

No. XX.

MUNICIPAL GAS
(No. 2.)**An Act to amend the Municipal Law in relation to the Supply of Gas by Municipal Corporations and for other purposes in connection therewith. [31st October, 1884.]**

Preamble.

WHEREAS doubts have arisen as to the power of Municipal Councils to borrow money for the purchase or construction of gas-works for the purpose of supplying gas for lighting and it is expedient to remove such doubts and to empower such Councils to provide such gas-works and to enforce charges for the supply thereof to sell and dispose of every product and refuse obtained from the manufacture of gas and to acquire lands and erect buildings for or in connection with such works and to make other provision as hereinafter mentioned Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

Short title.

1. This Act may be cited as the "Municipal Gas Act of 1884" and in its construction the expression "Principal Act" means the "Municipalities Act of 1867" and "Council" means the Council of any Borough or Municipal District.

Council may use
ordinary corporate
funds.

2. Any Council may use the ordinary corporate funds for the purpose of obtaining plans estimates or reports as to the cost of purchasing establishing or constructing gas-works Provided that in the event of such works being proceeded with the preliminary expenditure shall be charged to the gas account.

Special loan for gas-
works.

3. For the purpose of constructing gas-works any Council may borrow moneys by way of special loan notwithstanding the limitation contained in the one hundred and ninetieth clause of the Principal Act in manner provided by the Principal Act—

A separate account shall be kept of all moneys received and expended on account of such loan and it shall not be lawful to expend any such moneys in the maintenance or repair of or for current expenses connected with the gas-works or for any purpose other than the construction thereof not being a purpose mentioned in the seventeenth section of this Act Provided always that such loan may be lawfully charged with the payment of interest due thereon during the course of construction of such works.

The gas-works may be a security or part security for any such loan in which case such loan shall be a first charge upon such gas-works.

All such gas-works shall be vested in the Council.

Council may establish
gas-works.

4. Any Council may do all things necessary to light the streets and public places of a Municipality with gas and to supply gas to the inhabitants thereof and in connection with such purposes—

- (I.) May acquire land construct works or erect buildings within or without the Municipality.
- (II.) May procure and construct all machinery and plant necessary for gas-works.
- (III.) May lay pipes under the streets and public places of the Municipality.

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- (iv.) May alter any drains or water-pipes thereunder in such manner as may be necessary but so as not to injuriously affect the same or to foul any water conveyed thereby.
- (v.) May erect lamp-posts with all requisite fittings thereto in the streets And in case the supply of gas is at any time insufficient may use kerosene or any material whatever for lighting purposes.
- (vi.) May do all things necessary to keep the gas-works and everything appertaining to the supply of gas in good repair.

5. A Municipality may exercise any of the powers contained in the preceding clause within another Municipality through which it may be requisite to run the main from the gas-works to the Municipality but in such case the Municipality exercising those powers shall replace the streets and public places through which such main runs in the same condition in which they were previously.

May enter another Municipality for laying main.

6. Upon the written application of the owner or occupier of any building within one hundred yards of any main gas-pipe the Council shall lay on such service-pipes and gas-meter as are requisite to supply such building with gas and to measure the quantity consumed and the Council shall have power to charge a rent for the use of the meter which shall be placed where the applicant desires.

Private persons may be supplied with gas.

7. Every private consumer of gas shall provide such gas-fittings and appliances for the proper combustion and for preventing the escape of gas as the Council may approve of and shall keep the same in good repair and if any person neglects to provide or to repair such fittings and appliances when required to do so by the Council the Council may cut off the supply of gas from the premises of such person.

Private consumer to supply fittings.

8. Any person acting under the authority of the Council may between the hours of eight in the forenoon and six in the afternoon on any day except Sunday enter any premises supplied with gas under this Act in order to examine the gas-meter therein and if such person is refused admittance or is obstructed in such examination the Council may cut off the supply of gas from such building.

Private buildings may be entered to inspect gas-fittings.

9. Any person who alters the index of or in any other manner tampers with a gas-meter with intent to defraud the Council shall be liable to a penalty of not more than fifty pounds for every such offence.

Penalty for altering index of gas-meter.

10. No private consumer of gas shall alter the position of any gas-meter without giving the Council three day's notice in writing of his intention and any person making such alteration without such notice shall be liable to a penalty of not more than twenty pounds for every such offence.

Penalty for altering position of gas-meter.

11. Any person who wilfully destroys injures or displaces any gas-pipe or fitting or other thing connected with the gas-works shall be liable to a penalty of not more than fifty pounds and shall also be liable to pay to the Council the cost of repairing any such injury.

Penalty for injuring gas-works.

12. The Council may supply persons resident or owning property outside the Municipality and not within the boundaries of another Municipality with gas upon such terms and conditions and at such rates as may be agreed on with such persons and for such purpose shall have the same powers outside as it has within the Municipality.

Gas may be supplied outside Municipality.

13. Any Council which has constructed or acquired gas-works under the authority of this Act may contract with any other Council (and such last-mentioned Council is hereby declared to be competent to enter into any such contract and bind its corporate revenues by the terms thereof) for the supply of gas only to such Council at such rates and upon such terms as may be mutually agreed And the Council so to be supplied shall within the limits of such Municipality have all the powers and be subject to all the obligations and

Power to Council to contract with another for supply of gas.

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and liabilities conferred or imposed by this Act on Councils constructing gas-works under its provisions so far as such powers obligations and liabilities can be respectively exercised and incurred.

Private property not to be interfered with.

14. The Council shall not construct any works or lay any pipes or anything connected therewith on or under any private property without the consent of the owner and occupier thereof but may enter upon any such property where gas-pipes or fittings have been lawfully laid under this Act and may alter repair or replace the same as it thinks fit.

Two or more Municipalities may act conjointly.

15. Any two or more Councils may join together in the purchase or erection of gas-works and may conjointly exercise the powers herein conferred on them separately.

Council may fix and recover price of gas.

16. The Council may fix the prices at which gas shall be supplied to all private consumers and the times when the same shall be payable and may from time to time alter the same And in case any person who shall contract with the Council or agree to take or shall take or use the gas of the Council in any building tenement or place shall refuse or neglect to pay to the Council the sum or sums due in respect thereof it shall be lawful for the Council without prejudice to any other remedy to take proceedings in respect of such refusal or neglect before any Justice of the Peace who may issue a summons to the party so refusing or neglecting calling on him to show cause before the Court of Petty Sessions in the police district in which such building tenement or place is situated or such user took place why he refuses to pay such sum or sums and the said Court shall hear and determine the matter and may enforce payment of any order (together with costs if ordered) by distress and sale of the goods and chattels of the defendant.

Sale of products.

17. The Council may sell or otherwise dispose of all products refuse or residuum obtained from their gas-works and may sue for and recover payment for the same in manner provided by the last preceding section.

Gas-rate.

18. The Council may make and levy an annual rate as provided for in the one hundred and sixty-fifth section of the Principal Act upon all ratepayers in the Municipality for the purpose of lighting the streets and public buildings in the Municipality but such rate shall not exceed sixpence in the pound in any one year.

Gas may be cut off from defaulter.

19. If any person fails to pay any money due on account of gas or on account of any such gas-rate as aforesaid the Council may without prejudice to any other remedy cut off the supply of gas from the premises of such person.

Accounts of gas-works.

20. A separate account to be called the "gas account" shall be kept of all moneys received from gas-rates and for the supply of gas and for the sale of any products therefrom all which moneys shall be charged as follows:—

- (I.) With such sums (to be transferred to an Interest and Sinking Fund Account) as shall be sufficient to satisfy the interest and principal sums payable on any loan raised under the authority of this Act.
- (II.) With the cost of maintaining the gas-works in good repair and all the expenses connected with making and supplying gas as herein provided.
- (III.) With any surplus remaining thereafter which surplus the Council is hereby empowered to transfer to the credit of the General Municipal Fund.

Council may purchase gas-works out of loan.

21. The Council may out of any moneys which are applicable to the construction of gas-works under this Act purchase any gas-works mains and lamp-posts which when so purchased shall be deemed to have been constructed and established under this Act.

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22. It shall be lawful for the directors of any gas company in pursuance of a special resolution passed by a majority of three-fourths in number and value of the shareholders present either personally or by proxy at a meeting specially convened with notice of the business to be transacted to sell and transfer to any Council on such terms as may be agreed upon all the rights powers and privileges and all or any of the lands premises works and other property of the company but subject to all liabilities attaching to the same at the time of purchase. Gas companies may sell works to Council.

23. No pipe burner lamp meter or other apparatus of the Council set up in any building tenement or place shall be subject to distress for rent or shall be taken in execution under any process or proceeding of any Court of law or equity or under any proceedings in bankruptcy or insolvency unless under process against such Council. Apparatus not liable for distress execution &c.

24. The gas supplied by every Council shall be absolutely free from sulphuretted hydrogen and shall be of such minimum quality as to produce from an Argand burner having fifteen holes and a seven-inch chimney consuming five cubic feet of gas per hour a light equal in intensity to the light produced by fifteen sperm candles of six in the pound burning one hundred and twenty grains per hour. Purity and illuminating power of the gas.

25. Every Council shall within twelve months after the erection of any gas-works authorized by this Act put up at some testing place to be provided by the said Council within the Municipality suitable apparatus for the purposes following :— Provision for testing.

(I.) For testing the illuminating power of the gas supplied

(II.) For testing the presence of sulphuretted hydrogen in the gas supplied

The said apparatus shall be in accordance with the Schedule hereto and shall at all times be kept and maintained in good repair and working order by the said Council.

26. Every Council shall from time to time appoint a proper person as gas examiner who shall at the proper testing place test the illuminating power and purity of the gas supplied on any or every day and such Council may be represented at the testing if it shall think fit but shall not in any way directly or indirectly interfere in the testing. Appointment of gas examiner.

27. The gas examiner shall on the day immediately following that on which the testing was made by him deliver to the Council a report of such testing signed by him which report shall be receivable in evidence in any Court. Gas examiner to report &c.

28. No meter shall be used for ascertaining the quality of gas sold by any Council unless the same shall have its measuring capacity at one revolution or complete action of the meter and also the quantity per hour it is intended to measure in cubic feet or multiples or decimal parts of a cubic foot denominated or marked on the outside thereof in legible letters or figures and shall have been tested and stamped as correct by the English Warden of Standards or by some authority declared by the Governor in Council by notification in the *Gazette* to be a lawful authority for the purposes of this section. Meters.

29. An inspector of meters shall from time to time be appointed by the Council and such inspector shall at all times when authorized by the Council on the application and at the expense of any consumer of gas supplied by the Council be entitled to inspect and test the meters erected by the Council in the premises of the person making such request after giving forty-eight hours notice of such intended inspection to the Council and before such inspection the person requiring the same shall deposit in the hands of the inspector all money due or appearing to be due by such person to the Council on account delivered and in case such deposit shall be in excess of the sum found to be due to the Council such excess shall be returned to the consumer. Council may appoint inspector of meters.

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- Regulation of meters.** 30. No meter fixed by any Council for use before the expiration of one year after the commencement of this Act shall be allowed to remain in use after the expiration of five years from that time unless it shall have been tested and stamped as by this Act directed and no meter once tested and stamped under the provisions of this Act shall be allowed to remain in use for more than five years from the time when it shall have been last so stamped unless and until it shall have been retested and restamped in manner aforesaid and if such Council shall knowingly allow any meter to be used in contravention of this section it shall be liable to a penalty not exceeding forty shillings for every such offence.
- Legal standard.** 31. After the expiration of one year from the commencement of this Act the legal standard or unit of measure for the sale of any Council's gas by meter shall be the cubic foot containing sixty-two pounds three hundred and twenty-one thousandths of a pound (62.321) avoirdupois weight of distilled or rain water weighed in air at the temperature of sixty-two degrees Fahrenheit's thermometer the barometer being at thirty inches.
- Forging stamps.** 32. If any person shall forge or counterfeit or cause or procure to be forged or counterfeited or knowingly act or assist in the forging or counterfeiting any stamp which may hereafter be used for the stamping of any meter under this Act such person shall for every such offence be liable to a penalty not exceeding fifty pounds nor less than ten pounds and if any person shall knowingly sell utter or dispose of let lend or expose for sale any meter with such forged stamp thereon such person shall for every such offence be liable to a penalty not exceeding ten pounds nor less than forty shillings and all meters having forged or counterfeited stamps thereon shall be forfeited and destroyed.
- Pressure of gas.** 33. Every Council supplying gas shall except in case of accident supply the same at such pressure as to balance from midnight to sunset a column of water not less than six-tenths of an inch in height and from sunset to midnight a column of water not less than one inch in height.
- Power to purchase existing gas-works.** 34. Whenever any Council shall have determined to construct gas-works under this Act such Council shall have power to purchase any existing gas-works within the Municipality owned by any Company or individual at a price to be fixed by arbitrators mutually appointed—such price to be ascertained by them by a reference to the average dividend or profits for the then last three years or if the works have not been in existence three years then at a price not exceeding ten per cent. advance on the cost of such works.
- Council may be brought under general Act.** 35. Nothing contained in this Act shall prevent the Council being brought under the provisions of any general Act which may be passed by the Parliament of New South Wales applying equally to Councils engaged in the manufacture of gas in the Colony with reference to the manufacture and sale of gas nor entitle the said Council to compensation from the public revenue by reason of the provisions of such general Act for the purpose aforesaid being made applicable to and binding upon the Council.
- Recovery of penalties &c.** 36. All sums of money penalties and fines payable or recoverable by any Council under this Act shall be recovered in manner provided by the one hundred and ninety-third section of the Principal Act and when so recovered shall be paid into and form part of the gas account of such Council.

Carriages Regulation.

SCHEDULE.

PART I.

Regulations in respect of testing Apparatus.

The apparatus for testing the illuminating power of the gas shall consist of an improved form of photometer together with a proper meter minute clock governor pressure gauge and balance. The burner to be used for testing the gas shall be an Argand burner having fifteen holes and a seven-inch chimney. The candles used for testing the gas shall be sperm candles of six to the pound and two candles shall be used together.

2. *The Apparatus.*

For testing the presence in the gas of sulphuretted hydrogen a glass vessel containing a strip of bibulous paper moistened with a solution of acetate of lead containing sixty grains of crystallized acetate of lead dissolved in one fluid ounce of water.

PART II.

RULES AS TO MODE OF TESTING GAS.

1. *Mode of Testing for illuminating power*—The gas in the photometer is to be lighted at least fifteen minutes before the testings begin and it is to be kept continually burning from the beginning to the end of the tests. Each testing shall include ten observations of the photometer made at intervals of a minute. The consumption of gas is to be carefully adjusted to five cubic feet per hour. The candles are to be lighted at least ten minutes before beginning each testing so as to arrive at their normal rate of burning which is shown when the wick is slightly bent and the tip glowing. The standard rate of consumption for the candles shall be one hundred and twenty grains each per hour. Before and after making each set of ten observations of the photometer the gas examiner shall weigh the candles and if combustion shall have been more or less per candle than one hundred and twenty grains per hour he shall make and record the calculations requisite to neutralize the effects of this difference. The average of each set of ten observations is to be taken as representing the illuminating power of that testing.

2. *Mode of testing for sulphuretted hydrogen*—The gas shall be passed through the glass vessel containing the slip of bibulous paper moistened with the solution of acetate of lead for a period of three minutes or such longer period as may be prescribed and if any discoloration of the test paper is found to have taken place this is held to be conclusive as to the presence of sulphuretted hydrogen in the gas.
