CHAPTER xcvii.

An Act to authorise the Scunthorpe Urban District Council in the county of Lincoln to construct and maintain gasworks and waterworks and for other purposes. [13th July 1899.]

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

And whereas William Dewhirst Cliff Joseph Cliff Walter Cliff and Stephen Cliff (who carry on business as the Frodingham Iron and Steel Company and are herein-after called "the company") are or claim to be the owners of gasworks which for some years past have supplied and are now supplying gas within the district comprised within the gas limits herein-after defined:

And whereas in the last session of Parliament the company promoted a Bill intituled "A Bill for incorporating and conferring powers upon the Frodingham Gas Company":

And whereas the Council and the Brumby and Frodingham Urban District Council (herein-after called "the Brumby Council") opposed the said Bill and the said Bill was withdrawn on the terms embodied in Part I. of the First Schedule to this Act:

And whereas it is expedient that the said terms be confirmed subject as herein-after provided:

And whereas it was part of the terms of the said arrangement that the Council should pay to the company the sum of five hundred pounds towards the costs of the promotion of the said Bill and it was further agreed between the Council and the Brumby Council that the sum of one hundred pounds was to be repaid to the Council by the Brumby Council:

And whereas the Council have paid the said sum of five hundred pounds to the company and the Brumby Council have paid the

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said sum of one hundred pounds to the Council and it is expedient that such payment be sanctioned and confirmed as herein-after provided:

And whereas it is expedient that the Council should be empowered to erect and maintain gasworks upon the lands (which are the property of the Council) described in the Second Schedule to this Act:

And whereas it is expedient that the Council should be empowered to construct the waterworks herein-after referred to:

And whereas it is expedient that the Council should be empowered to supply gas and water within the respective limits in this Act defined:

And whereas estimates have been prepared by the Council for the purchase of land for and the execution of the various works by this Act authorised and such estimates are as follows:—

For waterworks eighteen thousand five hundred pounds;

For gasworks sixteen thousand pounds:

And whereas the several works included in such estimates respectively are permanent works within the meaning of section 234 of the Public Health Act 1875:

And whereas plans and sections describing the lines situation and levels of the works authorised by this Act have been deposited with the clerk of the peace for the Lindsey Division of Lincolnshire and are in this Act referred to as the deposited plans and sections:

And whereas an absolute majority of the whole number of the Council at a meeting held on the fourteenth day of July one thousand eight hundred and ninety-eight after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the Lindsey and Lincolnshire Star a local newspaper 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 general district rate of the district:

And whereas such resolution was published twice in the Lindsey and Lincolnshire Star a local newspaper 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 twelfth day of January one thousand eight

hundred and ninety-nine 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 Scunthorpe Urban District Gas and Water Act 1899.

Division of Act into parts.

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

Part I.—Preliminary.
Part II.—Gas.
Part III.—Water.
Part IV.—Financial.
Part V.—Miscellaneous.

Provisions of certain general Acts incorporated.

3. 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 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 section 38 relating to accounts) and the Gasworks Clauses Act 1871 (except sections 8 and 35) shall apply to the gas undertaking of the Council;

The Waterworks Clauses Act 1847 as amended by section 57 of the Public Health Act 1875 (except section 83 and the provisions thereof with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and except so much of the Act as authorises the Council to cut off or discontinue any supply of water for domestic purposes); and

The Waterworks Clauses Act 1863.

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Interpretation.

4. 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 district" means the urban district of Scunthorpe;

"The Council" means the Scunthorpe Urban District Council;

"The Brumby Council" means the Brumby and Frodingham Urban District Council;

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

"The company" means the Frodingham Iron and Steel Company;

"The gas undertaking" and "the water undertaking" respectively mean the gas undertaking and the water undertaking of the Council under this Act;

"Gas revenue" and "water revenue" respectively mean and include all moneys received by the Council for or in relation to the gas undertaking and the water undertaking respectively other than borrowed moneys and other moneys which ought to be carried to the account of capital;

"Statutory security" means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security (not being annuities) authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 other than securities of the Council and securities transferable by delivery.

Act to be executed by Council.

5. This Act shall be carried into execution by the Council.

PART II.—Gas.

Gas limits.

6. 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 and such parts of the urban district of Brumby and

Frodingham and of the township of Crosby in the rural district of Glanford Brigg both in the county of Lincoln as are now supplied with gas by the company.

Powers as to construction and maintenance of gasworks.

7. Subject to the provisions of this Act the Council may on the land described in the Second Schedule to this Act or on any part thereof erect lay down provide and maintain alter improve enlarge extend and renew or discontinue gasworks retorts gasometers condensers scrubbers exhausters purifiers gasholders 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 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 fittings tubes pipes and other articles and things in any way connected with gasworks or with the supply or consumption of gas.

Confirming scheduled terms of arrangement and sanctioning payments in respect thereof.

8. The terms of arrangement set forth in Part I. of the First Schedule to this Act as varied by the further terms of arrangement set forth in Part II. of the said schedule to this Act are hereby confirmed and made binding on the Council and the company respectively and the payment by the Council of the sum of five hundred pounds to the company in accordance with the said terms of arrangement and the payment by the Brumby Council of the sum of one hundred pounds to the Council as herein-before recited are hereby sanctioned and confirmed.

Limiting price of gas.

9. 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.

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

10.—(1) The Council may sell let for hire or otherwise deal in fix repair and remove but shall not manufacture engines stoves ranges pipes and other fittings for lighting for motive power for the warming and ventilating of houses and buildings for 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 with respect thereto may demand and take such remuneration or rents and charges and make such terms and conditions as may be agreed upon between the Council and the persons to or for whom the fittings are sold let fixed up repaired or removed.

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Fittings not to be subject to distress.

(2) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be Provided that such fittings have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Council as the actual owners thereof.

Gas consumers to give *notice* to Council before removing.

11. 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 provisions of this section shall be endorsed on every demand note for gas rent.

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

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

Pressure of gas.

13. 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 three fifths of an inch and from sunset to midnight not less than four fifths 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 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 the 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.

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

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Testing place.

15. Before commencing to supply gas the Council shall provide a testing place at some convenient part of the gasworks or at the offices of the Council.

Burner.

16. The prescribed burner shall be Sugg's London argand burner number one 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 chimney 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 on the application of the Council.

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

17. 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 complete six months during which the same remains in their hands.

Period of error in defective meters.

18. In the event of any meter used by a consumer of gas being tested in manner provided by the Sale of Gas Act 1859 and being proved to register erroneously within the meaning of the said Act such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Council shall be paid by or to the Council to or by the consumer as the case may be and shall be recoverable in the like manner as gas rents are recoverable by the Council.

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

19. The Council may lay and repair take up alter relay or renew in across or along any road or thoroughfare within the gas limits laid out or made but not dedicated to public use such pipes as may be requisite or proper for the purposes of this part of this Act and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid so far as they are applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof.

Provision for sale of portions of gas undertaking to other sanitary authorities.

20. If at any time after the passing of this Act any local authority whose district is beyond the district of the Council but as to the whole or any part thereof within their limits for the supply of gas shall 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 as are contained within the district of any

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such local authority and shall obtain the consent of the Local Government Board to such purchase and shall apply to Parliament or the Local Government Board for power to purchase such portions of the said works (except any land at any time belonging to the Council and all buildings and erections thereon and 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 it shall not be lawful for the Council to oppose such application (except as to the details thereof) and if such powers of purchase and supply be granted the Council shall sell and such local authority shall purchase the portion of the said works (except as aforesaid) within the district of such local authority at such price being a sum in gross and upon such terms and conditions as shall be fixed in default of agreement by an engineer to be appointed by the Local Government Board Any such purchase shall be deemed to be a purpose of the Public Health Act 1875 except so far as the same may be otherwise provided for by Parliament 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 powers and obligations on the part of the Council to supply gas within the district of the purchasing authority shall cease and determine.

PART III.—Water.

Water limits.

21. The limits of this Act for the supply of water (in this Act referred to as "the water limits") shall be and include the district of the Council.

Power to make works.

22. Subject to the provisions of this Act the Council may wholly in the county of Lincoln and in the lines and situation and upon the lands delineated on the deposited plans and described in the deposited book of reference make and maintain the following works shown on the deposited plans and sections (that is to say):—

(1) A pumping station on land belonging to the Council and containing one acre or thereabouts situate in the parish of Scunthorpe and in the north-west corner of the field numbered 109 on the $\frac{1}{2500}$ Ordnance map of the said parish (1887 edition):

(2) A water tower or reservoir on land belonging to the Council containing one acre or thereabouts situate in the parish of Scunthorpe and being in the field numbered 99 on the $\frac{1}{2500}$ Ordnance map of the said parish (1887 edition):

(3) A pumping main to be laid in the occupation road known as Clay Field Road commencing in the pumping station herein-before described and terminating in Work (No. 2) herein-before described:

(4) A conduit main commencing in Work (No. 2) herein-before described passing along the occupation road aforesaid and terminating at the junction of High Street Scunthorpe with the road leading to Frodingham.

Power to make subsidiary works.

23. The Council in addition to the foregoing works may upon any lands for the time being belonging to them make and maintain all such cuts channels adits shafts drifts catchwaters pipes conduits aqueducts culverts tunnels drains sluices by-washes weirs gauges gauge-basins pumping stations tanks basins wells bores water-towers overflows filter-beds banks walls roads ways approaches engines pumps machinery telegraphs telephones apparatus and appliances as may be necessary or convenient in connexion with the before-mentioned works or any of them or for obtaining filtering storing distributing using and preventing the fouling waste misuse and undue consumption of their water or for the general purposes of the water undertaking but nothing in this section shall exonerate the Council from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them:

Provided that any telegraphs or telephones constructed and maintained under the authority of this Act shall not be used in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

Limits of deviation.

24. In the construction of the works authorised by this part of this Act the Council may deviate laterally to any extent not exceeding the limits of the lateral deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding in any one place as regards the waterworks other than wells borings adits or headings five feet upwards and ten feet downwards and as regards wells borings adits and headings forty feet upwards and to any extent downwards:

Provided that no work shall be above the surface of the ground except so far as shown on the deposited sections.

Power to hold lands for protec-

25. The Council may hold any lands acquired by them under the powers of this Act which they may deem necessary for the

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tion of works.

purpose of preventing the fouling of any water which they are authorised to take or for the protection of their waterworks against nuisances encroachment or injury and so long as such lands shall be so held they shall not be deemed to be superfluous lands within the meaning of the Lands Clauses Acts but the Council shall not erect any buildings upon the lands while so held by them except offices and dwellings for persons in their employ and such buildings and works as may be incident to or connected with their waterworks or permit or create a nuisance.

Rates for supply of water for domestic purposes.

26. The Council shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of this Act to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for such domestic purposes at rates not exceeding the rates per annum herein-after specified (that is to say) :—

Where the rateable value of the premises so supplied with water does not exceed five pounds the sum of twopence per week;

Where such rateable value exceeds five pounds and does not exceed thirty pounds the rate of eight pounds per centum upon such rateable value;

Where such rateable value exceeds thirty pounds the rate of seven pounds per centum upon such rateable value:

Provided that all inns and hotels whether public or private the rateable value of which exceeds five pounds shall be liable to a yearly rate not exceeding eight pounds per centum:

Provided that the Council shall in no case be entitled to demand for the water rate for any house or part of a house included in any division of the above scale a greater sum of money than they would be entitled to demand if such house or part of a house were of just such higher rateable value as would bring it within another division of the said scale:

The rateable value of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement of the quarter for which the rate accrues or if there is no such list in force by the last rate made for the relief of the poor Provided that where the water rate is chargeable on the rateable value of a part only of any hereditament entered in the valuation list such rateable value shall be a fairly apportioned part of the rateable value of the whole tenement ascertained as aforesaid the apportionment in case of dispute to be ascertained by a court of summary jurisdiction.

Rates for watercloset and baths.

27. In addition to the foregoing charges the Council may charge in respect of every watercloset beyond the first (for which no additional charge shall be made) on any premises within the water

limits a sum not exceeding ten shillings per annum and for every fixed bath capable of containing not more than fifty gallons a sum not exceeding ten shillings per annum and for every fixed bath capable of containing more than fifty gallons such sum as the Council may think fit such additional sums to be paid quarterly in advance and to be recoverable in all respects with and as the water rate.

As to water meters.

28. In cases in which the Council supply water by meter the register of any meter shall be primâ facie evidence of the quantity of water consumed by any customer of the Council in respect of which any water rate or rent is charged and sought to be recovered by the Council Provided that if the Council and the consumer differ as to the quantity consumed such difference shall be determined upon the application of either party by a court of summary jurisdiction who may also order by which of the parties the costs of the proceedings before them shall be paid and the decision of such justices shall be final and binding on all parties.

Supply of water for other than domestic purposes and by measure.

29. The Council may supply water for other than domestic purposes on such terms and conditions as the Council think fit and may supply water by measure either for domestic or other purposes and the moneys payable for the supply of water under this section shall be recoverable in the same manner as water rates Provided always that no person shall be entitled to a supply of water for other than domestic purposes if such supply would interfere with the sufficiency of the supply of water for domestic purposes Provided also that the price to be charged for a supply by measure shall not exceed two shillings per thousand gallons.

Council not bound to supply several houses by one pipe.

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

Byelaws for preventing waste &c. of water.

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

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(2) Such byelaws shall apply only in the case of premises to which the Council are bound to afford and do in fact afford or are prepared on demand to afford a constant supply and the provisions with respect to byelaws contained in sections 182 to 186 (except so much thereof as relates exclusively to byelaws made by a rural sanitary authority) of the Public Health Act 1875 shall apply to all byelaws so made.

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

Rate payable by owners for small houses.

32. The provisions of section 72 of the Waterworks Clauses Act 1847 shall extend to all dwelling-houses or parts of dwelling-houses occupied as separate tenements and let for any period less than a quarter of a year Provided that no greater sum shall be recovered at any one time from any occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to a notice to pay the rate being given to him or left at his dwelling-house.

Reservation of water rights &c. on sale.

33. The Council on selling any lands acquired by them in connexion with their water undertaking and not required for that purpose may reserve to themselves all or any part of the water rights or other easements belonging thereto and may make the sale subject to such reservations accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to the use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit.

Injuring meters &c.

34. Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Council or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Council shall (without prejudice to any other right or remedy for the protection of the Council) be liable to a fine not exceeding

five pounds and the Council may in addition thereto recover the amount of any damage by them sustained:

And in any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Council or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Council the Council may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for insuring the proper registering by such meter of the quantity of water supplied by means thereof and the expense of such repair and of all such works matters and things shall be repaid to the Council by the person so offending and may be recovered by them as water rates are recoverable The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Council when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be primâ facie evidence that such injury alteration prevention abstraction consumption or use as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

Notice to Council of connecting or disconnecting meters.

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

Power to supply materials.

36. The Council may if requested by any person supplied or about to be supplied by them with water furnish to him and repair or alter any such pipes valves cocks cisterns baths meters soil-pans waterclosets apparatus and receptacles as are required or permitted by their regulations and may provide all materials and do all work necessary or proper in that behalf and the reasonable charges of the Council in providing such materials and executing such work shall be paid by the person requiring the same.

Power to sell or let meters.

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

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The provisions of section 14 of the Waterworks Clauses Act 1863 shall extend to authorise the Council to let for hire any such water fittings to any person supplied by them with water.

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

38. The Council may on the application of the owner or occupier of any premises within the water limits abutting on or being erected in any street laid out but not dedicated to public use supply such premises with water and may lay down take up alter relay or renew in across or along such street such pipes and apparatus as may be requisite or proper for furnishing such supply.

PART IV.—Financial.

Power to borrow.

39. The Council may for the purposes herein-after mentioned from time to time (in addition to any other moneys which they are now authorised to borrow) borrow at interest on the security of the gas revenue and the water revenue respectively (so far as such purposes relate to the gas undertaking or the water undertaking as the case may be) and of the district fund and the general district rate as follows (that is to say):—

Firstly For the payment of the costs and expenses of this Act as herein-after defined such sum as may be required;

Secondly For the payment of the total sum found to be due to the company as provided for in the terms of arrangement set forth in the First Schedule to this Act and for defraying the taxed costs and expenses incident to such acquisition such sum as may be required;

Thirdly For the construction of the gasworks and the purchase of the lands necessary therefor the sum of twenty-five thousand pounds;

Fourthly For the construction of the waterworks and the purchase of the lands necessary therefor the sum of twenty-five thousand pounds;

Fifthly For additions and alterations to the gasworks and waterworks respectively such sum or sums as may be from time to time sanctioned by the Local Government Board:

And the Council may with respect to the gas undertaking or with respect to the water undertaking from time to time mortgage the gas revenue or the water revenue respectively and also the district fund and the general district rate for securing the repayment of the moneys so borrowed with interest accordingly Provided that the powers of borrowing moneys by this Act conferred shall not be restricted by any of the regulations contained in section 234 of the

Public Health Act 1875 and that in calculating the sum the Council may borrow under the Public Health Act 1875 or any other enactment any sums they may borrow under this Act shall not be reckoned.

Inquiries by Local Government Board.

40.—(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.

Provisions of Public Health Act as to mortgages to apply.

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

Power to borrow under Local Loans Act 1875.

42. The Council may if they think fit borrow any moneys which they are by this Act authorised to borrow under the powers and subject to the provisions of the Local Loans Act 1875 by means of a loan or loans to be raised by the issue of debentures debenture stock or annuity certificates or partly in one way and partly in another Any moneys borrowed in manner by this section authorised shall be a charge upon and shall be paid out of the same fund rate revenue and security as they would be charged upon and paid out of if raised by way of mortgage under the powers of this Act and such fund rate revenue or security shall be deemed to be the local rate as defined by the Local Loans Act 1875 All moneys borrowed in accordance with this section shall be discharged within the periods prescribed by this Act for the repayment of borrowed moneys:

Provided that the provisions contained in the section of this Act whereof the marginal note is "Regulations as to 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.

Period for discharge of

43. All moneys borrowed by the Council under the authority of this Act may be borrowed for any term not exceeding the terms

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borrowed moneys.

herein-after respectively mentioned from the date on which the same are originally borrowed under this Act (that is to say):—

(A) As regards moneys borrowed for the purposes firstly herein-before mentioned ten years;

(B) As regards moneys borrowed for the purposes secondly and thirdly herein-before mentioned forty years;

(C) As regards moneys borrowed for the purposes fourthly herein-before mentioned fifty years:

And all moneys borrowed by the Council under the authority of this Act with the consent of the Local Government Board may be borrowed for such term and on such conditions as the Local Government Board may prescribe.

The respective periods for which the Council are herein-before authorised to borrow money are in this Act referred to as "the prescribed periods."

Mode of payment off of money borrowed.

44. 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 such instalments and partly by a sinking fund and the payment of the first instalment or the first payment to the sinking fund shall be made within one year from the time of borrowing the sum in respect of which the payment is made.

Regulations as to sinking fund.

45. 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 for the repayment of which the sinking fund is provided within the prescribed periods:

The rate of accumulation on which the amounts paid to the sinking fund are based is herein-after referred to as "the prescribed rate":

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 statutory securities 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 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 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 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 prescribed rate 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.

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

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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 sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of his failing to make such return the said clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of 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 for any sinking fund whether such instalment or annual payment or sum is required by this Act or by the Local Government Board in virtue thereof to be paid appropriated or set apart or have applied any portion of any sinking fund to any purposes other than those authorised the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default 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.

Power to re-borrow.

47. If the Council pay off any moneys borrowed by them under the powers of this Act otherwise than by means of instalments 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 prescribed period and 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.

48. The Council shall not be bound to see to the execution of any trust whether expressed 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 money borrowed.

49. 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.

Council to keep separate accounts of gas and water undertakings.

50. The Council shall keep separate accounts of their receipts and expenditure for gasworks and waterworks purposes respectively on capital and revenue account and they may apportion between those accounts any expenditure incurred for purposes common to both The provisions of section 58 of the Local Government 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.

51. The Council shall apply the gas revenue as follows (that is to say):—

Firstly In payment of the working and establishment expenses and costs of management and maintenance of the gas undertaking;

Secondly In providing the moneys required to pay the interest on moneys borrowed by them under this Act for the gas undertaking;

Thirdly In providing the requisite appropriations instalments or sinking fund under this Act or otherwise making provision for repayment of the moneys borrowed under this Act for the gas undertaking;

Fourthly In providing a reserve fund for the 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 security in which trustees are or may be authorised to invest trust moneys (except securities of the Council) and accumulating the same at compound interest until the fund so formed amounts to two thousand 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 the gas

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undertaking or to meet any extraordinary claim or demand at any time arising against the Council in respect of that undertaking or to the maintaining improving and extending thereof and so that if that fund is at any time reduced it may thereafter be again restored to the sum of two thousand pounds and so from time to time as often as such reduction happens; and

Fifthly In improving and extending the gas undertaking:

And any balance remaining in any year as may in the opinion of the Council not be required for carrying on the gas undertaking and paying the current expenses connected therewith and the annual proceeds of the reserve fund when such fund amounts to the maximum amount herein-before prescribed shall be applied by the Council in increasing the district fund.

Application of water revenue.

52. The Council shall apply the water revenue as follows (that is to say):—

Firstly In payment of the working and establishment expenses and costs of management and maintenance of the water undertaking;

Secondly In providing the moneys required to pay the interest on moneys borrowed by them under this Act for the water undertaking;

Thirdly In providing the requisite appropriations instalments or sinking fund under this Act or otherwise making provision for repayment of the moneys borrowed under this Act for the water undertaking;

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

Fifthly In improving and extending the water undertaking: And any balance remaining in any year as may in the opinion of the Council not be required for carrying on the water undertaking and paying the current expenses connected therewith and the annual proceeds of the reserve fund when such fund amounts to the maximum amount herein-before prescribed shall be applied by the Council in increasing the district fund.

As to deficiency in receipts.

53. Any deficiency in the revenues and receipts of the Council on account of the gas undertaking or water undertaking shall in the absence of a reserve fund applicable to the purpose or so far as such reserve fund is not sufficient for the purpose be from time to time made good out of the district fund and the next or next but one general district rate to be made by the Council after such deficiency is ascertained 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.

Notice of discontinuance.

54. A notice to the Council from a consumer for the discontinuance of a supply of gas or water shall not be of any effect unless it be in writing signed by or on behalf of the consumer and left at or sent by post to the office for the time being of the Council.

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

55. The Council may contract with any local authority company or persons beyond the gas and water limits of supply (but only with the consent in writing of the local authority of and of any company or person supplying gas and water under Parliamentary powers within the district within which the supply is to be given) for the supply to them respectively of gas and water or either 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.

Period for completion of works.

56. If the works authorised by this Act are not completed within the period of five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Council for executing the same or in relation thereto shall cease except as to so much thereof as is then completed.

Power to take additional lands by agreement.

57. The Council may from time to time for any of the purposes of their water or gas undertakings purchase by agreement any lands not exceeding ten acres but the Council shall not create or permit the creation or continuance of any nuisance on any

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such lands or use such lands for any buildings except offices and dwellings for persons in their employ and such buildings and works as may be incident to or connected with their waterworks or gasworks.

Dwelling-houses for persons in Council's employ.

58. The Council may erect and maintain dwelling-houses for persons in their employ upon the lands for the time being belonging to or leased by the Council.

Power to take licences for use of patents.

59. The Council may acquire take and use any leave licence or authority to work use exercise and put in practice any invention under letters patent made or to be made granting any right or privilege of working using exercising or vending any invention in relation to the production utilisation and distribution of gas the production of coke tar pitch asphaltum ammoniacal liquor and other products from coal and other substances employed in or resulting from the manufacture of gas or otherwise in relation thereto but not so as to acquire any exclusive right to the working use exercising or putting in practice of any such invention.

Recovery of demands under fifty pounds.

60. Proceedings for the recovery of any demand not exceeding fifty pounds made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in the county court.

Application of penalties.

61. Every penalty imposed by this Act or by any regulation made under this Act shall (except where otherwise expressly provided and except where the Council shall be the party by whom the penalty has to be paid) be paid to the Council.

Restriction on taking houses of labouring class.

62.—(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.

(2) If the Council acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provision 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 purpose 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.

Costs of Act.

63. 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.

The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

Part I.

FRODINGHAM GAS BILL.

Heads of Arrangement made by Parties.

1. The District Council of Scunthorpe to buy mains and pipes at value as a working plant working so far as laid for supply of districts of Scunthorpe and Frodingham,

2. Messrs. Cliff to be paid the then full value of all works in existence at the time of the valuation which an independent engineer appointed in case of difference by the Local Government Board may say are thrown away and become useless to Messrs. Cliff by reason of the purchase.

3. The costs of the valuation to be borne by the District Council of Scunthorpe.

4. The Bill to be withdrawn and the District Council to pay Messrs. Cliff the sum of £500 towards the promoters costs and come next year for statutory powers which shall not be opposed by Messrs. Cliff except on details.

5. The purchase to take place within two years after the District Council of Scunthorpe have obtained statutory powers.

6. No outlay to be incurred except for necessary renewals and repairs without the consent of the District Council of Scunthorpe.

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PART II.

FURTHER HEADS OF AGREEMENT.

1. Articles 1 2 and 3 of the heads of agreement contained in Part I. of this schedule shall be cancelled and in lieu thereof the following shall have effect:—

2. The Council to pay the company five thousand five hundred pounds for all mains pipes plant and apparatus belonging to the company used in connexion with the supply of gas from the existing gasholder to the districts of Scunthorpe and Frodingham so far as the same are situate outside lands leased to the company but the purchase shall include the main pipe from the gasholder to the public road such pipe to be removed from the land leased to the company upon the completion of the purchase.

3. The purchase to take place within two years after the passing of this Act Three months notice of time of completion to be given to the company and the company to be entitled to carry on the gas supply for their own benefit up to the time of completion.

4. The company on the completion of the purchase to abandon the manufacture of gas for lighting purposes and to purchase from the Council such gas as they may require for the purposes for which they now use gas made at the gasworks to be so abandoned and the Council agree to supply such gas on the same terms as to consumers in their own district.

THE SECOND SCHEDULE.

(GAS LANDS.)

All that piece of land situate in the parish of Scunthorpe in the county of Lincoln in the occupation road known as Clay Field Road containing 2 acres 0 roods 9 perches or thereabouts and being the field numbered 94 on the $\frac{1}{2500}$ Ordnance map for the parish of Scunthorpe (1887 edition).

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