

**CHAPTER xvi.**

An Act to extend the limits within which the Mayor Aldermen and Burgesses of the Borough of Stockton-on-Tees may supply Gas to enable them to borrow further money for their Gas Undertaking and for other purposes.

A.D. 1893.

[29th April 1893.]

WHEREAS the mayor aldermen and burgesses of the borough of Stockton-on-Tees in the county of Durham (hereinafter called "the Corporation") are manufacturing gas and supplying the same for public and private purposes within the said borough and the several parishes townships and other places following or some of them or some part or parts thereof (that is to say) Stockton-upon-Tees and Norton in the county of Durham and Thornaby-on-Tees (otherwise South Stockton) Thornaby and Stainton in the North Riding of the county of York under the powers of—

The Stockton Gas Act 1857 ;

The Stockton Gas Act 1866 ;

The Stockton Gas Act 1873 ; and

A Provisional Order of the Local Government Board relating to the borough confirmed by the Local Government Board's Provisional Orders Confirmation Act 1885 ;

which said Acts and Order are hereinafter referred to collectively as "the Stockton Gas Acts" :

And whereas it is expedient that the limits within which the Corporation are authorised to supply gas be extended as hereinafter provided and that the Corporation be authorised to raise additional money for the purposes of their existing gas undertaking and of this Act :

And whereas estimates have been prepared by the Corporation showing that they will require to expend for the purposes of this Act a sum or sums of money not exceeding in the whole sixty-eight thousand pounds such purposes being permanent works within the

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And whereas an absolute majority of the whole number of the council of the borough at a meeting held on the twelfth day of December one thousand eight hundred and ninety-two after ten clear days' notice by public advertisement of the meeting and of the purpose thereof in the "North Eastern Daily Gazette" a local newspaper published and circulating in the borough such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the gas rents and profits of the gas undertaking the borough fund the borough rate or the moneys borrowed under the authority of this Act as the council should determine :

And whereas such resolution was published twice in the "Northern Echo" a newspaper published and circulating in the borough and has received the approval of the Local Government Board :

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council at a further special meeting held in pursuance of a similar notice on the third day of January one thousand eight hundred and ninety-three being not less than fourteen days after the deposit of the Bill in Parliament :

And whereas the owners and ratepayers of the borough by resolution in the manner provided in the Third Schedule of the Public Health Act 1875 consented to the promotion of the Bill for this Act :

And whereas the objects of this Act cannot be effected without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted and be it 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 (that is to say) :—

Short title. 1. This Act may be cited for all purposes as the Stockton-on-Tees Corporation (Gas) Act 1893.

Incorporation of Acts. 2. The provisions of the Lands Clauses Acts with respect to the purchase of lands by agreement the Gasworks Clauses Act 1847 (except the provisions thereof with respect to the amount of profits to be received by the undertakers) and the Gasworks Clauses Act 1871 are (except where expressly varied by this Act) incorporated with and form part of this Act :

In construing the said incorporated provisions for the purposes of this Act the expressions "the undertakers" and "the promoters of the undertaking" and other like expressions shall mean the Corporation and the expression "the special Act" shall mean this Act. A.D. 1893.

3. In this Act unless the subject or context otherwise requires the expression "the gas rents" means the rents or rates and other profits accruing to the Corporation under the Stockton Gas Acts and this Act "the Borough" means the borough of Stockton-on-Tees as extended and defined by the Stockton-on-Tees Extension and Improvement Act 1889. Interpretation.

4. The limits of the Stockton Gas Act 1857 within which the Corporation may supply gas are hereby extended so as to include and shall include in addition to the several parishes townships and other places comprised in those limits the parish of Egglescliffe (otherwise Eaglescliffe) and the parish of Billingham except the township of Cowpen otherwise Cowpen Bewley and except the ecclesiastical parish of Haverton Hill both within that parish all in the county of Durham and the part of the township of Linthorpe in the parish of Middlesbrough in the North Riding of the county of York which was included in the borough by the Stockton-on-Tees Extension and Improvement Act 1889 and the Corporation may exercise throughout such extended limits the powers conferred on or vested in them by the Stockton Gas Acts for and in relation to the supply of gas: Extension of gas limits.

Provided always that at any time after the expiration of ten years from the passing of this Act the Corporation shall when so required by the sanitary authority of the parish of Billingham or the parish of Egglescliffe as the case may be sell to such authority all gas mains pipes meters fittings and works belonging to the Corporation within such parish other than and except all such gas mains pipes meters fittings and works as are or may be required and used for supplying gas outside such parts of the district of such authority as are not within the limits of the Stockton Gas Act 1857 at the ascertained cost price of such gas mains pipes meters fittings and works with a bonus of twenty-five pounds per centum upon such ascertained cost and after such sale all obligations and powers of the Corporation to supply gas within the district of such parish shall cease Any such purchase shall be deemed to be a purpose of the Public Health Act 1875 within the meaning of that Act.

5. All moneys received by the Corporation from the sale of any gas mains pipes meters fittings and works to any sanitary authority Application of moneys received by

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the Corporation from the sale of pipes &c.

Corporation may acquire additional land by agreement.

Power to take easements by agreement.

Restriction on taking houses of labouring class.

Further borrowing powers.

under the provisions of this Act shall be applied only to purposes of this Act to which capital is properly applicable or to the repayment of moneys borrowed under the provisions of this Act or of the Stockton Gas Acts.

6. In addition to the lands which the Corporation are by the Stockton Gas Acts authorised to purchase and hold they may by agreement purchase and hold any lands which they may require for the purposes of the Stockton Gas Acts and this Act not exceeding three acres but the Corporation shall not manufacture gas or manufacture or convert residual products on any part of such additional lands.

7. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Corporation in fee either absolutely or in consideration of any yearly or other rent any easement right or privilege not being an easement right or privilege of water required for the purposes of this Act in or over or affecting any lands authorised by this Act to be acquired by the Corporation and the provisions of the Lands Clauses Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall apply to such grants and to such easements rights and privileges as aforesaid respectively.

8. The Corporation shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

For the purpose of this section the expression "labouring class" means and includes mechanics artificers labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

9. In addition to the sums which the Corporation are by the Stockton Gas Acts authorised to borrow they may from time to time for the purposes of those Acts and this Act borrow at interest on the credit of the gas rents and borough fund of the borough or either of those securities any sums not exceeding in the whole

sixty-eight thousand pounds and for securing the repayment with interest of the moneys so borrowed the Corporation may mortgage the gas rents and borough fund of the borough or either of them.

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10. The following provisions of the Public Health Act 1875 (that is to say) :—

Section 236 (form of mortgage) ;

Section 237 (register of mortgages) ; and

Section 238 (transfer of mortgages) ;

shall extend and apply mutatis mutandis to and in relation to mortgages made under the powers of this Act.

Incorporation of certain provisions of Public Health Act 1875.

11. The powers of borrowing money by this Act given shall not be restricted by any of the regulations contained in the Public Health Act 1875 and in calculating the amount which the Corporation may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

Certain regulations of Public Health Act 1875 as to borrowing not to apply.

12. The Corporation at and after the expiration of one year after they borrow any money under this Act shall out of the gas rents and the borough fund or either of them discharge or make provision by means of equal yearly or half-yearly instalments of principal or of principal and interest or by means of a sinking fund or partly in one way and partly in the other for the discharge or redemption of the moneys borrowed by the Corporation for the purposes of this Act within the following periods (namely) :—

Discharge of borrowed moneys.

As regards moneys borrowed for the purposes of paying the taxed costs charges and expenses preliminary to and of and incidental to the preparing of and applying for and the obtaining and passing of this Act the period of ten years from the time of the same being borrowed ; and

As regards moneys borrowed for any other purposes of the Stockton Gas Acts or this Act the period of forty years from the time of the same being borrowed :

And such respective periods are hereinafter referred to as “the prescribed period” Provided always that the interest payable upon any loan which may be charged upon the gas rents and borough fund and the yearly or half-yearly instalments or payments into sinking fund for the repayment of such loan shall be primarily charged upon the gas rents but without prejudice to the remedies of the mortgagees for enforcing payment of arrears of interest or principal due on their mortgages out of the borough fund in the same manner as if this provision had not been made.

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Regulations
as to sinking
fund.

13. The following regulations shall be observed by the Corporation in relation to any sinking fund formed under this Act:—

(1.) Such equal yearly sums shall be paid by the Corporation out of the gas rents and borough fund or either of them into the sinking fund as being accumulated at compound interest at a rate not exceeding three pounds per centum per annum will be sufficient to pay off and redeem the moneys for the discharge and redemption of which the fund is created within such period not exceeding the prescribed period as the Corporation may in each case determine with power for the Corporation from time to time to increase such payments into the sinking fund so as to accelerate the payment off and redemption and discharge of such moneys :

Provided that if in any year the income arising from the investments of such sinking fund does not equal the prescribed rate of accumulation any deficiency shall be made good out of the gas rents or the borough fund.

(2.) All sums paid into the sinking fund shall be as soon as may be invested by the Corporation in securities in which trustees are for the time being authorised to invest or in the mortgages debenture stock or other securities authorised by Act of Parliament of any local authority as defined by the Local Loans Act 1875 other than the Corporation and any such investments may be from time to time varied or transposed and all dividends and other sums received in respect of such investments shall as soon as may be after they are received or become payable be paid into the sinking fund and invested by the Corporation in like manner.

(3.) The Corporation may at any time apply the whole or any part of the sinking fund in or towards repayment of moneys borrowed under the powers of this Act in such order and manner as they deem proper. Provided that whenever any principal moneys have been so paid off or redeemed the Corporation shall thenceforward until the whole of such principal moneys have been paid off or redeemed pay into the sinking fund every year in addition to the other sums hereinbefore required to be paid into the sinking fund a sum equivalent to the interest which would have been produced by the sinking fund or part of the sinking fund so applied at the rate per centum on which the annual payments to the sinking fund are based.

(4.) Whenever and so long as the securities in the sinking fund taken at the market value of the day are equal to the amount of debt outstanding for the repayment of which the sinking

fund was formed the Corporation may in lieu of investing the yearly income thereof apply the same in payment of the interest on the debt and may during such periods discontinue the payment to the sinking fund of the yearly sums required to be paid thereto.

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14.—(1.) The mortgagees of the Corporation under this Act may enforce payment of the arrears of interest or of principal or of principal and interest due to them by the appointment of a receiver. The amount of principal in arrear to authorise the appointment of a receiver shall not be less than one thousand pounds in the whole.

Appointment
of a receiver.

(2.) The application for the appointment of a receiver shall be made to the High Court and the court if it thinks fit may appoint a receiver on such terms as it thinks fit.

(3.) The court may at any time discharge the receiver and shall have full jurisdiction over him and all persons interested in his acts.

15. The Corporation may from time to time borrow at interest on mortgage as aforesaid any money necessary for repaying any principal moneys borrowed under this Act on the same becoming repayable or for the paying off of any of such principal moneys as they can reborrow at a lower rate of interest and so from time to time provided as follows :—

Power to
reborrow.

The time for the repayment of any moneys so reborrowed shall not be extended beyond the unexpired portion of the terms respectively prescribed for repayment of the original loans :

For the purpose of repayment the moneys reborrowed and the moneys originally borrowed shall be deemed the same loan :

The Corporation shall not reborrow any moneys paid off by means of instalments or a sinking fund or out of the proceeds of the sale or disposition of land or other moneys received on capital account other than borrowed moneys.

16. All mortgages of the gas rents and borough fund of the borough or either of them heretofore made by the Corporation and in force on the passing of this Act shall during their continuance and as regards the fund or revenue thereby assigned have priority over all mortgages made by the Corporation under this Act.

Priority of
existing
mortgages.

17. All moneys borrowed under the authority of this Act shall be applied only to the purposes for which they are by this Act authorised to be borrowed and to which capital is properly applicable.

Application
of moneys
borrowed.

18. A person lending money to the Corporation shall not be concerned to enquire as to the observance by them of any provision of this Act or be bound to see to the application or be answerable for

Protection of
lenders from
enquiry.

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any loss misapplication or nonapplication of the money lent or of any part thereof.

Receipt in
case of
persons not
sui juris.

19. If any money is payable under any of the Stockton Gas Acts or this Act to a mortgagee being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Corporation for the same.

Corporation
not to be
affected by
notice of
trusts.

20. No notice of any trust express implied or constructive shall be entered in any register of or be receivable by the Corporation in relation to any mortgage nor shall they be affected by express implied or constructive notice of any such trust although the same be contained in any document registered by them or tendered to them for registration.

Annual
return to
Local
Government
Board with
respect to
sinking
fund.

21. The town clerk of the borough shall within two calendar months from the thirty-first day of March in each year during which any sum is required to be set apart for a sinking fund or any instalment is required to be paid under this Act transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been paid as an instalment or invested for the purpose of such sinking fund during the twelve months preceding such thirty-first day of March and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return such clerk shall be liable to a penalty of not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act 1875 in a summary manner may be recovered by parties aggrieved within the meaning of that Act If it appear to the Local Government Board by such return or otherwise that the Corporation have failed to pay any instalment or to set apart the sum required by this Act for the sinking fund or any interest thereof or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested by the Corporation as part of the sinking fund and such order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

Certain
lands to be
liable to

22. The provisions contained in the eighty-ninth section of the Stockton Gas Act 1857 of which the marginal note is "certain lands

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to be liable to one-fourth only of any rate" shall be incorporated with and form part of this Act and shall apply to any borough rate or rate in the nature of a borough rate or any increase of any such rate made levied or effected for the purposes of this Act.

—
one-fourth
only of any
rate for the
purposes of
this Act.

23. The accounts of the gas undertaking of the Corporation shall be audited in the same manner as their accounts under the Municipal Corporations Act 1882 are audited.

Audit.

24. The prescribed testing place and burner for the purposes of the Gasworks Clauses Act 1871 incorporated with this Act shall be the testing place and burner prescribed by sections seventy-eight and seventy-nine of the Stockton Gas Act 1857 and the prescribed number of candles shall be the number prescribed by section eight of the Stockton Gas Act 1866.

Testing
place and
burner.

25. The Corporation may take hold and use patent rights or licenses or authorities (not being exclusive) and any letters patent for the use of any invention relative to the manufacture production conversion utilisation or distribution of gas or residual products.

Corporation
may hold
licenses
under letters
patent.

26. Henceforth throughout the Stockton Gas Acts the borough therein mentioned or referred to shall be deemed to mean the municipal borough of Stockton-on-Tees as extended and defined by the Stockton-on-Tees Extension and Improvement Act 1889.

Extending
existing gas
Acts to pres-
ent borough.

27. All the costs charges and expenses of and incident to the applying for obtaining and passing of this Act or otherwise in relation thereto as taxed and ascertained by the taxing officer of the House of Lords or the House of Commons shall be paid by the Corporation out of the gas rents or the borough fund and borough rate or out of the moneys to be borrowed under the authority of this Act.

Expenses of
Act.

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