



## CHAPTER cx.

An Act to confirm a Provisional Order under the A.D. 1927.  
Burgh Police (Scotland) Act 1892 relating to  
Kilmarnock Gas and Water.

[23rd November 1927.]

**W**HEREAS one of His Majesty's Principal Secretaries  
of State has made the Provisional Order set forth  
in the schedule hereunto annexed under the provisions  
of the Burgh Police (Scotland) Act 1892 as read with 55 & 56 Vict.  
c. 55.  
the Secretaries of State Act 1926 and it is requisite that 16 & 17  
Geo. 5. c. 18.  
the said Order should be confirmed by 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. The Provisional Order contained in the schedule  
hereunto annexed shall be and the same is hereby Confirma-  
tion of  
Order in  
schedule.  
confirmed.

2. This Act may be cited as the Kilmarnock Gas Short title.  
and Water Order Confirmation Act 1927.

A.D. 1927.

SCHEDULE.

KILMARNOCK GAS AND WATER.

*Provisional Order.*

WHEREAS by sections 45 and 46 of the Burgh Police (Scotland) Act 1892 as read with the Secretaries of State Act 1926 it is (inter alia) provided that whenever it shall appear to the commissioners of any burgh to which that Act applies that they require additional powers for the better carrying out of the purposes of that Act and specially powers relating to the supply of gas or water or for the repeal or amendment of any local Acts of Parliament relating to such subjects or their adaptation and adjustment to the provisions of the Act now in recital or for the other purposes therein mentioned they may apply to one of His Majesty's Principal Secretaries of State for a Provisional Order and that after such inquiry as the Secretary of State may direct it shall be lawful for him to issue a Provisional Order either in accordance with the prayer of the application or with such modifications or alterations as may appear to him to be requisite but no Provisional Order shall be of any validity unless the same has been confirmed by Act of Parliament :

And whereas the Burgh Police (Scotland) Act 1892 is in force within the Burgh of Kilmarnock (hereinafter called "the burgh") :

And whereas by the Kilmarnock Municipal Extension and Improvement Act 1871 (hereinafter called "the Act of 1871") the property and powers of the Town Improvement Trustees and of the Commissioners of Police of the burgh and the property powers rights and privileges of the Kilmarnock Gaslight Company in whom the gas supply of the town of Kilmarnock and the parishes of Kilmarnock and Riccarton was then vested were transferred to and vested in the provost magistrates and councillors of the burgh (hereinafter called "the Corporation") who were authorised to maintain improve or alter the gasworks thereby transferred to and vested in them and to supply gas within the burgh as extended by the Act of 1871 and the parishes of Kilmarnock Riccarton and Kilmaurs and to borrow for the purposes of their gas undertaking any sums not exceeding the sum of fifty thousand pounds on the security of the gasworks

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*and Water Order Confirmation Act, 1927.*

thereby vested in them and of the gas rates and charges by that Act authorised : A.D. 1927.

And whereas by the Kilmarnock Corporation Order 1901 and the Kilmarnock Gas Orders 1912 1915 1922 and 1925 (which Orders together with the Act of 1871 are hereinafter collectively called "the Kilmarnock Gas Acts 1871 to 1925") the borrowing powers of the Corporation for the purposes of their gas undertaking were increased by sums amounting together to one hundred and thirty-five thousand pounds :

And whereas the Corporation had as at the fifteenth day of May one thousand nine hundred and twenty-seven borrowed on mortgage and expended for the purposes of their gas undertaking the sum of one hundred and eighty-one thousand one hundred and ninety-four pounds seventeen shillings and tenpence and had also borrowed temporarily and expended in the provision of meters stoves and fires the sum of eighteen thousand one hundred and ninety-three pounds six shillings and three pence :

And whereas the demand for gas within the burgh and parishes hereinbefore mentioned has increased and is increasing and it is necessary to construct an additional gasholder on lands belonging to and used by the Corporation for the purposes of their gas undertaking :

And whereas it is expedient that the Corporation should for the said purpose and for the purpose of further enlarging extending and improving their gasworks and works connected therewith be authorised to borrow in addition to the said respective sums of fifty thousand pounds and one hundred and thirty-five thousand pounds a further sum not exceeding fifty thousand pounds upon the security of the revenues of their gas undertaking :

And whereas by the Kilmarnock Corporation Water Act 1892 (hereinafter called "the Act of 1892") the undertaking of the Kilmarnock Water Company was transferred to and vested in the Corporation and the Corporation were authorised to construct additional waterworks and to supply water within the burgh the suburbs thereof and places adjacent comprehended within the parishes of Kilmarnock Riccarton Kilmaurs and Fenwick :

And whereas by the Act of 1892 the Corporation were authorised to assess and levy water rates within the burgh :

And whereas it is expedient that the Corporation as from the fifteenth day of May one thousand nine hundred and twenty-seven in assessing and levying the said water rates should be authorised to apply the provisions of the Burgh Police (Scotland) Act 1903 as to fractional parts of a pound of rateable rent or

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A.D. 1927. value in assessing levying and collecting rates and assessments in lieu of the corresponding provisions of the Act of 1892 relating to the said water rates :

And whereas the Corporation have presented to me as Secretary of State a petition setting forth the matters hereinbefore recited :

And whereas after due inquiry I have resolved to issue a Provisional Order in the terms hereinafter expressed :

Now therefore in pursuance of the powers vested in me by the Burgh Police (Scotland) Act 1892 as read with the Secretaries of State Act 1926 I as Secretary of State do by this Provisional Order direct as follows :—

Short title  
and  
citation.

1. This Order may be cited as the *Kilmarnock Gas and Water Order 1927.*

The *Kilmarnock Gas Acts 1871 to 1925* and this Order may be cited together as the *Kilmarnock Gas Acts 1871 to 1927.*

The *Kilmarnock Water Acts 1892 to 1925* and this Order may be cited together as the *Kilmarnock Water Acts 1892 to 1927.*

Power to  
borrow for  
gas under-  
taking.

2.—(1) In addition to the sum of one hundred and eighty-five thousand pounds which the Corporation are already authorised to borrow under the *Kilmarnock Gas Acts 1871 to 1925* for the purposes of their gas undertaking the Corporation may borrow for the several purposes of this Order sums not exceeding the amounts hereinafter mentioned for the respective purposes following (that is to say) :—

(a) In respect of new gasholder and works connected therewith and other plant the sum of twenty thousand pounds ;

(b) In respect of the provision of meters stoves and fires the sum of thirty thousand pounds ;

on the security of the revenues of the said undertaking and may mortgage the same accordingly and subsection (1) of section 14 (Power to borrow for gas and water purposes) of the *Kilmarnock Corporation Order 1901* shall from and after the passing of the Act confirming this Order be read as if the words "one hundred and eighty-five thousand pounds" had been inserted therein instead of the words "sixty thousand pounds."

(2) In addition to the above-mentioned sums the Corporation may borrow such sum as may be necessary in respect of the costs charges and expenses of and incident to the preparing for obtaining and confirming this Order or otherwise in relation thereto.

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(3) Subsection (1) of section 16 (Repayment of borrowed money) of the Kilmarnock Corporation Order 1901 as amended by the Kilmarnock Gas Order 1912 shall apply to money borrowed by the Corporation for the purposes of their gas undertaking under the authority of this Order. A.D. 1927.  
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3. All moneys borrowed by the Corporation under the authority of this Order shall be applied only to the purposes for which the same are authorised to be borrowed and to which capital is properly applicable. Application of moneys borrowed.

4. All mortgages granted by the Corporation for securing money borrowed under the provisions of the Kilmarnock Gas Acts 1871 to 1925 for the purposes of their gas undertaking and subsisting at the passing of the Act confirming this Order shall while subsisting and without prejudice to their priorities have priority over any mortgages granted by the Corporation under the authority of this Order for the purposes of their gas undertaking. Priority of existing mortgages.

5. The Corporation shall by means of the sinking fund directed to be formed by subsection (1) of section 16 of the Kilmarnock Corporation Order 1901 pay off all money borrowed by them under the authority of this Order for the purposes of their gas undertaking and the provisions of that subsection as amended by the Kilmarnock Gas Order 1912 shall apply to money so borrowed as if it were money borrowed under the authority of the said Order of 1901. Provided that the Corporation shall (i) pay off the sum of eighteen thousand one hundred and ninety three pounds six shillings and three pence borrowed temporarily by them for the purposes (b) mentioned in the section of this Order whereof the marginal note is "Power to borrow for gas undertaking" within nine years from the passing of the Act confirming this Order and (ii) pay off any further moneys borrowed by them under the powers of this Order for the purposes (b) hereinbefore mentioned within nine years from the date or dates of borrowing the same. Repayment of money borrowed

6. The provisions of section 17 (Annual return to Secretary for Scotland with respect to sinking fund) of the Kilmarnock Corporation Order 1901 shall apply to money borrowed by the Corporation under the authority of this Order. Annual return to Secretary of State.

7. As from the fifteenth day of May one thousand nine hundred and twenty-seven the provisions of subsection (2) of section 80 (Mode of ascertaining rental of property Assessment roll to be made up) of the Kilmarnock Corporation Water Act 1892 so far as the same relate to fractional parts of a pound in respect of the assessable annual value of lands heritages houses buildings and other premises and property liable to be assessed for the domestic water rate and the public water rate respectively authorised by the said Act of 1892 shall be repealed and in lieu As to fractional parts of a pound in assessing water rates.

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A.D. 1927. — thereof the provisions of section 45 (Fractions of a pound not to be reckoned in assessing) of the Burgh Police (Scotland) Act 1903 shall extend and apply to the assessable annual value of such lands heritages houses buildings and other premises and property for the purposes of the said water rates.

Costs of  
Order.

8. The costs charges and expenses of and incident to the preparing for obtaining and confirming this Order or otherwise in relation thereto shall be paid by the Corporation out of their gas revenues and the money they are by this Order authorised to borrow and if paid out of money so borrowed shall be repaid within five years from the passing of the Act confirming this Order.

Given under my hand and seal at Whitehall this sixth day  
of July One thousand nine hundred and twenty-seven.

(L.S.) (Signed) JOHN GILMOUR.

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