

**CHAPTER lxxxv.**

An Act to confirm a Provisional Order made by the Board of Trade under the Electric Lighting Acts 1882 to 1909 with the concurrence of the Local Government Board constituting a Joint Board consisting of representatives of the urban districts of Wath-upon-Dearne Bolton-upon-Dearne and Thurnscoe all in the West Riding of the county of York for the joint exercise of powers under the Electric Lighting Acts in respect of their respective districts. A.D. 1915.

[29th July 1915.]

**W**HEREAS under the authority of the Electric Lighting Acts 1882 to 1909 the Board of Trade have made the Provisional Order set out in the schedule to this Act: 45 & 46 Vict.  
c. 56.  
51 & 52 Vict.  
c. 12.

And whereas a Provisional Order made by the Board of Trade under the authority of the said Acts is not of any validity or force whatever until the confirmation thereof by Act of Parliament: 9 Edw. 7.  
c. 34.

And whereas it is expedient that the Provisional Order made by the Board of Trade under the authority of the said Acts as set out in the schedule to this Act be confirmed by Act of Parliament:

Be it therefore 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:—

1. This Act may be cited as the Electric Lighting Order Confirmation (No. 5) Act 1915. Short title.

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Order in  
schedule  
confirmed.

2. The Order as amended and set out in the schedule to this Act is hereby confirmed and the same shall from and after the passing and subject to the provisions of this Act have full validity and effect.

For pro-  
tection of  
West Riding  
County  
Council.

3.—(1) Nothing in the Order confirmed by this Act shall in any way limit or affect the powers of the county council of the West Riding of Yorkshire (in this section referred to as "the county council") to rebuild alter widen or repair the structure of any bridge upon which any work by the Order authorised shall be constructed or impose upon the county council any liability which was not by law imposed upon them prior to the commencement of the Order.

(2) If at any time the county council require to carry out works for rebuilding altering widening or repairing any bridge which might involve interference with any portion of the undertaking by the Order authorised they shall prior to the commencement of such works give the Undertakers one month's notice of their intention to carry out such works and if in order to avoid interruption to the supply by the Undertakers of electrical energy it is in the opinion of the county council necessary to temporarily remove the mains and other electrical appliances belonging to the Undertakers from such bridge then the Undertakers shall (and they are hereby authorised so to do) at their own expense temporarily carry their cables and wires across such bridge overhead or at the side thereof in such a manner as will not be a danger or inconvenience to the public or unreasonably interfere with the works to be carried out by the county council.

(3) When the rebuilding altering widening or repairing of such bridge shall have been completed the Undertakers shall have the same rights and powers with regard to such bridge and its approaches as they had before the works were carried out.

(4) If any dispute arises between the county council and the Undertakers with regard to this section the same shall be determined by an arbitrator to be appointed on the application of either party by the Board of Trade.

SCHEDULE.

A.D. 1915.

## DEARNE DISTRICT ELECTRIC LIGHTING.

*Provisional Order granted by the Board of Trade under the Electric Lighting Acts 1882 to 1909 with the concurrence of the Local Government Board constituting a Joint Board consisting of representatives of the urban district councils of Wath-upon-Dearne Bolton-upon-Dearne and Thurnscoe all in the West Riding of the county of York for the joint exercise of powers under the Electric Lighting Acts in respect of their respective districts.*

*Dearne District.**Preliminary.*

1. This Order may be cited as the Dearne District Electric Lighting Order 1915. Short title.

2. The provisions contained in the schedule to the Electric Lighting (Clauses) Act 1899 are (with the exception of sections 5 6 7 83 and 84 of that schedule) incorporated with and form part of this Order. Incorporation of Electric Lighting (Clauses) Act 1899.

3. The provisions of sections 2 and 3 of the Electric Lighting Act 1888 shall not apply to the undertaking authorised by this Order. Sections 2 and 3 of Electric Lighting Act 1888 not to apply.

4. In this Order—

*Interpretation.*

“The Board” means the Dearne District Electricity Board constituted by this Order;

“The clerk” means the clerk to the Board;

“The Wath Council” means the urban district council of the Wath-upon-Dearne Urban District;

“The Bolton Council” means the urban district council of the Bolton-upon-Dearne Urban District;

“The Thurnscoe Council” means the urban district council of the Thurnscoe Urban District;

“The councils” means the Wath Council the Bolton Council and the Thurnscoe Council;

“The district funds” and “general district rates” mean respectively the several district funds and general district rates of the districts of the councils;

“Constituent authorities” means the urban district councils of Wath-upon-Dearne Bolton-upon-Dearne and Thurnscoe;

“Constituent authority” means any one of the said urban district councils;

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*Confirmation (No. 5) Act, 1915.*

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District.*

“Constituent district” means any one of the districts of the councils of Wath-upon-Deerne Bolton-upon-Deerne and Thurnscoe;

“The undertaking” means the undertaking of the Board for the supply of electricity as authorised by this Order;

“Statutory security” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 other than securities of the Board or the respective councils and annuities rentcharges and securities transferable by delivery;

“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.

*Constitution and Proceedings of the Board.*

Incorporation of Board.

5.--(1) For the purpose of carrying this Order into execution there shall be a Joint Board of nine members constituted and elected as by this Order provided and they and their successors from time to time elected and acting in pursuance of this Order shall be a body corporate under the name and style of “The Dearne District Electricity Board” with perpetual succession and a common seal and with power to sue and be sued and to purchase take hold lease and dispose of lands (without any licence in mortmain) and other property for the purposes of this Order.

(2) The Board shall be deemed to be a company within the meaning of the Electric Lighting Acts and of the schedule to the Electric Lighting (Clauses) Act 1899 as incorporated with this Order.

Constitution of Board.

6.--(1) The constitution of the Board shall subject to adjustment as herein-after provided be as follows:--

Four members to be elected by the Wath Council from among the members thereof:

Three members to be elected by the Bolton Council from among the members thereof: A.D. 1915.

Two members to be elected by the Thurnscoe Council from among the members thereof.

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(2) The proportion in which each council shall have representation on the Board shall be adjusted as soon as convenient after the taking of each official census of population and any such revision or adjustment of representation shall as regards the proportion of members to be appointed by the councils be based upon the official census returns of the respective districts of the councils according to that census.

(3) On the application of any of the councils the Local Government Board may after inquiry and previous notice thereof to the councils by order alter the number and proportion of members of the Board to be appointed by the councils or any of them and may make any provisions incident to or consequential on such alteration including an alteration in the number of members to form a quorum. Provided that if the Local Government Board shall make any order under this section the proportion of members to be appointed by the councils or any of them respectively shall be based upon the population of the districts of the councils according to the last census for the time being.

7.—(1) The first election of members of the Board by each of the councils shall take place at a meeting of each of the councils respectively to be holden within eight weeks from the commencement of this Order or within such further time as the Local Government Board shall allow and the members so elected shall subject to the provisions of this Order continue in office till the day of the annual meeting of the Board in the year next after the commencement of this Order. Election of members.

(2) Each of the councils shall at a meeting to be held within fifteen days after the fifteenth day of April in the year next after the commencement of this Order and in each third successive year or failing this at a special meeting to be held with special notice of the object of such meeting elect from among themselves the number of members of the Board whom they are by this Order authorised to elect and each member so elected shall subject to the provisions of this Order hold office on and from the day of the annual meeting of the Board in the year in which he is so elected for a period of three years.

(3) The clerk to each council shall notify in writing to the Local Government Board within seven days after the first election has taken place the name address and occupation of each of the persons elected by the council as a member of the Board.

8. If any of the councils fail to elect the first members of the Board or to fill an occasional vacancy as by this Order provided it shall be competent nevertheless for the other members of the Board to carry Provisions where failure to elect members occurs.

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this Order into execution and if any of the councils fail to elect members of the Board at any subsequent period of election the then existing members of the Board representing such council (unless otherwise disqualified) shall continue in office till their successors are elected.

No person to  
be a member  
of Board  
on behalf of  
more than  
one council.

9. No person being a member of the Board by election from any of the councils shall so long as he continues a member by virtue of such election be qualified to be also a member of the Board by election from any other council and any such subsequent election shall be void and if the same person shall be elected a member of the Board by more than one of the councils at the same election he shall choose under which election he will serve and the other election shall be deemed void.

Disqualifica-  
tion on ceasing  
to be a member  
of any council.

10. If a member of the Board elected by any of the councils ceases to be a member of such council or becomes disqualified from such membership he shall also cease to be a member of the Board.

Resignation  
of member  
of Board.

11. Any member of the Board may at any time resign his office as such member at any meeting of the Board or by writing addressed to the clerk.

Disqualifi-  
cation of  
member of  
Board.

12. Such of the provisions of section 46 of the Local Government Act 1894 as relates to members of councils of districts other than boroughs shall with the necessary modifications apply to members of the Board.

Outgoing  
members  
eligible for  
re-election.

13. Every member of the Board going out of office shall if otherwise duly qualified be eligible immediately or at any future time for re-election and every person re-elected shall be deemed a new member.

Occasional  
vacancies.

14. If any member of the Board dies or resigns or is disqualified or ceases to be a member of the Board from any cause the council whom he represented may if they think fit at any time after the occurrence of such vacancy elect a member to the Board in his place from amongst themselves and every member of the Board so appointed shall continue in office subject to the provisions of this Order and only so long as the person in whose place he is elected would have been entitled to continue in office.

Election of  
members to  
be certified to  
Board.

15. Whenever an election of a member or members of the Board has been made the clerk of the council by whom the election has been made shall by writing under his hand certify the election to the Board and shall forthwith on the first election transmit the certificate to the clerk of the Bolton Council and on every subsequent election to the clerk and every such certificate shall be conclusive evidence of such election.

16. The Board shall hold their first meeting at the council offices Bolton-upon-Dearne on the second Wednesday after the last day provided by or under this Order for the first election of the members thereof (unless some other day or time shall be appointed for the purpose by the Local Government Board and then on such day and at such time as shall be so appointed) and subsequent meetings of the Board (including their annual meetings) shall be held at such places on such days and at such times as the Board may from time to time appoint provided that the annual meeting of the Board shall be held not later than fourteen days after the thirtieth day of April in each year.

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*District.*First and  
other meet-  
ings of  
Board.

17. In addition to the meetings to be held by appointment of the Board the chairman of the Board for the time being or any three or more members of the Board may at any time by writing addressed and sent to the clerk require a special meeting to be convened and the clerk shall convene a meeting accordingly provided that at least two clear days' notice thereof shall be given to each member of the Board by letter addressed to him and either sent by post to or delivered at his residence.

Power to  
call special  
meetings.

18. Any act of the Board or any of the members thereof shall not be invalidated or be illegal by reason of any irregularity in the election of any member of the Board or by reason of any person not qualified or ceasing to be qualified acting as a member of the Board or by reason of any failure or omission on any occasion on the part of any of the councils to elect a member of the Board or by reason of any other irregularity error failure or omission in or about any election or in or about any matter preliminary or incidental thereto.

Error  
omission &c.  
not to invali-  
date any act  
of Board.

19. The first meeting of the Board shall be convened by the clerk to the Bolton Council and every subsequent meeting shall be convened by the clerk. Every meeting shall be convened by circular delivered to each member of the Board or sent by post to or delivered at his residence two clear days at least before the day of meeting and the Board shall from time to time make regulations with respect to the summoning notices places management and adjournment of their meetings and generally with regard to the transaction of their business.

As to  
convening  
meetings.

20. The number of members of the Board present to constitute a meeting of the Board shall be three.

Quorum.

21. At their first meeting and subsequently at each annual meeting of the Board the Board shall appoint one of their number to be chairman and another to be vice-chairman of the Board for the ensuing year provided that the chairman and vice-chairman shall at no time be chosen from the members representing the same constituent authority.

Board to  
appoint  
chairman &c.

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At all meetings of the Board the chairman or in his absence the vice-chairman or in the absence of both the chairman and the vice-chairman some member of the Board chosen by the members present shall preside.

In the event of the death or permanent incapacity or resignation in writing of the chairman or vice-chairman the Board shall appoint one of their members to fill the vacancy.

Minutes.

22. Minutes of the proceedings of every meeting shall be drawn up and fairly entered in a book kept for that purpose and shall be signed by the chairman of the meeting or of the next ensuing meeting.

Standing orders.

23. Subject to the provisions of this Order the Board may make standing orders for the regulation of their proceedings and business and vary or revoke the same.

Questions to be decided by majority of votes.

24. Subject as in this Order provided all questions arising at a meeting of the Board or of any committee thereof shall be decided by a majority of the members present at the meeting and in the case of an equality of votes the chairman of the meeting shall have a second or casting vote.

Officers of Board.

25. The Board may from time to time appoint and may remunerate a clerk a manager an engineer a treasurer an accountant and such other officers clerks and servants as they from time to time think requisite and all officers and servants so appointed shall be removable by the Board at their pleasure No member of the Board or of any of the councils shall be an officer of the Board but a person may be and continue an officer of the Board and of any of the councils.

Accounts and yearly balance sheets.

26.—(1) The Board shall cause proper books of account and other books in relation thereto to be kept and shall prepare yearly balance sheets to the thirty-first day of March in each year showing in all necessary detail the receipts and expenditure of the Board and shall report the same to each of the constituent authorities on or before the next ensuing thirtieth day of June.

(2) The accounts of the Board shall at all reasonable times be open to inspection and transcription without payment by any member of a constituent authority or by any officer of a constituent authority authorised by them for that purpose.

Provision in event of alteration of urban districts.

27. If at any time any new urban district is formed including the whole or any part of any of the constituent districts or the boundaries of any of the constituent districts are otherwise altered or the whole or any part of them is created or included in a municipal borough then and in every such case the Local Government Board may by order to be published as they shall direct make such provision as to them seems fit for adapting the provisions of this Order to the alterations so made



and to the incidents and consequences thereof and every such order shall have effect as if the terms thereof were inserted in this Order but the Local Government Board shall not make such an order until they have held a local inquiry on the subject of which notice has been given by advertisement or otherwise as the Local Government Board may direct and an opportunity has been given to any person who appears to that Board to be affected of stating any objections he may have thereto.

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28. If at any time any difference arises between the Board and any of the constituent authorities respecting any matter arising out of the provisions of this Order other than under the Electric Lighting Acts or the Electric Lighting (Clauses) Act 1899 the same shall be referred to and be settled by the Local Government Board or by an arbitrator appointed by them and the cost of the reference shall be in the discretion of the Local Government Board or of the arbitrator as the case may be.

Arbitration.

*Powers under the Electric Lighting Acts.*

29. The Undertakers for the purposes of this Order and within the meaning of section 2 of the schedule to the Electric Lighting (Clauses) Act 1899 are the Board.

Undertakers.

30. The area of supply for the purposes of this Order and within the meaning of section 4 of the schedule to the Electric Lighting (Clauses) Act 1899 shall be the area which is described in the First Schedule to this Order and is more particularly delineated on the map deposited together with this Order at the Board of Trade by the Board and signed by an assistant secretary to the Board of Trade.

Area of supply.

31. Subject to the provisions incorporated with this Order the Board are specially authorised by this Order to break up the streets and parts of streets not repairable by the local authority and the railways which are mentioned in the Second Schedule to this Order.

Power to break up streets &c.

32. The streets and parts of streets throughout which suitable and sufficient distributing mains for the purposes of general supply are to be laid down within a period of two years after the commencement of this Order as mentioned in section 21 of the schedule to the Electric Lighting (Clauses) Act 1899 are those mentioned in the Third Schedule to this Order.

Compulsory works.

33. The maximum prices which may be charged by the Board as mentioned in section 32 of the schedule to the Electric Lighting (Clauses) Act 1899 are those stated in the Fourth Schedule to this Order.

Maximum prices.

34. Subject to the provisions of this Order and the principal Act the Board may acquire by purchase or on lease and use any lands for the purposes of this Order and may dispose of any lands acquired by them under the provisions of this section which may not for the time

Power to acquire and use lands.

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being be required for the purposes of this Order Provided that the land so used by the Board shall not at any one time exceed in the whole five acres except with the consent of the Board of Trade.

Revision of  
price so as  
to balance  
revenue and  
expenditure.

35.—(1) The Board shall so soon as the annual statement of accounts of the undertaking under this Order has been filled up in the form prescribed by the Board of Trade under the Electric Lighting Act 1882 publish in a newspaper circulating within the area of supply a notification that such a statement of accounts has been filled up and that copies of it can be obtained at the offices of the Board at a price not exceeding one shilling a copy and such publication shall be in addition to and not in substitution for any publication prescribed by the Board of Trade under the Electric Lighting Act 1882.

(2) The Board shall on the expiration of the fifth complete financial year after they have commenced to supply electrical energy under this Order and on the expiration of each third succeeding year reconsider and if necessary revise and thereafter maintain the scales of prices charged for electrical energy under this Order so that so far as is reasonably practicable no contribution from the rates of the constituent districts will be required for the purpose of defraying the future expenses of the said undertaking during the next three years Provided nevertheless that—

- (a) The prices to be charged shall not exceed the maximum prices which may be charged under this Order;
- (b) The scales of prices so reconsidered and revised may be from time to time in like manner reconsidered and revised by the Board.

(3) Nothing in this section contained shall prevent the Board from entering into contracts for periods which may extend beyond the periods at which any revision may take place under the provisions of this section on special terms under special circumstances not applicable to ordinary consumers but each such contract shall provide that the price to be charged for energy supplied under such contract shall either—

- (a) Be subject to revision at the next triennial revision provided for in this section; or
- (b) Vary in the same proportion as the prices charged to ordinary consumers:

Provided that the Board shall not without their consent be required to accept any price lower than the minimum price mentioned in such contract.

*Financial.*

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*Dearne*  
*District.*Power to  
borrow.

36.—(1) The Board may with the sanction of the Local Government Board borrow at interest such money as may be required for the purposes of the undertaking authorised by this Order and for the purpose of paying the costs charges and expenses of or in relation to this Order.

(2) In order to secure the repayment of the moneys borrowed or re-borrowed under this Order and the payment of interest thereon the Board may mortgage and charge the revenue of the undertaking (including the moneys receivable by the Board from the councils) and all rates and moneys which the Board are authorised to levy raise and collect within the respective districts of the councils under the powers of this Order.

37.—(1) The Board may raise all or any moneys which they are authorised to borrow under this Order by mortgage or by the issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another or others and for the purpose of such issue the Board shall be deemed a local authority under that Act and the revenue of their undertaking and the moneys receivable by them from the constituent authorities and all rates and moneys which they are authorised to levy and collect shall be deemed to be the local rate as defined by that Act Provided that in the case of any moneys borrowed under that Act the prescribed period for the repaying of the same shall be the period mentioned in respect of such moneys in the section of this Order of which the marginal note is "Period for repayment of money borrowed":

Mode of  
raising  
money.

Provided further that the provisions of this Order in regard to sinking funds shall apply in substitution for the like provisions of the said Local Loans Act 1875.

(2) The Board shall be deemed to be an urban authority within the meaning of Part V. (Stock) of the Public Health Acts Amendment Act 1890 and to have adopted that Part of that Act and may exercise their borrowing powers by the creation of stock in the manner by that Act provided and subject to the provisions therein contained.

(3) All mortgages debentures annuity certificates and stock granted or issued by the Board under any statutory borrowing power shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the date of the granting or issue of the security or on any other account whatsoever.

38. The Board shall pay off all moneys borrowed by them under this Order within such period as the Local Government Board shall prescribe from the date or dates of the borrowing of the same and the said periods are referred to in this Order as "the prescribed period."

Period for  
repayment  
of money  
borrowed.

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*Confirmation (No. 5) Act, 1915.*

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District.*  
Provisions  
of Public  
Health Act  
1875 as to  
mortgages  
to apply.

39. The following sections of the Public Health Act 1875 with any necessary modifications shall extend and apply to mortgages granted under this Order :—

Section 236 (Form of mortgage);

Section 237 (Register of mortgages);

Section 238 (Transfer of mortgages).

Application  
of moneys  
borrowed.

40. All moneys borrowed by the Board shall be applied only to the purposes for which they are authorised to be borrowed and to which capital is properly applicable. Provided that moneys which may have been borrowed in excess of the amount required shall be paid into the sinking fund or shall be applied in such manner as the Board with the approval of the Local Government Board determine.

Mode of pay-  
ment off of  
money  
borrowed.

41. The Board shall pay off all moneys borrowed by them under the powers of this Order 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.

Sinking fund.

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

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

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

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed or in accordance with the provisions of this Order of which the marginal note is "Alternative application of sinking fund" be immediately invested in statutory securities the Board being at liberty from time to time to vary and transpose such investments.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Board towards the equal annual payments to the fund.

(4) The Board may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed. Provided that in the case of an accumulating sinking fund the Board shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

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(5) (a) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the equal annual payments to the fund are based any deficiency shall be made good by the Board :

(b) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the equal annual payments to the fund are based any such excess may be applied towards such equal annual payments.

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

(7) If it appears to the Board at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Order together with the accumulations thereon (in the case of an accumulating sinking fund) will probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Board to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose. Provided that if it appears to the Local Government Board that any such increase is necessary the Board shall increase the payments to such extent as the Local Government Board may direct.

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

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Order together with the accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Board may reduce the payments to be made to the sinking fund either temporarily or permanently to such an extent as the Local Government Board shall approve.

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*District.*

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

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose as the Board with the consent of the Local Government Board may determine.

Alternative  
application  
of sinking  
fund.

43. The Board may at any time apply the whole or any part of any sinking fund as follows:—

(1) Where the Board are authorised by any statutory borrowing power to raise money for any purpose they may instead of exercising such borrowing power by the issue of any fresh security in respect thereof exercise the said power and raise the said money either wholly or partially by using for such purpose any money for the time being forming part of the sinking fund and moneys so raised shall for the purposes of this Order be deemed to be moneys borrowed under a statutory borrowing power Provided that when exercising this power the Board shall—

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

(b) Credit the sinking fund with the repayment of an amount of the moneys for the repayment of which the fund is established equal to the sum withdrawn from the sinking fund and thereupon the amounts so credited shall be deemed to be moneys discharged by application of such sinking fund under subsection (1) of this section;

(c) Debit the account of the statutory borrowing power proposed to be exercised with an amount of the moneys equal to the sum withdrawn from the sinking fund and thereupon the statutory borrowing power shall be deemed to have been exercised as fully as if the said amount had been raised by the issue of a fresh security and the provisions of this Order as to repayment and re-borrowing shall apply thereto accordingly:

(2) When any of the moneys are discharged by the application of any part of the sinking fund the moneys so discharged shall be deemed to be in respect of such one or more of the statutory borrowing powers under which the moneys for the repayment of which the sinking fund is established were borrowed and if in respect of more than one in such proportions as the Board shall determine. Provided that the amount of the moneys deemed to be discharged in respect of any statutory borrowing power shall not exceed the amount of the contributions paid into the sinking fund in respect of that borrowing power and the accumulations (if any) thereon.

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*District.*

44. A person lending money to the Board under this Order shall not be bound to inquire as to the observance by the Board of any provisions of this Order or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent or any part thereof.

Protection of  
lender from  
inquiry.

45. The Board 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 of mortgages of the Board shall from time to time be a sufficient discharge to the Board in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether the Board or not 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.

Board not to  
regard trusts.

46.—(1) The mortgagees of the Board by virtue of this Order may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than two thousand pounds in the whole.

Appointment  
of receiver.

(2) The application for the appointment of a receiver shall be made to the High Court.

47.—(1) The Board shall have power—

(a) To borrow for the purpose of paying off any moneys previously borrowed under this Order which are intended to be forthwith repaid; or

(b) To borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Board in repaying moneys previously borrowed under this Order and which at the time of such repayment it was intended to replace by borrowed moneys.

Power to  
re-borrow.

[Ch. lxxxv.]                      *Electric Lighting Order*                      [5 & 6 GEO. 5.]  
*Confirmation (No. 5) Act, 1915.*

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(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the period prescribed for the repayment of that loan which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section.

(3) The Board shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

(4) The Board shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid—

(a) By instalments or annual payment; or

(b) By means of a sinking fund; or

(c) Out of moneys derived from the sale of land; or

(d) Out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

Annual re-  
turn to Local  
Government  
Board.

48.—(1) The clerk shall within twenty-one days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Order 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 the clerk showing for the year next preceding the making of such return or for such other period as the Local Government Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of his failing to make such return the 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 appears to the Local Government Board by that return or otherwise that the Board 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 instalments or annual payment or sum is required by this Order 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.

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*District.*

49.—(1) Before the commencement of every financial year or half-year as they may determine or so soon thereafter as may be practicable the Board shall make or cause to be made an estimate of the probable revenue and expenditure (other than capital expenditure) which will be received and incurred respectively during the year or half-year as the case may be and if such estimate shows that there will be a deficiency in the net revenue of the Board for the year or half-year as the case may be the Board are hereby authorised and required in every case forthwith to apportion the sum required to meet such deficiency whether for satisfying past or future liabilities between the constituent authorities in proportion to the respective populations according to the last census for the time being of their respective constituent districts.

Apportion-  
ment of  
deficiency in  
net revenue  
of Board.

(2) The Board shall issue precepts to the constituent authorities for the amounts apportioned in pursuance of this section and the constituent authorities respectively shall within three months from the receipt of such precepts or by instalments of such amounts and payable within such times as may be specified in the precepts pay to the Board the amount so apportioned to them respectively.

(3) Such amounts respectively shall be raised and paid by the constituent authorities out of the respective district funds and general district rates of their respective districts which funds and rates are hereby charged with the payment of the same accordingly and the constituent authorities respectively are hereby authorised and required to make and levy any rate or issue any precept that may be necessary for providing the amounts payable as aforesaid.

(4) If any constituent authority fails to pay any amount so apportioned or as the case may be any instalment of such amount as may have been specified in any such precept within the time in which

A.D. 1915. the same was payable the same shall be a debt due to the Board from such constituent authority and shall bear interest till payment at the rate of four per centum per annum and the Board may in addition to all other remedies proceed for recovery thereof in either of the modes following (that is to say) :—

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District.*

(a) The Board may sue the defaulting authority for the amount unpaid in any court of competent jurisdiction ;

(b) The Board may by precept empower some officer of the Board to raise by means of a rate to be assessed upon the like property and to be made levied and collected in like manner and with the like powers and authorities as the rate out of which the amount in arrear ought to have been paid by the defaulting authority such sum to be specified in the precept as in the opinion of the Board will be sufficient to pay the amount in arrear and interest and all expenses incurred in consequence of the non-payment thereof and the expenses of levying and collecting such rate and any officer of the Board so empowered shall have the like powers of assessing making levying and collecting rates and of issuing precepts and of requiring officers of the defaulting authority to account as the defaulting authority would have under any Act or otherwise and the officer of the Board so empowered after paying all money payable under the precept shall pay any residue of the money received by him (the amount to be ascertained by the Board) to the defaulting authority.

(5) Any receiver appointed under this Order upon the application of the mortgagees of the Board shall be entitled to receive the amounts so apportioned by the Board between the constituent authorities and in case the Board at any time neglect or refuse to make such apportionment or to recover the same or any part thereof the receiver shall in every such case be entitled to make such apportionment and to exercise all or any of the powers by this section conferred on the Board for recovering the amounts so apportioned.

Application  
of money  
received by  
Board.

50.—(1) All moneys received by the Board in respect of the undertaking except (a) borrowed money (b) money arising from the disposal of lands acquired for the purposes of this Order and (c) other capital money received by them in respect of the undertaking shall be applied by them in manner and in the order following (that is to say) :—

Firstly In payment of the costs charges and expenses of and incidental to the collection and recovery of revenue :

Secondly In payment of the working and establishment expenses and cost of maintenance of the undertaking including all costs expenses penalties and damages incurred or payable by them consequent upon any proceedings by or against them their officers or servants in relation to the undertaking:

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*District.*

Thirdly In payment of the interest on moneys borrowed by the Board for the purposes of the undertaking:

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

Fifthly In payment of all other expenses of executing this Order not being expenses properly chargeable to capital:

Sixthly In providing a reserve fund (if the Board think fit) by setting aside such money as they think reasonable and investing the same and the resulting income thereof in statutory securities and accumulating the same at compound interest until the fund so formed amounts to ten per centum of the aggregate capital expenditure for the time being on the undertaking The reserve fund shall be applicable to answer any deficiency at any time happening in the income of the Board from the undertaking or to meet any extraordinary claim or demand at any time arising against the Board in respect of the undertaking and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so on as often as the reduction happens.

The Board shall apportion the net surplus remaining in any year and the annual proceeds of the reserve fund when amounting to the prescribed limit among the constituent authorities in proportion to the respective populations according to the last census for the time being of their respective constituent districts and the sums paid to the constituent authorities shall be carried by them to the credit of the respective district funds and general district rates of their respective districts Provided always that if the surplus in any year exceeds five pounds per centum per annum upon the aggregate capital expenditure on the undertaking the Board shall make such a rateable reduction in the charge for the supply of energy as in their judgment will reduce the surplus to that maximum rate of profit.

(2) All moneys arising from the disposal of lands acquired by the Board for the purposes of this Order and all other capital moneys received by them in respect of the undertaking shall be applied by them in the reduction of the capital moneys borrowed by them under this Order.

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*Dearne*  
*District.*  
Audit.

51.—(1) The provisions of section 58 of the Local Government Act 1894 shall apply to the accounts of the Board and of their committees and officers and to the audit thereof and the accounts of the Board shall be made up yearly to the thirty-first day of March in each year.

(2) A copy of the auditor's report and of the abstract of the accounts of the Board when duly audited shall be sent by the Board to each constituent authority.

*Miscellaneous.*Inquiries  
by Local  
Government  
Board.

52.—(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 Order 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) 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 shall be paid by the Board or the councils or any of them in such manner as the Local Government Board may direct.

Authentica-  
tion and  
service of  
notices by  
Board.

53. Any notice to be served by the Board on a person supplied with electricity shall be sufficiently authenticated by the signature of the clerk of the Board or other officer of the Board for the time being authorised in writing by the Board being affixed thereto in writing or by stamp or if it be a notice to pay any charge in respect of a supply of electricity by the name either of the clerk or such other officer as aforesaid being affixed thereto in print or by a stamp and any such notice may be served on such person either personally or by sending the same through the post by a prepaid letter addressed to him by name at his last known or usual place of abode or business or by delivering the same to some inmate at his last known or usual place of abode or business or to any inmate of the premises supplied or if such premises be unoccupied and the place of abode of the person to be served is after proper inquiry unknown it shall in the case of any notice not being a notice to pay any charge be sufficient to affix such notice or a copy thereof upon some conspicuous part of such premises.

Protection of  
Board and  
their officers  
from personal  
liability.

54. No matter or thing done and no contract entered into by the Board and no matter or thing done by any member of the Board or by any officer of the Board or other person whomsoever acting under

the direction of the Board shall if the matter or thing were done or the contract were entered into bonâ fide for the purpose of executing this Order subject them or any of them personally to any action liability claim or demand whatsoever and any expense incurred by the Board member officer or other person acting as last aforesaid shall be borne and repaid out of the fund or rate applicable by the Board to the general purposes of this Order :

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*District.*

Provided that nothing in this section shall exempt any member of the Board from liability to be surcharged with the amount of any payment which may be disallowed by the auditor in the accounts of the Board and which such member authorised or joined in authorising.

55. No officer or servant of the Board shall in anywise be concerned or interested in any bargain or contract made with the Board.

Officers not  
to contract  
with Board.

If any such officer or servant is so concerned or interested or under the colour of his office or employment exacts or accepts any fee or reward whatsoever other than his proper salary wages and allowances he shall be incapable of afterwards holding or continuing in any office or employment under the Board and shall forfeit and pay the sum of fifty pounds which may be recovered by any person with full costs of suit by action of debt.

56. All the reasonable costs charges and expenses of the councils preliminary to and of and incidental to the preparing applying for and obtaining this Order and the confirmation thereof by Parliament or otherwise in relation thereto as sanctioned by the Local Government Board shall in the first instance be paid by the councils out of the district funds or general district rates in proportions based upon the population of the districts of the councils according to the last census but shall be repaid to the councils by the Board out of moneys to be borrowed by them under the provisions of this Order.

Costs of  
Order.

57. This Order shall come into force on a day to be fixed for that purpose by the Board of Trade after the termination of the present war The day so fixed shall be the commencement of this Order.

Commence-  
ment of  
Order.

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*Dearne*  
*District.*SCHEDULES.FIRST SCHEDULE.AREA OF SUPPLY.

The urban districts of Wath-upon-Deerne Bolton-upon-Deerne and Thurnscoe as constituted at the date of the passing of the Act confirming this Order.

SECOND SCHEDULE.

*Streets and parts of streets not repairable by the local authority and railways which may be broken up by the Board in pursuance of the special powers granted by this Order.*

In the urban district of Wath-upon-Deerne:—

(a) Streets:—

Park Lane Ellen Road Fenton Road Avenue Road Beech Road Back Avenue and Beech Road Cross Avenue and Beech Road North Cross Avenue and Beech Road (Centre) Cross Avenue and Beech Road (South) Coronation Road new street leading off the northerly side of Doncaster Road and proceeding in a northerly direction Carr Road Norton Road new road leading from Vicar Road to Norton Road Hollowgate Avenue Clarence Street new road leading off the northerly side of High Street West Melton and proceeding in a northerly direction Melton Terrace Linden Road West End Road Carnley Street Frederick Street Garden Street Orchard Road Sandymount Road Park Road Bank Street Farfield Lane Low Common Lane Wet Moor Lane from Barnsley Road to northern boundary of Recreation Ground Straight Lane the roadways on the bridges and the approaches thereto carrying Moor Road and Station Road over the Great Central Railway the roadway under the bridge and the approaches thereto carrying the Midland Railway over Common Lane the footpath at the Bay of Biscay and the approaches to the Culvert under the Sheffield and South Yorkshire Navigation and the occupation road leading north-westwards from Station Road near Wath (Midland) Station and over the Hull Barnsley and West Riding Junction Railway the roadways on the bridges and the approaches thereto carrying Station Road over the Hull Barnsley and West Riding Junction

Railway the roadways on the bridges and the approaches thereto carrying Doncaster Road (Common Bridge) Station Road (Bolton Bridge) Wet Moor Lane Factory Bridge Road and Pontefract Lane over the Sheffield and South Yorkshire Navigation Dearne and Dove Canal:

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—  
*Dearne*  
*District.*

## (b) Railways:—

The level crossing over the Great Central Railway in Common Lane the level crossing over the Hull Barnsley and West Riding Junction Railway in Common Lane.

In the urban district of Bolton-upon-Deane:—

## Streets:—

(i) Bolton—Willow Lane St. Ann's Terrace Garbutt Street Common Lane Cemetery Road Carr Head Lane Carr Field Lane Carr Road Edna Street Chapel Street the roadway on the bridge and the approaches thereto carrying Station Road over the Midland and North Eastern Joint Railway Swinton and Knottingley Joint Line:

(ii) Goldthorpe—Straight Lane Highfield Avenue Albert Road Frederick Street back Road leading off the northerly side of Frederick Street and proceeding in a northerly direction back road leading off the southerly side of Frederick Street and proceeding in a southerly direction back road leading off the easterly side of High Street and proceeding in an easterly direction back road leading from Barnsley Road to Straight Lane back road leading off the northerly side of Barnsley Road and proceeding in a northerly direction King Street back road leading off the westerly side of Whitworth Street and proceeding in a westerly direction four back roads leading off the easterly side of Beaver Street and proceeding in an easterly direction back road on the easterly side of Beaver Street and running parallel therewith two back roads leading off the westerly side of Co-operative Street and proceeding in a westerly direction Beaumont Street Garden Street St. Mary's Road back road leading off the easterly side of St. Mary's Road and proceeding in an easterly direction Kathleen Street Nora Street new street leading off the southerly side of Doncaster Road and proceeding in a southerly direction Mason Street three back roads leading off the westerly side of Gosling Gate Road and proceeding in a westerly direction Crane Well Lane the roadways on the bridges and the approaches thereto carrying Barnsley Road High Street and Straight Lane over the Dearne Valley Railway the roadway on the bridge and the approaches thereto carrying Barnsley Road over the Hull Barnsley and West Riding

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District.*

Junction Railway the roadway on the bridge and the approaches thereto carrying Barnsley Road over the Midland and North Eastern Joint Railway the roadway on the culvert and the approaches thereto carrying Lockwood Road over the culvert belonging to the Hickleton Main Colliery Company.

In the urban district of Thurnscoe:—

Streets:—

Edward Street Back Chapel Street back roads leading from Chapel Street to Back Chapel Street Market Street Halsbury Avenue and back road at rear thereof Marlborough Avenue and back road at rear thereof Back Shepherd Lane and Lockwood Lane.

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### THIRD SCHEDULE.

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*Streets and parts of streets throughout which the Board are to lay down suitable and sufficient distributing mains for the purposes of general supply within a period of two years after the commencement of this Order.*

In the urban district of Wath-upon-Deerne:—

Church Street from Town Hall to High Street High Street West Street Fitzwilliam Street from High Street to Cross Road.

In the urban district of Bolton-upon-Deerne:—

(a) Bolton—

Wath Road from Deerne Road to High Street High Street from Wath Road to Angel Street Angel Street from High Street to Mexborough Road and Church Street Station Road from Angel Street to Thurnscoe Road Furlong Road from Station Road to Bolton Cemetery:

(b) Goldthorpe—

Barnsley Road from Straight Lane to Doncaster Road Doncaster Road from Barnsley Road to the Recreation Working Men's Club High Street from the Police Station to Barnbrough Road.

In the urban district of Thurnscoe:—

Back Lane from Common Road to Shepherd Lane Lidget Lane from Shepherd Lane to the Hickleton Main Colliery Company's Office.



## FOURTH SCHEDULE.

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## MAXIMUM PRICES.

*Dearne*  
*District.*

In this schedule—

The expression "unit" shall mean the energy contained in a current of one thousand ampères flowing under an electro-motive force of one volt during one hour.

## SECTION 1.

Where the Board charge any consumer by the actual amount of energy supplied to him they shall be entitled to charge him at the following rates per quarter For any amount up to twenty units thirteen shillings and fourpence and for each unit over twenty units eightpence.

## SECTION 2.

Where the Board charge any consumer by the electrical quantity contained in the supply given to him they shall be entitled to charge him according to the rates set forth in section 1 of this schedule the amount of energy supplied to him being taken to be the product of that electrical quantity and the declared pressure at the consumer's terminals that is to say such a constant pressure at those terminals as may be declared by the Board under the Board of Trade regulations.

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