

**CHAPTER lxviii.**

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Lanarkshire Gas. A.D. 1914.
—
[8th July 1914.]

WHEREAS His Majesty's Secretary for Scotland has after Inquiry held before Commissioners made the Provisional Order set forth in the schedule hereunto annexed under the provisions of the Private Legislation Procedure (Scotland) Act 1899 and it is requisite that the said Order should be confirmed by Parliament: 62 & 63 Vict.
c. 47.

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 confirmed. Confirmation
of Order in
schedule.

2. This Act may be cited as the Lanarkshire Gas Order Confirmation Act 1914. Short title.

A.D. 1914.

S C H E D U L E.

LANARKSHIRE GAS.

*Provisional Order to amend the Burghs Gas Supply (Scotland)
Act 1876 in relation to the County of Lanark
and for other purposes.*

WHEREAS the county of Lanark (hereinafter referred to as "the county") is in pursuance of the Local Government (Scotland) Act 1889 divided into three districts known as the Upper Middle and Lower Wards of the county and district committees of the county council of the county have under that Act been constituted for those wards :

And whereas by the Burghs Gas Supply (Scotland) Act 1876 (hereinafter referred to as "the Burghs Gas Supply Act") the town council of a burgh are authorised by the procedure therein set forth to resolve that that Act be adopted in and applied to the burgh and upon such adoption the town council are empowered subject as provided in the said Act to purchase and erect gas-works and to manufacture and supply gas for public and private purposes and to exercise other powers in relation to the supply of gas within the burgh and districts adjacent :

And whereas the Burghs Gas Supply Act was amended in certain respects by the Burghs Gas Supply (Scotland) Act 1893 :

And whereas by the Local Government (Scotland) Act 1894 section 44 (10) it is enacted as follows:—

"Upon the formation of a special lighting district under the provisions of this section it shall be lawful for the district committee to adopt the Burghs Gas Supply (Scotland) Act 1876 and any Act amending the same but in such case the provisions of the principal Act (that is the Local Government (Scotland) Act 1889) with respect to capital expenditure borrowing and audit of accounts shall apply in lieu of the corresponding provisions of the former Acts or of this section and in the application of the former Acts the expression 'burgh' shall be

construed to mean special lighting district 'commissioners' 'town council' and 'commissioners of police' to mean district committee and 'elector' and 'ratepayer' to mean a person registered as a county elector the subject of whose qualification is situated within a special lighting district":

And whereas numerous special lighting districts have been formed within the county and other special districts may from time to time be created therein and it is expedient that the powers of the Burghs Gas Supply Act should be made available within those districts:

And whereas owing to the differences which exist between the method of election of the town council of a burgh and of a district committee and to the relative position and powers of a county council and a district committee the difficulties arising from which are not effectively met by section 44 of the Local Government (Scotland) Act 1894 it is in effect impossible notwithstanding the last-mentioned section to adopt and carry into effect the provisions of the Burghs Gas Supply Act within a county area:

And whereas in order to enable the powers of the Burghs Gas Supply Act to be adopted and exercised within the county it is expedient that that Act should in relation to the county be amended as provided in this Order:

And whereas it may happen that the boundaries of a special lighting district are not co-terminous with the area within which a gas company whose undertaking is acquired under the powers of the Burghs Gas Supply Act is in fact supplying gas and it may be expedient in the interest of the district that in such circumstances a district committee of the county should be enabled to exercise the powers of the said Act throughout the area supplied by the gas company:

And whereas it is expedient that the other powers contained in this Order should be conferred on the district committees of the county:

And whereas the purposes aforesaid cannot be effected without an Order of the Secretary for Scotland confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1899:

A.D. 1914.

Now therefore in pursuance of the powers contained in the last-mentioned Act the Secretary for Scotland orders as follows:—

Short title.

1. This Order may be cited as the Lanarkshire Gas Order 1914.

Commence-
ment of
Order.

2. This Order shall come into force and take effect upon the date of the passing of the Act confirming the same.

Interpreta-
tion.

3. In this Order unless there be something in the subject or context repugnant to such construction—

The expression “the county” means the county of Lanark;

The expression “the county council” means the county council of the county;

The expression “district committee” means a district committee of the county;

The expression “the Burghs Gas Supply Act” means the Burghs Gas Supply (Scotland) Act 1876 as amended by the Burghs Gas Supply (Scotland) Act 1893;

The expression “special lighting district” means a special lighting district formed or to be hereafter formed in the county under the Local Government (Scotland) Act 1894.

Adoption
of Burghs
Gas Supply
Act within
the county.

4. In lieu of the provisions of section 4 and section 5 of the Burghs Gas Supply Act which relate to the adoption of that Act as modified by section 44 of the Local Government (Scotland) Act 1894 the following provisions shall have effect in relation to the adoption of the Burghs Gas Supply Act within the county (that is to say):—

(1) It shall be lawful for a district committee by a majority of not less than two-thirds of the members thereof present and voting at a meeting of the district committee specially called for the purpose to resolve that the Burghs Gas Supply Act be adopted in and applied to a special lighting district within their jurisdiction and to any area within their jurisdiction adjacent to the special lighting district to which the resolution relates:

(2) Not less than twenty-one days' notice of such meeting and of the purpose thereof shall be given to each member of the district committee and a notice of

the meeting and of the purpose thereof shall be inserted in the Edinburgh Gazette and in one or more newspapers circulating within the special lighting or other district to which the proposed resolution relates not less than twenty-one days before the date of the meeting : A.D. 1914.

- (3) A copy of a resolution of adoption shall be forthwith transmitted to the county council :
- (4) A resolution of adoption by a district committee shall have no validity unless confirmed by a resolution of the county council passed by a majority of not less than two-thirds of the members of the council present and voting at a meeting specially called for the purpose :
- (5) Not less than twenty-one days' notice of a meeting of the county council to consider a resolution of adoption and of the purpose thereof shall be given to each member of the county council and a notice of the meeting and of the purpose thereof shall be inserted in one or more newspapers circulating within the special lighting or other district to which the resolution relates :
- (6) The county council may confirm or disapprove of a resolution of adoption or may confirm the same subject to the omission in whole or in part of so much (if any) of the district to which the resolution relates as is situate outwith a special lighting district or special lighting districts :
- (7) A resolution of adoption if and as confirmed by the county council shall be published in the Edinburgh Gazette and in one or more newspapers circulating in the special lighting or other district to which the resolution relates :
- (8) Within twenty-one days after the date of the publication in the Edinburgh Gazette under the immediately preceding subsection of a resolution of adoption as confirmed by the county council it shall be competent for any ratepayer within the special lighting or other district to which the resolution relates to appeal against the resolution to the sheriff and the sheriff may either approve or disapprove of such

A.D. 1914.

resolution or may approve of the same subject to the omission in whole or in part of so much (if any) of the district to which the resolution relates as is situate outwith a special lighting district or special lighting districts. Provided that if the sheriff shall make any such alteration of the district the district committee may at any time within three months after the date of the determination of the sheriff if they think fit withdraw the resolution which shall thereupon cease to have effect:

- (9) The decision of the sheriff shall (subject to the power of the district committee to withdraw the resolution) be final and binding except where it is pronounced by a sheriff-substitute in which case it may be appealed to the sheriff:
- (10) If no appeal against the resolution is made to the sheriff under subsection (8) of this section or if the resolution is approved by the sheriff with or without alteration and is not withdrawn by the district committee the sheriff shall authorise the resolution with such alteration (if any) as he may have made thereon to be registered in the sheriff court books of the county and the provisions of the Burghs Gas Supply Act as amended by this Order shall be in force from and after such registration within the special lighting or other district to which the resolution relates:
- (11) If the resolution of the district committee is disapproved by the county council or if such resolution as confirmed by the county council is disapproved by the sheriff or if approved with alteration is withdrawn by the district committee it shall not be lawful for the district committee again to resolve that the Burghs Gas Supply Act be adopted and applied in and to the same district as that to which the resolution related before the expiration of two years after the date of disapproval or withdrawal:
- (12) In this section the expression "the sheriff" means the sheriff of the county and includes his substitutes other than a sheriff-substitute resident within a special lighting or other district to which a resolution of adoption under this section relates.

5. Upon the Burghs Gas Supply Act coming into force in terms of the immediately preceding section of this Order that Act as modified by section 44 of the Local Government (Scotland) Act 1894 shall operate and take effect subject to the following further amendments and provisions:—

A.D. 1914.
Amendments
of Burghs
Gas Supply
Act in
relation to
county.

(1) The powers conferred on the Commissioners by the Burghs Gas Supply Act of—

(A) Acquiring and holding land and other property for the purposes of the said Act and of selling and disposing of land works buildings and erections which are not required for those purposes;

(B) Purchasing gasworks;

(C) Levying the gas contingent guarantee rate;

may and shall be exercised by the county council Provided that the purchase of gasworks shall only be made on the recommendation and with the approval of the district committee:

(2) The gas contingent guarantee rate may be imposed and levied by the county council along with and as part of that portion of the consolidated county rates of the county known as the general purposes rate but shall be imposed only upon the lands and heritages within the district to which a resolution of adoption as registered in the sheriff court books of the county relates and the amount of such rate shall be shown separately on the demand notes issued by the county council and may be designated thereon in such manner as the county council may determine:

(3) The district committee shall once in every year on or before the fifteenth day of June submit to the finance committee of the county council an estimate of the sum required to discharge and provide for the costs and expenses interest sinking and other funds and charges mentioned in section 41 of the Burghs Gas Supply Act during the year from the sixteenth day of May preceding and shall thereafter subject to the approval of the county council or of a committee of the county council authorised by the county council in that behalf fix the price of gas to be supplied during the said year at such sum as shall be

A.D. 1914.
—

sufficient to discharge and provide for the costs expenses interest sinking and other funds and charges hereinbefore referred to:

- (4) Gas rents and other sums due or payable to the district committee under the Burghs Gas Supply Act shall be credited by the district committee to the county fund established by the Local Government (Scotland) Act 1889:
- (5) The sums necessary for enabling a district committee to carry out the purposes of the Burghs Gas Supply Act as amended by this Order shall be requisitioned for by and paid to the district committee by the county council from time to time in accordance with the provisions of the Local Government (Scotland) Act 1889.

For protec-
tion of Carfin
Newarthill
Cleland and
Districts Gas
Company
Limited &c.

6. For the protection of the Carfin Newarthill Cleland and Districts Gas Company Limited and their successors (including the town council of Motherwell) hereinafter referred to as "the company" the following provisions shall apply and have effect:—

In the event of the Burghs Gas Supply Act being adopted and applied in any special lighting district within which or in any part whereof the company are supplying gas the county council notwithstanding that the whole undertaking of the company may not be situated within such special lighting district or part thereof as aforesaid shall be bound to acquire the whole of said undertaking
Provided—

(A) The company shall not after the date of the passing of the Act confirming this Order make any extensions of or additions to their existing undertaking unless with the written consent of the county council and district committee which consent of the county council and district committee shall not be unreasonably withheld or delayed and in the event of any question being raised by the company as to whether the withholding or delaying of such consent is unreasonable the same shall be determined by the sheriff of the county whose determination shall be final and binding;

A.D. 1914.

(B) Should any such extensions or additions be made with such consent or on the determination of the sheriff of the county the company shall not in the event of their undertaking being acquired by the county council as aforesaid be entitled to any consideration on account or in name of compulsory purchase consequent on the adoption of the Burghs Gas Supply Act as aforesaid in respect of such extensions or additions;

(c) In respect the town council of Motherwell (hereinafter referred to as "the town council") have adopted the Burghs Gas Supply Act in the burgh of Motherwell and that a portion of the company's undertaking is situate within the said burgh the county council shall not in any case be required in any purchase of the company's undertaking as aforesaid to purchase such portion within the burgh of Motherwell;

(D) In the event of the town council having acquired the whole undertaking of the company and of the county council acquiring that portion of the undertaking situated within the county council's jurisdiction in virtue of the foregoing provisions of this section then in the determination of the price to be paid therefor to the town council by the county council there shall not be taken into account any part of the expenses incurred by or on behalf of the town council for or in connexion with the arbitration proceedings or otherwise in relation to the fixing or determination of the price to be paid by the town council to the company or in any way relating to the acquisition by the town council of the undertaking of the company;

(E) In the event of the town council acquiring the portion of the said undertaking within the jurisdiction of the county council and so long as the said portion is not acquired by the county council under the foregoing provisions the town council shall be bound to supply gas within the area served by the said portion of the undertaking at reasonable rates and to the satisfaction of the county council and in the event of any dispute arising under this subsection the same shall be determined by the sheriff of the county whose decision shall be final and binding;

A.D. 1914.

(F) The undertaking referred to in this section shall mean the undertaking of the Carfin Newarthill Cleland and Districts Gas Company Limited.

For protection of burghs of Lanark Hamilton and Motherwell.

7. Nothing in this Order shall prejudice or affect the powers or rights of the provost magistrates and councillors of the burghs of Lanark Hamilton or Motherwell under the Burghs Gas Supply Act or the powers or rights of the said provost magistrates and councillors of the said burgh of Hamilton under the Hamilton Gas Acts 1846 to 1909.

Further powers as to supply of gas and fittings.

8.—(1) In addition to the powers conferred by the Burghs Gas Supply Act and subject to the provisions of that Act as amended by this Order a district committee of the county may within a district within which that Act has been adopted and subject to the provisions of section 43 of the said Act within any district adjacent thereto—

- (A) Manufacture and supply gas for heating motive power and other purposes and may convert manufacture and sell all residual products resulting from the manufacture of gas;
- (B) Purchase sell let for hire fix repair and remove but shall not manufacture engines stoves ranges pipes and other gas fittings for lighting motive power heating ventilating cooking or other purposes and may provide all materials and work necessary or proper in that behalf for such remuneration and upon such terms and conditions as may be agreed upon;
- (C) The district committee may enter into contracts for the execution of any of the powers of this section and shall not themselves lay any pipes on the consumer's premises except between the main of the district committee and the consumer's meter nor shall they sell any such gas fittings as aforesaid except through a contractor:

(2) Any fittings let for hire under the provisions of this section shall not be subject to poinding or to the landlords hypothec or remedy for rent or be liable to diligence under any process of law or any proceedings against any person in whose possession the same may be in the event of his bankruptcy or insolvency Provided that such fittings are marked or impressed

with a sufficient mark or brand indicating the district committee as the actual owners thereof: A.D. 1914.

Provided as follows:—

- (A) The charges to be made for any such fittings or for the fixing repairing or removal thereof shall be so adjusted as to meet any expenditure by the district committee under the powers of this section in connexion therewith (including interest upon moneys borrowed for those purposes and all sums applied to sinking fund for repayment of moneys so borrowed);
- (B) Every sum charged in respect of the provision of such fittings or the fixing repairing or removal thereof shall be separately stated in every demand note delivered to the consumer;
- (C) The total sums expended and received in connexion with the provision of such fittings and the fixing repairing or removal thereof in each year (including interest and sinking fund) shall be separately shown in the published accounts of the gas undertaking for that year.

9. 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 county council out of the public health rates or out of any other moneys which the county council may legally apply to such purpose. Costs of Order.

Printed by EYRE and SPOTTISWOODE, Ltd.,

FOR

FREDERICK ATTERBURY, Esq., C.B., the King's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
 WYMAN AND SONS, LTD., 29, BREAMS BUILDINGS, FETTER LANE, E.C., and
 ; 28, ABINGDON STREET, S.W., and 54, ST. MARY STREET, CARDIFF; or
 H.M. STATIONERY OFFICE (SCOTTISH BRANCH), 23, FORTH STREET, EDINBURGH; or
 E. PONSONBY, LTD., 116, GRAFTON STREET, DUBLIN;
 or from the Agencies in the British Colonies and Dependencies,
 the United States of America the Continent of Europe and Abroad of
 T. FISHER UNWIN, LONDON, W.C.