CHAPTER xxxv.

An Act for conferring further powers upon the Annfield Plain and District Gas Company. A.D. 1912.

[7th August 1912.]

WHEREAS by the Annfield Plain and District Gas Act 1907 (in this Act called "the Act of 1907") the Annfield Plain and District Gas Company (in this Act called "the Company") were incorporated and authorised to supply gas throughout the urban district of Annfield Plain and part of the urban district of Tanfield in the county of Durham:

And whereas the authorised capital of the Company under the Act of 1907 is 36,000*l.* and the Company were authorised to raise on mortgage any sum not exceeding 12,000*l.* and the whole of the share capital and 9,000*l.* of the loan capital of the Company has been raised:

And whereas the demand for gas within the Company's present limits of supply has increased and is increasing and it is expedient in order to meet such demand that the Company's works at Kyo should be enlarged and extended and that the Company should be authorised to manufacture gas and residual products on additional lands adjoining the existing gasworks acquired by the Company by agreement under the powers of the Act of 1907:

And whereas the Company's existing limits of supply are of an irregular shape and it is expedient to authorise the Company to supply gas throughout a small portion of the parish of Iveston in the urban district of Leadgate adjoining the Company's limits of supply on the west and also within a small portion of the urban district of Stanley adjoining the limits of supply of the Company on the east:

A.D. 1912.

And whereas the Shotley Bridge and Consett District Gas Company were by the Shotley Bridge and Consett District Gas Act 1869 authorised to supply gas in the parish of Iveston but no such supply has been given in the portion of the parish included within the limits of this Act and it is expedient that the powers of the Shotley Bridge and Consett District Gas Company in that behalf should be repealed:

And whereas it is expedient that the Company should be authorised to raise additional capital and that the other powers in this Act contained should be conferred upon the Company:

And whereas the objects aforesaid cannot be attained without the authority of Parliament:

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

PART I.

PRELIMINARY.

Short and collective titles.

1. This Act may be cited as the Annfield Plain and District Gas Act 1912 and the Annfield Plain and District Gas Act 1907 and this Act may be cited together as the Annfield Plain and District Gas Acts 1907 to 1912.

Incorporation of general Acts.

2. The following Acts and parts of Acts are (subject to the provisions of and so far as applicable to the purposes of this Act) hereby incorporated with and form part of this Act (namely):—

The Lands Clauses Acts (except the provisions thereof relating to the acquisition of lands otherwise than by agreement):

The Gasworks Clauses Act 1847 and the Gasworks Clauses Act 1871 Provided that section 13 of the former Act shall be read as if the words "or any premises" were inserted after the words "private building" and as if the words "Provided also that every such contract entered "into by the Company shall be alike in terms and "amount under like circumstances to all consumers" were added at the end of that section:

The provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say):—

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions and the means of enforcing the payment of calls;

The forfeiture of shares for non-payment of calls;

The remedies of creditors of the Company against the shareholders;

The borrowing of money by the Company on mortgage or bond;

The general meetings of the Company;

The accountability of the officers of the Company;

The making of dividends;

The giving of notices; and

The provision to be made for affording access to the special Act by all parties interested:

And Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective meanings unless there be something in the subject or context repugnant to such construction And in this Act unless the subject or context otherwise requires—

"The Act of 1907" means the Annfield Plain and District Gas Act 1907.

PART II.

LANDS AND GASWORKS.

Lands for manufacture and storage of

4. The Company may upon the lands described in the schedule to this Act erect construct lay down provide maintain alter improve enlarge extend and renew or discontinue gasworks

A.D. 1912.

gas and powers to construct and maintain gas-works.

and works for the manufacture and storage of gas and for the manufacture conversion utilisation storage and distribution of materials used in or residual products resulting from such manufacture and the Company may also from time to time provide lay down alter improve enlarge extend and renew all necessary retorts gasholders receivers mains pipes machinery and other works and apparatus and conveniences and do all such acts as they think proper for making and storing gas and for supplying gas within the limits of supply and may supply gas accordingly and may on the said lands convert and manufacture all residual products resulting from the manufacture of gas by them but notwithstanding anything contained in the Act of 1907 or this Act the Company shall not purchase for or use in any process of manufacture any materials other than those required for the making and supply of gas by them or for the working up of their own residual products or for the construction maintenance and repair of their gasworks plant and buildings or for the maintenance and repair of gas fittings.

Power to purchase lands by agreement.

5. The Company may for the purposes of their undertaking purchase take and hold (by agreement but not otherwise) in addition to the lands now belonging to them and any lands which they are authorised to acquire under the powers of the Act of 1907 any lands and hereditaments not exceeding in the whole five acres which the Company may require for the purposes of their undertaking but the Company shall not create or permit a nuisance on any lands purchased under the powers of this section and no lands shall be used by the Company for the purpose of manufacturing gas or residual products except the lands described in the Second Schedule to the Act of 1907 and in the schedule to this Act.

Power to sell and lease lands.

6. The Company may sell and dispose of or may let on lease for such period as they think fit any lands acquired by them by agreement and for the time being belonging to them and not at the time required for the purposes of their undertaking and any such sale disposal or lease may be for such consideration and subject to such reservations stipulations and conditions as the Company think fit And notwithstanding anything in the Gasworks Clauses Act 1871 contained the provisions of sections 128 to 132 (both inclusive) of the Lands Clauses Consolidation Act 1845 shall not apply to any lands sold or disposed of by the Company under the powers of this section.

Part III.

Extension of Limits.

Extension of gas limits.

7.—(1) The limits within which the Company may supply gas under the provisions of the Act of 1907 as amended by this Act shall be extended so as to include so much of the parish of Iveston in the urban district of Leadgate as lies to the east of the centre of the road leading from Stoney Heap to Dipton and so much of the parish and urban district of Stanley as lies to the west of an imaginary line drawn from the point where the Morrison Pit Waggon Way intersects the boundary of the urban districts of Annfield Plain and Stanley in a south-south-westerly direction to the extreme north-eastern boundary of the parish of Lanchester.

(2) The Company shall have and may exercise within the limits of supply as extended by this Act all and the like powers privileges and authorities for and in relation to the supply of gas and shall be subject to all and the like duties liabilities and obligations in respect thereof as they now have and may exercise and are subject to within the limits of supply of the Company as defined by section 4 of the Act of 1907 and the provisions of this Act and of any Act incorporated herewith shall apply to all mains already laid down by the Company as well as to mains to be laid down by them under the authority of this Act.

Repeal of power of Shotley Bridge and Consett District Gas Company to supply gas within limits.

8. So much of the Shotley Bridge and Consett District Gas Act 1869 as authorises the Shotley Bridge and Consett District Gas Company to supply gas within the portion of the parish of Iveston described in the preceding section of this Act is hereby repealed and from and after the passing of this Act all the powers of the Shotley Bridge and Consett District Gas Company with reference to the supply of gas within the said portion of the parish of Iveston shall cease and determine and this Act shall have as full validity and effect as though the said portion of the said parish had never been included within the limits within which the Shotley Bridge and Consett District Gas Company were by the Shotley Bridge and Consett District Gas Act 1869 authorised to supply gas.

Part IV.

Capital.

Additional capital.

9. The Company may from time to time raise additional capital not exceeding in the whole thirty-nine thousand pounds

A.D. 1912.

by the creation and issue of new ordinary shares or stock or new preference shares or stock or wholly or partially by one or more of those modes respectively but the Company shall not issue any share of less nominal value than ten pounds Provided that it shall not be lawful for the Company to create and issue under the powers of this Act any greater nominal amount of additional capital than shall be sufficient to produce including any premium which may be obtained on the sale thereof the sum of thirty-nine thousand pounds:

Provided further that the Company shall not raise by the issue of preference shares or stock a greater amount of such additional capital than twenty-six thousand pounds.

New shares or stock to be sold by auction or tender.

10.—(1) All shares or stock created under the powers of this Act shall be issued in accordance with the provisions of this section.

(2) All shares or stock so to be issued shall be offered for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Company shall from time to time determine Provided as follows:—

(A) Notice of the intended sale shall be given in writing to the clerk to each urban or rural district council having jurisdiction over any part of the limits of supply and to the secretary of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and shall also be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the limits of supply:

(B) A reserve price shall be fixed and notice thereof shall be sent by the Company in a sealed letter to be received by the Board of Trade not less than twenty-four hours before but not to be opened till after the day of auction or last day for the receipt of tenders as the case may be:

(C) No lot offered for sale shall comprise shares or stock of greater nominal value than one hundred pounds:

(D) In the case of a sale by tender no preference shall be given to one of two or more persons tendering the same sum In the case of a sale by auction a bid

shall not be recognised unless it is in advance of the last preceding bid:

(E) It shall be one of the conditions of sale that the total sum payable by the purchaser shall be paid to the Company within three months after the date of the auction or of the acceptance of the tender as the case may be.

(3) Any shares or stock which have been so offered for sale and are not sold may be offered at the reserve price to the holders of ordinary shares or stock of the Company in accordance with the provisions of sections 18 19 and 20 of the Companies Clauses Act 1863 and to the employees of the Company and to the consumers of gas supplied by the Company in such proportions as the Company may think fit or to one or more of these classes of persons only Provided in the case of an offer to holders of shares or stock that if the aggregate amount of shares or stock applied for shall exceed the aggregate amount so offered as aforesaid the same shall be allotted to and distributed amongst the applicants as nearly as may be in proportion to the amounts applied for by them respectively.

(4) Any shares or stock which have been offered for sale in accordance with subsection (2) or with subsections (2) and (3) of this section and are not sold shall be again offered for sale by public auction or by tender in accordance with the provisions of this section and any such shares or stock then remaining unsold may be otherwise disposed of at such price and in such manner as the directors may determine for the purpose of realising the best price obtainable.

(5) As soon as possible after the conclusion of the sale or sales the Company shall send a report thereof to the Board of Trade stating the total amount of the shares or stock sold the total amount obtained as premium (if any) and the highest and lowest prices obtained for the shares or stock.

Application of premium arising on issue of shares or stock.

11. All money raised under this Act including premiums shall be applied only to purposes to which capital is properly applicable and any sum of money which shall arise from the issue of any shares or stock by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as part of the capital of the Company entitled to dividend Provided that all such sums shall for the purpose of

A.D. 1912.

determining the powers of the Company to raise money by borrowing or the amount which the Company may carry to any reserve or other fund but for no other purposes be reckoned as part of the paid-up capital.

Privileges &c. of holders of additional capital.

12. Subject as hereinafter provided the additional capital raised by the Company under this Act shall be part of the general capital of the Company and save as otherwise provided in respect of such capital by the provisions of this Act the holders of shares or stock in such additional capital shall be entitled to the like rights of voting and any other rights qualifications and privileges in proportion to the amount of their shares or stock from time to time paid up and be subject to the like provisions and liabilities as the holders of shares or stock issued under this Act to holders of the shares in the present capital of the Company are subject.

Profits of Company limited.

13. Except as provided by section 40 (Dividend dependent on price charged) of the Act of 1907 the profits of the Company to be divided amongst the holders of the additional share capital to be raised under the powers of this Act shall not exceed the rate of seven pounds in respect of every one hundred pounds actually paid up of such capital as is issued as ordinary capital and the Company shall not attach to any part of the additional share capital by this Act authorised to be raised as shall be issued as preference capital a greater rate of dividend than five pounds in respect of every one hundred pounds actually paid up of such capital.

Power to borrow in respect of additional capital.

14. The Company may subject to the provisions of this Act borrow on mortgage of the undertaking in respect of the additional capital by this Act authorised to be created and issued any sum or sums not exceeding in the whole one-third part of the amount of such additional capital which at the time of borrowing has been raised under the powers of this Act but no sum shall be borrowed until the Company have proved to the justice of the peace before he gives his certificate under the fortieth section of the Companies Clauses Consolidation Act 1845 that the whole of the shares or stock at the time issued together with the premiums (if any) realised on the sale thereof shall have been fully paid up.

Debenture stock.

15. The Company may in respect of the powers of raising money on mortgage or bond conferred upon them by this Act

create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 and of section 13 of the Act of 1907.

Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock issued after the passing of this Act.

Priority of mortgages and debenture stock over other debts.

16. All moneys raised or to be raised by the Company on mortgage or debenture stock under the provisions of the Act of 1907 or under this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act Provided always that this priority shall not affect any claim against the Company or their property in respect of any rent-charge granted or to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company which is entitled to rank in priority to or pari passu with the interest on their mortgages or debenture stock.

Arrears may be enforced by appointment of a receiver.

17. Section 12 of the Act of 1907 is hereby repealed but without prejudice to any appointment heretofore made or to any proceedings pending thereunder at the passing of this Act The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than two thousand pounds in the whole.

Receipt in case of persons not sui juris.

18. If any money is payable to a shareholder stockholder or mortgagee or debenture stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Appointment remuneration &c. of officers.

19. The directors of the Company may at their discretion appoint suspend remove or dismiss such managers treasurers secretaries engineers collectors clerks agents and servants as they from time to time may think proper for the better carrying on of the business of the Company and may determine their respective salaries wages commissions or other emoluments.

A.D. 1912.

Power to make superannuation and other allowances.

20. It shall be lawful for the Company to make superannuation and other allowances and to pay pensions to any officers servants or employees of the Company who may be temporarily or permanently disabled by sickness infirmity or age and for that purpose to apply the funds and revenues of the Company.

Profit sharing.

21.—(1) The directors of the Company may with the sanction of a majority of the shareholders present and voting at an extraordinary general meeting of the Company prepare put in force and from time to time modify or alter a scheme enabling the workmen servants and employees of the Company (herein-after called "employees") or any class or classes of such employees as may be defined in such scheme or schemes to participate in the profits of the undertaking as part of the terms of remuneration for the services of any such employee.

(2) Any agreement as to service with any employee in pursuance of any such scheme may be entered into with any employee above the age of sixteen and shall be in writing and may be made on the part of the Company under the hands of any two directors of the Company or under the hand of the secretary of the Company or of any person from time to time appointed on that behalf by resolution of the board of directors of the Company.

As to construction and placing of pipes &c. between mains and meters.

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

(1) The Company may specify the size and material of the pipes with the fittings thereof which are to be laid by the consumer on his own premises either in the first instance or on the occasion of any renewal between the Company's mains and the meter so far as such pipes and fittings are intended to be covered over:

(2) The Company may if they think fit make different specifications for different classes of premises having regard to the probable maximum consumption of gas thereon at any one time:

(3) The specification shall be published twice in some newspaper (once in each of two newspapers) circulating within the limits of supply and a copy thereof shall be kept exhibited in the office of the Company:

(4) Every meter to be used in a new building or a building not previously supplied with gas or in connexion with a new or substituted pipe laid by the consumer between the main and the consumer's meter shall be placed as near as reasonably practicable to the Company's main but within the outside wall of the building:

(5) When any such pipe or meter as aforesaid has been laid or placed notice thereof shall be given to the Company and the pipe shall not be covered over until after the expiration of twenty-four hours from the service of such notice on the Company Any officer of the Company duly appointed may between nine o'clock in the morning and five o'clock in the afternoon attend and inspect such pipes (with their fittings) and meter and if the officer is not permitted to make the inspection or if the pipes or fittings are not according to the Company's specification or if the meter is not placed as required by this section the Company may refuse to supply gas to the premises until the provisions of this section have been complied with:

(6) Any person to whom the Company refuses a supply of gas under the provisions of this section may appeal to a petty sessional court against such refusal and the court may after hearing the parties and considering any questions as to the reasonableness of the Company's specification make such order as seems to them proper in the circumstances and may order by which of the parties the costs of and incident to the appeal shall be paid.

Supply of gas where consumer has separate supply.

23. Notwithstanding anything contained in the Gasworks Clauses Act 1871 or any other Act a person shall not be entitled to demand from the Company a supply or the continuance of a supply of gas for premises having a separate supply (that is to say a supply from an installation other than that of the Company) unless he shall have previously agreed to pay the Company such minimum annual sum as will give to them a reasonable return on the capital expenditure and standing charges incurred by them to meet the possible maximum demand

A.D. 1912.

for those premises and the minimum annual sum to be so paid shall be determined in default of agreement by arbitration in manner provided by the Arbitration Act 1889.

Amending obligations as to supply of gas.

24. Notwithstanding anything contained in any enactment to the contrary the Company shall not be obliged to give from any main a supply of gas for any purpose other than lighting or domestic use in any case where the capacity of such main is insufficient for such purpose or if and so long as any such supply would in the opinion of the Company interfere with the sufficiency of the gas required to be supplied by means of such main for lighting purposes.

Power to enter premises and remove fittings.

25. The power to enter premises and to remove pipes meters fittings or apparatus conferred on the Company by section 22 of the Gasworks Clauses Act 1871 shall extend to all cases in which any person entering into occupation of any premises previously supplied with gas by the Company shall not require to take a supply of gas from the Company or to hire from the Company all or any of the pipes meters fittings or apparatus belonging to the Company and let by them on hire to any former occupier of such premises.

Authentication of notices.

26. Any notice to be served by the Company demanding payment of any charge in respect of a supply of gas or of fittings shall be sufficiently authenticated by the name either of the secretary or of a collector of the Company being affixed thereto in print or by a stamp.

Costs of Act.

27. All costs charges and expenses of and incident to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company and may be paid out of the divisible profits of the undertaking.

The SCHEDULE referred to in the foregoing Act. A.D. 1912.

All that piece or parcel of land or ground of an irregular shape situate in the parish of Kyo in the urban district of Annfield Plain lying and being on the east side of the road leading from Tanfield Lea to Catchgate bounded on the north partly by hereditaments belonging to Allan Hutchinson and partly by hereditaments belonging to the Company on the east partly by a road leading from Riding Hill to Kyo and partly by hereditaments belonging to the trustees of George Hobson on the south partly by hereditaments belonging to the Durham County Council and partly by other hereditaments belonging to the trustees of George Hobson and on the west partly by hereditaments belonging to the Company partly by the said road leading from Tanfield Lea to Catchgate and partly by other hereditaments belonging to the trustees of George Hobson.

Printed by EYRE and SPOTTISWOODE, Ltd.,
FOR
ROWLAND BAILEY, Esq., C.B., M.V.O., the King's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
WYMAN AND SONS, LTD., FETTER LANE, E.C.; or
H.M. STATIONERY OFFICE (SCOTTISH BRANCH), 23, FORTH STREET, EDINBURGH; or
E. PONSONBY, LTD., 116, GRAFTON STREET, DUBLIN;
or from the Agencies in the British Colonies and Dependencies,
the United States of America, the Continent of Europe and Abroad of
T. FISHER UNWIN, LONDON, W.C.