



## CHAPTER lxxii.

An Act to provide for the transfer of the Undertaking of the Market Harborough Gas Company Limited to the Market Harborough Urban District Council and to confer further powers on the said Council with respect to the supply of Gas and for other purposes. A.D. 1898.  
[1st July 1898.]

**W**HEREAS the district of Market Harborough in the county of Leicester is an urban district within the meaning of the Local Government Act 1894 and is under the management and control of the Market Harborough Urban District Council (herein-after called "the Council"):

And whereas the Market Harborough Gas Company Limited (in this Act called "the Company") was formed in the year one thousand eight hundred and thirty-three for the purpose of supplying with gas the town of Market Harborough and the surrounding district and such Company was duly registered under the Companies Act 1862 in the year one thousand eight hundred and ninety-six:

And whereas the Company have erected gasworks on the land described in the schedule to this Act and are now supplying gas within the limits for the supply of gas in this Act mentioned:

And whereas it is expedient that the undertaking of the Company should be transferred to and vested in the Council in manner provided by this Act and that powers should be conferred upon the Council as herein-after provided:

And whereas it is expedient that the Council be authorised to borrow money for the purchase of such undertaking and for the purchase of lands for and extension and improvement thereof:

And whereas an estimate has been prepared by the Council of the amount required for lands for and for the extension and improvement of the gasworks and such estimate amounts to twenty thousand pounds:

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And whereas an absolute majority of the whole number of the Council at a meeting held on the eighth day of November one thousand eight hundred and ninety-seven after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the *Harborough Advertiser* a local newspaper published and circulated in the district of the Council 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 general district fund or rate of the district :

And whereas such resolution was published twice in the said *Harborough Advertiser* 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 eighteenth day of January one thousand eight hundred and ninety-eight being not less than fourteen days after the deposit of the Bill for this Act in Parliament :

And whereas the owners and ratepayers of the district 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 aforesaid 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) :—

PART I.—PRELIMINARY.

Short title.

1. This Act may be cited as the *Market Harborough Urban District Council Gas Act 1898.*

Division of Act into parts.

2. This Act is divided into parts as follows :—

Part I.—Preliminary.

Part II.—Transfer of Undertaking.

Part III.—Gas.

Part IV.—Financial.

Part V.—Miscellaneous.

Part III. not to take effect until transfer.

3. The provisions of Part III. of this Act shall not take effect until after the transfer of the undertaking of the Company to the Council.

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4. The following Acts and parts of Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act (namely) :—

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—  
Incorporation of Acts.

The Lands Clauses Acts (except the provisions thereof 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) :

The Gasworks Clauses Act 1847 (except the provisions thereof with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for their benefit and except section 38 relating to accounts) :

And the Gasworks Clauses Act 1871 (except section 7 relating to shareholders section 8 relating to the appointment of a receiver and section 35 relating to accounts &c.) :

And the provisions of the Gasworks Clauses Act 1847 and of the Gasworks Clauses Act 1871 shall extend and apply to the gas undertaking of the Council and to any existing works mains or pipes of the Company as if such undertaking had been authorised by and such works mains and pipes constructed laid down and placed by the Council under the powers of this Act.

5. The several words and expressions to which by the Acts wholly or partially incorporated with this Act meanings are assigned shall in this Act have the same respective meanings unless there is something in the subject or context repugnant to such construction Provided that in the Acts wholly or partially incorporated with this Act for the purposes of this Act—

Interpretation.

The expressions "the undertakers" and "the Company" mean the Council :

And in this Act unless the context otherwise requires—

The expression "the undertaking of the Company" includes all the gasworks engines mains pipes and machinery lands and buildings plant fixed and movable stock-in-trade and all other the real and personal property assets and effects of whatever nature (other than gas coal and other tenant's stores) and all the rights powers and privileges vested in or belonging to or had or enjoyed by the Company at the date of the transfer of the undertaking of the Company to the Council under the provisions of this Act except the books and papers relating exclusively to the shareholders in and the constitution of the Company ;

"The district" means the urban district of Market Harborough comprising the parishes of Market Harborough Great Bowden and Little Bowden ;



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“The district fund” and “general district rate” mean respectively the district fund and the general district rate of the district:

And the expression “superior courts” or “court of competent jurisdiction” or any other like expression in this Act or the Acts wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

PART II.—TRANSFER OF UNDERTAKING.

Company to  
sell their  
undertaking  
to Council.

6. The Company shall sell and the Council shall purchase the undertaking of the Company for such price or consideration (being a sum in gross) and on such terms and conditions as may be agreed upon between the Company and the Council or as failing such agreement shall be determined by arbitration in accordance with the provisions of the Lands Clauses Acts with reference to the purchase and taking of lands otherwise than by agreement. And in the construction of the said provisions the expression “the promoters of the undertaking” shall mean the Council and the expression “lands” shall mean the undertaking of the Company. Provided that for the purpose of any such arbitration the sale and purchase shall be deemed to be a sale and purchase by compulsion and not by agreement. And in addition to the sum to be paid by the Council to the Company under the foregoing provisions of this section the Council shall pay to the Company the costs and expenses incurred by them of and incident to the winding up of the Company and compensation to any officers and servants in the regular employment of the Company in respect of any loss of office or diminution of salary or income the amount of such costs and expenses and compensation in default of agreement to be determined by arbitration as aforesaid. Provided that no officer or servant who has been in the employment of the Company for twenty-five years or upwards shall lose his right to compensation as aforesaid by reason of his declining to continue in the service of the Council.

On payment  
of purchase  
money  
undertaking  
to vest.

7. The Council shall pay the price or consideration for the purchase of the undertaking of the Company on such day as may be agreed between the Council and the Company or failing agreement on the thirtieth day of June or thirty-first day of December next after the expiration of two months from the date of the award determining the amount thereof (which day is hereinafter referred to as “the date of transfer”) and on payment by the Council of such price or consideration the undertaking of the Company shall by virtue of this Act be vested in the Council

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subject and according to the provisions of this Act and free as between the Company and the Council from all contracts obligations debts liabilities and incumbrances affecting the same and thenceforth the Council shall have and hold the undertaking.

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8. The receipt in writing of three of the directors of the Company for such price or consideration or any other sum of money to be paid to them by the Council shall effectually discharge the Council from the sum so paid and from being concerned to see to the application thereof and from being answerable or accountable for the loss misapplication or non-application thereof and on such payment the Company shall forthwith proceed to take the necessary steps for a voluntary winding up of their affairs Provided that if from any cause the Council are unable to obtain such receipt they may pay the money into the Bank of England in the name of the Paymaster-General for and on behalf of the Supreme Court to an account to be opened in the matter of this Act and a receipt given to the Council by the cashier of the said bank for the money shall have the same effect as the receipt of the said three directors.

Receipt for purchase money.

9. All debts and liabilities due from or payable by the Company up to the date of transfer which shall then remain unpaid or unsatisfied shall as between the Company and the Council be paid or satisfied by the Company and the Company shall indemnify the Council against the same and if at the time of the transfer any action or proceeding or any cause of action or proceeding is pending or existing by or against or in favour of the Company the same shall not abate or be discontinued or in anywise prejudicially affected by reason of the transfer or of anything in this Act but the same may be continued prosecuted and enforced by or against or in favour of the Council as and when it might have been continued prosecuted and enforced by or against or in favour of the Company if this Act had not been passed but as between the Company and the Council the Company shall indemnify the Council against any action or proceeding against the Company and shall be entitled to the benefit of any action or proceeding in favour of the Company which shall be pending at the date of transfer.

Liabilities and actions &c. by or against Company.

10. The Company shall pay and discharge all outgoings and liabilities of every kind properly chargeable to revenue up to the date of transfer and shall be entitled to all rents profits and other receipts on revenue account from the undertaking up to that date and when necessary for the purpose of giving effect to this enactment such outgoings rents profits and receipts shall be apportioned between the Company and the Council and any such rents profits or sums of money attributable to the period prior to the date of

Company to pay outgoings and be entitled to rents &c.



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Contracts of Company to be binding upon Council. **11.** Except as is by this Act otherwise specially provided all purchases sales conveyances grants assurances deeds contracts bonds and agreements entered into or made and subsisting at the time of the transfer and then in force shall be as binding and of as full force and effect in every respect against or in favour of the Council and may be enforced as fully and effectually as if instead of the Company the Council had been a party thereto.

Books &c. to remain evidence. **12.** All documents books and writings which if the transfer had not been made would have been receivable in evidence in respect of any matter for or against the Company shall be admitted in evidence in respect of the same and the like matter for or against the Council.

Company to carry on undertaking till transfer. **13.** Until the date of transfer the undertaking shall be carried on by the Company according to the ordinary course of their business and the Company shall not enter into any new liability contract agreement or other obligation in respect of their undertaking which shall extend beyond the date of transfer or any other liability contract agreement or obligation except such as may be in the ordinary course of the proper conduct of the affairs of the Company and with the intention of benefiting the undertaking in the hands of the Council and shall keep all works and property forming part of the undertaking in good and substantial repair and condition.

Coals &c. **14.** The Council shall take over the stock of gas coal and other tenant's stores at the date of transfer belonging to the Company at such price as failing agreement may be settled by a valuer to be nominated by the Board of Trade on the application of either party.

PART III.—GAS.

Gas limits. **15.** The limits of the Council for the supply of gas (in this Act referred to as "the gas limits") shall be and include the district.

Powers as to construction and maintenance of gasworks &c. **16.** Subject to the provisions of this Act the Council may from time to time maintain continue alter improve enlarge extend and renew or discontinue the existing gasworks upon the lands described in the Schedule to this Act and they may also on such lands erect lay down provide and from time to time maintain alter improve

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enlarge extend and renew or discontinue additional and other gas-works and works for the manufacture and storage of gas and for the manufacture conversion utilization storage and distribution of materials used in or residual products resulting from such manufacture together with all necessary retorts gasometers receivers drains sewers mains pipes meters lamps lamp-posts burners stop-cocks machinery and other works and apparatus and conveniences and may do all such acts as they may think proper for making and storing gas and for supplying gas and may make store and supply gas accordingly and may manufacture sell provide supply and deal in coke tar pitch asphaltum ammoniacal oil and all other products or residuum of any materials employed in or resulting from the manufacture of gas and also meters stoves ranges fittings tubes pipes and other articles and things connected with gasworks or with the supply of gas as they may think fit.

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17. The Council may for the purposes of their gas undertaking purchase take and hold (by agreement but not otherwise) in addition to the lands described in the schedule to this Act any lands and hereditaments not exceeding in the whole three acres which the Council may from time to time require for the purposes of their gas undertaking And the Council may with the sanction of the Local Government Board appropriate and use for any of the purposes of this Act any lands for the time being vested in them as an urban sanitary authority and not required for the purposes for which the same were acquired But the Council shall not create or permit a nuisance on any such lands and no lands shall be used by the Council for the purpose of manufacturing gas or residual products except the lands described in the schedule to this Act.

Power to purchase lands by agreement.

18. Notwithstanding anything in the Lands Clauses Consolidation Act 1845 or in any other Act or Acts to the contrary the Council may retain hold and use for such time as they may think fit and may from time to time sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they think fit and either in consideration of a gross sum or of an annual rent or of any payment in any form any lands or interest in lands acquired by them under this Act and may sell exchange or dispose of any rents received on the sale exchange lease or disposition of such lands and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

Power to retain sell &c. lands.

19. The Council shall apply all moneys from time to time received by them in respect of any sales exchanges or disposition of

Application of moneys from sale &c. of land.



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Power to supply gas apparatus &c. for heating motive and other purposes.

20. The Council may purchase provide supply sell let for hire and otherwise deal in and fix set up alter remove and re-fix gas meters and automatic meters and apparatus for the automatic supply of and payment for gas and fittings gas engines stoves ranges pipes and other apparatus and appliances articles and things for lighting motive power the warming and ventilation of houses and buildings the cooking of food and for all other purposes for which gas can or may be used and may provide materials and do all work necessary in that behalf and charge therefor and may require and take such remuneration in money or such rents and charges for and make such terms and conditions with respect to the sale supply letting fixing setting up altering removing or refixing of such meters fittings engines stoves ranges pipes and other apparatus and appliances articles and things as aforesaid and for securing (both as regards the consumer and third parties) their safety and return to the Council as may be agreed upon between the Council and the person to or for whom the same are sold supplied let fixed set up altered or removed The engines stoves ranges pipes fittings and other apparatus appliances articles and things let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent nor to be taken in execution under any process of a court of law or equity or any proceedings in bankruptcy against the persons in whose possession the same may be Provided that such engines stoves ranges pipes fittings apparatus appliances articles and things have upon them a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Council as the actual owners thereof.

Power to hold licences under letters patent.

21. The Council may purchase take hold and use patent rights or licences or authorities (not being exclusive) under any letters patent for the use of any invention relative to the manufacture conversion utilisation or distribution of gas and such materials and residual products as herein-before mentioned.



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**22.** If a person requiring a supply of gas has previously quitted premises at which gas was supplied to him by the Council without paying all gas or meter rent due from him the Council may refuse to furnish to him a supply of gas until he pays the same.

Power to refuse to supply persons in debt for other property.

**23.** Twenty-four hours' notice in writing shall be given to the Council at their gas office by every gas consumer before he shall quit any premises supplied with gas by meter by the Council and in default of such notice the consumer so quitting shall be liable to pay to the Council the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such premises shall require the Company to supply gas to such premises whichever shall first occur. Notice of the effect of this enactment shall be endorsed on every demand note for gas rent.

Gas consumers to give notice to Council before removing.

**24.** A notice to the Council from a consumer for the discontinuance of a supply of gas shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the gas office of the Council.

Notice of discontinuance

**25.** All gas supplied by the Council to any consumer of gas shall be supplied at such pressure as to balance a column of water from midnight to sunset not less than six-tenths of an inch and from sunset to midnight not less than eight-tenths of an inch in height at the main as near as may be to the junction therewith of the service pipe supplying such consumer. And any gas examiner appointed under the Gasworks Clauses Act 1871 may subject to the terms of his appointment test the pressure at which the gas is supplied and may for that purpose open any street road passage or place vested in or under the control of any local or road authority and the provisions of the Gasworks Clauses Act 1871 with reference to testing of gas and to penalties shall mutatis mutandis apply to such testing of pressure and two hours' previous notice shall be given to the Council of the time and place at which such testing shall be conducted.

Pressure of gas.

**26.** The prescribed number of candles shall be fifteen.

Quality of gas.

**27.** Within six months from the date of transfer a testing place shall be provided at some convenient part of the gasworks of the Council.

Testing place.

**28.** The prescribed burner shall be Sugg's London Argand Burner Number 1 with a six-inch by one-and-three-quarter-inch glass chimney but if at any time and so long as the gas flame rises above the top of that glass a six-inch by two-inch chimney shall be

Burner.

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Penalty not to be incurred in certain cases. **29.** No penalty shall be incurred by the Council for insufficiency of pressure defect in 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 caused by an unavoidable cause or accident.

Limiting the price of gas. **30.** The price to be charged by the Council for gas supplied by them to persons who shall burn the same by meter shall not at any time exceed three shillings and sixpence per one thousand cubic feet.

Prepayment in certain cases. **31.** When the Council deem it necessary so to do they may require prepayment for gas required to be supplied for a period of six months or any shorter period and may refuse to supply gas unless the estimated cost thereof for such period or such shorter period as the Council may from time to time fix be prepaid and the Council shall be paid or shall repay any deficiency or excess of money actually payable for gas so supplied at the end of each such period.

Discounts. **32.** The Council may if they think fit allow discounts or rebates to consumers of gas in consideration of prompt payment of gas rents or of large consumption upon such scale and subject to such conditions and regulations as may be prescribed by the Council Provided that such discounts or rebates shall be of equal amount under like circumstances to all consumers and shall not exceed in the case of discounts for prompt payment ten per cent. and in the case of discounts for large consumption twenty per cent.

Period of errors in defective meters. **33.** In the event of any meter used by a consumer of gas being tested in the manner provided by the Sale of Gas Act 1859 and being proved to register erroneously within the meaning of the said Act such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the current quarter and the amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Council shall be paid by or to the Council to or by the consumer as the case may be and shall be recoverable in any court of competent jurisdiction for the recovery of debts of the like amount.

Power to lay pipes against buildings. **34.** The Council with the consent of the owner and occupier of any building may lay any pipe branch or any other necessary apparatus from any main or branch pipe into through or against such building for the purpose of lighting it and may with the like consent provide and set up any apparatus necessary for securing



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to such building a proper and complete supply of gas and for measuring and ascertaining the extent of such supply and may from time to time with the like consent repair replace alter discontinue and remove any such pipe branch or apparatus. A.D. 1898.

**35.** The Council may upon the application of the owner or occupier of any premises abutting on or being erected in any street or road laid out or made but not dedicated to public use supply such premises with gas and may lay and take up alter relay or renew in across or along such street or road such pipes and other works as may be requisite or proper for furnishing such supply and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid so far as they are applicable for the purposes of this section shall extend and apply to and for the purposes hereof. Power to lay pipes in streets not dedicated to public use.

**36.** The Council may contract with any local authority company corporation or persons whether within or beyond the gas limits (but as to any such company corporation or persons beyond those limits only with the consent in writing of the local authority of and of any company authorised by special Act or Provisional Order confirmed by Parliament to supply gas within the district within which the supply is to be given) for the supply to them respectively of gas in bulk upon such terms and conditions and for such periods as shall be agreed upon. Supply of gas in bulk.

For the purpose of affording a supply of gas under this section outside the gas limits the Council may with the consent in writing of the road authority and of the sanitary authority and subject to such conditions as such road authority and sanitary authority may prescribe exercise the powers of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying or repairing pipes and other works within the districts of the road or sanitary authorities so consenting.

**37.** The Council 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. Restriction on taking houses of labouring class.

For the purpose of this section the expression "labouring class" means mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others

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A.D. 1898. — 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 such persons who may be residing with them.

For protec-  
tion of  
London and  
North  
Western and  
Midland  
Railway  
Companies.

**38.** The following provisions for the protection of the London and North Western and Midland Railway Companies (in this section called "the railway companies") shall be in force and have effect (that is to say):—

In laying down and executing under the powers of this Act the repairs and renewals of any mains pipes or other works upon across over under or in any way affecting the railways or works belonging to the railway companies or either of them or any bridge or level crossing repairable by such companies or either of them the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the railway company or companies affected and according to plans and sections (where necessary in the opinion of such principal engineer) to be previously submitted to and approved by him and in all things by and at the expense of the Council and all such works matters and things shall be constructed executed and done so as not to cause any injury to such railways or the structure of such bridges approaches or works or interruption to the passage or conduct of the traffic over such railways or at any station thereon. And if any injury or interruption shall arise from or be in any way owing to any of the acts operations matters and things aforesaid the Council shall make compensation in respect thereof to the railway company or companies affected the amount of such compensation together with full costs to be recoverable from the Council by all and the same means as any simple contract debt is recoverable:

Any difference which may arise between the Council and the railway companies or either of them under this section shall be determined by an arbitrator to be appointed on the application of either party by the Board of Trade.

PART IV.—FINANCIAL.

Power to  
borrow.

**39.** The Council may independently of any other borrowing power borrow at interest any sum or sums of money for the purposes hereinafter mentioned not exceeding the respective amounts herein-after specified (if any) (that is to say):—

- (1) For the purchase of the undertaking of the Company and for paying any sums payable by the Council to the Company or to their officers or servants by way of compensation under this



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Act and for defraying the taxed costs and expenses incident to such purchase and to the transfer of the undertaking to the Council (other than the costs of this Act) such sum as may be required: A.D. 1898.

(2) For the purchase of lands for and for the extension and improvement of the gasworks of the Council the sum of twenty thousand pounds:

(3) For paying the taxed costs and expenses of this Act and of the opposition of the Council to the provisional order promoted by the Company in the last Session of Parliament as herein-after provided the sum requisite for that purpose:

(4) And with the approval of the Local Government Board such further moneys as the Council may require for any of the purposes of this Act or otherwise in relation to the gas undertaking of the Council.

40. In order to secure the repayment of the moneys borrowed under this Act and the payment of the interest thereon the Council may mortgage or charge the revenue of the gas undertaking of the Council and the district fund and general district rate Security for borrowed money.

41. The Council if they think fit may borrow the moneys which they are by this Act authorised to borrow or any part thereof under the powers and subject to the provisions of the Local Loans Act 1875 as amended by the Local Loans Sinking Fund Act 1885 by means of a loan or loans to be raised by the issue of debentures debenture stock or annuity certificates or partly in one way and partly in another. Power to borrow under Local Loans Act 1875.

Any moneys borrowed in manner by this section authorised for the purposes of this Act shall be a charge upon and shall be paid out of the same funds and rates as they would be charged upon and paid out of if raised by mortgage under this Act and such funds and rates shall in each case be the local rate within the meaning and for the purposes of the Local Loans Act 1875.

Every such loan shall be discharged within the respective periods prescribed by this Act and where any such loan is made repayable by means of a sinking fund the provisions of the section of this Act whereof the marginal note is "Regulations as to sinking fund" shall apply to such sinking fund in lieu of the provisions of section 15 of the Local Loans Act 1875.

42. The powers of borrowing money by this Act given shall not be restricted by any of the regulations contained in section 234 of the Public Health Act 1875 and in calculating the amount which the Council may borrow under that Act any sums which they may borrow under this Act shall not be reckoned. Certain regulations of Public Health Act as to borrowing not to apply.

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Provisions of  
Public Health  
Act as to  
mortgages to  
apply.

43. Sections 236 to 239 of the Public Health Act 1875 shall extend and apply mutatis mutandis to mortgages granted under this Act.

Protection of  
lenders from  
inquiry.

44. A person lending money to the Council shall not be bound to inquire as to the observance by them of any provisions of this Act or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent or of any part thereof.

Periods for  
payment off  
of money  
borrowed.

45. The Council shall pay off all moneys borrowed by them under this Act within the respective periods following (herein-after referred to as "the prescribed period") (that is to say):—

As to moneys borrowed for the purposes (1) and (2) herein-before mentioned forty years from the date or dates of the borrowing of the same ;

As to moneys borrowed for the purpose (3) herein-before mentioned five years from the date or dates of the borrowing of the same ;

As to moneys borrowed with the approval of the Local Government Board such period not exceeding sixty years as they may think fit to sanction.

Mode of  
payment off  
of money  
borrowed.

46. The Council shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest or by means of a sinking fund or partly by such instalments and partly by a sinking fund The first payment by instalments or to a sinking fund shall be made within twelve months from the date of borrowing the money in respect of which such payment is to be made.

Regulations  
as to sinking  
fund.

47. If the Council determine to pay off by means of a sinking fund any moneys borrowed under the authority of this Act the following regulations shall be observed:—

The Council in every year shall appropriate and set apart out of the rate and revenue on the security of which such moneys shall have been borrowed such equal annual sums as will with the accumulations thereof by way of compound interest at a rate not exceeding three per centum per annum in this section referred to as "the prescribed rate" be sufficient to pay off the principal moneys borrowed (so far as the same are repayable by means of a sinking fund) within the prescribed period :

Provided as follows (that is to say):—

(a) The yearly sums so to be appropriated and set apart shall be invested from time to time and accumulated in the way of compound interest by investing the same and the dividends



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interest and annual income thereof respectively in securities in which trustees are for the time being authorised to invest or in mortgages debenture stock or other securities (not being annuities or securities transferable by delivery) duly created and issued by any local authority as defined by the Local Loans Act 1875 other than the Council and any such investments may be from time to time varied or transposed Provided that if in any year the income arising from the investments of the sinking fund does not equal the prescribed rate any deficiency shall be made good out of the rate and revenue from which the annual payments to such fund are made and that if in any year such income exceeds the prescribed rate any excess may be applied in reduction of the annual payments which would otherwise be required to be made to such fund:

A.D. 1898.

- (b) The Council may at any time apply the whole or part of the sinking fund in or towards the repayment of the borrowed moneys for the repayment of which it was set apart in such order and manner as they deem proper Provided that in such case they pay into such sinking fund in each year afterwards and accumulate as herein-before prescribed until the whole of the borrowed moneys to which such sinking fund is applicable are discharged a sum equal to the interest produced by the sinking fund or part thereof so applied at the prescribed rate Provided also that whenever and so long as the value of the securities standing to the credit of the sinking fund taken at the market price of the day shall be equal to the amount of the borrowed moneys then outstanding for the repayment of which it was set aside the Council may in lieu of investing the yearly income of such fund apply the same in payment of interest on moneys in respect of which the fund was set aside and may during such periods discontinue the payment to the sinking fund of the yearly sums required to be paid thereto.

48. The clerk to the Council shall within twenty-one days after the expiration of 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 of the clerk if so required by them showing the amount which has been paid as an instalment or invested for the purposes of such sinking fund during the year preceding the making of such return 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

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

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A.D. 1898. — 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 the clerk shall be liable to a penalty not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in a summary manner. If it appear to the Local Government Board by such return or otherwise that the Council have failed to pay any instalment or to set apart the sum required for the sinking fund under this Act 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 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 and the provisions of this section shall apply *mutatis mutandis* to appropriations and annual repayments.

Power to  
re-borrow.

49. If the Council pay off any part of any money borrowed by them under the powers of this Act otherwise than by means of instalments or a sinking fund or out of the proceeds of the sale exchange or disposition of lands or out of fines or premiums on leases or other moneys received on capital account not being borrowed moneys they may from time to time re-borrow the same but all moneys so re-borrowed shall be repaid within the period prescribed for the repayment of the moneys in lieu of which such re-borrowing shall have been made and any amounts from time to time re-borrowed shall be deemed to form the same loan as the moneys in lieu of which such re-borrowing shall have been made and the obligations of the Council with respect to the repayment of such moneys shall not be in any way affected by such re-borrowing.

Council not  
to regard  
trusts.

50. The Council shall not be bound to see to the execution of any trust whether expressed or implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register or books of the Council shall be a sufficient discharge to the Council in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Council have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register or books and the Council shall not be bound to see to the application of the money paid on any such receipt



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or be answerable or accountable for any loss misapplication or non-application of any such money. A.D. 1898.

**51.** All moneys borrowed by the Council under the powers of this Act shall be applied only to the purposes for which they are respectively authorised to be borrowed and to which capital is properly applicable. Application of borrowed money.

**52.** All expenses incurred by the Council in carrying into execution the provisions of this Act (except such as are to be paid out of borrowed money or are otherwise provided for) shall be paid out of the district fund and general district rate. Expenses of execution of Act.

**53.** The Council shall keep a separate account of their receipts and expenditure for gasworks purposes on capital and revenue account and the provisions of section 58 of the Local Government Act 1894 shall apply to the accounts of the Council and the accounts of their committees officers and assistants under this Act. Separate account of gas undertaking to be kept.

**54.** The Council shall apply all money from time to time received by them in respect of their gas undertaking except money borrowed and money derived from the sale of surplus lands or other moneys received on capital account as follows (that is to say):— Application of gas revenue.

First In payment of the working and establishment expenses and cost of maintenance of their gas undertaking ;

Secondly In payment of the interest on moneys borrowed by the Council under this Act for the purposes of their gas undertaking ;

Thirdly In providing the requisite appropriations instalments or sinking funds under this Act in respect of moneys borrowed by the Council for the purposes of their gas undertaking ;

Fourthly In providing a reserve fund for their gas undertaking if they think fit by setting aside such money as they from time to time think reasonable and investing the same and the resulting income thereof in Government securities or any securities in which trustees are or may be authorised to invest trust moneys (except securities of the Council and securities transferable by delivery) and accumulating the same at compound interest until the fund so formed amounts to a sum not exceeding ten per cent. of the amount of the capital account of the gas undertaking of the Council for the time being which fund shall be applicable from time to time to answer any deficiency at any time happening in the income of the Council from their gas undertaking or to meet any extraordinary claim or demand at any time arising against the Council in respect of

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that undertaking and so that if that fund is at any time reduced it may thereafter be again restored to the amount aforesaid and so from time to time as often as such reduction happens ;

Fifthly In improving and extending the gas undertaking :  
And the Council shall carry to the district fund any balance remaining in any year after retaining or setting aside such a sum as may in the opinion of the Council be required for carrying on their gas undertaking and paying the current expenses connected therewith and shall also carry to the district fund the annual proceeds of the reserve fund when such fund amounts to the maximum amount herein-before prescribed.

As to  
deficiency in  
receipts.

**55.** Any deficiency in the revenues or receipts of the Council on account of their gas undertaking shall be made good out of the district fund and the next general district rate to be made up by the Council shall be increased so far as may be necessary to recoup to the district fund the amount so made good out of that fund.

Inquiries by  
Local  
Government  
Board.

**56.**—(1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in regard to the exercise of any powers conferred upon them or the giving of any consents under this Act and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

(2) The Council shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

PART V.—MISCELLANEOUS.

Authenti-  
cation of  
notices.

**57.** Where any summons demand or other document under this Act (except a conveyance contract or security) requires authentication by the Council the signature thereof by their clerk shall be a sufficient authentication.

Contracts  
for gas and  
water not to  
disqualify.

**58.** No person entering into any contract with the Council for the supply of gas to him or for any meter or apparatus to be furnished to him or for any work to be done for him for the purposes of such supply shall thereby be disabled from being a member of the Council or incur any penalty by reason of such contract but any member of the Council concerned directly or indirectly by himself or any partner in any such contract shall not



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take part in any vote or proceeding relative thereto at any meeting of the Council. A.D. 1898.

59. The Company shall deliver to the Registrar of Joint Stock Companies a printed copy of this Act and he shall retain and register the same and if such copy is not so delivered within three months from the passing of this Act the Company shall incur a penalty not exceeding two pounds for every day after the expiration of those three months during which the default continues and any director or manager of the Company who knowingly and wilfully authorises such default shall incur the like penalty Every penalty under this section shall be recoverable summarily. Act to be registered by registrar of joint stock companies.

60. The costs charges and expenses preliminary to and of and incidental to preparing applying for obtaining and passing of this Act (including the costs charges and expenses preliminary to and of and connected with the compliance with the provisions of the Borough Funds Act 1872 with respect to the Bill for this Act) and the costs charges and expenses of and incidental to the opposition of the Council to the provisional order promoted by the Company in the last foregoing Session of Parliament as taxed by the taxing officer of the House of Lords or the House of Commons shall be paid by the Council out of the district fund and general district rate or out of moneys borrowed under the authority of this Act. Costs of Act.

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A.D. 1898.

The **SCHEDULE** referred to in the foregoing Act.

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LANDS ON WHICH THE EXISTING GASWORKS AND GASHOLDERS  
OF THE COMPANY ARE ERECTED.

A piece of land situate in the parish of Great Bowden in the county of Leicester and belonging or reputed to belong to and in the occupation of the Company containing two acres one rood or thereabouts on which their existing gasworks are situate and which lands lie between the roads known as Saint Mary's Road Clarence Street Albert Road and York Street and are bounded on the south by Saint Mary's Road aforesaid on the west by Clarence Street aforesaid and on all other sides by land now or lately belonging or reputed to belong to Annie Alice Holloway and known as the Saint Mary's Estate.

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Printed by EYRE and SPOTTISWOODE,

FOR

T. DIGBY FIGOTT, Esq., C.B., the Queen's Printer of Acts of Parliament.

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