys received on capital account as follows (that is to say):—

First. In payment of the working and establishment expenses and cost of maintenance of their gas undertaking;

Secondly. In payment of the interest on moneys borrowed by the Council under this Act for the purposes of their gas undertaking;

Thirdly. In providing the requisite instalments or sinking funds under this Act in respect of moneys borrowed by the Council for the purposes of their gas undertaking;

Fourthly. In providing a reserve fund for their gas undertaking if they think fit by setting aside such money as they from time to time think reasonable and investing the same and the resulting income thereof in Government securities or any securities in which trustees are or may be authorised to invest trust moneys (except securities of the Council and securities transferable by delivery) and accumulating the same at compound interest until the fund so formed amounts to five hundred pounds which fund shall be applicable from time to time to answer any deficiency at any time happening in the income of the Council from their gas undertaking or to meet any extraordinary claim or demand at any time arising against the Council in respect of that undertaking and so that if that fund is at any time reduced it may thereafter be again restored to the sum of five hundred pounds and so from time to time as often as such reduction happens;

Fifthly. In improving and extending their gas undertaking:

And the Council shall carry to the district fund any balance remaining in any year after retaining or setting aside such a sum as may in the opinion of the Council be required for carrying on their gas undertaking and paying the current expenses connected therewith and shall also carry to the district fund the annual proceeds of the reserve fund when such fund amounts to five hundred pounds.

As to deficiency in receipts.

46. Any deficiency in the revenues or receipts of the Council on account of their gas undertaking shall be from time to time made good out of the district fund and the next general district rate to be made by the Council shall be increased so far as may be necessary to recoup to the district fund the amount so made good out of that fund.

PART V.—MISCELLANEOUS.

Authentication of notices.

47. Where any summons demand or other document under this Act (except a conveyance contract or security) requires authentication by the Council the signature thereof by their clerk shall be a sufficient authentication.

Several sums in one summons.

48. Any summons or warrant issued for any of the purposes of this Act may contain in the body thereof or in the schedule thereto several sums.

Warrant of distress to include costs.

49. Any court of summary jurisdiction which issues a warrant of distress in pursuance of the provisions of this Act may order that the costs of the proceedings for the recovery of the money to be levied shall be paid by the person liable to pay such money and such costs shall be ascertained by such court and shall be included in the warrant of distress for the recovery of such money.

Liability to gas rate not to disqualify justices &c. from acting.

50. No justice or judge of any county court or quarter sessions shall be disqualified from acting in the execution of this Act by reason of his being liable to the payment of any gas rate or other charge under this Act.

Contracts for gas not to disqualify.

51. No person entering into any contract with the Council for the supply of gas to him or for any meter or apparatus to be furnished to him or for any work to be done for him for the purposes of such supply shall thereby be disabled from being a member of the Council or incur any penalty by reason of such contract but any member of the Council concerned directly or indirectly by himself or any partner in any such contract shall not take part in any vote or proceeding relative thereto at any meeting of the Council.

Costs of Act.

52. 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 obtaining of the resolution of owners and ratepayers aforesaid as taxed by the taxing officer of the House of Lords or the House of Commons shall be paid by the Council primarily out of the general district rate but ultimately out of moneys borrowed under the authority of this Act.

A.D. 1896.

The SCHEDULE referred to in the foregoing Act.

PART I.

LANDS ON WHICH THE EXISTING GASWORKS AND GASHOLDERS OF THE COMPANY ARE ERECTED.

A piece of land situate in the parish of Matlock in the county of Derby containing five thousand three hundred and seventy-five square yards or thereabouts bounded on the north-east and south by land belonging or reputed to belong to Frederic Charles Arkwright and on the west by property or reputed property of the Midland Railway Company on the north side of and near to the Matlock Bath Railway Station.

PART II.

LANDS ON WHICH THE COUNCIL MAY CONSTRUCT AND MAINTAIN NEW GASWORKS AND GASHOLDERS AND MANUFACTURE AND STORE GAS AND MANUFACTURE AND CONVERT RESIDUAL PRODUCTS.

A piece of land situate in the parish of Cromford in the said county marked No. 483 on Ordnance Survey of the said parish belonging or reputed to belong to the said Frederic Charles Arkwright bounded on the north by the Cromford Canal belonging or reputed to belong to the Midland Railway Company on the east by land belonging or reputed to belong to the London and North Western Railway Company on the south by the main road leading from Derby to Matlock Bath and on the west by land belonging or reputed to belong to the said Frederic Charles Arkwright and containing six thousand five hundred and eighty square yards or thereabouts.

Printed by EYRE and SPOTTISWOODE,

FOR

T. DIGBY PIGOTT, Esq., C.B., the Queen's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C.; or
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