

**CHAPTER i.**

An Act to confirm a Provisional Order under the Burgh Police (Scotland) Act 1892 relating to Kilmarnock Gas. [11th December 1931.]

A.D. 1931.

WHEREAS 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 the Secretaries of State Act 1926 and it is requisite that the said Order should be confirmed by Parliament :

55 & 56 Vict.
c. 55.
16 & 17
Geo. 5. c. 18.

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 hereto annexed is hereby confirmed.

Confirmation
of Order in
schedule.

2. This Act may be cited as the Kilmarnock Gas Order Confirmation Act 1931.

Short title.

A.D. 1931.

SCHEDULE.

KILMARNOCK GAS.

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 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 gas-works thereby vested in them and of the gas rates and charges by that Act authorised : A.D. 1931.
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And whereas by the Kilmarnock Corporation Order 1901 the Kilmarnock Gas Orders 1912 1915 and 1922 and the Kilmarnock Gas and Water Order 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 said respective sums of fifty thousand pounds and one hundred and thirty-five thousand pounds have been duly raised and expended by the Corporation for the purposes of their gas undertaking :

And whereas by the Kilmarnock Gas and Water Order 1927 the Corporation were authorised to borrow for the purposes therein mentioned further sums amounting to fifty thousand pounds and the Corporation had as at the fifteenth day of May one thousand nine hundred and thirty-one raised and expended for such purposes the sum of thirty-six thousand four hundred and fifty pounds :

And whereas the demand for gas within the burgh and parishes hereinbefore mentioned has increased and is increasing necessitating the laying of additional mains and the improvement of existing mains and other works and plant of the Corporation in connection with their gas undertaking and it is expedient that the Corporation should for such purpose be authorised to borrow an additional sum not exceeding fifteen thousand pounds :

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

A.D. 1931. — 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 Order 1931.

The Kilmarnock Gas Acts 1871 to 1927 and this Order may be cited together as the Kilmarnock Gas Acts 1871 to 1931.

Power to
borrow for
gas under-
taking.

2.—(1) In addition to the sum of two hundred and thirty-five thousand pounds which the Corporation are already authorised to borrow under the Kilmarnock Gas Acts 1871 to 1927 for the purposes of their gas undertaking the Corporation may borrow the sum of fifteen thousand pounds 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 "two hundred thousand pounds" had been inserted therein instead of the words "sixty thousand pounds."

(2) In addition to the above-mentioned sum 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.

(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.

Application
of moneys
borrowed.

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.

Priority of
existing
mortgages.

4. All mortgages granted by the Corporation for securing money borrowed under the provisions of the Kilmarnock Gas Acts 1871 to 1927 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. A.D. 1931.

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. 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. 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. Costs of Order.

Given under my hand and seal at Whitehall this fourth day of November one thousand nine hundred and thirty-one.

L.S

(Signed) ARCHIBALD SINCLAIR.

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