CHAPTER lxxvi.

An Act to authorise the urban district council of Shipley to purchase the gas undertaking of Sir Titus Salt Bart. Sons and Company Limited and to acquire land construct street works consolidate their loans and borrow money and for other purposes. [22nd July 1904.]

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

And whereas by the Shipley Improvement Act 1901 (in this Act called "the Act of 1901") the Council were authorised to acquire the undertaking of the Shipley Gas Light Company and to supply gas within the limits in the said Act described:

And whereas by the Bradford Corporation Act 1903 the mayor aldermen and citizens of the city of Bradford (in this Act called "the Bradford Corporation") were authorised and required to purchase from the Council and the Council were authorised and required to sell to the Bradford Corporation at the price of thirty-one thousand pounds and upon the terms and conditions in the last-mentioned Act set forth a portion of the gas undertaking of the Council then situate within the city of Bradford and it was by the same Act provided that the said sum of thirty-one thousand pounds should be applied by the Council in the same manner as money received from sales of lands under the Act of 1901:

And whereas Sir Titus Salt Bart. Sons and Company Limited (in this Act called "the company") are the proprietors of a large landed estate situate within the urban district of Shipley and within the limits of the Council for the supply of gas and for the purpose

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of supplying their said estate with gas the company have established and carried on and are now the owners of certain works and plant which together with the rights connected therewith subject to certain exceptions and reservations the company have agreed to sell to the Council upon the terms set forth in the agreement scheduled to this Act:

And whereas the Council have at present no powers to break up private streets for gas purposes without the consent of the owners thereof and are therefore unable to supply gas to the occupiers of premises within the limits of the Council for the supply of gas abutting upon roads which are not dedicated to public use And whereas it is expedient that powers for this purpose should be conferred upon the Council and that they should be authorised to acquire the undertaking of the company as described in the scheduled agreement and that with this object the scheduled agreement should be confirmed and made binding upon the parties thereto:

And whereas it is expedient that the Council should be authorised to apply the purchase money to be paid to them by the Bradford Corporation as herein-before mentioned towards the consideration payable by the Council to the company under the scheduled agreement:

And whereas it is expedient that the Council should be authorised to construct the waterworks in this Act described and that further powers should be conferred upon them in relation to their water undertaking:

And whereas it is expedient that the Council should be authorised to construct the street works in this Act described:

And whereas it is expedient that for the purposes specified in this Act the Council should be empowered to acquire and appropriate lands:

And whereas it is expedient that further and better provision should be made for the collection of rates and for the regulation of sanitary matters in the district:

And whereas the Council owe various sums of money which have been borrowed by themselves and their predecessors in the exercise of statutory powers and bear different rates of interest and are subject to different conditions as to time of repayment and otherwise and it is expedient that provision should be made as in this Act described for equating the periods for repayment of the sums so borrowed:

And whereas it is expedient that the Council should be authorised to borrow money for the purposes of this Act:

And whereas Part III. of the Public Health Acts Amendment Act 1890 has been adopted by the Council and is in force within the district:

And whereas the objects of this Act cannot be attained without the authority of Parliament:

And whereas plans and sections showing the lines and levels of the proposed waterworks and street works together with a book of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of those lands respectively have been duly deposited with the clerk of the peace for the West Riding of the county of York which plans sections and book of reference are herein-after referred to as the deposited plans sections and book of reference:

And whereas estimates have been prepared by the Council in relation to the following purposes in respect of which they are by this Act authorised to borrow money and such estimates are as follows:—

	£
For the purchase of land for and for the construction of waterworks - - -	9000
For the purchase of land for and the construction of street works - - - - -	6000

And whereas the several works included in such estimates respectively are permanent works and it is expedient that the cost thereof should be spread over a term of years:

And whereas an absolute majority of the whole number of the Council at a meeting held on the seventeenth day of November one thousand nine hundred and three after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the Shipley Times 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 expenses in relation to the promotion of the Bill for this Act should be charged upon the district fund and the general district rate of the district:

And whereas such resolution was published twice in the said Shipley Times 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

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similar notice on the twelfth day of January one thousand nine hundred and four being not less than fourteen days after the deposit of the Bill in Parliament:

And whereas in relation to the promotion of the Bill for this Act the requirements mentioned in the First Schedule to the Borough Funds Act 1903 have been observed:

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

Part I.

Preliminary.

Short title.

1. This Act may be cited for all purposes as the Shipley Urban District Council Act 1904.

Incorporation of Acts.

2. The Lands Clauses Acts except section 127 of the Lands Clauses Consolidation Act 1845 the Waterworks Clauses Act 1847 except 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 section 83 with respect to accounts and except also the words in section 44 "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner" and the Waterworks Clauses Act 1863 are (so far as the same are applicable for the purposes and not inconsistent with the provisions of this Act) incorporated with this Act.

Interpretation.

3. The several words and expressions to which by the Acts wholly or partially incorporated with this Act meanings are assigned have in this Act the same respective meanings unless there is something in the subject or context repugnant to such construction Provided that for the purposes of this Act in the Acts wholly or partially incorporated with this Act—

The expressions "the promoters of the undertaking" and "the undertakers" mean the Council:

And in this Act unless the subject or context otherwise require—

"The district" means the urban district of Shipley in the West Riding of the county of York;

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

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

"The Act of 1901" means the Shipley Improvement Act 1901;

"The Bradford Corporation" means the mayor aldermen and citizens of the city of Bradford;

"The company" means Sir Titus Salt Bart. Sons and Company Limited;

"The scheduled agreement" means the agreement as set forth in the First Schedule to this Act;

"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 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 other local authority as defined by section 34 of the Local Loans Act 1875 other than securities of the Council;

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

Part II.

Gas.

Scheduled agreement confirmed.

4. The agreement as set forth in the First Schedule to this Act is hereby ratified confirmed and made binding upon the parties thereto and shall be carried into effect according to the true intent and meaning thereof.

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Transfer of undertaking of company to be by deed.

5. The transfer of the undertaking of the company to the Council under the provisions of the scheduled agreement shall be carried into effect by a deed duly stamped and truly stating the consideration.

Receipt for purchase money.

6. The receipt in writing of two directors and the secretary of the company for any money payable to the company 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 such two directors and secretary.

Undertaking of company to become part of existing undertaking of Council.

7. The undertaking of the company as described in the scheduled agreement and thereby agreed to be sold to the Council shall after the transfer thereof to the Council in accordance with the provisions of this Act become and be part of the existing gas undertaking of the Council and the provisions of the Act of 1901 and of this Act with respect to the gas undertaking of the Council shall so far as applicable apply thereto.

Copy of Act to be registered.

8. The Council shall forward to the Registrar of Joint Stock Companies a printed copy of this Act and it shall be recorded by him and if such copy is not forwarded within three months from the passing of this Act the Council shall incur a penalty not exceeding two pounds for every day after the expiration of those three months during which the copy is omitted to be forwarded and every penalty shall be recovered summarily.

There shall be paid to the registrar by the Council on such copy being recorded the like fee as is for the time being payable under the Companies Act 1862 on registration of any document other than a memorandum of association.

Application of purchase money payable by Bradford Corporation.

9. Notwithstanding anything contained in section thirty-two of the Bradford Corporation Act 1903 the sum of thirty-one thousand pounds payable by the Bradford Corporation to the Council under the provisions of that section shall be applied by the Council in and towards payment and satisfaction of the purchase money payable by the Council to the company under the scheduled agreement.

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

10. The Council may upon the application of the owner or occupier of any premises abutting on or being erected in any street or road within the limits within which the Council are authorised to supply gas laid out or made but not dedicated to the public use supply such premises with gas and may lay down take up or alter relay or 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 In this section the word "street" has the same meaning as it has in the Gasworks Clauses Act 1847.

Part III.

Waterworks.

Power to make additional waterworks.

11. Subject to the provisions of this Act the Council may make and maintain in the lines and situation and according to the levels shown on the deposited plans and sections and in over upon or under the lands delineated on the said plans and described in the deposited book of reference the following waterworks (that is to say):—

A conduit main or pipe (600 yards or thereabouts in length) commencing at the centre of the outlet culvert of the Graincliffe Reservoir of the Council situate on Rombalds Moor and terminating at the centre of the inlet to the Eldwick Reservoir also belonging to the Council together with all necessary drains pipes sluice-valves air-valves wash-outs junctions apparatus and other works and conveniences in connexion with or incidental to such waterworks.

Power to make subsidiary works.

12. Subject to the provisions of this Act the Council in addition to the waterworks authorised by the section of this Act whereof the marginal note is "Power to make additional waterworks" may from time to time upon any lands acquired or to be acquired by them for waterworks purposes make and maintain all proper and necessary embankments bridges roads ways wells tanks basins gauges filters filter-beds dams sluices hatchboxes chambers byewashes waste-weirs outfalls discharge-pipes shafts adits tunnels catchwaters aqueducts culverts cuts channels conduits mains pipes stand-pipes junctions valves drains telegraphs telephones engines apparatus roadways approaches buildings houses works and conveniences connected with the waterworks herein-before referred

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to or the existing waterworks of the Council or any of them or incidental thereto or necessary or convenient for conducting inspecting cleansing repairing or managing the same Provided that any telegraphs or telephones constructed under the authority of this Act shall not be used for the purpose of transmitting telegrams which are within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

Lateral and vertical deviation.

13. The Council in constructing the waterworks by this Act authorised may make deviations from the lines of such works but not exceeding the limits of lateral deviation shown on the deposited plans and where on any road no such limits are shown the boundaries or fences of such road shall be deemed to be such limits And they may also deviate from the levels delineated on the deposited sections to any extent not exceeding five feet upwards and ten feet downwards Provided that no part of such works shall be constructed or laid so as to be above the general surface of the ground except so far as is shown on the deposited sections or except for the purpose of crossing over a stream.

Council may acquire easements only in certain lands.

14. The Council may in lieu of acquiring any lands for the purpose of laying any conduit or pipe underground under the authority of this Act acquire such easements and rights in such lands as they may require for the purpose of constructing placing laying inspecting maintaining cleansing repairing conducting or managing the same and may give notice to treat in respect of such easements and rights and may in such notice describe the nature thereof and the several provisions of the Lands Clauses Acts inclusive of those with regard to arbitration and the summoning of a jury shall apply to such easements and rights as fully as if the same were lands within the meaning of such Acts Provided always that except as to land forming part of a street nothing herein contained shall authorise the Council to acquire by compulsion any such easement in any case in which the owner in his particulars of claim shall require the Council to acquire the lands in respect of which they have given notice to treat for the acquisition of an easement only and every notice to treat for the acquisition of an easement shall be endorsed with notice of this proviso Provided also that as regards any lands taken or used by the Council for the purpose of laying any conduit or pipe underground the Council shall not (unless they purchase such lands and not merely easements therein) be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall at all times after the

completion of the work have the same rights of passing over such lands for all purposes of or connected with the use or enjoyment of the adjoining lands as if such lands had not been taken or used by the Council.

Period for completion of waterworks.

15. If the waterworks shown on the deposited plans are not completed within 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 such waterworks or otherwise in relation thereto shall cease except as to so much thereof as is then completed but nothing in this section shall restrict the Council from renewing extending enlarging altering re-constructing or removing any of their works or plant at any time as occasion may require.

Waterworks to form part of existing water undertaking.

16. The waterworks by this Act authorised when completed shall form part of the existing water undertaking of the Council and all statutory powers and provisions for the time being in force with respect to the said undertaking shall so far as applicable extend and apply to and in connexion with the said waterworks.

Part IV.

Street Works.

Power to make street works.

17. Subject to the provisions of this Act the Council in the lines and situations and according to the levels shown on the deposited plans and sections may make and maintain the street works shown on those plans and herein-after described (that is to say):—

Work No. 1.—The widening and improvement of Bradford and Keighley Road on the north-westerly side thereof commencing at the boundary of the urban district of Bingley and thence extending for a distance of seventy yards or thereabouts measured in a north-easterly direction from the aforesaid boundary and terminating in Bradford and Keighley Road:

Work No. 2.—The widening and improvement of Bradford and Keighley Road on the south-easterly side thereof commencing at a point twenty-four yards or thereabouts in a north-easterly direction from the boundary of the urban district of Bingley and thence extending for a distance of four hundred and twenty-seven yards or thereabouts

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measured in a north-easterly and easterly direction from the aforesaid boundary and terminating at a point six yards from the westerly side of the entrance to the grounds of J. R. Fyfe:

Work No. 3.—The widening and improvement of Bradford and Keighley Road on the northerly side thereof commencing at the easterly boundary of the Shipley Church Burial Ground and thence extending for a distance of three hundred and twenty yards or thereabouts measured in an easterly direction and terminating at the western side of Sleningford Road:

Work No. 4.—The widening and improvement of Bradford and Keighley Road on the northerly side thereof commencing at the eastern side of Sleningford Road and thence extending for a distance of one hundred and thirty-nine yards or thereabouts measured in an easterly direction and terminating in Bradford and Keighley Road at a point twenty-six yards or thereabouts beyond the eastern side of Tower Road:

Work No. 5.—The widening and improvement of Bradford and Keighley Road on the southerly side thereof commencing at the eastern side of Nab Lane and thence extending for a distance of eighty-nine yards or thereabouts measured in an easterly direction and terminating at the western side of Highfield Road:

Work No. 6.—The widening and improvement of Bradford and Keighley Road on the southerly side thereof commencing at the eastern side of Highfield Road and thence extending for a distance of fifty-one yards or thereabouts measured in an easterly direction and terminating at the western side of Bromley Road:

Work No. 7.—The widening and improvement of Bradford and Keighley Road on the southerly side thereof commencing at the eastern side of Bromley Road and thence extending for a distance of eighty-one yards or thereabouts measured in an easterly direction and terminating at a point twenty-eight-and-a-half yards on the western side from the centre of Park Grove:

Work No. 8.—The widening and improvement of Bradford and Keighley Road on the northerly side thereof commencing at a point sixty-one yards from the eastern side of Carlton

Road and thence extending for a distance of twenty-eight yards or thereabouts measured in an easterly direction and terminating at the western side of Hirst Lane:

Work No. 9.—The widening and improvement of Bradford and Keighley Road on the northerly side thereof commencing at the eastern side of Hirst Lane and thence extending for a distance of one hundred and twelve yards or thereabouts measured in a south-easterly direction and terminating at the western side of Albert Road.

Power to deviate.

18. In making the street works by this Act authorised the Council may deviate vertically to any extent not exceeding two feet from the levels thereof respectively shown on the deposited sections and may deviate laterally from the lines thereof to any extent within the limits of deviation defined on the deposited plans.

Incorporation of provisions of Act of 1901 respecting street works.

19. The following sections of the Act of 1901 (that is to say):—

Section 92 Power to make subsidiary works;

Section 93 Power to alter steps areas pipes &c.;

shall apply to and in connexion with the street works by this Act authorised and shall be read and construed as if they were re-enacted in this part of this Act.

Power to stop up footways during execution of works.

20. The Council during the making and for the purpose of any street works by this Act authorised may in or upon the lands shown upon the deposited plans in connexion therewith respectively temporarily stop up or cause to be temporarily stopped up all or any part of the carriageways or footways of any street or road which they shall think necessary to be so stopped up and for that purpose may put or cause to be put up sufficient palisades bars posts and other erections and may from time to time make such orders for regulating the passage of persons horses carts and carriages as to them shall seem proper provided that reasonable access to houses still in occupation shall be preserved.

Period for completion of street works.

21. If the street works by this Act authorised be not completed within 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 constructing the same or otherwise in relation thereto shall cease except as to so much of the street works respectively as is then completed.

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Lands laid into streets to be public highways.

22. The sites of all houses and all lands purchased by the Council for the purposes of this part of this Act and of Part V. of the Act of 1901 and laid into and appropriated for streets shall when and so soon as the same are so laid into and appropriated for streets be and for ever thereafter form part of the public streets and shall be repaired and maintained and kept in repair in the same manner as the streets in the district are for the time being by law maintained repaired and kept in order.

Part V.

Lands.

Power to take lands referenced.

23. Subject to the provisions of this Act the Council may enter upon take and use all or any part of the lands delineated on the deposited plans and described in the deposited book of reference which they require for the purposes of the waterworks and street works by this Act authorised or in connexion therewith and for providing space for the erection of houses and buildings adjoining or near to the said street works.

Period for compulsory purchase of lands.

24. The powers of the Council for the compulsory purchase of lands under this Act shall not be exercised after the expiration of three years from the passing of this Act.

Incorporation of provisions of Act of 1901 respecting lands.

25. The following sections of the Act of 1901 (that is to say) :—

Section 97 As to assessment of compensation;

Section 98 Correction of errors &c. in deposited plans and book of reference;

Section 99 Persons under disability may grant easements &c.;

Section 103 Power to retain sell &c. lands;

Section 104 Application of moneys from sale &c. of land;

are hereby incorporated with this Act and shall be read and construed as if they were re-enacted in this part of this Act.

Power to appropriate lands.

26. The Council may appropriate and use with the approval of the Local Government Board and subject to such conditions as the Board may think fit to impose for any of the purposes of this Act or for any of the purposes of the Public Health Acts any lands or property for the time being vested in them which are not wanted for the purpose for which such lands and property were originally acquired but nothing in this section shall authorise the Council to

create or permit the creation or continuance of any nuisance on any such lands.

Owners may be required to sell parts only of certain lands and buildings.

27. And whereas in the construction of the waterworks and street works hereby authorised or otherwise in exercise of the powers of this Act it may happen that portions only of the properties shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the properties described in the Second Schedule to this Act and whereof parts only are required for the purposes of this Act may if such portions can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the Council the portions only of the premises so required without the Council being obliged or compellable to purchase the whole or any greater portion thereof the Council paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise.

Power to hold lands for protection of waterworks.

28. The Council may hold any lands acquired by them under the powers of this Act which they may deem necessary for the purpose of protecting their waterworks against nuisances encroachments or injury and so long as such necessity shall continue such lands shall not be deemed to be superfluous lands within the meaning of this Act or the Lands Clauses Acts respectively but the Council shall not create or permit a nuisance on any such lands and shall not erect any buildings thereon other than offices and dwellings for persons in their employ and such buildings and works as may be incident to or connected with their water undertaking.

Reservation of water rights on sale of lands.

29. The Council on selling any lands acquired for or 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 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.

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Part VI.

Borrowing Powers.

Power to Council to borrow.

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

(A) For the purchase of the gas undertaking of the company and defraying the costs and expenses incident to such purchase including any moneys payable to the company under the provisions of the scheduled agreement except so far as the same may be provided in accordance with the provisions of this Act out of moneys paid or payable to the Council by the Bradford Corporation the sum requisite for that purpose :

(B) For the purchase of land for and the construction of the waterworks by this Act authorised the sum of nine thousand pounds :

(C) For the purchase of land for and the construction of the street works by this Act authorised the sum of six thousand pounds :

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

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

(2) In order to secure the repayment of the moneys borrowed under this section and the payment of the interest thereon the Council may mortgage or charge the district fund and the general district rate and in the case of moneys borrowed for the purpose marked (A) in this section the revenue of their gas undertaking and in the case of moneys borrowed for the purpose marked (B) in this section the revenue of their water undertaking in addition.

Mode of raising money.

31. The Council may raise all or any moneys which they are authorised to borrow under this Act either by mortgage or by issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another Provided that the provisions of section 236 of the Act of 1901 the marginal note of which is "Sinking fund" as incorporated with this Act shall apply to any money so raised under the Local Loans Act 1875 in lieu of the provisions of sections 15 and 16 of the last-mentioned Act.

Provisions of Public Health Act as to mortgages to apply.

32. The following sections of the Public Health Act 1875 (that is to say) :—

Section 236 Form of mortgage ;

Section 237 Register of mortgages ;

Section 238 Transfer of mortgages ;

Section 239 Receiver may be appointed in certain cases ;

shall extend and apply mutatis mutandis to and in relation to all mortgages made under the powers of this Act.

Periods for payment off of money borrowed.

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

As to moneys borrowed for the purpose (A) mentioned in the section of this Act the marginal note whereof is " Power to Council to borrow " within such period not exceeding thirty years from the date or dates of borrowing the same as the Council may determine ;

As to moneys borrowed for the purposes (B) and (C) mentioned in the said section within fifty years from the date or dates of borrowing the same ;

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

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

Mode of payment off of money borrowed.

34. The Council shall pay off all moneys borrowed by them under the powers of this Act on mortgage 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.

Incorporation of provisions of Act of 1901 respecting loans.

35. The following sections of the Act of 1901 (that is to say) :—

Section 236 Sinking fund ;

Section 240 Return respecting sinking fund to Local Government Board ;

Section 239 Council not to regard trusts ;

are hereby incorporated with this Act and shall be read and construed as if they were re-enacted in this part of this Act.

Saving for existing charges.

36. Nothing in this Act shall prejudicially affect any charge on the revenue and rates or the estates and property of the Council

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subsisting at the passing of this Act and every mortgagee or person for the time being entitled to the benefit of any such charge shall have the same priority of charge and all the like rights and remedies in respect of the revenue rate and property subject to his charge as if this Act had not passed.

Application of borrowed moneys.

37. 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.

Power to re-borrow.

38. If the Council pay off or propose to pay off any moneys borrowed by them under the powers of this Act or the Act of 1901 otherwise than by means of instalments or appropriations or annual repayments or a sinking fund or out of the proceeds of the sale exchange or disposition of lands or out of fines or premiums on leases or other moneys received on capital account not being borrowed moneys they may from time to time re-borrow the moneys so paid off or borrow moneys for the purpose of paying off the moneys so proposed to be paid off but all moneys re-borrowed or borrowed under this section shall be repaid within the period prescribed for the repayment of the moneys in lieu of which such re-borrowing or borrowing shall have been made and any amounts from time to time re-borrowed or borrowed under this section shall be deemed to form the same loan as the moneys in lieu of which such re-borrowing or 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 reason of such re-borrowing or borrowing Section 237 (Power to re-borrow) of the Act of 1901 is hereby repealed.

Protection of lender from inquiry.

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

Scheme for fixing equated periods for repayment of loans.

40.—(1) The Council may at any time hereafter and from time to time make a scheme for prescribing one or more uniform periods within which all or any loans then contracted or about to be contracted by them under statutory borrowing powers (including the loans authorised by this Act) shall be discharged and such scheme may extend or vary the periods within which such loans shall be discharged and may make provision in regard to all matters incidental thereto.

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

(3) The Council may with the sanction of the Local Government Board borrow such sums as may be necessary for the purpose of giving effect to such scheme and for compensating the holders of securities of the Council for their consent thereto.

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

Part VII.

Miscellaneous.

Collection of local rates.

41. The Local Government Board may on the application of the Council prescribe amend and vary a form of rate to include the poor rate general district rate or other rates and they may in respect of such rates prescribe a form of demand note receipt and other necessary documents and any form so prescribed shall be sufficient in law.

Expenses of executing Act.

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

Inquiries by Local Government Board.

43.—(1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in regard to the exercise of any powers conferred upon them or the giving of any consents under this Act and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

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

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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.

Authentication and service of notices &c.

44. In the case of any notice or demand under this Act requiring authentication by the Council the signature of the clerk or other duly authorised officer of the Council shall be sufficient authentication Notices orders and any other documents required or authorised to be served under this Act may be served in the same manner as notices under the Public Health Act 1875 are by section 267 of that Act authorised to be served Provided always that in the case of any company any such notice or document shall be delivered or sent by post addressed to the secretary of such company at their principal office or place of business.

Costs of Act.

45. 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 electors aforesaid shall after taxation by the taxing officer of the House of Lords or of the House of Commons be paid by the Council out of moneys to be borrowed by the Council under this Act but may in the first instance be paid by the Council out of any of their rates or funds and moneys so paid shall be recouped by and charged to the moneys to be borrowed under this Act.

The SCHEDULES referred to in the foregoing Act. A.D. 1904.

FIRST SCHEDULE.

This Indenture made the 8th day of December 1903 between Sir Titus Salt Bart. Sons and Company Limited (herein-after called "the Company") of the one part and the Shipley Urban District Council (herein-after called "the Council") of the other part witnesseth that the said parties hereby mutually agree as follows:—

1. Subject to the approval of Parliament the Company shall sell and the Council shall purchase all the gas undertaking of the Company (except the gasworks buildings at the Saltaire Mills belonging to the Company and the machinery plant and implements therein contained or thereto belonging) that is to say the goodwill of the said undertaking and the mains pipes meters stoves apparatus fittings and fitments (but not including interior fittings or fitments in any house or building) used or employed in connexion with the said undertaking for the manufacture distribution and supply of gas by the Company existing on the 1st day of July 1903 together with all the rights and powers of supply and other rights and privileges enjoyed by or belonging to the Company in respect of their said gas undertaking and full free and exclusive liberty power and authority for the Council their successors and assigns from time to time and at all times hereafter to manufacture distribute and supply gas to the inhabitants of the several dwelling-houses works and buildings heretofore erected or to be hereafter erected on the several lands and hereditaments situate at Saltaire and Baildon in the West Riding of Yorkshire now or heretofore belonging to the Company and respectively coloured pink on the map or plan drawn on or annexed to these presents And together also with full and general rights of way and passage so far as the Company have power to grant and convey the same at all times and for all purposes connected with the exercise by the Council of the said rights liberties powers and privileges hereby agreed to be sold in common with all other persons to whom the Company have already granted or conveyed or may hereafter grant or

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convey the same over and along all the public or private streets and roads respectively comprised in the said lands and hereditaments coloured pink on the said plan including the railway bridge in Victoria Road and the bridges on the north side thereof over the Leeds and Liverpool Canal and the River Aire respectively And together also with the right to lay down take up alter repair and renew gas mains or pipes with all needful apparatus fittings and connexions in through or under the said several streets and roads (including the said bridges) or any of them or any part or parts thereof and incidentally thereto the right at all times to enter upon excavate take up and restore and to block up and obstruct the said streets roads or bridges respectively to such extent as may be reasonably necessary but not so as to entirely stop the traffic therein a way for which must always be kept open without incurring liability for any damage injury or inconvenience arising from or occasioned by the reasonable exercise of such rights but so that the surface of each of the said streets or roads when and where excavated or taken up and the private sewers and drains thereunder shall be restored by and at the cost of the Council with all reasonable despatch and the rights of way and drainage already granted or to be hereafter granted by the Company to any person or persons shall be restored to the full extent to which such rights existed before such excavation or taking up Reserving nevertheless to the Company their successors and assigns full power to grant rights of way at all times and for all purposes over all or any of the said streets or roads (not being public streets or highways repairable by the inhabitants at large) and rights to make use repair renew and maintain the drains or private sewers thereunder to any person or persons corporation or public body whatsoever all which said gas undertaking goodwill mains pipes meters stoves apparatus fittings or fitments rights powers liberties and privileges herein-before described and hereby agreed to be sold or intended so to be sold are herein-after collectively referred to as the said undertaking."

2. The price to be paid by the Council for the said undertaking shall be the sum of thirty-three thousand pounds.

3. The purchase shall take effect as from the 1st day of July 1903 and as from that date the Council shall take over and have possession and be deemed to have taken over and to have had possession of the undertaking and to have manufactured gas for and supplied the same to the several consumers of gas on the said lands and hereditaments coloured pink on the said plan including the said Saltaire Mills and as from the said 1st day of July 1903 the Council shall be entitled to receive and retain for their own use all gas rents charges profits income and other moneys which have already been or shall hereafter be received or due in respect of the said undertaking until the completion of the purchase or until this agreement shall become null and void as herein-after provided and the Council shall on the completion of the purchase or in case this agreement shall become null and void as aforesaid then immediately on the happening of that event pay to the Company for the use and occupation of the said

undertaking a rental or sum at the rate of one thousand three hundred and twenty pounds per annum from the 1st day of July 1903 until the said purchase price of thirty-three thousand pounds shall be fully paid and satisfied or until this agreement shall become null and void as herein-after provided as the case may be.

4. The purchase shall be completed as soon as practicable after the 30th day of June 1904 and not later than the 31st day of December 1904.

5. As from the 1st day of July 1903 until the completion of the purchase or in case the approval of Parliament shall not be obtained then until this agreement becomes null and void as herein-after provided the Council shall at their own cost and expense maintain and keep the said undertaking in as good repair and condition as the same was found in on the said 1st day of July 1903 reasonable wear and tear only excepted.

6. The Council shall introduce and promote a Bill in the next session of Parliament for the purpose of enabling them to acquire the said undertaking on the terms and conditions herein set forth and the Company shall not oppose such Bill but shall if required by and at the expense of the Council support the passing of the Bill so far as they may be able to do so.

7. The Bill shall contain clauses confirming this agreement and making the same binding on the Company and the Council respectively and such provisions as shall be proper and sufficient for carrying this agreement into effect and for enabling the Council to raise and provide the requisite money and such other clauses as may be reasonably required.

8. Subject to the Company and the Council being authorised by Parliament to perform and carry out this agreement the Company their successors and assigns or the owner or owners or occupiers for the time being of the part or parts of the said lands and hereditaments coloured pink on the said plan which now belong to the Company shall not at any time or times after the date hereof either solely or jointly with any other person or persons firm or company manufacture sell distribute or supply gas for lighting or heating purposes to in or upon any part or parts of the Council's limits for the supply of gas as defined by section 21 of the Shipley Improvement Act 1901 and extended by section 33 of the Bradford Corporation Act 1903 and this agreement shall be deemed to be a covenant running with the said lands and hereditaments and each and every part thereof and to apply and attach to the same notwithstanding any sale or change of ownership or occupation which may take place after the date hereof.

9. In the event of the Company and the Council not being authorised by Parliament in the session of 1904 to perform and carry out this agreement then the same shall be null and void except as to the payment of the said rental or sum of one thousand three hundred and twenty pounds and the maintenance and repair of the said undertaking by the Council and the receipt by them of the said gas rents charges profits income and other moneys and except also as to payment of any costs incurred by the Company in

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connexion with this agreement or in supporting the said Bill at the request of the Council and as soon as practicable after the rejection of the said Bill or the refusal by Parliament to pass the said Bill and to approve and confirm this agreement the Company shall have and take possession of the said undertaking including all additions improvements and alterations thereof made by the Council after the said 1st day of July 1903 but without prejudice to the rights of either party in respect of any breach or non-observance of the terms and conditions herein contained which ought to have been observed and performed by the other of such parties under this agreement In the event of this agreement becoming null and void under the provisions of this clause and of the Company restoring or rebuilding their gasworks at Saltaire Mills aforesaid and restoring the connexion between the same and the works comprised in the said undertaking the Council shall pay to the Company the amount of all net profits which the Council shall derive from the supply of gas through the Company's mains comprised in the said undertaking from the said 1st day of July 1903 until the Company shall have restored or rebuilt their gasworks after deducting from such profits the amount paid by the Council to the Company in respect of the said rental and also the amount of all losses damages and expenses sustained or incurred by the Company on account of the removal of their said gasworks and the machinery plant and implements therein contained or thereto belonging or any part thereof and in restoring the said connexion and the Company shall pay or allow to the Council reasonable compensation for any additions improvements and alterations to the said undertaking made and to be made by the Council while the same shall have been in their hands and in case of difference between the parties as to the amount of any payment to be made under the provisions of this clause the same shall be settled by arbitration in manner herein-after provided.

10. The Company shall at the request and cost of the Council execute and do such assurances and things as may reasonably be required for vesting the said undertaking in the Council in accordance with the provisions herein-before contained and otherwise for more effectually carrying into effect the objects of this agreement.

11. This agreement is made subject to such alterations as Parliament may think fit to make therein but if the parliamentary committee to whom the said Bill is committed shall make any material alteration in this agreement it shall be competent to either party thereto to withdraw therefrom.

12. If at any time any doubt dispute or question shall arise between the Company and the Council touching this agreement or anything herein contained or the rights duties and obligations of the respective parties hereto under or by virtue of this agreement or otherwise relating thereto then and in every such case such doubt dispute or difference shall be referred to and determined by arbitration by two arbitrators (one to be appointed by either party) or their umpire according to the provisions of the Arbitration Act 1889 or any then subsisting statutory modification thereof.

In witness whereof the Company and the Council have caused their respective common seals to be hereunto affixed the day and year first before written. A.D. 1904.

The common seal of Sir Titus Salt Bart. Sons and Co. Limited was hereunto affixed by order of the board of directors and in the presence of } L.S.

JAMES ROBERTS
B. F. ROBERTS } Directors.
C. H. BRIGGS Secretary.

The common seal of the Shipley Urban District Council was hereunto affixed in the presence of } L.S.

I. LINDOW
Clerk of the Council.

SECOND SCHEDULE.

Widening.	Nos. on deposited plans.
Bradford and Keighley Road	Nos. 1 2 3 4 5 6 7 8 9 11 12 13 14 15 17 18 19 21 22 24 25 26 27 28 30 31 32 33 34 35 36 38 39 40 41 43 44 45 46 49.

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