CHAPTER cxlviii.

An Act to empower the Urban District Council of Portland to supply gas and to provide for the transfer of the undertaking of Sir Richard Nicholas Howard as successor of the Portland Gas Light and Coke and Coal Company Limited to the Council and to make further provision in regard to the finance of the said District and for other purposes. [30th July 1900.]

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

And whereas the Portland Gas Light and Coke and Coal Company Limited was formed in the year one thousand eight hundred and sixty-three with a capital of four thousand pounds divided into four hundred shares of ten pounds each for the purpose of taking over the Portland Gasworks from the then proprietors and manufacturing gas and such company was duly registered under the Joint Stock Companies Act 1862:

And whereas by a special resolution of the company dated the sixth day of February one thousand eight hundred and seventy-four and confirmed on the twenty-third day of February one thousand eight hundred and seventy-four it was resolved that the Company be wound up voluntarily and that Richard Nicholas Howard (herein-after called "the undertaker") be appointed liquidator:

And whereas on the fourth day of May one thousand eight hundred and seventy-four the accounts of the said liquidator were passed and notice thereof was given to the Registrar of Joint Stock Companies and duly registered and in consequence thereof the Company became dissolved:

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And whereas as the result of such liquidation as aforesaid the undertaking of the Company became vested in the undertaker who has since carried on the same for his own benefit:

And whereas the Company have erected gasworks upon the lands described in the First Schedule to this Act or some portion thereof and the undertaker is now supplying gas within the district of the Council:

And whereas it is expedient that the gas supply of the district should be in the hands of the Council and that the undertaking of the undertaker should be transferred to and vested in the Council in manner provided by this Act and that the Council should be empowered to extend and improve the gasworks in order to meet the growing demands of the inhabitants within the limits of this Act:

And whereas the undertaker has entered into an agreement for the sale and transfer of the undertaking to the Council and such agreement is set forth in the Second Schedule to this Act and it is expedient that the said agreement be confirmed and carried into effect:

And whereas the Council have recently in accordance with the provisions of the Public Health Act 1875 established waterworks and are now supplying the district with water and it is expedient to extend the period for the repayment of moneys borrowed by the Council for waterworks purposes and to prescribe an uniform period for the repayment of such moneys:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

And whereas an absolute majority of the whole number of the Council at a meeting held on the twenty-sixth day of February one thousand nine hundred after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the Dorset County Chronicle and Somersetshire Gazette a local newspaper circulating in the district 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 district fund and general district rate:

And whereas such resolution was published twice in the said Southern Times and Dorset County Herald a local newspaper circulating in the district 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 fourth day of April one thousand nine hundred 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:

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):—

Preliminary.

Short title.

1. This Act may be cited as the Portland Urban District (Gas &c.) Act 1900.

Incorporation of Acts.

2. 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):—

The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845);

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 with respect to the yearly receipt and expenditure of the undertakers); and

The Gasworks Clauses Act 1871 (except sections 7 8 and 35 thereof).

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction And in this Act unless the subject or context otherwise requires—

"The Council" means the Urban District Council of Portland;

"The district" means the Urban District of Portland;

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

"The undertaker" means Sir Richard Nicholas Howard the successor of the Portland Gas Light and Coke and Coal Company Limited;

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"Statutory security" means any securities 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 (not being annuities rentcharges or securities payable to bearer) authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or of any other local authority as defined by section 34 of the Local Loans Act 1875 other than securities of the Council.

Limits of Act.

4. The limits of this Act shall be the district of the Council.

PURCHASE OF UNDERTAKING.

Confirming agreement for sale of undertaking to Council.

5. The agreement (herein-after referred to as "the scheduled agreement") dated the twenty-sixth day of February one thousand nine hundred and made between the undertaker of the one part and the Council of the other part as set forth in the Second Schedule to the Act is hereby ratified confirmed and made binding on all parties thereto and may and shall be carried into effect according to the true intent and meaning thereof.

Transfer of undertaking to be by deed.

6. The sale of the undertaking shall be carried into effect and evidenced by a deed in accordance with the provisions of the said agreement.

Receipt for purchase money.

7. The receipt in writing of the undertaker for any money paid to him by the Council shall effectually discharge the Council from the sum which in such receipt shall be acknowledged to have been received and from being bound to see to the application thereof and from being answerable or accountable for the loss misapplication or non-application thereof 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 for and on behalf of the Supreme Court to an account to be opened in the matter of this Act 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 the undertaker.

Liabilities and actions &c. by or against undertaker.

8. All debts and liabilities due from or payable by the undertaker up to the time of transfer which shall then remain unpaid or unsatisfied shall as between the undertaker and the Council be paid or satisfied by the undertaker and the undertaker shall indemnify the Council against the same and if at the date of the transfer any action arbitration or proceeding or any cause of action arbitration

or proceeding is pending or existing by or against or in favour of the undertaker 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 undertaker if this Act had not been passed but as between the undertaker and the Council the undertaker shall indemnify the Council against any action or proceeding against the undertaker and shall be entitled to the benefit of any action or proceeding in favour of the undertaker which shall be pending at the date of transfer.

Undertaker to pay outgoings and be entitled to receipts until transfer.

9. The undertaker shall bear and pay all outgoings of every kind and shall receive all rates and other debts due to him and shall be entitled to all receipts from the undertaking up to the date of the transfer Provided that nothing in this Act contained shall entitle the undertaker to retain for his own benefit so much of any rates or other payments paid or payable in advance as shall be attributable to any period after the transfer but such rates or other payments shall be apportioned and so much thereof as is attributable to any period after the transfer shall be paid over by the undertaker to the Council.

Contracts of undertaker to be binding on Council.

10. Subject to the provisions of the section of this Act the marginal note of which is "Liabilities and actions &c. by or against undertaker" all agreements contracts conveyances deeds and other instruments affecting the undertaker and in force at the time of the transfer shall after the transfer be as binding and of as full force and effect against or in favour of the Council and may be enforced as fully and effectually as if instead of the undertaker the Council had been a party thereto.

Books &c. to remain evidence.

11. All books and documents which if the transfer had not been made would have been evidence in respect of any matter for or against the undertaker shall be admitted in evidence in respect of the same or the like matter for or against the Council.

Maintenance of undertaking by undertaker till transfer.

12. Until the transfer the undertaking of the undertaker shall be maintained and carried on by the undertaker as heretofore in the ordinary course of business but the undertaker shall not without the previous consent of the Council under the hand of the clerk make or enter into any contract agreement or obligation except such as shall be in the ordinary course of the maintenance of the works and the proper conduct of the undertaking.

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MAINTENANCE OF GASWORKS AND SUPPLY OF GAS.

Powers as to construction and maintenance of gasworks &c.

13. Subject to the provisions of this Act the Council may maintain alter improve enlarge extend and renew or discontinue the gasworks for the time being belonging to them by virtue of this Act upon the lands on which the same are erected or any part thereof and which are described in the First Schedule to this Act and they may also erect lay down provide and maintain alter improve enlarge extend and renew or discontinue additional and other gasworks retorts gasometers condensers scrubbers exhausters purifiers gas-holders tanks receivers drains sewers mains pipes meters lamps lamp-posts burners stop-cocks machinery and other works and apparatus and conveniences and may do all such acts as they may think proper for making and storing gas and for supplying gas within the limits of this Act and may make store and supply gas accordingly and may manufacture produce 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.

For protection of Great Western and London and South Western Railway Companies.

14. For the protection of the Great Western Railway Company and the London and South Western Railway Company (hereinafter referred to as "the two companies") the following provisions shall apply:—

(A) In laying down and executing or in effecting the repairs or renewals of any mains pipes or other works in the exercise of the powers contained in this Act upon across under or adjoining or in any way affecting the railways lands and property now or hereafter leased or used or occupied by the two companies or the bridges approaches viaducts stations or other works or any level crossings over the railways of the two companies the same shall be done under the superintendence and to the reasonable satisfaction of an engineer to be appointed by the two companies and only according to such plans and in such manner as shall be submitted to and as shall be previously reasonably approved by him in writing:

(B) All such works shall be done by and at the expense of the Council except as in this section otherwise provided who shall also restore and make good to the reasonable satisfaction of the said engineer the roads over or under any bridge or over any level crossing of the railway of the two companies or over the approaches to any such bridge or level crossing so far as the same may be disturbed or interfered with by or owing to any operations of the Council Provided always that should the two companies elect so to do where any mains or

pipes require to be laid under or across any level crossing of their railway they may themselves lay the same at the costs charges and expenses of the Council:

(c) All such works and operations and all matters incidental thereto shall be constructed executed and done so as to cause as little injury as may be to such railways bridges level crossings approaches viaducts stations works lands or property and so as to cause no interruption to the passage or conduct of traffic over such railways or at to or from any station thereon:

(d) If any injury or interruption as aforesaid shall arise from or in any way be owing to any of the acts works operations and matters aforesaid or the leakage or failure of any such mains pipes or works in under or near to any railway bridge level crossing embankment cutting approach viaduct station land works or property of the two companies the Council shall make compensation to the two companies in respect thereof the amount of such compensation unless agreed upon to be determined by arbitration in the manner herein-after provided:

(e) Any dispute or difference which may arise between the two companies and the Council with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer or other fit person to be appointed by the Board of Trade on the application of either party.

Power to purchase land by agreement Gas not to be manufactured except on lands scheduled.

15. The Council may for the purposes of their undertaking purchase take and hold (by agreement but not otherwise) in addition to the lands described in the First Schedule to this Act any lands and hereditaments not exceeding in the whole five acres which the Council may require for the purposes of their works and 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 First Schedule to this Act.

Restriction on taking houses of labouring class.

16.—(1) 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.

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(2) If the Council acquire or appropriate any house or houses under the powers by this Act granted in contravention of the provisions of this section they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the Court may if it think fit reduce such penalty.

(3) For the purposes of this section the expression "labouring class" means 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 of such persons who may be residing with them The expression "house" means any tenement separately occupied by any person or persons.

Power to sell &c. lands.

17. The Council may sell lease and dispose of any lands acquired by or vested in them under this Act and not for the time being required for the purposes thereof.

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

18. The Council may purchase provide supply sell let for hire and otherwise deal in and fix set up alter repair remove and refix but shall not manufacture 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 buildings the cooking of food and for all other purposes for which gas can or may be used and may provide all materials and do all work necessary or proper in that behalf 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 repairing or removing of such meters fittings engines stoves ranges pipes and other apparatus and appliances articles and things as aforesaid and for securing (both as regards the consumer and third parties) 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 repaired or removed The engines stoves ranges pipes fittings and other apparatus appliances articles and things let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent nor to be taken in execution under any process of a court of law or equity or any proceedings in bankruptcy against the person in whose possession the same may be

Provided that such engines stoves ranges pipes fittings apparatus appliances articles and things have upon them 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.

Supply of gas for other than lighting purposes.

19. The Council may supply gas for heating cooking motive power warming ventilating and other purposes and for the particular requirements of any trade industry manufacture or business and may do all things needful therefor on such terms and conditions in all respects as may be agreed between the Council and the person to whom such supply shall be given.

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

20. The Council may upon the application of the owner or occupier of any premises abutting on or being erected in any street laid out or made but not dedicated to the public use within the limits of this Act supply such premises with gas and may lay and repair take up alter relay and renew in across or along such street such pipes as may be requisite or proper for furnishing such supply and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes so far as they are applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof.

Limiting price of gas.

21. 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 five shillings per thousand cubic feet.

Pressure of gas.

22.—(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 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.

(2) Any gas examiner appointed under the Gasworks Clauses Act 1871 may subject to the terms of his appointment 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.

23. The prescribed number of candles shall be not less than fifteen,

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Testing place.

24. Within six months from the transfer a testing place or testing places shall be provided at some convenient part or parts of the gasworks of the Council or at the offices of the Council.

Burner.

25. The prescribed burner shall be an argand twenty-four hole burner with a seven-inch chimney or any other burner or chimney approved for this purpose by the Board of Trade on the application of the Council.

Prepayment in certain cases.

26. Where the Council deem it necessary so to do they may require prepayment for gas required to be supplied for a period of three months or any shorter period and in such case may refuse to supply gas unless the estimated cost thereof for such period as the Council may fix be prepaid and at the end of each such period the Council shall be paid or shall repay any excess or deficiency of money actually payable for gas so supplied and the Council shall pay or allow interest at the rate of not less than four per centum per annum on every sum of ten shillings so prepaid during such period as aforesaid.

Council to pay interest on money deposited as security for meters.

27. If any person is required by the Council to give to them security for the payment of the price or rent of a meter the Council shall pay interest at the rate of four 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.

No penalty in case of unavoidable cause.

28. No penalty shall be incurred by the Council for neglect or refusal to give a supply of gas in accordance with the provisions of this Act or for insufficiency of pressure defect of illuminating power or excess of impurity in the gas supplied by them in any case in respect of which the court having cognisance of the case are of opinion that such neglect refusal insufficiency defect or excess was caused by circumstances beyond the control of the Council or was of so slight or unimportant a character as not materially to affect the value of the supply.

Council may contract with local authority and others for supply in bulk.

29. The Council may contract with any local authority company or person beyond the limits of this Act (but only with the consent of the local authority of and of any company or person authorised by special Act or Provisional Order confirmed by Parliament to supply gas within the district within which the supply is to be given) 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 shall be agreed upon.

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

30. If a person requiring a supply of gas for any premises occupies or has occupied other premises at which gas was supplied to him by the Council and has not paid all gas or meter rent due from him to the Council they may refuse to furnish to him a supply of gas for such first-mentioned premises until he pays the same.

Gas consumers to give notice before removing.

31. Twenty-four hours' notice in writing shall be given to the Council 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 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 upon every demand note for gas rent.

Notice of discontinuance.

32. 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 Council.

Period of error in defective meters.

33. 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 current quarter and 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.

Dwelling houses for persons in employ of Council.

34. The Council may maintain and erect dwelling houses for persons employed by them for the purposes of their gas undertaking upon the lands for the time being belonging to or leased by the Council for the purposes of that undertaking.

Power to inspect gas fittings in new buildings.

35.—(1) Every person intending to lay down or fix any pipes or other fittings for the supply or distribution of gas by the Council in any new building within the limits of this Act which are intended to be covered over shall before such pipes or fittings are covered over give to the Council forty-eight hours notice in writing specifying the situation of such building and any officer of the Council duly appointed for that purpose may before the expiration of such notice enter such building between the hours of ten in the forenoon and five in the afternoon and inspect such pipes and fittings and

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may by order in writing prohibit any such as by reason of improper arrangement inferior workmanship or insufficiency in size or material will in the opinion of such officer be dangerous by allowing the escape of gas and if any person shall fail to give such notice as aforesaid or shall refuse entry to such officer into such building within the time and for the purpose aforesaid or shall prevent him from making such inspection or shall not to the reasonable satisfaction of such officer make such alteration in the pipes and fittings as he may reasonably require the Council shall not be bound to furnish to such person a supply of gas for such building.

(2) Any person aggrieved by any order made under this section may appeal to a court of summary jurisdiction within seven days after the date of the said order provided he gives twenty-four hours notice of such appeal and of the grounds thereof to the clerk of the Council.

(3) Notice of the provisions of this section shall be given by advertisement published three times in local newspaper published or circulated within the limits of this Act.

FINANCE AND MISCELLANEOUS.

Power to borrow.

36.—(1) The Council may independently of any other borrowing power borrow at interest money for the following purposes (that is to say) :—

(*a*) For the purchase of the undertaking of the undertaker the sum of twenty-eight thousand six hundred and fifty-six pounds and for defraying the costs charges and expenses incident to such purchase (other than the costs of this Act) the sum requisite for that purpose ;

(*b*) For the extension and improvement of the gas undertaking of the Council the sum of seven thousand five hundred pounds ;

(*c*) For working capital the sum of two thousand five hundred pounds ;

(*d*) For paying the 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 or otherwise in relation to the gas undertaking of the Council.

(2) In order to secure the repayment of the moneys borrowed under this section and the payment of the interest thereon the Council may primarily mortgage or charge the revenue of the gas undertaking of the Council and if they think fit in addition the district fund and general district rate of the district,

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

37. 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.

Mode of raising money.

38. The Council may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the 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 or others Provided that the provisions contained in the section of this Act whereof the marginal note is "Sinking fund" shall apply to sinking funds formed for the repayment of moneys borrowed under the Local Loans Act 1875 instead of the provisions of section 15 of that Act.

Provisions of Public Health Act as to mortgages to apply.

39. Sections 236 to 239 of the Public Health Act 1875 (as to the form register and transfer of mortgages) shall extend and apply to mortgages granted under this Act.

Periods for repayment of money borrowed.

40. The Council shall pay off all money 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 money borrowed for the purposes (*a*) (*b*) and (*c*) mentioned in the section of this Act the marginal note whereof is "Power to borrow" within forty years from the date or dates of the borrowing of the same ;

As to money borrowed for the purpose (*d*) in the said section mentioned within five years from the date or dates of the borrowing of the same ;

As to money borrowed with the approval of the Local Government Board within such period as that Board may prescribe :

Provided that the Council shall not be bound to commence the payment off of money borrowed for the said purposes (*a*) (*b*) and (*c*) until the expiration of one year from the date or dates of the borrowing of the same.

Mode of payment off of money borrowed.

41. 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 subject to the provisions of this Act the payment of the first instalment or the first payment to the sinking fund shall be made within one year from the date of borrowing the sum in respect of which the payment is made.

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Sinking fund.

42.—(1) If the Council determine to repay by means of a sinking fund any moneys borrowed by virtue of this Act such sinking fund shall be formed and maintained either—

(*a*) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed A sinking fund so formed is herein-after called a non-accumulating sinking fund; or

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

(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 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 money for the repayment of which the fund is formed Provided that in the case of an accumulating sinking fund the Council shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund 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 appears to the Council at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating sinking fund) will probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Council to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose Provided always that if it appears to the Local Government Board that any such increase is necessary the Council shall increase the payments to such extent as the Board may direct.

(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 any sinking fund with the future payments thereto in accordance with the provisions of this Act together with the 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 be made 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 the loan in respect of which it is formed within the prescribed period the Council may with the consent of that Board discontinue the annual payments to such sinking fund until the Local Government 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 as the Council with the consent of the Local Government Board may determine.

Protection of lender from inquiry.

43. A person lending money to the Council under this Act shall not be bound to inquire as to the observance by the Council of any provisions of this Act or be bound to see to the application or

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be answerable for any loss misapplication or non-application of the money lent or of any part thereof.

Council not to regard trusts.

44. 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 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 any interest thereon not entered in their register.

Power to re-borrow.

45. If the Council pay off any moneys borrowed by them under this Act otherwise than by instalments or by means of a sinking fund or out of the proceeds of the sale of land or other property or out of fines or premiums on leases or out of other moneys received on capital account not being borrowed moneys they may re-borrow the same but all moneys so re-borrowed shall be repaid within the prescribed period and shall be deemed to form the same loan as the moneys originally borrowed and the obligations of the Council with respect to the repayment of the loan and to the provision to be made for such repayment shall not be diminished by reason of such re-borrowing.

Annual return to Local Government Board.

46.—(1) The clerk of the Council shall within twenty-one days after the thirty-first day of March in each year during which 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 transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them 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 of the sum accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of any wilful default in making such return the clerk of the Council

shall be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court.

(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 by this Act for any sinking fund 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 shall have 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.

Application of money borrowed.

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

Proceeds of sale of surplus lands.

48. The proceeds of the sale of any lands acquired by the Council under the powers of this Act and the fines and premiums received by the Council on the lease of any such lands 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 the powers of this Act but shall not be applied to the payments 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 money discharged by the application of such proceeds shall not be re-borrowed.

Application of revenue.

49. The Council shall apply all money 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 for the purposes of their gas undertaking ;

Thirdly In providing the requisite appropriations instalments or sinking fund payments in respect of moneys borrowed by the Council for the purposes of their gas undertaking ;

Fourthly In extending improving and constructing (if the Council think fit) any works for the purposes of their gas undertaking ;

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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 one fifth of the aggregate capital expenditure for the time being upon the gas undertaking of the Council which fund shall be applicable 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 be at any time reduced it may thereafter be again restored to the prescribed limit 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 full amount of one fifth of the said aggregate capital expenditure ;

And the Council shall carry to the district fund so much of any balance remaining in any year of the income of their gas undertaking (including the interest on the reserve fund when such fund amounts to one fifth of the said aggregate capital expenditure) as may in the opinion of the Council not be required for carrying on improving or extending their gas undertaking and paying the current expenses connected therewith.

As to deficiency in receipts.

50. Any deficiency in the revenue of the Council on account of their gas undertaking shall be made good out of the general district rate made next or next but one after each such deficiency is ascertained.

As to uniform period for repayment of moneys already borrowed for waterworks purposes.

51. Notwithstanding anything contained in any order or sanction authorising the borrowing or raising by the Council of the several loans mentioned or referred to in the Third Schedule to this Act (in this section referred to as "the scheduled loans") an uniform period of fifty years from the thirty-first day of March one thousand nine hundred shall be substituted for the periods prescribed by the said order or sanction for the repayment of the scheduled loans and in calculating the amount which the Council may borrow under the Public Health Act 1875 the scheduled loans shall not be reckoned and in order to give effect to this enactment the following provisions shall apply (that is to say):—

(1) All conditions imposed by any public department of State subsisting at the passing of this Act prescribing the time at which or the mode in which any of the scheduled loans shall be repaid are as regards such loans hereby repealed and annulled

and all such loans shall be paid off within fifty years from the thirty-first day of March one thousand nine hundred Provided that nothing in this sub-section shall be construed to compel the holder of any mortgage or other security granted before the passing of this Act to accept payment of the principal due on his security before the time originally fixed or otherwise agreed in that behalf and the Council may continue on loan the sums of money secured by any such mortgage or other security until the time originally fixed or otherwise agreed for the repayment thereof:

(2) The repayment of the scheduled loans shall be effected 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:

(3)—(a) The sinking fund to be formed for the repayment of so much of the scheduled loans as the Council shall determine to repay by means of a sinking fund shall be called the "consolidated sinking fund" and shall be an accumulating sinking fund formed and maintained in manner prescribed by the section of this Act whereof the marginal note is "Sinking fund" and the provisions of that section so far as they apply to an accumulating sinking fund shall apply accordingly Provided that the period of fifty years from the thirty-first day of March one thousand nine hundred shall for the purposes of that section be the prescribed period and that the sums to be paid into the consolidated sinking fund shall be such as with the sums to be transferred to that fund under paragraph (b) of this sub-section and with accumulations on the amounts for the time being in the fund at a rate not exceeding three per centum per annum shall be sufficient to pay off within the prescribed period so much of the scheduled loans as the Council determine to repay by means of a sinking fund;

(b) All sinking funds formed for the repayment of the scheduled loans which existed or should have been existing on the thirty-first day of March one thousand nine hundred shall be made up to the proper amount and shall be transferred to the consolidated sinking fund:

(4) The sums required for the payment of interest on the scheduled loans and for the payment of instalments and for payments into the consolidated sinking fund shall be contributed out of the several revenues and rates out of which the yearly or other sums would have been payable for the purpose of

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discharging the scheduled loans if this section had not been enacted:

(5) If at the expiration of the aforesaid period of fifty years any mortgages granted before the passing of this Act the holders of which cannot be compelled to accept payment of the sums due to them within the said period are still outstanding the Council may keep invested after the expiration of the said period such portion of the consolidated sinking fund as shall be sufficient to pay off the principal moneys secured by such mortgages and the Council shall pay off the same at the times respectively mentioned in that behalf in the respective mortgage deeds and the interest on any such mortgages after the expiration of the said period and until the same are respectively paid off as herein-before provided shall be paid out of the interest and annual proceeds of the moneys which the Council are by this sub-section empowered to keep invested as aforesaid and if at any time such interest and annual proceeds are insufficient to pay in full the interest on the said mortgages the deficiency so arising shall be made good out of the respective funds or rates which at the passing of this Act are liable in respect of such mortgages and in the order in which they are so liable.

Expenses of execution of Act.

52. Any expenses of the execution by the Council of this Act with respect to which no other provision is made may be defrayed by the Council out of the district fund and general district rate.

Audit of accounts.

53. The accounts of receipts and expenditure of the Council under this Act shall be audited examined and published in like manner and with the same consequences as the other accounts of the Council are audited examined and published under the Public Health Act 1875.

Inquiries by Local Government Board.

54.—(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 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.

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Costs of Act.

55. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Council and may be paid in the first instance out of any moneys in their hands but shall be charged to and recouped by the moneys which the Council are authorised to borrow under the powers of this Act.

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The SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

Lands upon which or parts of which the existing works of the Company are erected situate in the district and consisting of—

A piece of land situate in the Island of Portland in the county of Dorset containing one acre one rood and seven-and-a-half poles or thereabouts bounded on or towards the west and north-east by the road leading to the Admiralty drill ground on or towards the east and north by the Admiralty drill ground and on or towards the south by land belonging or reputed to belong to Sir Richard Nicholas Howard.

SECOND SCHEDULE.

AN AGREEMENT made this twenty-sixth day of February one thousand nine hundred between RICHARD NICHOLAS HOWARD of Weymouth in the county of Dorset Knight (herein-after called "the Vendor") of the one part and the URBAN DISTRICT COUNCIL of PORTLAND (herein-after called "the Purchasers") of the other part.

WHEREAS the Vendor as the successor of the Portland Gas Light and Coke and Coal Company Limited is possessed of all that piece of land together with the retort house coal store boiler and engine house purifying house gas holders gas offices meter rooms stores and other buildings erected therein situate in the island of Portland in the county of Dorset more particularly delineated and described in the plan drawn in the margin of these presents and thereon coloured pink and yellow as to the portion coloured yellow for the residue of a term of 99 years from the first day of January one thousand eight hundred and sixty-three created by an indenture of lease dated the thirteenth day of March one thousand eight hundred and sixty-three and made between the Commissioners for executing the office of Lord High Admiral of Great Britain and Ireland for and on behalf of Her Majesty Her heirs and successors of the one part and William Wharton Burdon therein described of the other part at the nominal rent of one shilling and subject to the covenants and conditions therein contained and as to the portion of the said premises coloured pink on the said plan for the residue of a term of ninety-five years from the first day of January one thousand eight hundred and sixty-seven created by an indenture of lease dated the twenty-first day of December one thousand eight hundred and sixty-six and made between the said Commissioners for executing the office of Lord High Admiral of the United Kingdom of Great Britain and Ireland for and on behalf of Her Majesty Her heirs and successors of the one part and the Portland Gas Light and Coke and Coal Company Limited (therein-after called "the lessees") of the other part at the nominal rent of sixpence and subject to the covenants and conditions therein contained;

And whereas the Vendor is also possessed of or otherwise entitled in fee simple in possession of or to the pieces or parcels of land also more particularly set out and described in the margin hereof and thereon coloured green and blue together with the dwelling-houses shops and other buildings erected thereon all which said premises firstly and secondly herein-before described are commonly known and described as the Portland Gas Works and the Vendor is also possessed of the gas mains gas lamps meters pipes and other plant and apparatus used for the sale or supply of gas in the said island of Portland:

And whereas the Council are the urban sanitary authority for the island and district of Portland aforesaid:

And whereas the Vendor has for many years past manufactured gas upon the premises herein-before described and sold and supplied the same from the said works in the Urban District of Portland:

And whereas the Vendor has agreed with the Council for the sale to them of all those the said pieces or parcels of land herein-before described together with the buildings thereon known as the Portland Gas Works and held in connexion therewith and all other the premises and plant herein-after mentioned subject to the terms herein-after contained:

Now it is hereby agreed as follows:—

1. The Vendor agrees to sell and the Council agrees to purchase all those the said pieces or parcels of land more particularly set out and described with the boundaries dimensions and abuttals thereof in the plan drawn in the margin of these presents and thereon coloured pink yellow green and blue together with the buildings erected thereon or on some portion thereof and known as the Portland Gas Works together also with the works plant mains gas lamps meters gas stoves tools and stock in trade of every description and all books of account in connexion with the said business and all other assets of the same and the goodwill thereof and all other the interest of the Vendor in the said Portland Gas Works (but save and excepting the coal in stock and coke and the gas actually stored in the meters and the book debts at the completion of the purchase) at the price of twenty-eight thousand six hundred and fifty-six pounds The said coal in stock coke gas actually stored and book debts and all capital outlay from the date of this agreement to completion of the purchase shall be taken over by the purchasers at the valuation of Mr. William A. McIntosh Valon of 140 and 141 Temple Chambers Temple Avenue London civil engineer or some other valuer to be mutually agreed upon between the parties.

2. The title to the said premises shall commence as to the piece or parcel of land coloured yellow with an indenture of lease dated the thirteenth day of March one thousand eight hundred and sixty-three and made between the Commissioners for executing the office of Lord High Admiral of the United Kingdom of Great Britain and Ireland for and on behalf of Her Majesty of the one part and the said William Wharton Burdon of the other part As to the piece or parcel of land coloured pink on the said plan together with the erections thereon with an indenture of lease dated the twenty-first day of December one thousand eight hundred and sixty-six and made between the said Commissioners for executing the office of Lord High Admiral of the United Kingdom of Great Britain and Ireland for and on behalf of Her Majesty Her heirs and successors of the one part and the Portland Gas Light

A.D. 1900. and Coke and Coal Company Limited of the other part As to the piece or parcel of land coloured green on the said plan with an indenture of conveyance dated the eleventh day of August one thousand eight hundred and seventy-seven and made between Joseph John Davis Sherston and Philip Augustus Hanrott therein described of the first part Joseph Short therein also described of the second part Joseph John Rolls Short therein also described of the third part Jane Short therein also described of the fourth part and the Vendor therein also described of the fifth part and as to the said piece of land with the erections thereon coloured blue on the said plan with an indenture of conveyance dated the seventeenth day of November one thousand eight hundred and eighty-seven and made between the said Commissioners &c. of the one part and the Vendor of the other part.

3. All objections and requisitions in respect of the title shall be stated in writing and sent to the office of the Vendor in Weymouth within seven days from the delivery of the abstract and all objections and requisitions not sent within that time shall be considered to be waived and for the purpose of any objection or requisition the abstract shall be deemed perfect if it supplies the information suggesting the same though otherwise defective and if the Council shall insist on any objection or requisition in respect of the title which the Vendor shall be unable or unwilling to comply with the Vendor shall be at liberty (notwithstanding any intermediate negotiation in respect thereof or any attempt to remove or comply with the same) by notice in writing to rescind this agreement and the Council shall forthwith return to the Vendor the abstract of title and any other papers in their possession belonging to the Vendor and they shall have no claim on the Vendor for costs or otherwise.

4. The purchase shall be completed on the first day of October one thousand nine hundred at the office of the Vendor and the Council shall then have possession of the said premises If the purchase shall not be completed on the first day of October next the Council shall pay to the Vendor interest on the purchase money after the rate of five pounds per cent. per annum from that day until the completion of the purchase.

5. Upon payment of the purchase money at the time and in manner aforesaid the Vendor shall make and execute to the Council a proper assurance of the premises such assurance to be prepared by and at the expense of the Council and to be left by them not less than seven days before the said first day of October next at the office aforesaid for execution of the Vendor The said assurance shall include an acknowledgment of the Council's right to production and delivery of copies of the title deeds retained by the Vendor as relating also to other property belonging to him and an undertaking for their safe custody and shall contain a covenant by the purchasers not to assign or part with the possession of the said works for a period of five years from the date of such conveyance The Vendor shall also at the expense of the Council do or cause to be done all other necessary acts for vesting the said gas works in the Council.

6. All outgoings up to the said first day of October next shall be paid by the Vendor and all moneys due or received by him for gas or other products of the said works up to that date shall belong to the Vendor but the Council shall be entitled as from that date to the benefit of all contracts then existing between the Vendor and any other person or persons and shall as from that

date take over and carry out such contracts and indemnify the Vendor in respect thereof.

7. If the premises or any part thereof shall be destroyed or damaged by fire before the completion of the purchase the money payable under the existing insurance of the said premises in the Liverpool and London and Globe Office shall be applied in reinstating the same or shall be paid to the Council at their option.

8. The Vendor shall forthwith proceed with the erection of a new gas holder now in course of construction on the piece of land coloured yellow on the said plan in accordance with the specification and detailed drawings and contract entered into between the Vendor and Messrs. Copey and Son ironfounders Frome and shall erect the same in all respects to the satisfaction of the engineer for the time being of the said Council.

9. The Council shall and will at their own cost (subject to the consent of the ratepayers of the said urban district of Portland) promote a Bill in the present session of Parliament empowering them to acquire the said Portland Gas Works at the price and upon the terms hereby agreed and to borrow such sum or sums of money as may be necessary for that purpose.

10. The Vendor will to the best of his ability support the promotion of the said Bill but at the costs of the said Council In the event of the ratepayers refusing to give such consent or the Bill failing to pass through Parliament during the year one thousand nine hundred the Council agree to use their best endeavours to obtain the consent of the ratepayers to such Bill and to promote the same in Parliament in the year one thousand nine hundred and one and the Vendor agrees to support the same as in the year one thousand nine hundred Provided always and it is hereby expressly agreed and declared that in the event of the ratepayers failing to give their consent to the promotion of the said Bill during the year one thousand nine hundred and one thousand nine hundred and one or of the refusal of Parliament to pass the said Bill during the same period then this agreement shall be null and void and the Vendor shall not be entitled to any compensation or costs in respect hereof.

In witness whereof the Vendor hath hereunto set his hand and the Purchasers have caused their common seal to be hereunto affixed the day and year first above written.

Witness to the signature of the said Sir Richard Nicholas Howard— Edmd. Chas. Brown his clerk } RICHD. NICHS. HOWARD.

The common seal of the Urban District Council of Portland was hereunto affixed in my presence by order of the Council at a meeting of the same on the twenty-sixth day of February one thousand nine hundred—

Seal of the Portland Urban District Council.

Jonathan Lano
Chairman of the Urban District Council of Portland.

B. Comben
Vice-Chairman of the Urban District Council of Portland.

A.D. 1900.

THIRD SCHEDULE.

Act under which Loan contracted.	Purpose.	Date of Borrowing.	Period authorised for Repayment.	Balance outstanding on 31st March 1900.
				£ s. d.
Public Health Act 1875	Waterworks	21 March 1898	50 years	3,734 10 6
,, -	,, -	21 March 1898	30 years	10,174 7 1
,, -	,, -	28 Sept. 1898	30 years	9,682 17 9
,, -	,, -	29 April 1899	30 years	303 11 8
,, -	,, -	29 April 1899	30 years	2,012 5 0
,, -	,, -	29 April 1899	15 years	2,570 0 0
,, -	,, -	1 Sept. 1899	30 years	7,152 0 0
,, -	,, -	,, 1900	15 years	420 0 0
				36,049 12 0

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