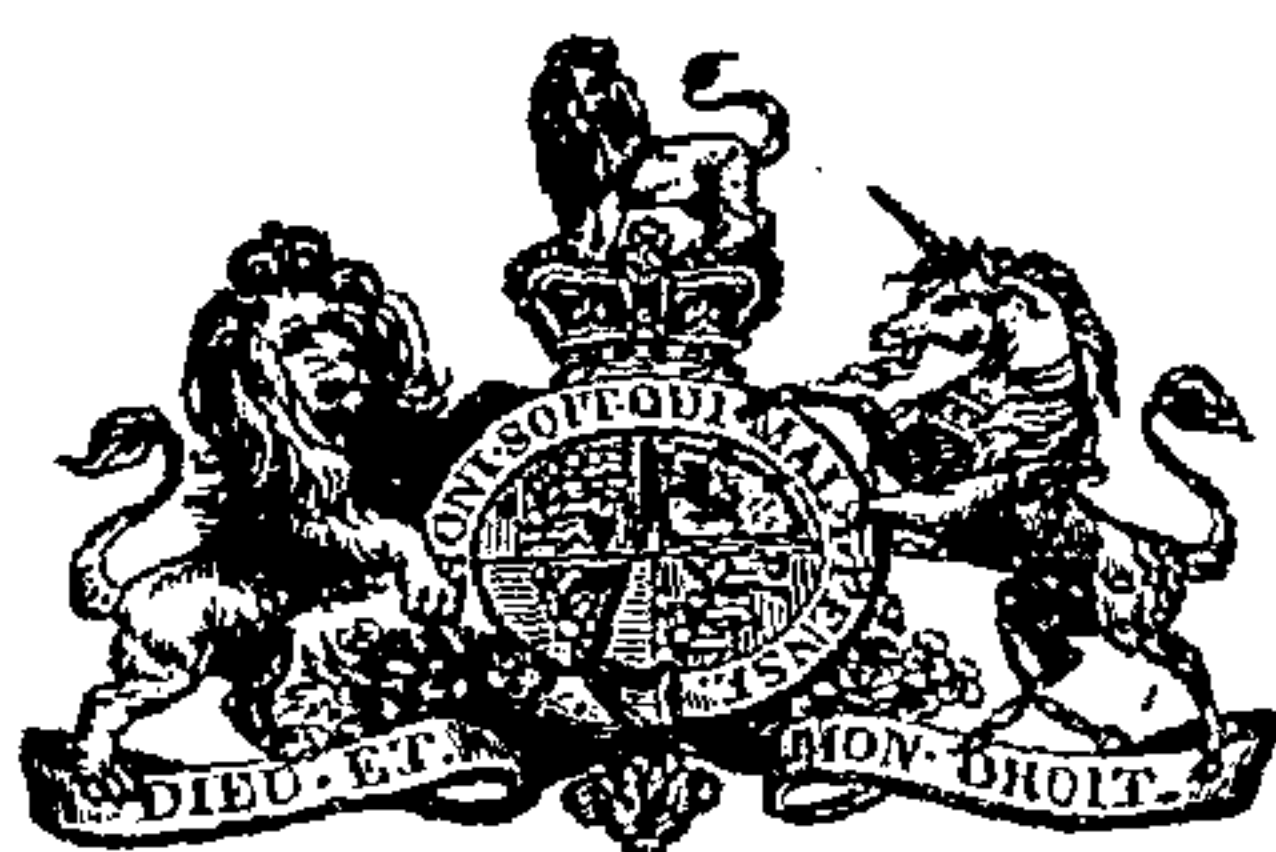


[45 & 46 VICT.] *Local Government Board's (Gas) [Ch. clxix.]
Provisional Order Confirmation Act, 1882.*



CHAPTER clxix.

An Act to confirm a Provisional Order of the Local Govern- A.D. 1882.
ment Board under the provisions of the Gas and Water
Works Facilities Act, 1870, and the Public Health Act,
1875, relating to the Local Government District of Upper
Sedgley. [10th August 1882.]

WHEREAS the Local Government Board have, as regards the
Local Government District of Upper Sedgley, made the
Provisional Order set forth in the schedule hereto, under the
provisions of the Gas and Water Works Facilities Act, 1870, and
the Public Health Act, 1875 :

And whereas it is requisite that the said Order should be con-
firmed by Parliament :

Be it therefore enacted by the Queen'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 Order as set out in the schedule hereto shall be and the
same is hereby confirmed, and all the provisions thereof shall, from
and after the passing of this Act, have full validity and force. The Order
in schedule
confirmed.

2. This Act may be cited as the Local Government Board's Short title.
(Gas) Provisional Order Confirmation Act, 1882.

[Ch. clxix.] *Local Government Board's (Gas) [45 & 46 VICT.]
Provisional Order Confirmation Act, 1882.*

A.D. 1882.

SCHEDULE.

LOCAL GOVERNMENT DISTRICT OF UPPER SEDGLEY.

*Upper
Sedgley
(Gas)
Order.*

Provisional Order under the Gas and Water Works Facilities Act, 1870.

To the Upper Sedgley Local Board, being the Sanitary Authority for the Urban Sanitary District of Upper Sedgley, in the County of Stafford;—

And to all others whom it may concern.

WHEREAS by Section 3 of the Gas and Water Works Facilities Act, 1870, it is enacted that that Act shall apply where powers are required for the purposes of constructing or maintaining and continuing gasworks and works connected therewith, or of manufacturing and supplying gas in any district within which there is not an existing company, corporation, body of commissioners, or person empowered by Act of Parliament to construct such works, or to manufacture and supply gas, and that such purposes shall for the purposes of that Act, be deemed to be included in the term "gas undertaking";

And whereas by Section 4 of the same Act it is enacted that Provisional Orders authorising any gas undertaking under the authority of that Act may be obtained in any district by any company, companies, or person, and that in the construction of that Act, the term "undertakers" shall be deemed to include any such company, companies, or person;

And whereas by the same Act it is further enacted that applications for such Provisional Orders shall be made to, and that such Provisional Orders may be made by, the Board of Trade;

And whereas by Section 161 of the Public Health Act, 1875, it is enacted that where there is not any company or person (other than the Urban Sanitary Authority) authorised by or in pursuance of any Act of Parliament or any Order confirmed by Parliament, to supply gas for public and private purposes, supplying gas within any part of the district of such Authority, such Authority may themselves undertake to supply gas for such purposes or any of them, throughout the whole or any part of their district, and that where an Urban Sanitary Authority may under the said Public Health Act, 1875, themselves undertake to supply gas for the whole or any part of their district a Provisional Order authorising a gas undertaking may be obtained by such Authority, under and subject to the provisions of the said Gas and Water Works Facilities Act, 1870, and any Act amending the same; and that in the construction of the said Act the term "the undertakers" shall be deemed to include any such Urban Sanitary Authority; provided that for the purposes of the said Public Health Act, 1875, the Local Government Board shall throughout the said Gas and Water Works Facilities Act, 1870, and any Act amending the same be deemed to be substituted for the Board of Trade;

[45 & 46 VICT.] *Local Government Board's (Gas) [Ch. clxix.]*
Provisional Order Confirmation Act, 1882.

And whereas by Section 162 of the Public Health Act, 1875, it is also enacted that for the purpose of supplying gas within their district or any part thereof, either for public or private purposes, any Urban Sanitary Authority may (with the sanction of the Local Government Board) buy, and the directors of any gas company, in pursuance, in the case of a company registered under the Companies Act, 1862, of a special resolution of the members passed in manner provided by that Act, and in the case of any other company, of a resolution passed by a majority of three-fourths in number and value of the members present, either personally or by proxy, at a meeting specially convened with notice of the business to be transacted, may sell and transfer to such Authority on such terms as may be agreed on between such Authority and the company, all the rights, powers, and privileges, and all or any of the lands, premises, works, and other property of the company, but subject to all liabilities attached to the same at the time of such purchase ;

A.D. 1882.

*Upper
Sedgley
(Gas)
Order.*

And whereas the Upper Sedgley Local Board, being the Sanitary Authority for the Urban Sanitary District of Upper Sedgley, in the County of Stafford, (herein-after called "the Urban Sanitary Authority") have (subject to the sanction of the Local Government Board) agreed to buy, and the directors of the District Gas Light Company, Limited, have, in pursuance of a special resolution of the members passed in manner provided by the Companies Act, 1862, agreed to sell to the Urban Sanitary Authority, the company's gas undertaking, including all the land, buildings, plant, retorts, main-pipes, meters, syphons, and all works whatsoever which may have been laid down, fixed, erected, or placed by the said company, and all other property whatsoever of the said company (herein-after called "the gas undertaking of the company") ;

And whereas the Urban Sanitary Authority, being, under the Public Health Act, 1875, themselves empowered to supply gas for the whole or any part of their district, applied to the Local Government Board to issue a Provisional Order authorising them to maintain and continue, if and when the same shall be acquired by them, the gas undertaking of the company (not being a company authorised by or in pursuance of any Act of Parliament or any Order confirmed by Parliament to supply gas for public and private purposes), to construct other gasworks, to manufacture and supply gas, and to borrow money for those purposes, and duly complied with the provisions of the said Gas and Water Works Facilities Act, 1870, with respect to the service of notices, publication of advertisements, and deposit of documents ;

And whereas the Local Government Board, upon receipt of such application, caused public inquiry to be held in the district of the Urban Sanitary Authority on the subject thereof, which inquiry was held, after due notice thereof, and report has been made to them thereon in accordance with the provisions of Section 13 of the Gas and Water Works Facilities Act, 1870, Amendment Act, 1873 :

Now therefore, We, the Local Government Board, in pursuance of the powers given to Us by the Statutes in that behalf, do hereby Order that, from and after the date of the Act of Parliament confirming this Order, the following provisions shall take effect ; viz.--

[Ch. clxix.] *Local Government Board's (Gas) [45 & 46 VICT.]
Provisional Order Confirmation Act, 1882.*

A.D. 1882.

*Upper
Sedgley
(Gas)
Order.*

Art. I. This Order may be cited as "the Upper Sedgley Gas Order, 1882."

Art. II. The several words and expressions to which by the Acts in whole or in part incorporated with this Order, and by the Gas and Water Works Facilities Act, 1870, meanings are assigned have in this Order the same respective meanings.

Art. III. The limits within which the provisions of this Order shall be in force and have effect shall be the district of the Urban Sanitary Authority: Provided that they shall not supply gas within that portion of their district which lies along the main road from Wolverhampton to Dudley (formerly turnpike) up to a point one hundred and thirty yards from the boundary of the parish of Dudley, and for a distance of two hundred and fifty yards on the west side of the centre line of such road for the said distance: Provided also that, before the Urban Sanitary Authority lay down any mains or pipes for the supply of gas within the limits defined by this article, they shall, if required by the town of Dudley Gas Light Company, purchase, and that Company may sell to the Urban Sanitary Authority, all the mains, pipes, and apparatus for supply of gas belonging to that Company and lying within the limits defined by this Article, at the prime cost of such mains, pipes, and apparatus, adding thereto the cost of placing the same in position, and in case of difference the same shall be valued by a maker of gas apparatus to be appointed by two justices of the peace for the county of Stafford, acting in and for the petty sessional division within which the said district is situate; provided also that the option herein given shall be exercised within three months from the date of the Act confirming this Order.

Art. IV. The Urban Sanitary Authority shall, in relation to the purposes of this Order, exercise and be subject to all the powers and provisions of the Public Health Act, 1875, so far as the same are applicable to the purposes of this Order, but nothing herein contained shall empower the Urban Sanitary Authority to acquire lands otherwise than by agreement or to acquire any lands by agreement, except to the extent limited in this Order.

Art. V. The provisions of the Lands Clauses Consolidation Acts (except with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry upon lands by the promoters of the undertaking, and except Section 127 of the Lands Clauses Consolidation Act, 1845), and the provisions of the Gasworks Clauses Act, 1847 (except Sections 30 to 38, both inclusive, and Sections 41, 43, 45, 46, and 47 thereof), and of the Gasworks Clauses Act, 1871 (except Sections 24 to 27, both inclusive, Sections 29 and 35, and Schedule B. thereof) are hereby incorporated with this Order, except where the same are expressly varied thereby, and the said provisions of the said Gasworks Clauses Acts shall apply as well to any mains, pipes, or works which may at any time be acquired by the Urban Sanitary Authority under or by virtue of the Public Health Act, 1875, as to any mains, pipes, or works which may be laid down or constructed under the authority of this Order.

[45 & 46 VICT.] *Local Government Board's (Gas) [Ch. clxix.]*
Provisional Order Confirmation Act, 1882.

Art. VI. The Urban Sanitary Authority may, on the land described in the Schedule hereto, if and when the same shall be acquired by them, repair, renew, maintain, continue, and from time to time construct, erect, alter, enlarge, or, when necessary, remove, buildings, apparatus, and works for the manufacture and storage of gas, and of coke, asphaltum, pitch, coal-tar, ammoniacal liquor, and other refuse or residual products arising from the manufacture of gas, and any matters producible therefrom; and they may, subject to the provisions of this Order, make gas and supply and sell the same within their District, and may convert or manufacture coke, asphaltum, pitch, coal-tar, ammoniacal liquor, and all refuse or residual products arising from the manufacture of gas by them, and any matters producible therefrom, and may sell and dispose of the same at the gasworks and elsewhere.

A.D. 1882.

—
Upper
Sedgley
(Gas)
Order.
—

Art. VII. The Urban Sanitary Authority shall not manufacture gas or any residual products arising in the manufacture of gas on any land other than that specified in the Schedule hereto, neither shall they store gas on any land other than that specified in the said Schedule, which shall be situated within three hundred yards of any dwelling-house existing at the time when they propose to store gas thereon, without the consent in writing of the owner, lessee, and occupier of such dwelling-house.

Art. VIII. The quality of the gas supplied by the Urban Sanitary Authority shall, with respect to its illuminating power, be such as to produce at the testing-place herein-after mentioned a light equal in intensity to the light produced by fifteen sperm candles of six to the pound, and shall, in all respects, be in accordance with the provisions of the Gasworks Clauses Act, 1871.

Art. IX. The Urban Sanitary Authority shall, before supplying, or within one month after commencing to supply, gas under the authority of this Order, provide and maintain a suitable photometer and other necessary appliances for the purposes of testing the quality of the gas, and shall at all times keep the same in proper order and repair.

Art. X. All gas supplied by the Urban Sanitary Authority to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than six-tenths of an inch in height, and to balance from sunset to midnight a column of water not less than eight-tenths of an inch in height at the main or as near as may be to the junction therewith of the service pipe supplying such consumer.

Art. XI. For the purposes of the Gasworks Clauses Act, 1871, the prescribed testing-place shall be a testing-place to be provided by the Urban Sanitary Authority at the gasworks situate on the land described in the Schedule hereto, before supplying, or within one month after commencing to supply, gas under the authority of this Order, if the Urban Sanitary Authority shall acquire such gasworks, and the burner to be used for testing the gas shall be a Sugg's "London" Argand No. 1, with a six-inch by one and three-quarter inch glass chimney, and if at any time the gas flame tails over the top of the glass a six-inch by two-inch chimney shall be used. Any gas examiner appointed under

[Ch. clxix.] *Local Government Board's (Gas) [45 & 46 VICT.]
Provisional Order Confirmation Act, 1882.*

A.D. 1882. the Gasworks Clauses Act, 1871, for the purposes of this Order, may from time to time subject to the terms of ~~the same~~ at such testing-place or elsewhere, not being the immediate approach to any railway bridge or railway station, as and when he thinks fit, test the pressure at which the gas is supplied, and for that purpose may open any street, road, passage, or place vested in or under the control of any local or road authority.

*Sedgley
(Gas)
Order.*

Art. XII. No penalty shall be incurred by the Urban Sanitary Authority for insufficiency of pressure, defect of illuminating power, or for excess of impurity in the gas supplied by them in any case in respect of which it is proved that such insufficiency, defect, or excess was produced by an unavoidable cause or accident.

Art. XIII. The price to be charged by the Urban Sanitary Authority for gas supplied by them to consumers shall not exceed five shillings and sixpence per one thousand cubic feet, and so on in proportion for any less quantity supplied: Provided nevertheless, that every odd fraction or portion of one hundred cubic feet may be charged for as one hundred cubic feet.

Art. XIV. The Urban Sanitary Authority may, with the sanction of the Local Government Board, for the purposes of this Order, borrow money upon the security of the moneys from time to time received by them by way of revenue under this Order, and upon the security of the district fund and general district rate of their district, or upon either of such securities.

Art. XV. For the purpose of raising monies under the powers conferred by Article XIV. of this Order, the provisions of the Local Loans Act, 1875, (including the power of creating debenture stock) shall be available to the Urban Sanitary Authority, and Sections 236 to 239, both inclusive, of the Public Health Act, 1875, shall apply to all money raised and borrowed under that Article, other than money borrowed under the provisions of the Local Loans Act, 1875.

Art. XVI. Any money borrowed by the Urban Sanitary Authority under the provisions of Article XIV. of this Order, or otherwise, for the purposes of the Gas Undertaking hereby authorised, shall be repaid within such period (not exceeding fifty years) as the Urban Sanitary Authority with the sanction of the Local Government Board shall determine, and the period so determined and sanctioned shall be deemed to be the "prescribed period" within the meaning of the Local Loans Act, 1875.

Art. XVII. The Urban Sanitary Authority shall repay the money borrowed under Article XIV. of this Order, other than money borrowed under the provisions of the Local Loans Act, 1875, either by equal annual instalments of principal, or of principal and interest, or by setting apart in every year as a sinking fund such a sum or sums as will, according to a reasonable calculation for the time being, with accumulations in the way of compound interest, be sufficient, after payment of all expenses, to pay off the money so borrowed within the period sanctioned, and shall invest the same in the purchase of exchequer bills or other government securities, or, if the Local Government Board shall assent, in securities in which trustees are by law for the time being authorised to invest, or in

[45 & 46 VICT.] *Local Government Board's (Gas) [Ch. clxix.]
Provisional Order Confirmation Act, 1882.*

mortgages, debentures, debenture stock, or other securities, issued by any Local Authority, as defined by Section 34 of the Local Loans Act, 1875, other than the Urban Sanitary Authority, the Urban Sanitary Authority being at liberty from time to time to vary and transpose such investments.

A.D. 1882.

—
*Upper
Sedgley
(Gas)
Order.*
—

Art. XVIII. The Urban Sanitary Authority may at any time apply the whole or any part of such sinking fund in or towards the discharge of the money for the repayment of which the fund is established: Provided, that the Urban Sanitary Authority pay into the fund each year, and accumulate until the whole of the money borrowed is discharged, a sum equivalent to the interest which would have been produced by the sinking fund or the part of the sinking fund so applied.

Art. XIX. The Urban Sanitary Authority may, with the sanction of the Local Government Board, reborrow money upon one or more of the securities mentioned in Article XIV. of this Order, for the purpose of discharging any loans contracted under that article, other than loans contracted under the Local Loans Act, 1875: Provided, that the money borrowed for such purpose shall be repaid in the manner provided by Articles XVI. and XVII. of this Order, and the time for repayment of the money so borrowed shall not, except with the sanction of the Local Government Board, extend beyond the unexpired portion of the period for which the original loan was sanctioned, and shall in no case be extended beyond the period of fifty years from the date of the original loan.

Art. XX. All money borrowed or reborrowed under this Order shall be appropriated to the purposes for which it is authorised to be so borrowed or reborrowed, and all money received by the Urban Sanitary Authority either as purchase money of lands sold, or for equality of exchange, or as consideration for a lease, shall be applied to works or objects on which capital may properly be expended, when the Local Government Board have sanctioned the application of the same to those purposes, or shall be applied, according as the Urban Sanitary Authority may determine, towards the reduction of the debt owing by the Urban Sanitary Authority, or towards the increase of the sinking fund under this Order: Provided, that it shall not be in any way incumbent on any mortgagee to see to the application of any money so borrowed or reborrowed, nor shall the mortgagee be responsible for any misapplication thereof.

Art. XXI. The powers of borrowing and reborrowing conferred by Articles XIV. and XIX. of this Order shall be deemed to be distinct from and in addition to the powers of borrowing conferred on the Urban Sanitary Authority by the Public Health Act, 1875.

Art. XXII. The Clerk of the Urban Sanitary Authority shall, within twenty-one days after the expiration of each year during which any sum is required to be paid as an instalment, or to be set apart for a sinking fund in respect of moneys borrowed under the provisions of this Order, transmit to the Local Government Board a return, in such form as may be prescribed by

[Ch. clxix.] *Local Government Boards (Gas) [45 & 46 VICT.]
Provisional Order Confirmation Act, 1882.*

A.D. 1882.

*Upper
Sedgley
(Gas)
Order.*

that Board and verified by statutory declaration, if so required by them, showing the amounts which have been paid as instalments and the amounts which have been invested or applied for the purpose of such sinking fund during the year next preceding the making of such return, 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 interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year.

Art. XXIII. If it appears to the Local Government Board by that return or otherwise, that the Urban Sanitary Authority have failed to pay any instalment required to be paid, or to set apart any sum required for any sinking fund, or have applied any portion of the money set apart for any sinking fund or of the sums accumulated by way of interest to any purposes other than those authorised, they may, by order, direct that a sum not exceeding double the amount in respect of which default has been made shall be paid by way of instalment or be set apart and invested or applied as part of the sinking fund; and any such Order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of Her Majesty's High Court of Justice.

Art. XXIV. When the Urban Sanitary Authority require money to be deposited by any person with them by way of security for the payment to them of any moneys which may become due to them by such person in respect of any supply of gas, or of the purchase or hire of any meter, the Urban Sanitary Authority shall pay interest at the rate of three pounds per centum per annum on every sum of ten shillings so deposited, for every six months during which the same remains in their hands: Provided that the Urban Sanitary Authority may, if they think fit, invest any money so deposited with them in the manner provided by Article XVII. of this Order as to the sinking fund, and in that case the Urban Sanitary Authority shall pay no higher rate of interest than they themselves receive thereon.

Art. XXV. The Urban Sanitary Authority shall keep separate capital and revenue accounts, records, and minutes, of all receipts, credits, payments, liabilities, and transactions in and about the execution of this Order, and from or on account of the gas undertaking hereby authorised, which accounts shall be distinct from the other accounts of the Urban Sanitary Authority, and shall be called respectively "the Gas Capital Account" and "the Gas Revenue Account."

Art. XXVI. All moneys from time to time received by the Urban Sanitary Authority, by way of revenue under this Order, shall be applied to the following purposes:—

In payment of the gas establishment charges, that is to say, of the expenses properly chargeable to revenue, of establishing, conducting, managing, and maintaining the gasworks and works connected therewith;

In payment of the interest on the moneys borrowed or re-borrowed for the purposes of this Order;

[45 & 46 VICT.] *Local Government Board's (Gas) [Ch. clxix.]*
Provisional Order Confirmation Act, 1882.

In providing for the discharge of any moneys borrowed or re-borrowed for the purposes of this Order ; A.D. 1882.

In setting apart, if the Urban Sanitary Authority think fit, a yearly sum not exceeding ten pounds per centum of such revenue, for the purpose of forming a reserve fund to provide for the expenses attendant upon or occasioned by any sudden accident to the said gasworks and works connected therewith, or any other extraordinary expenditure authorised by this Order : Provided that such reserve fund shall be accumulated by way of compound interest by investment in the manner specified in Article XVII. of this Order as to the sinking fund, and shall not at any time exceed the sum of two thousand pounds, and that whenever the reserve fund amounts to two thousand pounds the income therefrom shall be applied in the same manner as money received by the Urban Sanitary Authority by way of revenue under this Order ;

Upper
Sedgley
(Gas)
Order.

In payment, if the Urban Sanitary Authority think fit, of the expenses of executing any permanent works authorised by this Order ;

The residue, if any, of such revenue, shall be carried to the credit of the District Fund or General District Rate (at the option of the Urban Sanitary Authority) but no part of such revenue shall be carried to the credit of the District Fund or General District Rate when the price of gas to private consumers exceeds four shillings per one thousand cubic feet.

Art. XXVII. The Urban Sanitary Authority shall keep separate records of the quantities of gas supplied to private consumers, and for public lighting, respectively, and for the purpose of ascertaining the quantity of gas supplied for public lighting, shall provide and maintain meters for the public street lamps in the proportion of not less than one meter for every twelve lamps. Separate accounts of the cost of the public and private lighting shall be kept by the Urban Sanitary Authority, and the price charged for gas for public lighting shall not be more than ten pounds per centum less than that charged to private consumers

Art. XXVIII. The Urban Sanitary Authority shall not defray any of the charges and expenses of carrying this Order into execution, other than payments required to be made in respect of money borrowed on mortgage of the District Fund and General District Rate out of the District Fund or General District Rate, when the price of gas is less than five shillings and sixpence per one thousand cubic feet.

The SCHEDULE above referred to.

First :—

The lands situate in the village of Lower Gornal, in the Parish of Sedgley, in the County of Stafford, belonging or reputed to belong to the District Gaslight Company, Limited, containing about two thousand four hundred and twenty square yards, and bounded as follows—on the north by a street or road running from Musk Lane to Bird

[Ch. clxix.] *Local Government Board's (Gas) [45 & 46 VICT.]
Provisional Order Confirmation Act, 1882.*

A.D. 1882. Street, on the south by two plots of land belonging or reputed to belong to James Flavell and Isaac Fisher respectively, on the west by Musk Lane, and on the east by properties belonging or reputed to belong to Jonah Timmins and Isaac Fisher respectively.

—
*Upper
Sedgley
(Gas)
Order.*
—

Secondly :—

The lands in the said village containing about one thousand four hundred and ninety-seven square yards, bounded on the north by the existing works of the District Gas-light Company, Limited, on the west by Musk Lane, on the south by Brook Street, and on the east by property belonging or reputed to belong to Isaac Fisher.

Given under the Seal of Office of the Local Government Board, this
Seventeenth day of April, in the year One thousand eight
hundred and eighty-two.

J. G. DODSON, President.

JOHN LAMBERT, Secretary.

(L.S.)

LONDON : Printed by GEORGE E. B. EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1882.