

[26 GEO. 5.]

Bridge of Allan
Gas Order Confirmation Act, 1935.

[Ch. i.]



CHAPTER i.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Acts 1899 and 1933 relating to Bridge of Allan Gas. A.D. 1935.
[20th December 1935.]

WHEREAS the Provisional Order set forth in the schedule hereunto annexed has been made by one of His Majesty's Principal Secretaries of State under the provisions of the Private Legislation Procedure (Scotland) Acts 1899 and 1933 as read with the Secretaries of State Act 1926 and it is requisite that the said Order should be confirmed by Parliament : 62 & 63 Vict. c. 47. 23 & 24 Geo. 5. c. 37. 16 & 17

Be it therefore enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :— Geo. 5. c. 18.

1. The Provisional Order contained in the schedule hereunto annexed is hereby confirmed. Confirmation of Order in schedule.

2. This Act may be cited as the Bridge of Allan Gas Order Confirmation Act 1935. Short title.

A.D. 1935.

SCHEDULE.

BRIDGE OF ALLAN GAS.

Provisional Order to authorise the provost magistrates and councillors of the burgh of Bridge of Allan to dispose of their gas undertaking to make certain provisions consequent thereon and for other purposes.

WHEREAS the provost magistrates and councillors of the burgh of Bridge of Allan in the county of Stirling (hereinafter referred to as "the Town Council" and "the burgh" respectively) acting under the Burgh Police (Scotland) Acts 1892 to 1911 are the municipal local and public authority within the burgh under those Acts and under the Public Health (Scotland) Acts 1897 to 1907 :

And whereas on the second day of August one thousand nine hundred and four the Town Council adopted and on the eighth day of November one thousand nine hundred and four confirmed a resolution under the Burghs Gas Supply (Scotland) Act 1876 and the Burghs Gas Supply (Scotland) Act 1893 and in pursuance thereof acquired at fifteenth May one thousand nine hundred and fourteen and have since carried on a gas undertaking by means of which gas has been supplied to consumers within the burgh and one or two persons without :

And whereas the total capital expenditure of the Town Council in respect of their gas undertaking amounts to the sum of forty thousand nine hundred and thirty-two pounds :

And whereas the Town Council have from time to time borrowed in respect of their gas undertaking the sum of forty thousand pounds of which the sum of thirteen thousand four hundred and fifty-six pounds has at fifteenth May one thousand nine hundred and thirty-four been repaid :

And whereas in the year one thousand nine hundred and nineteen it became necessary to impose a gas contingent guarantee rate on the burgh which has since been

levied and in respect of which there has been received the average annual sum of six hundred and fifteen pounds the actual sum levied in each of the past four years being eight hundred and forty pounds all of which money has been expended in connection with the gas undertaking : A.D. 1935.
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And whereas owing to the heavy expense of carrying on the undertaking it has not been possible to set aside any provision for renewals and replacements :

And whereas notwithstanding the sums received from the gas contingent guarantee rate deficits have arisen and in the four years ended fifteenth May one thousand nine hundred and thirty-four the total loss incurred was one thousand one hundred and sixty-four pounds :

And whereas at an election of councillors of the burgh held in November one thousand nine hundred and thirty-four an unprecedented percentage of the electors voted and gave an overwhelming vote in favour of the sale of the gas undertaking :

And whereas it has been arranged between the Town Council and the Stirling Gas Light Company incorporated by the Stirling Gas Act 1898 (hereinafter referred to as "the company") that the Town Council should sell and the company should purchase the gas undertaking of the Town Council and the company have applied to the Board of Trade for a Special Order conferring the necessary powers upon the company :

And whereas it is expedient and in the public interest that the Town Council should be authorised to sell and transfer the gas undertaking to the company when the company have obtained the necessary powers in accordance with the provisions of this Order :

And whereas it is expedient that the further powers and provisions hereinafter in this Order contained should be conferred upon the Town Council and made as by this Order provided :

And whereas the purposes aforesaid cannot be effected without an Order confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Acts 1899 and 1933 :

Now therefore in pursuance of the powers contained in the last mentioned Acts as read with the Secretaries

A.D. 1935. — of State Act 1926 the Secretary of State orders as follows :—

Short title. 1. This Order may be cited as the Bridge of Allan Gas Order 1935.

Com-
mencement
of Order. 2. This Order shall commence and have effect on and after the date of the passing of the Act confirming the same which date is hereinafter referred to as "the commencement of this Order."

Interpreta-
tion. 3. In this Order unless the context otherwise requires—

"The burgh" means the burgh of Bridge of Allan;

"The Town Council" means the provost magistrates and councillors of the burgh for the time being;

"The company" means the Stirling Gas Light Company;

"The gas undertaking" means the gas undertaking vested in the Town Council together with the land dwelling-houses works and others belonging to the same or used in connection therewith except (a) the investments shown on the balance sheet at the fifteenth day of May one thousand nine hundred and thirty-four or at any subsequent term of Whitsunday immediately preceding the date of the taking over of the undertaking (b) the book debts due to the Town Council and the cash in hand or in bank at the date of transfer (the term cash in hand or in bank to include any moneys in prepayment meters in respect of gas consumed down to the date of transfer) and (c) the public lighting service of the Town Council;

"The date of transfer" means the date upon which the gas undertaking of the Town Council is actually taken over by the company which shall be a date not later than four months after the commencement of this Order.

Transfer of
gas under-
taking. 4. As from the date of transfer the gas undertaking together with the stock furniture fittings books and plans in connection therewith shall be transferred to and become vested in the company upon and subject to the terms and conditions of this Order and freed and

discharged from all mortgages debts and liabilities of the Town Council whether on capital or revenue account. A.D. 1935.
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5. In consideration of the aforesaid transfer and vesting the company shall on the date of transfer pay to the Town Council in cash the sum of fifteen thousand five hundred pounds. Consideration for transfer.

6. The receipt in writing of the chamberlain of the Town Council for any money paid by the company to the Town Council in pursuance of this Order shall be a proper and effectual discharge to the company in respect of the sum which in such receipt shall have been acknowledged to have been received and the company shall not be bound to see to the proper application thereof or be answerable for the loss misapplication or non-application thereof. Receipt for consideration money.

7. The production of a King's Printer's copy of the Act confirming this Order duly stamped together with a receipt for the moneys payable to the Town Council under the section of this Order of which the marginal note is "Consideration for transfer" shall be evidence in all courts and proceedings of the transfer to and vesting in the company of the gas undertaking. Evidence of transfer.

8.—(1) The sum payable to the Town Council under the section of this Order the marginal note of which is "Consideration for transfer" together with the cash in hand or in bank and all amounts received by the Town Council in respect of accounts due to them by sundry debtors and the balances due to and held by them including investments held by them in respect of the gas undertaking and the sinking fund thereof shall be paid into a special fund to be called the "gas debt redemption fund." Application of moneys and liquidation of debt.

(2) The Town Council shall in addition to any sums provided under the immediately preceding subsection pay into the gas debt redemption fund annually out of the burgh general assessment the sum of eight hundred and twenty pounds until such time as the moneys borrowed by the Town Council for the purposes of the gas undertaking and this section and any other outstanding debts and obligations of the Town Council in connection with the said undertaking and all interest due and to become due thereon shall be entirely repaid. The first payment of the said yearly sum shall be made on

A.D. 1935. the sixteenth day of May one thousand nine hundred and thirty-six.

(3) The gas debt redemption fund shall be applied in the first place in payment of interest on moneys borrowed for the purposes of this section and on moneys already borrowed by the Town Council for the purposes of the gas undertaking and then to the repayment of the moneys borrowed by the Town Council for the purposes of this section and for the purposes of the gas undertaking and for the liquidation of any other outstanding debts and obligations incurred by the Town Council in connection with the said undertaking.

(4) Every sum paid to the gas debt redemption fund shall unless applied in payment of interest or in repayment of the debt in respect of which the fund is formed be immediately invested in securities in which trustees are by law for the time being authorised to invest or in mortgages bonds debentures debenture stock or other securities (not being annuity certificates or certificates payable to bearer) duly issued by any local authority other than the Town Council the Town Council being at liberty from time to time to vary and transpose such investments.

(5) The Town Council may at any time apply the whole or any part of the gas debt redemption fund in or towards the discharge of the money for the repayment of which the fund is formed.

(6) Any expenses connected with the formation maintenance investment application management or otherwise of the gas debt redemption fund shall be paid by the Town Council in addition to the payments provided for by this Order.

(7) If the Town Council desire to accelerate the repayment of the indebtedness they may increase the amounts payable to the gas debt redemption fund.

(8) Any surplus of the gas debt redemption fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose of a capital nature as the Town Council may determine.

(9) (a) Subject to the provisions of the Local Government (Scotland) Act 1929 it shall be lawful for the Town Council to borrow by way of mortgage or otherwise any

money which may be necessary for the purpose of paying any money already due from or borrowed by the Town Council on the security of or for the purposes of the gas undertaking (in this section referred to as "the purposes of this section") not exceeding in the whole the total amount of the indebtedness for the time being of the Town Council in respect of the gas undertaking. A D. 1935.

(b) All moneys borrowed under this subsection shall be applied only to the purposes for which they are authorised to be borrowed.

(c) If having borrowed any money under the powers of this subsection the Town Council pay off the same or any part thereof otherwise than out of the gas debt redemption fund they may reborrow the same and so on from time to time.

(d) Any moneys borrowed under this section shall be repaid out of the gas debt redemption fund.

9. Nothing in this Order contained shall release discharge or suspend any action or other proceeding which was pending by or against the Town Council in relation to the affairs of the gas undertaking or to which the Town Council in relation to such affairs were parties immediately before the date of transfer and any such action or other proceeding may be maintained prosecuted or continued by or in favour of or against the Town Council (as the case may be) in the same manner and as effectually and advantageously as the same might have been maintained prosecuted or continued by or in favour of or against the Town Council if this Order had not been made. Actions &c.
not to
abate.

10. Except as is by this Order otherwise specially provided all sales conveyances grants assurances deeds contracts bonds and agreements in relation to the gas undertaking entered into or made before the date of 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 Town Council and may be enforced as fully and effectually as if this Order had not been made. Contracts
prior to
Order to be
binding.

11. All documents books and writings of the Town Council which if the purchase of the gas undertaking by the company had not taken place would have been receivable in evidence shall be admitted in evidence in all courts and elsewhere notwithstanding such purchase. Books &c.
continued
evidence.

A.D. 1935.

As to
supply of
gas to Town
Council.

12.—(1) The Town Council shall for the period of ten years from the date of transfer use gas exclusively for lighting their streets and they shall take their whole supply of gas for that purpose from the company. The company shall charge for such supply threepence per therm more than is charged by the company to the Stirling Town Council for gas supplied to them.

(2) The Town Council shall at their own expense keep their public lighting service in a sound state of repair and efficiency and the company shall carry out the lighting and extinguishing of lamps under the pressure wave system at present in use the Town Council being bound to provide and fix on each lamp at their own expense a governor to regulate the consumption of gas.

As to gas
supplied to
Bridge of
Allan con-
sumers.

13.—(1) From the date of transfer the rates for gas to be charged by the company to Bridge of Allan consumers shall not exceed by more than threepence per therm the rates charged for gas to the same class of consumer of the company in Stirling.

(2) From the date of transfer the company shall charge to the Bridge of Allan consumers the same rate of hire for all apparatus including meters in use as is charged by the company to its consumers in Stirling and consumers of gas in Bridge of Allan shall be given the same facilities in every respect as the consumers in the burgh of Stirling.

Power to
Town
Council and
company to
enter into
agreements.

14.—(1) Subject and without prejudice to any of the provisions of this Order the Town Council and the company may make and carry into effect agreements with respect to the transfer of the property from the Town Council to the company and for settling and adjusting any claims or any doubt or difference arising in relation thereto or the agreement between the parties as to the sale and purchase thereof.

(2) The provisions of any such agreement shall be deemed to be within the powers of the Town Council and the company and if and when made shall have and be carried into effect accordingly.

(3) Any difference or dispute arising as to any such agreement or as to any other matter or thing in relation to the transference under this Order of the property to the company shall be referred to the amicable decision final sentence and decree arbitral of James Jamieson gas

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engineer Edinburgh whom failing Samuel Milne gas
engineer Aberdeen whom failing an arbiter to be
appointed by the Secretary of State on the application of
any of the parties concerned.

A.D. 1935.

15. The costs charges and expenses of and incidental
to the preparing and applying for and issue of this Order
and the confirmation thereof by Parliament or otherwise
in relation thereto shall be paid by the Town Council out
of the burgh general assessment but if the Town Council
borrow money for paying any such costs charges and
expenses which they are hereby authorised to do any
money so borrowed shall be repaid within five years
from the commencement of this Order.

Costs of
Order.

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