



CHAPTER iii.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Acts 1899 and 1933 relating to Rothesay Corporation Gas. A.D. 1935.
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[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
Geo. 5. c. 18.

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

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

2. This Act may be cited as the Rothesay Corporation Gas Order Confirmation Act 1935. Short title.

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SCHEDULE.

ROTHESAY CORPORATION GAS.

Provisional Order to authorise the Corporation to carry on their gas undertaking and to make the necessary financial arrangements therefor and for other purposes.

WHEREAS the provost magistrates and councillors of the royal burgh of Rothesay in the county of Bute (hereinafter called "the Corporation" and "the burgh" respectively) are the local and sanitary authority within the burgh and are also the owners of the gas undertaking which supplies gas to the burgh and the adjoining districts of Port Bannatyne and Ascog :

And whereas in the year one thousand eight hundred and forty-three the Corporation purchased the gas undertaking of the Rothesay Gas Light Company which then supplied gas within the burgh and to certain premises in the Ascog district outwith the burgh the purchase money being provided out of the common good of the burgh :

And whereas the Kamesburgh Gas Company bought gas in bulk from the Corporation and supplied it in Port Bannatyne which adjoins but is outwith the burgh :

And whereas in the year one thousand nine hundred and twenty-six the Corporation purchased the undertaking of the Kamesburgh Gas Company :

And whereas the Corporation have from time to time extended their gas undertaking as circumstances demanded :

And whereas the Corporation have from time to time borrowed for the purposes of their gas undertaking upon the security of the common good sums amounting to eighty-one thousand eight hundred and eighty pounds of which the sum of thirty-five thousand four hundred and ninety-one pounds six shillings and three pence is at present outstanding and have expended for the purposes of the undertaking on capital account a sum amounting

to one hundred and eleven thousand two hundred and forty-three pounds ten shillings and five pence : A.D. 1935.

And whereas there is a pension scheme for the weekly wage earners permanently employed in the gas works of the Corporation and it is expedient that provision should be made in reference thereto :

And whereas it is expedient that the several powers and provisions in relation to their gas undertaking hereinafter in this Order contained should be conferred upon the Corporation and made as by this Order provided :

And whereas it is expedient that the Corporation should be authorised to borrow moneys for the purposes of their gas undertaking as hereinafter in this Order provided :

And whereas it is expedient that the other provisions contained in this Order should be enacted :

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

Now in pursuance of the powers contained in the last mentioned Acts as read with the Secretaries of State Act 1926 the Secretary of State orders as follows :—

1. This Order may be cited for all purposes as the *Rothesay Corporation Gas Order 1935.* Short title.

2. The Order shall come into operation on the date of the passing of the Act confirming the same hereinafter referred to as “the commencement of this Order.” Commence-
ment of
Order.

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

(a) the several words and expressions to which meanings are assigned by the Gas Undertakings Acts 1920 to 1934 or by the Acts wholly or partially incorporated with this Order shall subject to the provisions of this Order have the same respective meanings; and

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(b) the following words and expressions shall have the meanings assigned to them in this section (that is to say) :—

“ the Corporation ” means the provost magistrates and councillors of the royal burgh of Rothesay ;

“ the burgh ” means the royal burgh of Rothesay ;

“ the limits of supply ” means the limits within which the Corporation are for the time being authorised to supply gas ;

“ the undertaking ” means the gas undertaking of the Corporation for the time being authorised ;

“ the sheriff ” means the sheriff of the sheriffdom of Renfrew and Bute or his substitute at Rothesay ;

“ statutory securities ” means any security in which trustees in Scotland are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money but does not include securities of the Corporation ;

“ the Police Acts ” means the Burgh Police (Scotland) Acts 1892 to 1911 and any Act amending the same.

Incorporation of Acts.

4. The following enactments so far as the same are applicable to the purposes and are not inconsistent with the provisions of this Order are hereby incorporated with this Order (namely) :—

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 and except sections 120 to 125 of the Lands Clauses Consolidation (Scotland) Act 1845 relating to the sale of superfluous lands ;

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 section 38 (relating to accounts) ; and

The Gasworks Clauses Act 1871 except section 6 A.D. 1935.
 (relating to the sale of superfluous lands) —
 section 8 (relating to appointment of a receiver)
 and section 35 (relating to accounts).

For the purpose of such incorporation the term
 “special Act” in the said Acts respectively shall be
 construed to mean this Order and the term “undertakers”
 shall mean the Corporation.

5. The undertaking of the Corporation already Vesting of
 established and carried on by them shall continue vested existing gas
 in the Corporation and be held used and enjoyed by them under-
 taking.
 Provided that as from the commencement of this Order
 the said undertaking shall be administered by the
 Corporation under the provisions of this Order.

6.—(1) The limits of supply shall be and include the Limits of
 areas described in the First Schedule to this Order which supply.
 said areas are more particularly delineated on a map
 signed by Philip Francis Wood counsel to the Secretary
 of State under the Private Legislation Procedure (Scot-
 land) Acts 1899 and 1933 which said map shall be deposited
 at the Scottish Office within one month after the passing
 of the Act confirming this Order.

(2) If there be any discrepancy between the said
 map and the description in the First Schedule to this
 Order the said map shall be deemed to be correct and
 shall prevail.

7. The Corporation may subject to the provisions General
 of this Order manufacture and supply gas for lighting powers of
 heating motive power and other purposes within the gas supply.
 limits of supply and generally may carry on the business
 usually carried on by a gas undertaking and may sell
 or dispose of the residual products arising from the
 manufacture of gas by them.

8.—(1) Subject to the provisions of this Order the Power to
 Corporation may upon the lands described in the Second continue
 Schedule to this Order so long as they are possessed of the gasworks
 same continue erect maintain alter improve and renew &c.
 gasworks with all necessary machinery and apparatus
 and do all such acts as may be proper for making and
 storing gas and for supplying gas within the limits of
 supply and may also upon the said lands work up and
 convert residual products arising directly or indirectly
 from the manufacture of gas by them or purchased by

A.D. 1935. — them under the powers conferred by section 4 of the Gas Undertakings Act 1929 and for this purpose the Corporation may purchase from any source and use such material as is required to work up and convert any such residual products.

(2) The Corporation may continue maintain and use any gas mains pipes and other works belonging to or vested in them within the limits of supply as if the same had been laid down or constructed under the powers of this Order.

Declaration of calorific value.

9.—(1) The Corporation shall within three months from the commencement of this Order give notice by advertisement in the Edinburgh Gazette of the calorific value of the gas which they intend to supply (in this Order called “the declared calorific value”) and of the date (in this Order called “the declared date”) from which they will supply gas of the declared calorific value which date shall not be more than one month from the date of the notice.

(2) The charges which the Corporation may make in respect of the supply of gas shall be such charges as are by this Order authorised for thermal units supplied in the form of gas. Provided that this subsection shall have effect as respects the charges to any particular consumer as from the first reading by the Corporation of that consumer’s meter after the declared date and not earlier.

(3) A copy of the notice referred to in subsection (1) of this section shall be sent to every local authority and to every consumer and to the Board of Trade.

Measure of therms supplied.

10. The number of therms supplied to any consumer shall be ascertained by multiplying the number of cubic feet of gas registered by his meter by the number of British thermal units comprised in the declared calorific value and dividing the product by one hundred thousand.

Variation of declared calorific value.

11. If at any time the Corporation intend to alter the declared calorific value they shall give notice of their intention to supply as from a date to be therein specified and being not less than three months from the date of the notice gas of such calorific value as may be declared in the notice and the calorific value so declared shall as from the date so specified be the declared calorific value for the purposes of this Order.

The notice required by this section shall comply with the requirements of this Order with regard to the notice in which the calorific value was originally declared. A.D. 1935.
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12. If and so often as the Corporation shall alter the declared calorific value they shall at their own expense effect such alteration adjustment or replacement of the burners in consumers' appliances as may be necessary to secure that the gas can be burned with safety and efficiency except in the case of any consumer who objects to such alteration adjustment or replacement as aforesaid. Adjustment of consumers' burners.

13.—(1) If the declared calorific value is less than three hundred and fifty British thermal units and not below three hundred British thermal units the minimum permissible pressure at which the gas may be supplied shall be two and one-half inches. Pressure.

(2) If the declared calorific value is below three hundred British thermal units the minimum permissible pressure shall be such pressure (not being less than three inches) as shall be prescribed by the gas referees.

14. The Corporation shall from time to time fix the charges to be made by them for gas to be supplied. Provided that the Corporation shall as far as can be estimated so regulate the charges that the proceeds of the sale of gas along with the other revenues of the undertaking may one year with another produce the amount of money required for carrying on the undertaking including the payment of interest on borrowed money and the repayment of such borrowed money by instalments or by sinking fund. Provided always that in any year there may be paid out of the revenue of the gas undertaking to the common good of the burgh a sum not exceeding one hundred pounds but such sum shall not be paid in any year in which it is necessary to resort to the gas contingent guarantee assessment under the section of this Order the marginal note of which is "Gas contingent guarantee assessment." Price of gas.

15. The Corporation may charge a higher rate for gas supplied by them outwith the burgh but such higher rate shall not exceed by more than twopence per therm the rate charged to the same class of consumer within the burgh. Differential charges.

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Charge for
gas supplied
by means of
prepayment
meters.

16.—(1) (a) The charge for the hire of any prepayment meter and fittings to be used therewith shall be a sum of money calculated according to the number of therms supplied and the maximum charge shall be—

for a prepayment meter and fittings (including a cooking stove) three decimal five pence per therm;

for a prepayment meter and fittings (not including a cooking stove) three pence per therm.

(b) The charge for the hire of a prepayment meter without fittings shall be a sum of money not exceeding twenty per centum per annum on the cost of the meter.

(c) The said charges shall include the providing letting fixing repairing and maintenance of the meter and fittings or of the meter (as the case may be) and the cost of collection and other costs incurred by the Corporation in connection therewith.

(2) For the purpose of this section the expression “prepayment meter” means any meter or appliance by which the quantity of gas supplied is regulated according to the amount of money prepaid therefor.

Power to
purchase
lands by
agreement.

17. The Corporation may for the purposes of the undertaking purchase or acquire by agreement and hold in addition to the lands described in the Second Schedule to this Order any lands and heritages not exceeding in the whole five acres for the purposes of or in connection with the undertaking Provided that the Corporation shall not create or permit a nuisance on any such lands and heritages and that no lands and heritages shall be used by the Corporation for the purpose of manufacturing gas or residual products except the lands described in the Second Schedule to this Order.

Retention
and disposal
of lands.

18. Notwithstanding anything in any Act or Order to the contrary the Corporation may retain hold and use for such time as they may think fit or may sell feu lease excamb or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and either in consideration of the execution of works or of the payment of a gross sum or of a feuduty or of a ground annual rent or of any payment in any other form any lands or any interest therein acquired by them for the

purposes of the undertaking under this Order and may sell excamb or dispose of any rents reserved on the sale feuing lease excambion or disposition of such lands or interests therein and may make do and execute any deed act or thing proper for effectuating any such sale feu lease excambion or other disposition and on any exchange may give or take any money for equality of exchange :

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Provided that the Corporation shall not without the consent of the Secretary of State sell feu lease excamb or otherwise dispose of any such lands or any interest therein at a price or rent or for a consideration of a value less than the current market value of such lands or interests but a purchaser or lessee shall not be concerned to inquire whether the consent of the Secretary of State is necessary or has been obtained.

19. The proceeds of the sale of any lands or other property of the Corporation under the powers of this Order and the fines and premiums on any leases granted by the Corporation under this Order shall be distinguished as capital in the accounts of the undertaking and shall be applied in discharge of any money borrowed by the Corporation under this Order to which such capital money would be properly applicable or if there shall be no money owing under this Order such proceeds shall be applied in or towards paying off any other money for the time being owing by the Corporation in respect of the undertaking but shall not be applied to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Secretary of State and borrowed money discharged by the application of such sums shall not be reborrowed.

Proceeds of
sale of sur-
plus lands.

20.—(1) Where the limits of supply are bounded by or abut upon any street or part of a street wholly outside those limits the Corporation may for the purpose of supplying gas to the owner or occupier of any premises abutting upon that street or part of a street and being within the limits of supply exercise with respect to such street or part of a street outside those limits the like powers of breaking up the same for the purposes of laying maintaining inspecting repairing and renewing pipes as

As to
streets
forming
boundary of
limits of
supply.

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(2) Nothing in this section shall entitle or require the Corporation to supply gas for any premises outside the limits of supply.

(3) In this section the word "street" includes any square court or alley highway lane road thoroughfare or public place or passage.

Power to lay pipes in private streets.

21. The Corporation may on the application of the owner or occupier of any premises within the limits of supply and abutting on any private street within the burgh supply those premises with gas and for that purpose the Gasworks Clauses Act 1847 shall apply as if section 7 of that Act were excepted from incorporation in this Order.

Service pipes in tenements.

22.—(1) The Corporation may for the purpose of supplying gas to the occupier of any part of any building occupied in flats or separate dwellings or other premises entering by a common stair or other access and belonging to one or more owners fit up lay and maintain service pipes in such common stair or other access with branches to connect with each separate flat dwelling or premises without the consent of any other owner or occupier as the case may be doing as little damage as may be and making good any damage done. Provided that any difference thereanent between any owner or occupier on the one hand and the Corporation on the other hand shall failing agreement be determined by an arbiter to be appointed by the sheriff on the application of either party.

(2) The provisions of this section shall apply whether such separate flat dwelling or premises has immediate access to such common stair or not.

Power to lay pipes against buildings.

23. The Corporation may with the consent of the owner and occupier of any building lay any pipe branch or other necessary apparatus from any main or branch pipe into through or against any such building for the purpose of supplying gas to the occupier of such building and may with the like consent provide and set up any apparatus necessary for securing to such building a proper and complete supply of gas and for measuring

and ascertaining the extent of the supply and may from time to time with the like consent repair replace alter discontinue or remove any such pipe branch or apparatus.

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24.—(1) The Corporation may purchase supply sell loan or let for hire or fix repair or remove gas meters and fittings engines stoves ranges pipes and other fittings or appliances for lighting motive power heating ventilating cooking or any other purposes for which gas or gas residuals (but restricted as regards gas residuals to fittings or appliances or other things generally in use in connection with a gas undertaking) can or may be used (all of which are in this section referred to as “fittings”) and may provide all materials and work necessary or proper in that behalf and with respect thereto may demand and take such remuneration or rents and charges and make such terms and conditions as may be agreed upon and may enter into agreements with others to do all or any of the things referred to in this section upon such terms and subject to such conditions as the Corporation may think fit.

Power to
supply gas
fittings &c.

(2) Any fittings loaned or let for hire under the provisions of this section shall not be subject to poinding or distress or to the landlord’s remedy for rent or be liable to be taken in execution under process of any court or proceedings in bankruptcy against the person in whose possession the same may be and notwithstanding that such fittings may be fixed or fastened to any part of the premises in which they may be situate or to the soil under any such premises they shall at all times continue to be the property of and removable by the Corporation Provided that this subsection shall only apply to any fittings marked or impressed with a sufficient mark or brand indicating the Corporation as the actual owners thereof.

25. In order to enable the Corporation to ensure a satisfactory supply of gas to their consumers the following provisions shall have effect :—

As to con-
struction
and placing
of pipes &c.

(1) The Corporation may if they think fit make a specification or specifications with regard to the minimum size and the material of the pipes with the fittings thereof which are to be laid by the owner or occupier of any premises on those

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premises either in the first instance or on the occasion of any renewal and different specifications may be made for different classes of premises or for particular premises having regard to the probable maximum consumption of gas thereon at any one time but a specification shall have no force or effect until it has been approved by the Board of Trade who before giving such approval shall refer the matter to an independent gas engineer and may if they think fit direct such engineer to hold a public inquiry into any proposed specification and to have regard to any representations made to the Board by any persons who appear to the Board to be affected by the specification and who attend such inquiry :

- (2) (a) The Corporation shall publish once in the *Edinburgh Gazette* and once in each of two newspapers circulating within the limits of supply a notice in a form to be approved by the Board of Trade of any application made by them to the Board of Trade for approval of any specification which notice shall specify a place within the limits of supply at which a copy of the proposed specification has been deposited for public inspection and shall contain an intimation that any person affected by such proposed specification may make representations in writing to the Board within a period to be specified in the notice ;

(b) As soon as practicable after the Board of Trade have approved any specification the Corporation shall comply with any directions given to them by the Board as to the publication or service of copies of the specification as approved or of notice of the giving of such approval ;

(c) A copy of every specification approved by the Board of Trade under this section shall be kept for public inspection at the gas office of the Corporation and copies of every such specification shall be purchasable by any person at the said office at the price of sixpence for each copy :

- (3) When at any time after such specification has come into force any such pipe or fittings as aforesaid is or are about to be laid or placed notice thereof shall be given to the Corporation accompanied by a description of the size and materials of the proposed pipe or fittings and of the purposes for which the gas to be supplied through the same is intended to be used: A.D. 1935.
- (4) The Corporation shall as soon as practicable after receiving such notice (after making such inspection if any of the said pipe or fittings and of the premises in which the same is or are proposed to be laid or placed as they may deem necessary) intimate in writing to the person giving the notice their approval or disapproval of the pipe or fittings as complying or not complying with the appropriate specification:
- (5) No such pipe or fittings as aforesaid shall be laid or placed unless or until the same shall have been approved as aforesaid and when any such pipe or fittings has or have been laid or placed notice thereof shall be given to the Corporation and the pipe or fittings shall not be covered over until after the expiration of twenty-four hours from the service of such notice or until the pipe or fittings as laid or placed has or have been inspected and approved by the Corporation whichever shall first happen:
- (6) Any officer of the Corporation duly appointed may between nine o'clock in the morning and five o'clock in the afternoon attend for the purpose of any such inspection as aforesaid and if the officer is not permitted to make the inspection or if the pipe or fittings are not according to the appropriate specification of the Corporation they may refuse to supply gas to the premises until the provisions of this section have been complied with:
- (7) Every meter to be used in a new building or a building not previously supplied with gas or in connection with a new or substituted pipe laid between the main and the meter shall be placed as near as practicable to the Corporation's

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main but within the outside wall of the building and when any such meter has been placed the person placing the same shall give to the Corporation the like notice and the Corporation shall have the like rights of inspection as are respectively referred to in subsections (5) and (6) of this section and if the meter is not placed as required by this section the Corporation may refuse to supply gas to the premises until the provisions of this section have been complied with :

Provided that in the case of any building in connection with which there is provided outside the building accommodation reasonably approved by the Corporation for the meter or a separate meter house such meter may be placed in such accommodation or meter house instead of within the outside wall of the building :

- (8) The provisions of this section relating to pipes and the fittings thereof shall not apply to any pipes or fittings belonging to a railway company and laid or placed or intended to be laid or placed in any premises (not being a dwelling-house or premises appurtenant to a dwelling-house) of that company—

(a) elsewhere than between the main of the Corporation and the meter; or

(b) between such main and the meter unless and except so far as such pipes or fittings are covered over or intended to be covered over :

- (9) For the purposes of this section the expression “ fittings ” includes only the joints angles and connections used in placing or laying pipes.

Charges for special reading of meters.

26. When at the request of and for the convenience of any consumer the reading of any meter in any premises takes place at a time other than that of the usual periodical reading the Corporation may levy and recover such charges as they think fit not exceeding the sum of one shilling for each such special reading.

27. Except so far as is otherwise provided by statute the gas mains and pipes of the Corporation laid within any streets shall not (except in cases of emergency) be uncovered or interfered with until after the service of written notice on the Corporation at least forty-eight hours before such operations are commenced.

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Notice to Corporation before interfering with mains.

28. The Corporation may in addition to their recourse against the actual consumer charge and recover from the tenant of any house who sub-lets his house furnished for any period not exceeding two months the amount of rates and charges for gas used and consumed and any other sums due to the Corporation in connection with the gas supply by such sub-tenant during such sub-tenancy but the Corporation shall not have any such recourse against the tenant where prior to the commencement of the sub-tenancy he shall have given written notice to the Corporation of the date of the commencement of the sub-tenancy and the duration thereof.

Tenants' liability for sub-tenants' gas supply.

29. Unless at the date of the demand for any such new or increased supply of gas as is hereinafter referred to the capacity of the distribution works of the Corporation is in the opinion of an arbiter appointed as hereinafter provided insufficient to meet (with a reasonable margin) the requirements (as existing immediately before that date) of the consumers in the portion of the limits of supply of the Corporation for which such works have been provided (so far as such requirements could reasonably have been foreseen) the Corporation notwithstanding anything contained in any other enactment shall not be obliged to give for any purpose other than lighting or domestic use—

Relief from obligation to supply.

- (a) a new supply of gas for the premises of any person demanding such supply at any time after the commencement of this Order; or
- (b) an increased supply of gas (other than an increased supply necessitated by any reduction of the declared calorific value of the gas);

where the giving of such new or increased supply would render necessary the laying of a new main or the making (as an alternative to the laying of a new main) of any enlargement or alteration of or addition to the distribution works of the Corporation :

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— Provided that the foregoing provisions of this section shall not apply in any case in which the person demanding the new or increased supply (in this section referred to as “ the applicant ”) shall enter into a written contract with the Corporation—

- (i) to receive and pay for a supply of gas of such minimum quantity and for such minimum period as the Corporation may reasonably require; or
- (ii) to make such payment or payments to the Corporation (in addition to any payments to be made from time to time for gas supplied to the applicant) as the Corporation may reasonably require;

(according as the Corporation may in their discretion determine) in consideration of or by way of contribution towards the expenses to be incurred by the Corporation in laying such new main or making such enlargement alteration or addition as aforesaid and shall give such security for the payment of all moneys which may become due under the contract as the Corporation may reasonably demand.

If any question shall arise under the provisions of this section between the Corporation and the applicant as to the sufficiency of the distribution works of the Corporation or as to whether such new or increased supply would necessitate the laying of a new main or the making of any such enlargement alteration or addition as aforesaid or as to the reasonableness of the minimum quantity or period or of the payments (in addition to payments for gas supplied) required by the Corporation or as to the nature or amount of the security demanded by the Corporation such question shall be referred to and determined by an arbiter to be appointed (failing agreement between the Corporation and the applicant) by the Board of Trade on the application of either party after notice in writing to the other of them and the decision of such arbiter shall be final and binding.

In determining any such question as aforesaid the arbiter shall have regard to the following among other considerations (that is to say):—

- (a) the total annual quantity of gas required by the applicant the maximum quantity required per

hour and the hours of the day during which the Corporation may be called upon to supply gas to the applicant; A.D. 1935.

(b) the capital expenditure which the Corporation would have to incur in the laying of a new main or the making of any enlargement or alteration of or addition to their distribution works as aforesaid in connection with the giving of such new or increased supply; and

(c) how far such capital expenditure may become unproductive to the Corporation in the event of the cesser of the new or increased supply.

30.—(1) If the Corporation shall at any time serve notice upon any consumer within the burgh to the effect that an officer or servant of the Corporation has reported after inspection of any internal piping or gas consuming appliance or fitting on such consumer's premises that he is of opinion that any such internal piping or gas consuming appliance or fitting is in such a condition as to be dangerous such consumer shall forthwith carry out such works as may be necessary to remove the cause of danger. If such consumer shall fail forthwith to carry out such works as aforesaid the Corporation may stop the gas from entering the premises of such consumer by cutting off the service pipe or by such other means as the Corporation shall think fit. Any expenses incurred by the Corporation in cutting off the gas from such premises may be recovered by the Corporation as a civil debt. Power to compel repairs of piping or appliances &c. in dangerous condition.

(2) For the purposes of this section the Corporation shall subject to the provision of section 21 of the Gasworks Clauses Act 1871 have and may exercise the like powers of entry as are exerciseable under that section.

31. A notice to the Corporation from a consumer (a) for the discontinuance of a supply of gas or (b) in accordance with the provisions of this Order 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 Corporation or be given by the consumer personally at the said office. Notices to Corpora-tion.

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Removal of
meters.

32. The Corporation may on giving twenty-four hours' previous notice remove from any house or premises any meters of the Corporation which the Corporation consider to be unsuitable for such house or premises and may substitute for such meters so removed such other meter or meters as are in the Corporation's opinion sufficient for the supply of such house or premises with gas. Provided that in the event of any person desiring to retain any such meter of which notice for removal has been so given the Corporation may charge such person a yearly rent for such use as the Corporation think fit.

Power to
lay pipes for
ancillary
purposes.

33. The Corporation may within the limits of supply lay down and repair take up relay or renew mains pipes and culverts for the purpose of procuring conducting or disposing of any oil or other materials used by them in or resulting from the manufacture of gas or any residual products thereof or for any purpose connected with the undertaking 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 applicable to the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof:

Provided that no such main pipe or culvert shall be laid down in any street without the consent in writing of the persons having the control or management of the street or being responsible for the repair thereof having been first obtained but such consent shall not be unreasonably withheld and any difference arising between the Corporation and such persons shall be determined by an arbiter to be appointed by the sheriff on the application of either party.

As to show-
rooms &c.

34. The Corporation may in connection with and for the purposes of the undertaking continue provide fit up and maintain showrooms and offices and exhibit specimen installations machinery fittings and other apparatus appliances articles and things used in connection with the manufacture and consumption of gas or resulting from the manufacture of gas and give demonstrations of the uses to which gas or gas residuals can be put and may appoint and pay persons for the purposes

aforesaid and may by public advertisement or otherwise publish and make known any matters connected with or affecting the sale of gas or gas residuals and may subscribe or contribute to the funds of any body or company who do all or any of these things whether in connection specially with the undertaking of the Corporation or otherwise and may do all such other acts as they may deem expedient to assist develop or promote the use of gas or gas residuals.

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35. The Corporation may erect purchase or take on lease dwelling-houses for such of their officers or servants employed in connection with the undertaking as require in consequence of the nature of their duties to reside in close proximity to the places where they are employed and they may also erect purchase or take on lease such buildings as they deem requisite for the purposes of the undertaking or as may be required for or in connection with any lands for the time being belonging to or held by the Corporation for the purposes of the undertaking.

Dwelling-houses and other buildings in connection with undertaking.

36. If any person is ~~required by the Corporation~~ to give to them security for any supply of gas or for the payment of the price or rent of a meter and such security is made by way of deposit the Corporation shall pay interest at the rate of four pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

Corporation to pay interest on money deposited as security.

37. The Corporation may subject to the provisions of this Order but only for the purposes of the undertaking and not so as to acquire any exclusive right therein contract for take and use any licence or authority granting any right or privilege of working using or vending any invention subject to letters patent in relation to the manufacture supply distribution or use of gas or the conversion manufacture or utilisation of residual products obtainable in or arising from such manufacture or from the materials used therein.

Power to take licences for use of patents.

38. Any notice to be served by the Corporation on a person supplied with gas shall be sufficiently authenticated by the signature of the clerk or other officer of the Corporation for the time being authorised in writing by the Corporation being affixed thereto in

Authentification and service of notices by Corporation.

A.D. 1935. writing or in print or by a stamp and any such notice may be served on such person either personally or by sending the same through the post by a prepaid letter addressed to him by name at his last known or usual place of abode or of business or by delivering the same to some inmate at his last known place of abode or business or to any inmate of the premises supplied or if such premises be unoccupied and the place of abode of the person to be served is after proper inquiry unknown it shall in the case of any notice not being a notice to pay any charge be sufficient to affix such notice or a copy thereof upon some conspicuous part of such premises.

Power to borrow.

39.—(1) It shall be lawful for the Corporation with the sanction of the Secretary of State to borrow by way of mortgage or otherwise any money which may be necessary for the purposes of the undertaking.

(2) Any money borrowed under this section shall be repaid within such period or periods and by such ~~method~~ or ~~methods~~ as the Secretary of State may prescribe.

(3) In relation to any sanction to be given by the Secretary of State to the ~~borrowing~~ of money by the Corporation under this section the Secretary of State shall have and may exercise all the powers of section 93 of the Local Government (Scotland) Act 1889 Provided that for the purposes of this provision the sum of five guineas shall be substituted for the sum of three guineas in that section mentioned.

(4) If after having borrowed any sum of money the Corporation pay off the same otherwise than by a sinking fund or out of the proceeds of the sale of land it shall be lawful for them to reborrow the amount so paid off and so from time to time Provided that any money so reborrowed shall for the purpose of repayment be deemed part of the original loan and shall be repaid within the period prescribed for the repayment of the money in lieu of which such reborrowing has been made.

Application of revenue.

40. Subject to the provisions of this Order the Corporation may and shall provide such moneys as may become necessary for the purposes of this Order or any of them and of the undertaking and the maintenance management and improvement thereof and the payment of expenses in connection therewith and the aforesaid interest on borrowed money and repayment thereof by

instalments or by sinking fund out of the revenue of the undertaking or if that shall be insufficient out of moneys to be raised by means of the assessment by this Order authorised to be imposed and levied. A.D. 1935.
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41. Subject to the provisions of this Order the Corporation may and shall if and so far as the revenue of the undertaking is insufficient to provide the moneys mentioned in the section of this Order of which the marginal note is "Application of revenue" charge (in equal proportions) all owners and occupiers of lands and heritages within the burgh with an assessment (to be called "the gas contingent guarantee assessment") of such amount as will make good the said insufficiency which assessment shall be levied and recovered in the same manner as the general improvement rate authorised by the Police Acts is levied and recovered and all the provisions of those Acts (other than the limitation of rate) with respect to the mode of imposing levying and recovering the general improvement rate shall mutatis mutandis extend and apply to the said assessment hereby authorised. Gas con-
tingent
guarantee
assessment.

42. The provisions hereinafter specified of the Acts hereinafter mentioned shall so far as the same are not varied by or inconsistent with the provisions of this Order extend and apply mutatis mutandis to the undertaking and to the Corporation in respect thereof as fully and effectually as if the same had been re-enacted in this Order with reference thereto (that is to say):— As to form
of mortgage
and pro-
cedure in
connection
with mort-
gages.

Burghs Gas Supply (Scotland) Act 1876—

- Section 28 (Form of mortgage) and Schedule (C);
- Section 29 (Mortgages may be accompanied with interest warrants) and Schedule (D);
- Section 30 (Commissioners may borrow on credit of a cash account);
- Section 32 (Arrears may be enforced by appointment of a judicial factor);
- Section 33 (Power and duties of judicial factor);
- Section 34 (Mortgages to be personal estate);
- Section 35 (Discharge of mortgages) and Schedule (E):

Provided that in the application of the said provisions the forms of mortgage interest warrant and

A.D. 1935. — discharge shall refer to this Order in lieu of the Burghs Gas Supply (Scotland) Act 1876.

As to execution of mortgages.

43. All mortgages to secure any money borrowed under the provisions of this Order shall be signed and otherwise executed in accordance with the Town Councils (Scotland) Act 1900.

Corporation not to regard trusts.

44. The Corporation shall not be bound to see to the execution of any trust whether express implied or constructive to which any loan or security for loan given by them under this Order may be subject but the receipt of the person in whose name any such loan or security for loan stands in the register of mortgages of the Corporation shall be a sufficient discharge to the Corporation in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Corporation have had express or implied notice of any such trust or of any charge or encumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register.

Reserve fund for undertaking.

45.—(1) The Corporation may (if they think fit) provide a reserve fund in respect of the undertaking by setting aside out of the revenue of the undertaking such an amount as they may from time to time think reasonable and investing the amounts set aside in statutory securities and accumulating them until the fund so formed amounts to the maximum reserve fund for the time being prescribed by the Corporation in respect of the undertaking not exceeding a sum equal to one-tenth of the aggregate capital expended for the time being by the Corporation on the undertaking.

(2) The said fund shall be applicable to meet any deficiency at any time happening in the income of the Corporation from the undertaking or any extraordinary claim or demand at any time arising against the Corporation in respect of the undertaking or for payment of the cost of renewing any part of the works forming part thereof or for any extension of the said works or otherwise for the benefit of the undertaking and so that if the fund be at any time reduced it may thereafter be restored again to the prescribed maximum and so from time to time as often as such reduction happens.

(3) Resort may be had to the reserve fund under the foregoing provisions although the fund may not at the time have reached or may have been reduced below the prescribed maximum. A.D. 1935.
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46. Nothing in this Order shall prejudicially affect any bonds mortgages and securities granted by the Corporation in connection with the undertaking and subsisting at the date of the commencement of this Order. Provided that all such bonds mortgages and securities shall be deemed to have been granted under this Order but shall be repaid within the repayment period or periods at present applicable thereto. Saving for existing securities.

47. The Corporation may arrange with the weekly wage earners employed in the undertaking that they shall retire at sixty-five years of age and on such retiral shall be paid a pension at the following rates (viz.) :— Pensions for weekly wage earners.

- For service of 10–20 years - 12s. 6d. per week.
- For service of 20–25 years - 15s. 0d. per week.
- For service of 25–30 years - 17s. 6d. per week.

Provided that the power conferred upon the Corporation by this section shall cease if and when the officers and servants of the Corporation become subject to a superannuation scheme under any general Act of Parliament.

48. Nothing in this Order shall prejudicially affect any agreement to which the Corporation are a party and subsisting at the date of the commencement of this Order and all such agreements shall remain in full force and effect as if the undertaking were the undertaking of the Corporation as hitherto carried on by them. Saving for existing agreements.

49. Proceedings for the recovery of any sum due to the Corporation under the authority of any Act or Order from time to time relating to the undertaking whether provision is or is not made for the recovery in any specified court or manner may be taken in any court of competent jurisdiction. Recovery of sums due.

50. Save as otherwise expressly provided by any Act or Order from time to time relating to the undertaking all offences against any such Act or Order in relation to the undertaking and all penalties forfeitures costs and expenses imposed or recoverable thereunder or under any byelaw made in pursuance thereof may be Recovery of penalties &c.

A.D. 1935. — prosecuted and recovered in a summary manner in the sheriff court :

Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered as civil debts.

As to local rates for purposes of Electricity Acts.

51. In the application of the Electricity (Supply) Acts 1882 to 1935 within the burgh the local rate referred to in the schedule to the Electric Lighting Act 1882 as amended by the Electric Lighting (Scotland) Act 1890 shall mean the police or burgh assessment or rate of the nature of the burgh assessment.

Works below high-water mark not to be constructed without consent of Board of Trade.

52. The Corporation shall not under the powers of this Order construct on under or over the shore or bed of the sea or of any creek bay arm of the sea or navigable river communicating therewith below high-water mark of ordinary spring tides any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries under secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of in writing under hand as last aforesaid and where any such work may have been constructed the Corporation shall not at any time alter or extend the same without obtaining previously to making any alteration or extension the like consent or approval. If any work be commenced altered extended or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost and charge of the Corporation and the amount of such cost and charge shall be a debt due from the Corporation to the Crown and shall be recoverable accordingly.

Costs of Order.

53. The costs charges and expenses incurred in preparing for and obtaining this Order and the confirmation thereof and incidental thereto shall be paid out of moneys which the Corporation may borrow for that purpose under this Order or out of the revenue of the undertaking. Provided that if such costs charges and expenses are paid out of borrowed money the same shall be repaid within five years from the day of the passing of the Act confirming this Order.

The SCHEDULES referred to in the foregoing Order. A.D. 1935.

THE FIRST SCHEDULE.

(Referred to in the section of this Order of which the marginal note is "Limits of supply.")

I.—THE LANDS INCLUDED WITHIN THE BOUNDARIES OF THE ROYAL BURGH OF ROTHESAY.

BOUNDARIES OF THE BURGH OF ROTHESAY.

From Ascog Mill at the seashore along the bed of Ascog Burn to Ascog Loch thence along the north-west side to the head of the loch thence along the burn or watercourse which separates the lands of Lochend from Kerrycrusoch till it joins the Cotton Mill aqueduct thence along the aqueduct to the Burn of Barnauld thence along that burn till it joins Loch Fad thence to and through the centre of Loch Fad to the north-east end thereof where the loch joins the lands of Chapelton thence by the water issuing from the said loch in a cut or watercourse until it reaches the embankment of the Cotton Mill reservoir commonly called the Kirk Dam thence along the said embankment to where the burn from Barone Park Distillery falls into the said reservoir thence along the said burn until it reaches the east corner of Craigbirach Plantation thence along the north march fence of the said plantation four hundred and fifty feet or thereby thence along a hedge fence separating Barone Meadow from the lands on the north-west thereof until the said fence reaches the western side of the public highway leading from Rothesay to Cummermenoch thence crossing the highway and proceeding along the north-east side thereof two hundred and thirty-two feet in a southern direction to where it meets the watercourse conveying the water from the higher lands of Little Barone to the Kirk Dam thence along the said watercourse towards its source one thousand and thirty-six feet thence in a straight line to the north-east end of Greenan Loch thence along the march fence separating the farm of Eskechraggan from the farm of Breckoch until it reaches the farm of Gartnakelly thence along the march fence of Eskechraggan till it reaches the Burgh West Common thence along the march fence of the said West Common till it reaches the southern boundary of the lands of Lenimolloch part of the lands of Easter Kames thence along the said boundary till it reaches the channel and thence along the channel by which the water from the said common runs until it joins the burn called Point House Burn thence along the said burn to the sea thence along the seashore to the point first described.

A.D. 1935. II.—THE LANDS WITHIN THE PARISH OF NORTH BUTE (INCLUDING
THE VILLAGE OF PORT BANNATYNE).

The area in the parish of North Bute defined within the following boundaries viz. Commencing from a line drawn from the sea and across the road Route A 844 following the west boundary of the recreation ground and thereafter westwards along the north boundary of the tramway company's property to meet and follow the south boundary of the road leading south-east to Bannatyne Mains Farm and thereafter continuing on the south boundary of Bannatyne Mains Road to the wall of the hydropathic grounds thence south-east along the said wall and continuing along the south boundary of the hydropathic and the east boundary of Kames Hill Plantation to and including Rullecheddan Farm buildings and eastwards along a fence to join the farm road and continuing along the south side of this farm road to join the Gortans Road thence north-east along the east boundary of the said road to meet the south-west boundary of Mount Clare and along this boundary to the boundary of the burgh of Rothesay and thence following the last-mentioned boundary in a north-easterly direction to the sea and westwards along the coast line to join the starting-point.

III.—THE LANDS WITHIN THE PARISH OF KINGARTH (COMPRISING
THE ASCOG LIGHTING DISTRICT).

The area in the parish of Kingarth defined within the following boundaries viz. Beginning at the boundary of the burgh of Rothesay in the centre of the Kingarth public road at Millhole (Route A 844) thence in a straight line eastward to the seashore thence in a southerly direction along the seashore to a point opposite the south boundary of Hawkstone Lodge thence in a westerly direction to and along the said south boundary and along a fence in continuation thereof first in a westerly thence in a north-westerly and thence in a northerly direction until it reaches the road from the shore past Balmory thence across the said road continuing in a northerly direction along a fence being the western boundary of field number 51 on Ordnance survey map (1919 edition) until it joins the road to Upper Ascog Farm steading thence eastwards along the centre of the said road to a road or track leading northwards and along the centre of the said road or track in a northerly direction to a point opposite the north-west boundary corner of Millbrae thereafter in a north-easterly direction over waste land and old quarry to join the boundary of the burgh of Rothesay to the south of Burnside Cottage thence along the said burgh boundary to the centre of the Kingarth Public Road at Millhole (Route A 844).

THE SECOND SCHEDULE.

A.D. 1935.

(Referred to in the section of this Order of which the marginal note is "Power to continue gasworks &c.")

DESCRIPTION OF GROUND ON WHICH THE GASWORKS STAND.

All and whole that piece of ground lying on the west side of High Street in the burgh of Rothsay and county of Bute bounded as follows On the north by a piece of ground belonging to the Marquis of Bute and now partially feued out along which it extends seven hundred and five feet or thereby on the east by the said High Street along which it extends one hundred and seventy-eight feet or thereby on the south by property belonging to the Corporation along which it extends seven hundred and forty-three feet or thereby and on the west by the lade or watercourse along which it extends one hundred and ninety-three feet three inches or thereby.

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