CHAPTER ii.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act 1870 relating to Llanberis Gas and Water Newark Gas and Rothwell Gas. [5th September 1895.] A.D. 1895.

WHEREAS under the authority of the Gas and Water Works Facilities Act 1870 the Board of Trade have made the several Provisional Orders set out in the schedule to this Act annexed: 33 & 34 Vict. c. 70.

And whereas a Provisional Order made by the Board of Trade under the authority of the Gas and Water Works Facilities Act 1870 is not of any validity or force whatever until the confirmation thereof by Act of Parliament:

And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the authority of the said Act and set out in the schedule to this Act annexed be confirmed by Act of Parliament:

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

1. This Act may be cited as the Gas and Water Orders Confirmation Act 1895 Session 2. Short title.

2. The several Orders as amended and set out in the schedule to this Act shall be and the same are hereby confirmed and all the provisions thereof in manner and form as they are set out in the said schedule shall from and after the passing of this Act have full validity and effect. Confirmation of Orders in schedule.

3. The Undertakers mentioned in the said Orders shall not under the powers of this Act or of the said Orders purchase or acquire in any city borough or other urban district or in any parish or part of a parish not being within an urban district ten or more houses Special provisions as to houses of labouring class.

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which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

For the purposes of this section the expression "labouring class" includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

SCHEDULE OF ORDERS.

Llanberis Gas and Water.—Order empowering the Llanberis Water and Gas Company Limited to maintain and continue Gasworks and Waterworks and to manufacture and supply Gas and to supply Water within the Parish of Llanberis in the County of Carnarvon.

Newark Gas.—Order empowering the Newark Gas Company to raise additional Capital to extend their Limits of Supply to construct and maintain additional Works and for other Purposes.

Rothwell Gas.—Order empowering the Rothwell Gas Light Company to extend their Limits of Supply and to purchase additional Lands.

LLANBERIS GAS AND WATER.

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Order empowering the Llanberis Water and Gas Company Limited to maintain and continue Gasworks and Waterworks and to manufacture and supply Gas and to supply Water within the Parish of Llanberis in the County of Carnarvon.

Llanberis.

1. This Order shall consist of four parts:—

Order to consist of four parts.

Part I.—Preliminary relating both to the Gas Undertaking and to the Water Undertaking.

Part II.—Relating to the Gas Undertaking.

Part III.—Relating to the Water Undertaking.

Part IV.—General Provisions relating both to the Gas Undertaking and to the Water Undertaking.

Part I.—Preliminary relating both to the Gas Undertaking and to the Water Undertaking.

2. This Order may be cited as the Llanberis Gas and Water Order 1895.

Short title.

3. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order."

Commencement of Order.

4. The provisions of the Lands Clauses Acts (except 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) are hereby incorporated with this Order except where the same are expressly varied by this Order.

Incorporation of Lands Clauses Acts.

5. The several words terms and expressions to which by any Act in whole or in part incorporated with this Order or with any part of this Order and by the Gas and Waterworks Facilities Act 1870 meanings are assigned have in this Order or in such part of this Order the same respective meanings.

Interpretation.

In this Order—

The expressions "deposited map" and "deposited plans" used in relation to the gas undertaking or the water undertaking by this Order authorised shall mean respectively the map and plans relating to such undertakings deposited for the purposes of this Order.

6. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be so much of the parish of Llanberis in the county of Carnarvon as is coloured in yellow and green in the deposited map showing the limits of proposed supply.

Limits of Order.

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Llanberis. Undertakers.

7. The Llanberis Water and Gas Company (Limited) shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Part II.—Relating to the Gas Undertaking.

Incorporation of Gasworks Clauses Acts.

8. The provisions of the Gasworks Clauses Act 1847 and of the Gasworks Clauses Act 1871 are hereby incorporated with this part of this Order except where the same are expressly varied by this part of this Order.

Interpretation.

9. In this part of this Order the expression "the prescribed rates" means the rates of dividend authorised by this part of this Order on the gas capital of the Undertakers or such rates as reduced or increased in accordance with the provisions of this Order.

Capital.

Gas capital.

10. The share capital of the Undertakers shall not for the purposes of the undertaking authorised by this part of this Order (in this part of this Order referred to as "gas capital") exceed two thousand pounds consisting of the sum of one thousand five hundred pounds already raised or authorised to be raised (in this Order referred to as "the original gas capital") and of a further sum (in this Order referred to as "the additional gas capital") to be issued subject to the provisions of this Order not exceeding five hundred pounds including any premium which may be obtained on the sale of any shares under the provisions of this Order unless the Undertakers are hereafter authorised to raise for such purposes additional share capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

Limits of dividend on gas capital.

11. Except as by this Order expressly provided the Undertakers shall not in any year declare or make out of their profits in respect of the gas undertaking authorised by this part of this Order any larger dividends on the original and additional gas capitals than the standard rates of dividends herein-after mentioned namely ten pounds in respect of every one hundred pounds actually paid up of such original gas capital as may be issued as ordinary capital and seven pounds in respect of every one hundred pounds actually paid up of so much of such additional gas capital as may be issued as ordinary capital or six pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as preference capital.

Limit of borrowing powers in respect of gas undertaking.

12. The amount of all moneys borrowed by the undertakers and secured by mortgage of the gas undertaking authorised by this part of this Order shall not at any time exceed in the whole one fourth of the amount of the gas capital of the Undertakers actually raised by the issue of shares or stock including any premiums that may be obtained on the sale of any shares under the provisions of this Order and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers after the commencement of this Order and secured as aforesaid.

13. In case in any year or half year if the Undertakers declare a half-yearly dividend the net revenues of the gas undertaking of the Undertakers applicable to dividend are insufficient to pay the full amount of the prescribed rates on each class of ordinary shares or stock in the original and additional gas capital of the Undertakers a proportionate reduction shall be made in the dividends payable on each class.

Llanberis. Dividends of different classes of shares or stock to be paid proportionately.

Acquisition of Land for Gas Purposes.

14. The Undertakers may for the purposes of the gas undertaking authorised by this part of this Order (by agreement but not otherwise) purchase or take on lease and hold in addition to the lands shown on the deposited map and described in Schedule A. to this Order annexed which lands are already vested in the Undertakers as part of their gas undertaking any lands and hereditaments not exceeding in the whole three acres which the Undertakers may from time to time require for the purposes of such undertaking Provided that they shall not create or permit a nuisance on any such lands and that no lands shall be used by the Undertakers for the purpose of manufacturing gas or residual products or of storing gas except the lands described in Schedule A. to this Order annexed.

Additional land.

Maintenance of Gasworks.—Manufacture and Sale of Gas Coke and Residual Products.

15. The Undertakers on the lands shown on the deposited map and described in Schedule A. to this Order annexed while they are possessed of the same may maintain and continue and from time to time alter and enlarge renew or discontinue their existing gasworks and works connected therewith and may construct erect make and maintain and from time to time alter enlarge extend renew and discontinue retorts retort houses gas holders receivers purifiers meters apparatus and works for the manufacture and storing of gas and of coke and other residual products obtained in the manufacture of gas and matters producible therefrom and they may subject to the provisions of this part of this Order make and store gas on such lands and supply and sell the same within the limits of supply and may on the same lands manufacture and store coke tar pitch asphaltum ammoniacal liquor oil and all other residual products obtained in the manufacture of gas and matters producible therefrom and sell and dispose of the same at the gasworks and elsewhere and they may also subject to the provisions of this Order construct and maintain and from time to time alter extend enlarge and renew or discontinue houses offices buildings and other works connected with the undertaking.

Maintenance of gasworks and sale of gas and residual products.

16. The Undertakers may manufacture purchase or hire and supply gas meters fittings gas stoves and cooking and other apparatus and may also manufacture purchase hire sell let or deal in and contract for doing work in connexion with fittings tubes meters pipes apparatus stoves ranges and apparatus for heating for domestic and other purposes by means of gas and all articles and things in any way connected with gasworks or with the supply and use of gas and may take charges and remuneration in respect thereof.

Powers in relation to gas meters &c.

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Power to take licences for patents.

17. The Undertakers may subject to the provisions of this part of this Order (but only for the purposes of the gas undertaking within the limits of supply and not so as to acquire any exclusive right therein) contract for take and use any leave licence or authority to work use exercise and put in practice any invention under letters patent heretofore made or hereafter to be made granting any right or privilege of working using or vending any invention in relation to the manufacture supply or distribution of gas or the conversion manufacture or utilisation of any products obtainable in or arising from such manufacture or production or from materials used therein.

Quality of Gas.

Quality of gas.

18. The quality of the gas supplied by the Undertakers shall with respect to its illuminating power be such as to produce a light equal in intensity to the light produced by fifteen sperm candles and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act 1871.

Price of Gas.

Price of gas.

19. The price to be charged by the Undertakers for gas supplied by them shall not exceed five shillings per thousand cubic feet and so in proportion for any less quantity supplied Provided that at any time after the expiration of three years from the commencement of this Order the Board of Trade may if they think fit by order in writing to be signed by a Secretary or Assistant Secretary of the said Board alter the said maximum price either by substituting any other sum for the said sum of five shillings or by giving a standard price with sliding scale as to profits and as from the date specified in such Order (herein-after referred to as "the specified date") the price to be charged by the Undertakers for gas supplied by them shall be in accordance with such Order Provided further that in case such Order shall prescribe a standard price with sliding scale as to profits then as from the specified date the provisions set forth in Schedule B. to this Order annexed shall be in force and have effect and this Order shall be read and construed accordingly A copy of such Order made by the Board of Trade shall be published in the "London Gazette" and a copy of the said "Gazette" containing such Order shall be conclusive evidence of the due making and validity of the same and of the contents thereof.

Pressure of Gas.

Pressure of gas.

20. All gas supplied by the Undertakers to any consumer of gas shall be supplied 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 to balance from sunset to midnight a column of water not less than eight-tenths of an inch in height at the main as near as may be to the junction therewith of the service-pipe supplying such consumer.

Testing of Gas.

Testing gas.

21. The Undertakers shall within six months after the commencement of this Order cause to be provided at their works a testing place with apparatus therein according to the provisions of the Gasworks Clauses Act 1871 and the burner

to be used for testing gas shall be a Sugg's London Argand No. 1 with a six inch by one and three-quarter inch glass chimney and if at any time the gas flame tails over the top of the glass a six inch by a two inch chimney shall be used Provided that any other description of burner may be used which may from time to time be approved for the purpose by the Board of Trade and any gas examiner appointed under the Gasworks Clauses Act 1871 for the purposes of this part of this Order may from time to time subject to the terms of his appointment at such testing place or elsewhere as and when he thinks fit test the pressure at which the gas is supplied and for that purpose may open any street road passage or place not being the immediate approach to any railway or canal bridge or railway station vested in or under the control of any local or road authority.

Miscellaneous.

No penalty in case of unavoidable cause.

22. No penalty shall be incurred by the Undertakers for insufficiency of pressure defect of illuminating power or for excess of impurity in the gas supplied by them in any case in respect of which it is proved that such insufficiency defect or excess was produced by unavoidable cause or accident.

Separate accounts to be kept in respect of gas undertaking.

23. The Undertakers shall keep separate annual accounts in respect of their gas undertaking authorised by this part of this Order showing the amount of their paid up capital in relation to such undertaking and such accounts shall in all respects be in accordance with the provisions of the Gasworks Clauses Act 1871.

Undertakers to pay interest on deposit.

24. Where any money is deposited by any person by way of security with the Undertakers for the payment to them of any moneys which may become due to them by such person in respect of any supply of gas or of the purchase or hire of any meter the Undertakers shall pay interest at the rate of five 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.

Part III.—Relating to the Water Undertaking.

Incorporation of Waterworks Clauses Acts.

25. The provisions of the Waterworks Clauses Acts 1847 and 1863 are hereby incorporated with this part of this Order except where the same are expressly varied by this part of this Order.

Interpretation.

26. The expression "superior court" or "court of competent jurisdiction" in any Act wholly or partially incorporated with this part of this Order shall be read and have effect as if the debt or demand in respect of which the expression is used were an ordinary simple contract debt and not a debt or demand created by statute.

Capital.

Capital.

27. The share capital of the Undertakers shall not for the purposes of their water undertaking authorised by this part of this Order exceed four thousand

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pounds (in this Order referred to as "the water capital") consisting of the sum of three thousand pounds already raised or authorised to be raised (in this Order referred to as "the original capital") and a further sum (in this Order referred to as "the additional water capital") to be issued subject to the provisions of this Order not exceeding one thousand pounds including any premium which may be obtained on the sale of any shares under the provisions of this Order unless the Undertakers are hereafter authorised to raise for such purposes additional share capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

Limits of dividend on water capital.

28. The Undertakers shall not in any year or half year in case the Undertakers declare a dividend half-yearly declare or make out of their profits in respect of the water undertaking authorised by this part of this Order any larger dividends on the original and additional water capitals than ten pounds in respect of every one hundred pounds actually paid up of so much of such original water capital and seven pounds in respect of every one hundred pounds actually paid up of so much of such additional water capital as may be issued as ordinary capital or six pounds in respect of every one hundred pounds actually paid up of so much of such original water capital or of so much of such additional water capital as may be issued as preference capital.

Dividend on different classes of ordinary shares or stock to be paid proportionately.

29. In case in any year or in any half year (if the Undertakers declare a dividend half-yearly) the net revenues of the water undertaking of the Undertakers applicable to dividend are insufficient to pay the full amount of the prescribed maximum rate of dividend on each class of ordinary shares or stock in the original and additional water capital of the Undertakers a proportionate reduction shall be made in the dividends payable on each class.

Limit of borrowing powers.

30. The amount of all moneys borrowed by the Undertakers and secured by mortgage of their water undertaking authorised by this part of this Order shall not at any time exceed in the whole one fourth of the amount of the water capital of the Undertakers actually raised by issue of shares or stock including any premiums that may be obtained on the sale of any shares under the provisions of this Order and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers after the commencement of this Order and secured as aforesaid.

Acquisition of Lands for Water Purposes.

Power to acquire lands.

31. The Undertakers may by agreement purchase or take on lease and hold in addition to the lands already acquired by them upon which the existing waterworks are situate any lands and any easements rights or privileges not being an easement right or privilege of water in which any person other than the parties to the agreement have any interest in over or affecting any lands which they may require for the purposes of the water undertaking authorised by this part of this Order Provided that they shall not at any time hold for such purposes more than five acres of land in the whole and that they shall not create or permit a nuisance on any lands held by them.

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Persons under disability may grant easements &c. to Undertakers.

32. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of the said Acts grant to the Undertakers any easement right or privilege not being an easement right or privilege of water in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants or to such easements rights or privileges as aforesaid.

Maintenance of Waterworks.

Maintenance of waterworks.

33. The Undertakers on the lands upon which the same are situate so long as they are possessed of the said lands or so long as they may be entitled to do so under any agreement may from time to time as they think fit maintain and continue their existing waterworks herein-after described and the works connected therewith with all needful conduits pipes sluices engines engine houses machinery tanks valves apparatus and works connected therewith and they may subject to the provisions of this Order supply and sell water within the limits of supply The works herein-before referred to are as follows :—

(1.) A reservoir now existing upon land belonging or reputed to belong to the Ruthin Charity in the parish of Llanberis in the county of Carnarvon.

(2.) A reservoir now existing upon land belonging or reputed to belong to George William Duff Assheton Smith Esquire also situate in the said parish of Llanberis.

(3.) An existing aqueduct or line of pipes commencing at the point marked "A." in the deposited map showing the waterworks and running through the centre of the village of Llanberis to a point marked "B" on the deposited map with branches right and left to the points marked "C" and "D" on the said map all which pipes are on the lands coloured yellow on the said map.

(4.) An existing aqueduct or line of pipes commencing at the point marked "E" on the deposited map and terminating at the points marked "F" and "F" on the said map which pipes are all on the lands coloured green on the said map.

Construction of Additional Works.

Power to construct additional works.

34. The Undertakers may on the lands shown on the deposited plans when they have acquired and while they are possessed of the same make and maintain in the lines and according to the levels shown on the deposited plans the additional works for protection of existing sources of supply herein-after described.

The said works will be situate wholly in the parish of Llanberis in the county of Carnarvon and are as follows :—

(1.) A new intercepting six inch water main to commence from New Pool on the stream called Afongoch shown on the deposited plans and forming one of the present sources of supply and to terminate at the existing reservoir situate upon the said stream.

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(2.) A cut or channel commencing from a point about four yards above the point where the said stream joins the said existing reservoir and terminating at a point in the present channel of the said stream about four yards below the said existing reservoir to form a new channel or bed for the said stream and to divert the same from the said existing reservoir.

Limits of deviation.

35. In constructing the additional works authorised to be constructed by this Order the Undertakers may deviate from the lines thereof to any extent within the limits of deviation shown on the deposited plans but in no case beyond the middle of any road shown on the deposited plans and they may deviate from the levels shown on the deposited sections to any extent not exceeding three feet upwards and seven feet downwards Provided always that no part of any line of pipes shall be constructed or laid so as to be above the general surface of the ground unless it be so shown on the deposited sections.

Period for completion of additional works.

36. The additional works authorised to be constructed by this Order shall be commenced constructed and completed within the time, and subject to the conditions prescribed by section 11 of the Gas and Water Works Facilities Act 1870 Provided that subject to the restrictions and provisions of this part of this Order the Undertakers may from time to time alter enlarge and extend their engines machinery reservoirs tanks wells pipes and other works in such way and manner as may be requisite or advisable for supplying water subject to the provisions of this Order.

Supply.

Limits of pressure.

37. The water supplied by the Undertakers need not at any time be delivered at a greater height than can be reached by gravitation from the service reservoirs authorised by this Order.

Rates for supply for domestic purposes.

38. The Undertakers shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of this part of this Order to demand a supply of water for domestic purposes (which shall include one watercloset) furnish to such owner or occupier a sufficient supply of water for such domestic purposes at rates not exceeding the rates per annum herein-after specified (that is to say) :—

Where the rateable value of the premises so supplied with water does not exceed four pounds the sum of one penny half-penny per week or six shillings and sixpence per annum.

Where such rateable value exceeds four pounds but does not exceed eight pounds the sum of twopence per week or eight shillings and eightpence per annum.

Where such rateable value exceeds eight pounds but does not exceed twelve pounds the sum of twopence half-penny per week or ten shillings and tenpence per annum.

Where such rateable value exceeds twelve pounds the sum of one shilling and threepence in the pound.

And so in proportion for any shorter period in each case provided that in any case of any inn or hotel (public or private) so supplied with water the rateable

value of which exceeds fifteen pounds the Undertakers shall be entitled to demand and take in respect of such supply at a rate not exceeding the rate of seven pounds ten shillings per centum per annum upon such rateable value and so in proportion for any shorter period Provided also that the Undertakers shall not be compellable to furnish any such supply as aforesaid for any less sum than six shillings and sixpence in any one year nor for a less period than twelve months and that the Undertakers shall not be entitled in any case to demand a higher water rate for any house or part of a house included in any division of the above scale of rates than they would be entitled to demand if such house or part of a house were of just sufficient rateable value to bring it within the next higher division of the said scale.

Provided also that at any time after the expiration of ten years from the commencement of this Order the Board of Trade may if they think fit upon the application of any local authority having jurisdiction within the limits of supply or of any twenty or more inhabitant householders within the limits of supply or of the Undertakers by order in writing (after hearing the parties) signed by a Secretary or an Assistant Secretary of the said Board alter the said rates by substituting any other rates for the said rates and as from the date specified in such Order the rates at which the Undertakers may charge for water supplied by them for domestic purposes shall be in accordance with such Order.

A copy of any such Order made by the Board of Trade shall be published in the London Gazette and a copy of the said Gazette containing such Order shall be primâ facie evidence of the due making and validity of the same and of the contents thereof.

The rateable value of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement of the quarter for which the rate accrues Provided that where the water rate is chargeable on the rateable value of a part only of any hereditament entered in the valuation list such rateable value shall be a fairly apportioned part of the rateable value of the whole tenement ascertained as aforesaid the apportionment in case of dispute to be ascertained by two justices.

Rates for watercloset &c.

39. The Undertakers may charge for and in respect of every watercloset beyond the first (in respect of which no additional charge shall be made) in any premises within the limits of supply an additional sum not exceeding two shillings and sixpence per annum and for every bath an additional sum not exceeding five shillings per annum Provided that for baths containing as usually filled for use a greater quantity of water than fifty gallons the Undertakers may charge an additional sum in excess of the said sum of five shillings increased in proportion to the size of such bath but the Undertakers shall not be compelled to supply water for any bath so constructed as to contain when filled for use more than fifty gallons of water and such additional sums are to be paid quarterly in advance and to be recoverable in all respects with and as the water rate.

Power for Undertakers to make regulations

40. For preventing waste misuse undue consumption or contamination of the water of the Undertakers the following provisions shall be in force and have effect but only within the district in which the Undertakers are bound to afford

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for preventing waste misuse and contamination of water.

and do in fact afford or are prepared on demand to afford a constant supply The said provisions are as follows :—

(1.) The Undertakers may from time to time make regulations for the purpose of preventing the waste undue consumption or misuse or contamination of water and may by such regulations prescribe the size make nature materials workmanship and strength and the mode of arrangement connection disconnection alteration and repair of the pipes meters cocks ferrules valves soil-pans waterclosets baths tanks cisterns and other apparatus fittings means contrivances receptacles or appliances whatsoever to be used and forbid any arrangements and the use of the several things before mentioned or any or either of them which may allow or tend to waste or undue consumption misuse erroneous measurement or contamination.

(2.) No such regulations shall be of any force or effect unless and until the same shall have been submitted to and confirmed by the Local Government Board who are hereby empowered to confirm the same.

(3.) No such regulations shall be confirmed until after the expiration of one month after notice in writing to submit the same for confirmation together with a copy of the proposed regulations shall have been given by or on behalf of the Undertakers to the local authorities within the limits of supply who may within the said period of one month make such representations to the Local Government Board as they see fit.

(4.) A copy of all such regulations in force for the time being shall be kept at the office of the Undertakers and all persons may at all reasonable times inspect such copy without payment and the Undertakers shall cause to be delivered a printed copy of all regulations for the time being in force to every person applying for the same on payment of a sum not exceeding twopence for each copy.

(5.) A printed copy of any such regulations dated and purporting to have been made as aforesaid and to be sealed with the seal of the Undertakers and to have been confirmed by the Local Government Board shall be evidence until the contrary be proved in all legal proceedings of the due making confirmation publication and existence of such regulations without further or other proof.

(6.) In case of failure of any person to observe such regulations as are for the time being in force the Undertakers may if they think fit after twenty-four hours notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any pipe meter valve cock ferrule tank cistern bath soil-pan watercloset or other apparatus means contrivance or receptacle fittings or appliances belonging to or used by such person and not being in accordance with the requirements of such regulations and the expense of every such repair replacement or alteration shall be repaid to the Undertakers by the person on whose credit the water is supplied and may be recovered by them as water rates are recoverable.

(7.) Any person who shall offend against any such regulations shall (without prejudice to any other right or remedy for the protection of the Undertakers or punishment of the offender) be liable to a penalty not exceeding five pounds for each offence and to a further daily penalty not exceeding forty shillings for each day or part of a day whereon such offence shall occur after conviction thereof and the Undertakers may in addition thereto recover the amount of any damages sustained by them.

Undertakers to supply water to road and sewer authorities.

41. The Undertakers shall when required supply the road authority within the meaning of section 2 of the Gas and Water Works Facilities Act 1870 and every local authority within the limits of supply with water for watering roads and streets and for flushing sewers and drains or other public purposes at a rate not exceeding one shilling for every one thousand gallons.

Power to supply water in bulk.

42. The Undertakers may from time to time by agreement supply any local authority or any company authorised to supply water outside the limits of supply with water in bulk upon such terms and conditions and for such remuneration as may from time to time be agreed upon between the Undertakers and authority or company but notwithstanding any such agreement no such authority or company shall be entitled to a supply of water under any such agreement whenever and as long as the Undertakers are of opinion that the same would interfere with the proper supply of water for domestic purposes under the provisions of this part of this Order and every such agreement shall be by virtue of this part of this Order determinable by the Undertakers on one month's notice in writing Provided that nothing herein contained shall be construed as conferring any powers on the Undertakers in relation to the laying down or placing of any pipe or conduit or the breaking up of any road or street or the execution of any work in any district beyond the limits of supply within the meaning of section 52 of the Public Health Act 1875 or any similar provision.

Supply of water by measure.

43. The Undertakers may if they think fit enter into agreements for the supply of water by measure to any person within the limits of supply and may charge a rent for each meter or other instrument for measuring water provided by them at a rate per annum not exceeding fifteen per centum of the cost of such meter or instrument such rent to be paid quarterly in advance and to be recoverable in all respects with and as the water rate.

Undertakers to keep meters &c. in repair.

44. The Undertakers shall at all times at their own expense keep all meters or other instruments for measuring water let by them for hire to any person in proper order for correctly registering the supply of water and in default of their so doing such person shall not be liable to pay rent for the same during such time as such default continues The Undertakers shall for the purposes aforesaid have access to and be at liberty to remove test inspect and replace any such meter or other instrument at all reasonable times.

Register of meters &c. to be evidence.

45. Where water is supplied by measure the register of the meter or other instrument for measuring water shall be primâ facie evidence of the quantity of water consumed and in respect of which any water rate is charged and sought to be recovered by the Undertakers Provided that if the Undertakers and

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the person to whom the water is supplied differ as to the quantity consumed such difference shall be determined upon the application of either party by a court of summary jurisdiction who may also order by which of the parties any costs of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties.

Amendment of 10 & 11 Vict. c. 17. s. 44.

46. Section 44 of the Waterworks Clauses Act 1847 shall for the purposes of this part of this Order have effect as if the words " with the consent in writing " of the owner or reputed owner of any such house or of the agent of such " owner " were omitted therefrom Provided that any rent paid by an occupier in pursuance of the said section may be deducted by such occupier from any rent from time to time due by him to such owner.

When several houses supplied by one pipe each to pay.

47. When several houses or parts of houses in the occupation of several persons are supplied by one common pipe the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rates for the supply of water as they would have been liable to if each of such several houses or parts of houses had been separately supplied with water from the waterworks of the Undertakers by a distinct pipe Provided that the Undertakers shall not be compelled to supply water to the occupier of any part of a dwelling-house unless the water rate is paid for the whole of such dwelling-house.

Supply of water to tenements in a row.

48. Where there are several tenements in a row no tenant or occupier of any one of the tenements nor any person on his behalf shall take or use the water laid on by the Undertakers to any other of such tenements unless the tenant or occupier be in respect of the tenement so occupied by him rated under this part of this Order for a supply of water.

Penalties.

Injuring meters &c.

49. Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Undertakers or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Undertakers shall (without prejudice to any other right or remedy for the protection of the Undertakers or the punishment of the offender) for every such offence forfeit and pay to the Undertakers a sum not exceeding five pounds and the Undertakers may in addition thereto recover the amount of any damage by them sustained The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Undertakers when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be primâ facie evidence that such injury alteration prevention abstraction consumption or use as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

50. Any tenant or occupier of one or part of one of several houses or tenements supplied by a common pipe who takes or uses the water laid on by the Undertakers to any other such house or tenement or allows the same to be taken or used contrary to the provisions of this part of this Order shall for every such offence be liable to a penalty not exceeding five pounds.

Misuser where supply to several houses is by a pipe common to all.

Miscellaneous.

51. In case any person supplied with water by the Undertakers leave the premises where such water has been supplied to him without paying to them the water rate or meter rent due from him the Undertakers shall not be entitled to require from the next tenant of such premises the payment of the arrears left unpaid by the former tenant unless such incoming tenant has undertaken with the former tenant to pay or exonerate him from the payment of such arrears.

Incoming tenant not liable to pay arrears.

52. The Undertakers shall keep separate annual accounts with respect to their water undertaking authorised by this part of this Order showing the amount of their paid up capital in relation to such undertaking and such account shall in all respects be in accordance with the provisions of the Waterworks Clauses Act 1847.

Separate accounts to be kept in respect of water undertaking.

Part IV.—General Provisions applying to Gas and Water Undertakings.

53. The local authority for the time being within the meaning of that term in the Public Health Act 1875 of the district within which the undertaking is situate may at any time within six calendar months after the commencement of this Order by three months notice in writing under their common seal addressed to the Undertakers require the Undertakers to sell and thereupon the Undertakers shall sell and the local authority shall subject to the sanction of the Local Government Board purchase the gas and water undertakings or the water undertaking as the case may be upon terms of the local authority paying such price as may be agreed on or paying the then value of all lands buildings works powers rights materials and plant effects and property of the Undertakers held or used by them for the purpose of the undertakings or undertaking as the case may be such value to be in case of difference referred to arbitration and the provisions of sections 179 and 180 of the Public Health Act 1875 shall as nearly as may be apply thereto as though such difference were by that Act authorised or directed to be settled by arbitration Provided that unless both parties concur in the appointment of a single arbitrator they shall before the arbitrators enter upon the reference make application to the Board of Trade to nominate an engineer or other fit person as umpire and the expenses of the reference shall be borne and paid as the umpire directs.

Purchase of undertakings by local authority.

Provided that the value of such lands buildings works powers rights materials and plant effects and property shall be deemed to be their fair market value at the time of the purchase due regard being had to the nature and then condition

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of such buildings works materials and plant effects and property and to the state of repair thereof and to the circumstance that they are in such a position as to be ready for immediate working and to the suitability of the same for the purposes of the undertakings or undertaking as the case may be but in fixing the price to be paid under this section no additional price (except for the cost of obtaining this Order and of the confirmation thereof by Parliament) shall be awarded by reason of the undertakings or undertaking as the case may be having been authorised by this Order.

The Board of Trade may determine any other question which may arise in relation to such purchase and may fix the date from which such purchase is to take effect and from and after the date so fixed or such other date as may be agreed upon between the parties all lands buildings works materials and plant effects and property and all rights powers and privileges of the Undertakers (except powers of raising and borrowing money) so purchased shall be by deed duly stamped assigned to and shall vest in and be exerciseable and enjoyed by the local authority subject to all the same obligations and duties with regard to the supply of gas or water as were attached thereto prior to the said date.

Any purchase of the undertakings or undertaking as the case may be by a local authority shall be deemed to be made under sections 51 and 162 of the Public Health Act 1875 and any local authority may for the purpose of such purchase exercise all the powers of borrowing which they possess under the said Act and all provisions for repayment of money formation of sinking fund and audit of accounts shall apply as if it were a case of expenditure by the local authority under the said Act.

New shares to be offered by auction or tender.

54. The Undertakers shall when any shares forming part of the additional gas capital or the additional water capital are to be issued and before offering the same to any holder of any other share or stock of the Undertakers offer the same for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Undertakers may from time to time by special resolution determine provided that at such sale no single lot shall comprise more than one hundred pounds nominal value of shares and that the reserve price put upon such shares shall not be less than the nominal amount thereof and notice of the amount of such reserve price shall be sent by the Undertakers in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders as the case may be and not sooner and provided that no priority of tender shall be allowed to any holder of shares or stock of the Undertakers.

Where proprietor tenders same amount as any other person proprietor to be declared the purchaser.

55. Where the amount bidden or tendered by the proprietor of any share or stock of the Undertakers for any such lot of shares so offered for sale by auction or tender under the provisions of this Order is equal to the highest amount bidden or tendered for the same lot by any person not being a proprietor then and in every such case such proprietor shall be declared to be the purchaser of and to be entitled to such lot.

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Purchase money of shares to be paid within three months.

56. It shall be one of the conditions of every sale of shares under the provisions of this Order that the full price of each share including any premium given by any purchaser at such sale in respect thereof shall be paid to the Undertakers within three months after such sale.

As to notice to be given of sale of shares.

57. The intention to sell any shares by auction or tender under the provisions of this Order shall be communicated by the Undertakers in writing to the clerk of every local authority having jurisdiction within the limits of supply and to the secretary of the committee 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 notice of such intention shall be duly advertised by the Undertakers once in each of two consecutive weeks in one or more newspapers circulating within the limits of supply.

Shares not sold by auction or tender to be offered to shareholders.

58. When any shares have been offered for sale by auction or tender under the provisions of this Order and not sold the same shall be offered at the reserve price put upon the same respectively for the purpose of sale by auction or tender to the holders of the ordinary shares or ordinary stock of the Undertakers in such manner as may be prescribed by a special resolution passed by the Undertakers Provided that any share so offered and not accepted within the time prescribed by such resolution shall again be offered for sale by public auction or tender in the manner and subject to the provisions of this Order with respect to the sale of shares forming part of the additional capital but at a lower reserve price than the price put upon the same at the preceding offer thereof for sale by auction or tender (not being less than the nominal value of such shares or stock) and any shares or stock not then sold shall be again offered to the holders of ordinary shares or ordinary stock at the last mentioned reserve price and so from time to time until the whole amount of such shares or stock is sold.

Application of premium arising on issue of shares.

59. Any sum of money which may arise from the issue of any shares under the provisions of this Order by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Undertakers but shall be expended in extending or improving the works of the Undertakers or in paying off money borrowed or owing on mortgage by the Undertakers and shall not be considered as part of the capital of the Undertakers entitled to dividend.

For protection of the London and North Western Railway Company.

60.—(1.) Any mains or pipes which the Undertakers may lay down in or along any road crossing either over under or on the level of the London and North Western Railway shall so far as they may affect the London and North Western Railway be laid down by the Undertakers at such times as may be reasonably required by and under the direction and superintendence and to the reasonable satisfaction of the engineer for the time being of the London and North Western Railway Company and in accordance with plans and sections (when necessary in the opinion of such engineer) previously submitted to and approved of by him and any of such mains or pipes from time to time renewed or repaired by the Undertakers shall be renewed and repaired in the same manner and under the like conditions.

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(2.) The said mains or pipes shall be so laid down maintained repaired and used by the Undertakers as not to cause any damage or injury to or to impede the free and uninterrupted use of the said railway and works.

(3.) The Undertakers shall at all times keep the London and North Western Railway Company indemnified against all damage losses expenses or injury which they or the traffic on their railway may sustain or incur by reason or in consequence of the laying down maintaining and using such mains and pipes.

As to pipes, &c. crossing the works of a railway or other company.

61. If any difference arise between the Undertakers and any railway canal or other company whose lands or works the Undertakers have power to cross under the authority of this Order for the purpose of meeting the demands for gas or water within the limits of supply as to the mode of laying down repairing altering or enlarging their conduits or pipes or the facilities to be afforded for the same such difference shall be settled by an engineer or other competent person to be appointed by the Board of Trade at the request of either party.

Several sums in one summons.

62. Any summons or warrant issued for any of the purposes of this Order may contain in the body thereof or in the schedule thereto several sums.

Warrant of distress to include costs.

63. Any justice who issues a warrant of distress in pursuance of the provisions of this Order may order that the costs of the proceedings for the recovery of the money to be levied shall be paid by the person liable to pay such money and such costs shall be ascertained by such justice and shall be included in the warrant of distress for the recovery of such money.

Liability to water rate not to disqualify justices from acting.

64. No judge of any county court or justice of the peace shall be disqualified from acting in the execution of this Order by reason of his being liable to the payment of any water rate or other charge under this Order.

8 Vict. c. 6. s. 140. incorporated.

65. Section 140 of the Companies Clauses Consolidation Act 1845 shall be and is hereby incorporated with this Order Provided that for the purposes of such incorporation the expression "the company" in the said section shall be construed to mean the Undertakers.

Costs of Order.

66. All the costs charges and expenses of and incidental to the applying for preparing obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Undertakers.

SCHEDULE A.

All that piece or parcel of land belonging or reputed to belong to the Undertakers and now in the occupation of the Undertakers situate in Goodman Street Llanberis in the county of Carnarvon containing seventeen hundred square yards or thereabouts and having a frontage to Goodman Street of fifty yards or thereabouts on which piece of land the existing gas works are situate.

SCHEDULE B.

Part II. of the foregoing Order shall after the making by the Board of Trade of an Order in pursuance of the provisions in that behalf therein contained prescribing a standard price for gas supplied by the Undertakers with sliding scale as to profits and as from the specified date be read and construed subject to the modifications following :—

Sections thirty to thirty-four of Gasworks Clauses Act 1847 to cease to be incorporated.

(i.) Sections thirty to thirty-four (both inclusive) of the Gasworks Clauses Act 1847 shall not continue to be incorporated with or form part of the foregoing Order and in construing the said Act for the purposes of Part II. of the foregoing Order section thirty-five of the said Act shall be read and construed as though the words from "in case the whole" down to "have been paid" all inclusive had been omitted therefrom and as though the expression "the prescribed rate" included the prescribed rates as defined by the foregoing Order together with any sum which under the provisions of this schedule might lawfully be carried to the insurance fund.

Price of gas with sliding scale as to dividend.

(ii.) Notwithstanding anything contained in the foregoing Order the standard price to be charged by the Undertakers for gas supplied by them to private consumers by meter shall be the price prescribed by such Order of the Board of Trade as aforesaid per thousand cubic feet.

Provided that the Undertakers may increase or reduce the price so charged by them for gas above or below the standard price subject to a reduction or increase in the dividend payable by the Undertakers on the ordinary shares or stock in the gas capital of the Undertakers as follows :—

In respect of any year during which the price so charged by the Undertakers shall have been one penny or more above the standard price the dividend so payable by the Undertakers shall in respect of each penny by which the price so charged shall have exceeded the standard price be reduced below the standard rates of dividend by five shillings on every hundred pounds of ordinary paid up gas capital and so in proportion for any fraction of one hundred pounds.

And in respect of any year during which the price so charged by the Undertakers shall have been one penny or more below the standard price the dividend so payable by the Undertakers may in respect of each penny by which the standard price shall have exceeded the price so charged be increased above the standard rates of dividend by five shillings on every hundred pounds of ordinary paid up gas capital and so in proportion for any fraction of one hundred pounds.

If profits exceed amount limited excess may be invested and form an insurance fund.

(iii.) If the clear profits of the Undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates the excess beyond the sum necessary for that purpose may from time to time to the extent of one per centum per annum upon the paid up gas capital of the Undertakers be invested in Government or other securities and the dividends and interest arising from such securities shall also be invested in the same or like securities in order that the same may accumulate at compound interest until the fund so formed amounts

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to a sum equal to one-twentieth part of the paid up gas capital of the Undertakers which fund shall form an insurance fund to meet any extraordinary claim demand or charge which may at any time arise against or fall upon the Undertakers in respect of their gas undertaking from accident strike or other circumstance affecting the gas undertaking which in the opinion of a court of summary jurisdiction due care and management could not have prevented and if such fund be at any time reduced it may thereafter be again made up to the said sum and so from time to time as often as such reduction happens Provided that when and so often as the said fund reaches the said limit of one-twentieth part of the paid up gas capital the interest thereon shall be carried to the credit of the fund available for dividend Provided also that resort may from time to time be had to the insurance fund to meet any such extraordinary claim demand or charge as aforesaid although such fund may not at the time have reached or may have been reduced below the full amount of one-twentieth as aforesaid.

Application of further excess of profits over prescribed rates.

(iv.) If the clear profits of the gas undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates the excess or such portion of it as is not carried to the insurance fund shall be carried to the credit of the divisible profits of the gas undertaking for the next following year.

Power to create a reserve fund and application thereof.

(v.) When in any year the prescribed rates on the ordinary share capital or stock of the Undertakers exceed the standard rates by reason of the price charged by the Undertakers for gas in such year being below the standard price then out of the amount of the divisible profits of the Undertakers applicable to the payment of the excess of dividends over the standard rates the Undertakers may in such year set apart such sum as they think fit by way of a reserve fund and all sums (if any) so set apart by the Undertakers and any reserve or other fund of a similar character of the Undertakers existing at the specified date in relation to the gas undertaking may be invested in Government or other securities and the dividends and interest arising from such securities may also be invested in the same or like securities in order that the same may accumulate at compound interest and the fund so formed shall be called "the reserve fund" and shall be applicable to the payment of dividend in any year in which the clear profits of the Undertakers in respect of their gas undertaking are insufficient to enable the Undertakers in such year to pay the prescribed rates and save as by this schedule specially provided no sum shall in respect of the gas undertaking in any year be carried by the Undertakers to any reserve fund.

Saving of existing contracts.

(vi.) Nothing in this schedule contained shall alter vary or affect any contract or agreement duly made or any liability incurred or notice given before the specified date with respect to the gasworks of or the supply of gas by the Undertakers

NEWARK GAS.

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Newark.

Order empowering the Newark Gas Company to raise additional Capital to extend their Limits of Supply to construct and maintain additional Works and for other purposes.

Short title.

1. This Order may be cited as the Newark Gas Order 1895.

Commencement of Order.

2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order."

Construction of Order.

3. The Newark Gas Act 1866 (in this Order referred to as "the Act of 1866") and this Order shall be construed together except so far as such construction would be inconsistent with or repugnant to the provisions of this Order Provided that from and after the commencement of this Order sections 30 to 34 both inclusive of the Gasworks Clauses Act 1847 shall cease to be incorporated with or to form part of the Act of 1866 and section 35 of the said Gasworks Clauses Act shall for the purpose of incorporation with the said Act be read and construed as though the words from "in case the whole" down to "have been paid" all inclusive had been omitted therefrom and as though the expression "the prescribed rate" included the prescribed rates as defined by this Order together with any sum which under the provisions of this Order might lawfully be carried to the insurance fund.

Incorporation of Acts.

4. So far as the same relate to the powers conferred by this Order the provisions of the Companies Clauses Consolidation Act 1845 with respect to the several matters following (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 means of enforcing the payment of calls;

The forfeiture of shares for nonpayment of calls;

The remedies of creditors of the Company against shareholders;

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

The consolidation of the shares into stock;

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) and Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 the Companies Clauses Act 1869 and the provisions of the Lands Clauses Acts (except 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) are (except where expressly varied by this Order) incorporated with and form part of this Order.

For the purpose of such incorporation the term "special Act" in the said Acts shall be construed to mean this Order.

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Application of Gasworks Clauses Act 1871 to undertaking.

5. From and after the commencement of this Order the Undertakers shall be subject in all respects to the provisions of the Gasworks Clauses Act 1871 (save as far as the same may be expressly varied or excepted by this Order) and the said provisions save as aforesaid shall apply to the undertaking as though the gasworks and works connected therewith were an undertaking authorised by this Order and shall be held to control and supersede such of the provisions of the Act of 1866 as are inconsistent therewith.

Interpretation.

6. In this Order the expression "the prescribed rates" means the rates of dividend authorised by the Act of 1866 and this Order on the capital of the Undertakers or such rates as reduced or increased in accordance with the provisions of this Order the expression "A shares" means Class A shares in the existing capital of the Company the expression "B shares" means Class B shares in the existing capital of the Company the expression "new ordinary shares" means the new ordinary shares in the existing capital of the Company created and issued under the powers of the Act of 1866 and the several words terms and expressions to which by any Act in whole or in part incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have the same respective meanings.

Limits of supply.

7. Subject to the proviso herein-after contained the Undertakers shall have and may exercise subject to the provisions of this Order within the following new limits namely the parishes of Balderton Barnby Farndon Hawton Kelham West Newark and Winthorpe all in the county of Nottingham all such 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 are subject to within the limits of the Act of 1866 as defined or authorised by that Act and the expression "limits of this Act" in the said Act shall from and after the commencement of this Order be deemed to include all the aforesaid parishes Provided always that nothing in this Order contained shall be construed as conferring on the Undertakers any powers of supplying gas in any parish within the said new limits unless and until the local authority of such parish shall have first signified to the Undertakers their consent in writing to the exercise by the Undertakers of those powers.

Undertakers.

Undertakers.

8. The Newark Gas Company re-incorporated by the Act of 1866 shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Application of accumulated profits.

9. The Undertakers shall immediately on the commencement of this Order transfer to the credit of the capital account of the Undertakers the sum of four thousand pounds part of the sum of seven thousand and ninety pounds shown by the annual accounts of the Undertakers for the year ended 30th June 1894 to be standing to the credit of the profit and loss (net revenue) account and such sum of four thousand pounds shall not be considered as capital of the Undertakers entitled to dividend or as available for distribution as profits of the Undertakers.

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Additional capital.

10. In addition to the capital of the Undertakers declared and authorised by the Act of 1866 (in this Order referred to as "the existing capital") they may from time to time—

(1) Raise any further sums not exceeding in the whole ten thousand pounds by the issue of ordinary shares or stock or preference shares or stock or wholly or partly by any one or more of those modes respectively (in this Order referred to as "the additional capital") but the Undertakers shall not issue any share under the authority of this Order of less nominal value than ten pounds nor shall any such share or stock issued under the authority of this Order vest in the person accepting the same unless and until the full price of such share or stock including any premium obtained upon the sale thereof as herein-after provided has been paid in respect thereof Provided that it shall not be lawful for the Undertakers to create and issue under the powers of this Order any greater nominal amount of capital than will be sufficient to produce including any premiums which may be obtained on the sale thereof the sum of ten thousand pounds; and

(2) Borrow forthwith in respect of the existing capital any sum or sums not exceeding in the whole seven thousand five hundred pounds.

(3) Borrow in respect of the additional capital of ten thousand pounds by this Order authorised to be raised any sum or sums not exceeding in the whole two thousand five hundred pounds but not more than one half of that sum shall be borrowed until the Undertakers have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that the whole of the capital by this Order authorised to be raised has been subscribed for and one half of the amount payable in respect thereof has been paid up and upon production to such justice of the books of the Undertakers and such other evidence as he may think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Except as otherwise provided shares or stock in additional capital to be subject to the same incidents as other shares or stock.

11. Except as by this Order otherwise provided the additional capital created by the Undertakers under this Order and the shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that additional capital were part of the existing capital of the Undertakers of the same class or description and the shares or stock therein were shares or stock in that capital.

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

12. The Undertakers shall when any shares or stock forming part of the additional capital are to be issued and before offering the same to the holder of any other share or stock of the Undertakers and whether the ordinary shares or ordinary stock of the Undertakers are or is at a premium or not offer the same for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Undertakers may from time to time by special resolution determine Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock and

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that the reserve price put upon such shares or stock shall not be less than the nominal amount thereof and notice of the amount of such reserve price shall be sent by the Undertakers in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares or stock of the Undertakers.

When proprietor tenders same amount as any other person proprietor to be declared the purchaser.

13. When the amount bidden or tendered by the proprietor of any share or stock of the Undertakers for any share or stock offered for sale by auction or tender under the provisions of this Order is equal to the highest amount bidden or tendered for such last-mentioned share or stock by any person not being a proprietor then and in every such case such proprietor shall be declared to be the purchaser of and to be entitled to such share or stock.

Purchase money of capital sold by auction to be paid within three months.

14. It shall be one of the conditions of any sale of shares or stock under the provisions of this Order that the full price thereof including any premium given by any purchaser at such sale in respect thereof shall be paid to the Undertakers at such time not being later than three months from the date of the sale as may be prescribed in the conditions of sale.

Notice to be given of sale of shares or stock.

15. The intention to sell any shares or stock by auction or tender under the provisions of this Order shall be communicated by the Undertakers in writing to the clerk of every local authority having jurisdiction within the limits of supply and to the secretary of the committee 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 notice of such intention shall be duly advertised by the Undertakers once in each of two consecutive weeks in one or more newspapers circulating within the limits of supply.

Shares or stock not sold by auction or tender to be offered to shareholders.

16. When any shares or stock have been offered for sale by auction or tender under the provisions of this Order and not sold the same shall be offered at the reserve price put upon the same respectively for the purpose of sale by auction or tender to the holders of the ordinary shares or ordinary stock of the Undertakers in manner provided by the Companies Clauses Act 1863 Provided that any share or stock so offered and not accepted within the time prescribed by the said Act shall again be offered for sale by public auction or tender in the manner and subject to the provisions of this Order with respect to the sale of shares and stock forming part of the additional capital but at a lower reserve price than the price put upon the same at the preceding offer thereof for sale by auction or tender and any shares not then sold shall be again offered to the holders of ordinary shares or stock at the last-mentioned reserve price and so from time to time until the whole of such shares is sold.

Application of premium arising on issue of shares or stock.

17. Any sum of money which may arise from the issue of any shares or stock under the provisions of this Order by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Undertakers but shall be expended in extending or improving the works of the Undertakers or in paying off money borrowed or owing on mortgage by the

Newark.

Undertakers and shall not be considered as part of the capital of the Undertakers entitled to dividend.

Limits of dividend on capital.

18. Except as by this Order expressly provided the Undertakers shall not in any year declare or make out of their profits any larger dividend on their capital than the standard rates of dividend herein-after mentioned namely ten pounds in respect of every one hundred pounds of "A" shares five pounds in respect of every one hundred pounds of "B" shares and seven pounds in respect of every one hundred pounds actually paid up of new ordinary shares and seven pounds in respect of every one hundred pounds actually paid up of so much of the additional capital as may be issued as ordinary capital or six pounds in respect of every one hundred pounds actually paid up of so much of such additional capital as may be issued as preference capital.

Dividends on different classes of shares or stock to be paid rateably.

19. In case in any year or in any half year (if the Undertakers declare a dividend half-yearly) the net revenues of the Undertakers applicable to dividends are insufficient to pay the full amount of the prescribed rates on each class of ordinary shares or stock in the existing and additional capital of the Undertakers the same shall be equally and rateably divided among the holders of each class of ordinary shares or ordinary stock until the prescribed rates have been paid on the "B" shares and thereafter among the holders of the "A" shares new ordinary shares and additional capital until the prescribed rates have been paid on the new ordinary shares and the additional capital and thereafter among the holders of the "A" shares."

Debenture stock.

20. The Undertakers may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein or in any Act previous to this Order contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Undertakers under any previous Act or this Order or any subsequent Act or Order shall (subject to the provisions of any subsequent Act or Order) rank pari passu without respect to the dates of the securities or of the Acts of Parliament Orders or resolutions by which the stock and mortgages were authorised and shall have priority over all principal moneys secured by such mortgages Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Existing mortgages to have priority.

21. All mortgages granted by the Undertakers under the authority of the Act of 1866 before the commencement of this Order and subsisting at the date of such commencement shall during the continuance of such mortgages and subject to the provisions of the said Act have priority over all mortgages granted under the authority of this Order but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Undertakers and notwithstanding anything in the said Act contained all debenture stock at any time created and issued by the Undertakers after the commencement of this Order whether under the said Act or this Order shall rank pari passu.

Limit of interest on moneys borrowed.

22. The Undertakers shall not without the consent of the Board of Trade pay interest at a higher rate than five pounds per centum per annum in respect of any moneys borrowed on mortgage or raised by the creation and issue of debenture stock under the authority of this Order.

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Appointment of a receiver.

23. The mortgagees of the Undertakers under this Order may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver and 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 one-tenth part of the total amount for the time being owing by the Undertakers on mortgage under the authority of this Order.

If profits exceed the amount limited excess may be invested and form an insurance fund.

24. If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates the excess beyond the sum necessary for that purpose may from time to time to the extent of one per centum per annum upon the paid up capital of the Undertakers be invested in Government or other securities and the dividends and interest arising from such securities shall also be invested in the same or like securities in order that the same may accumulate at compound interest until the fund so formed amounts to a sum equal to one-twentieth part of the paid up capital of the Undertakers which fund shall form an insurance fund to meet any extraordinary claim demand or charge which may at any time arise against or fall upon the Undertakers from accident strike or other circumstance which in the opinion of a court of summary jurisdiction due care and management could not have prevented and if such fund be at any time reduced it may thereafter be again made up to the said sum and so from time to time as often as such reduction happens Provided that when and so often as the said fund reaches the said limit of one-twentieth part of the paid up capital the interest thereon shall be carried to the credit of the fund available for dividend Provided also that resort may be had from time to time to the insurance fund to meet any such extraordinary claim demand or charge as aforesaid although such fund may not at the time have reached or may have been reduced below the full amount of one-twentieth as aforesaid.

Application of further excess of profits over prescribed rates.

25. If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates the excess or such portion of it as is not carried to the insurance fund shall be carried to the credit of the divisible profits of the undertaking for the next following year.

Power to create a reserve fund and application thereof.

26. Where in any year the prescribed rates on the ordinary shares or stock in the existing and additional capital of the Undertakers exceed the standard rates by reason of the price charged by the Undertakers for gas in such year being below the standard price then out of the amount of the divisible profits of the Undertakers applicable to the payment of such excess of dividend over the standard rates the Undertakers may in such year set apart such sums as they think fit by way of a reserve fund and all sums (if any) so set apart by the Undertakers and any reserve or other fund of a similar character of the Undertakers existing at the commencement of this Order may be invested in Government or other securities and the dividends and interest arising from such securities may also be invested in the same or like securities in order that the same may accumulate at compound interest and the fund so formed shall be called "the reserve fund" and shall be applicable to the payment of dividend in any year in which the clear profits of the Undertakers are insufficient to enable the

Undertakers in such year to pay the prescribed rates and save as by this Order specially provided no sum shall in any year be carried by the Undertakers to any reserve fund.

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27. All moneys raised under this Order shall be applied to the purposes of the undertaking to which capital is properly applicable and the Company may apply for the purposes of this Order any money which they have in hand or may raise under the powers of the Act of 1866.

Application of money.

Purchase of Lands.

28. The Undertakers may in addition to the lands authorised to be acquired and held by the Company under the authority of the Act of 1866 from time to time purchase or take on lease (by agreement but not otherwise) and hold—

Purchase of lands by agreement.

(*a*) The lands shown on the map deposited for the purposes of this Order and described in the schedule to this Order annexed; and

(*b*) Any other lands which they may require for the purposes of the Undertaking Provided that they shall not create or permit a nuisance thereon.

Provided that the Undertakers shall not at any one time hold for the purposes of their Undertaking under the authority of this Order more than three acres of land in addition to the lands described in the said schedule and that no lands shall be used by the Undertakers for the purpose of manufacturing gas or residual products or of storing gas except the lands which the Undertakers are by this Order and the Act of 1866 expressly empowered so to use.

Lands for Construction of Gasworks.

29. The lands on which the Undertakers are by section 37 of the Act of 1866 authorised to erect works for the manufacture and storage of gas shall be deemed to be the lands described in that Act within the meaning of section 5 of the Gasworks Clauses Act 1871 and the Undertakers may on the lands shown on the map deposited for the purposes of this Order and described in the schedule to this Order annexed when they have acquired and while they are possessed of the same from time to time construct erect make and maintain alter and enlarge gasholders receivers meters apparatus and works for the storing of gas and of coke and they may subject to the provisions of this Order store gas on such lands and supply and sell the same within the limits of supply and may on the same lands store tar coke pitch asphaltum and may sell and dispose of the same at their works and elsewhere and they may also construct and maintain and from time to time alter enlarge renew or discontinue houses offices buildings and other works connected with the undertaking Provided always that the Undertakers shall not on any of the lands described in the schedule to this Order annexed manufacture or purify gas or any residual product obtained in the manufacture of gas or store on such lands any offensive matter and the Undertakers shall not on any such lands erect or maintain any gasholder or other building by this Order authorised of a greater height than seventy feet.

Undertakers may maintain and continue gasworks on lands described in schedule and may make and sell gas &c.

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Power to make gas meters &c.

30. The Undertakers may at the works or elsewhere manufacture purchase hire supply sell or let on hire gas meters fittings gas stoves and cooking and other apparatus and may also manufacture purchase hire sell let deal in and contract for doing work in connexion with fittings tubes meters pipes apparatus stoves ranges and apparatus for heating for domestic and other purposes by means of gas and all articles and things in any way connected with gasworks or with the supply use or consumption of gas and may take charges and remuneration in respect thereof.

Power to contract for sale of gas in bulk.

31. The Undertakers may from time to time enter into and carry into effect and alter or rescind contracts and agreements with respect to the supply of gas in bulk beyond the limits of supply to any urban or rural authority or any company authorised to supply gas at such price and upon such terms and conditions as may from time to time be agreed on Provided that nothing herein contained shall be construed as conferring any powers on the Undertakers in relation to the laying down or placing of any pipe or the breaking up of any road or street or the execution of any work beyond the limits of supply in any district without the consent of the local and road authorities of such district.

For protection of the Midland Railway Company.

32. Any mains pipes culverts or other works which the Undertakers may lay down or execute under or over or which may affect any railway works or property of the Midland Railway Company shall be so laid down and executed and subsequently maintained and repaired under the direction and superintendence and to the reasonable satisfaction of the principal engineer for the time being of the Midland Railway Company and in accordance with plans and sections (when necessary in the opinion of such principal engineer) previously submitted to and approved of by him.

Differences with railway and other companies.

33. If any difference arise between the Undertakers and any railway canal or other company whose lands or works the Undertakers have power to cross under the authority of this Order as to the mode of laying down repairing altering or enlarging their mains pipes or other works in over or upon such lands or works or the facilities to be afforded for the same such difference shall be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party.

Quality of Gas.

Quality of gas.

34. Notwithstanding anything contained in the Act of 1866 from and after the first quarter day next after the commencement of this Order the quality of the gas supplied by the Undertakers shall with respect to its illuminating power be such as to produce a light equal in intensity to the light produced by fifteen sperm candles and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act 1871.

Price of Gas.

Fixing price of gas with sliding scale as to dividend.

35. From and after the first quarter day next after the commencement of this Order section 61 of the Act of 1866 shall be repealed and as from that date the standard price to be charged by the Undertakers for gas supplied by them

to private consumers by meter within the municipal borough of Newark shall be two shillings and elevenpence per thousand cubic feet and to consumers by meter outside the said borough three shillings and fivepence per thousand cubic feet Provided always that the price so to be charged by the Undertakers in any part of their limits which is outside the said borough shall not exceed by more than sixpence per thousand cubic feet the price for the time being charged within the said borough Provided that the Undertakers may increase or reduce the price so charged by them for gas above or below the standard price subject to a reduction or increase in the dividend payable by the Undertakers on the ordinary shares or stock in the existing and additional capital (other than the B. shares) as follows:—

In respect of any year during which the price so charged by the Undertakers shall have been one penny or more above the standard price the dividend so payable by the Undertakers shall in respect of each penny by which the price so charged shall have exceeded the standard price be reduced below the standard rates of dividend by five shillings on every hundred pounds of ordinary paid up capital and so in proportion for any fraction of one hundred pounds.

And in respect of any year during which the price charged by the Undertakers shall have been one penny or more below the standard price the dividend so payable by the Undertakers may in respect of each penny by which the standard price shall have exceeded the price so charged be increased above the standard rates of dividend by five shillings on every hundred pounds of ordinary paid up capital and so in proportion for any fraction of one hundred pounds.

Pressure of Gas.

Pressure of gas.

36. All gas supplied by the Undertakers to any consumer of gas shall be supplied 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 to balance from sunset to midnight a column of water not less than eight-tenths of an inch in height at the main as near as may be to the junction therewith of the service pipe supplying such consumer.

Testing Gas.

Testing gas.

37. Sections 62 63 64 and 65 of the Act of 1866 are hereby repealed and the existing testing place at the works of the Undertakers shall be provided with apparatus therein according to the provisions of the Gasworks Clauses Act 1871 and shall be the testing place within the meaning of that Act and the burner to be used for testing gas shall be a Sugg's London Argand No. 1 with a six inch by one and three-quarter inch glass chimney and if at any time the gas flame tails over the top of the glass a six inch by two inch chimney shall be used Provided that any other description of burner may be used which may from time to time be approved for the purpose by the Board of Trade and any gas examiner appointed under the Gasworks Clauses Act 1871 for the purposes of this Order may from time to time subject to the terms of his appointment at

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such testing place or elsewhere as and when he thinks fit test the pressure at which the gas is supplied and for that purpose may open any street road passage or place not being the immediate approach to any railway or canal bridge or railway station vested in or under the control of any local or road authority Before testing the pressure elsewhere than at such testing place two hours' notice shall be given to the Undertakers of the time and place at which such testing shall be conducted

Notice of testing.

38. Any local authority having jurisdiction for the purposes of the Gasworks Clauses Act 1871 in that respect within the limits of supply of the Undertakers shall give to the Undertakers at their office half an hour's notice in writing of their intention to make testings of the purity and illuminating power of the gas supplied by the Undertakers in order to enable the Undertakers to be represented at such testing by their engineer or other competent person.

Miscellaneous.

Exemptions from penalty in certain cases.

39. No penalty shall be incurred by the Undertakers for insufficiency of pressure defect of illuminating power or for excess of impurity in the gas supplied by them in any case in which it is proved that such insufficiency defect or excess was produced by an unavoidable cause or accident.

Undertakers to pay interest on deposit.

40. Where any money is deposited by any person by way of security with the Undertakers for the payment to them of any moneys which may become due to them by such person in respect of any supply of gas or of the purchase or hire of any meter the Undertakers shall pay interest at the rate of five 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.

Power to lay pipes in streets not dedicated to public use.

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

Notice by consumers of intention to discontinue gas supply.

42. Any consumer desiring to discontinue a supply of gas to any premises where a meter has been fixed for his use shall give to the Undertakers notice of his desire and shall be liable to pay and shall pay to the Undertakers for all gas registered by such meter up to and until the expiry of forty-eight hours from the giving of such notice Any such notice shall be in writing and shall be left at or sent by post to the principal office of the Undertakers.

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

43. If a person requiring a supply of gas from the Undertakers has previously quitted premises at which gas was supplied to him by them without paying to them all gas rates or meter rent or other moneys due from him to the

Undertakers they may refuse to furnish to him a supply of gas until he pays the same.

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Period of error in defective meters.

44. In the event of any meter used by a consumer of gas being tested in manner provided by the Sale of Gas Act 1859 and being proved to register erroneously within the meaning of the said Act such erroneous registration shall be deemed to have arisen only during the current quarter of the year in which the said meter shall be so tested.

The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Undertakers in pursuance of the certificate of the inspector shall be paid by or to the Undertakers to or by the consumer as the case may be and shall be recoverable in like manner as gas rates are recoverable by the Undertakers.

Discounts.

45. The Undertakers may if they think fit allow discounts or rebates not exceeding in any case twenty per cent. to consumers of gas in consideration of prompt payment of gas rents or of large consumption upon such scale and subject to such conditions and regulations as may be prescribed by the Undertakers provided that such discounts or rebates shall be of equal amount under like circumstances to all consumers.

Costs of Order.

46. All the costs charges and expenses of and incidental to the applying for preparing obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Undertakers.

SCHEDULE.

Gas Lands.

Certain lands in the borough and parish of Newark and county of Nottingham containing one thousand eight hundred and twenty square yards or thereabouts including the site of a bakehouse stable and outbuildings thereon belonging or reputed to belong to William Lamb of Newark-upon-Trent in the county of Nottingham millwright and occupied by Robert Littler lying between the northern boundary of the house and garden known as No. 15 Whitfield Street and the old gasworks of the Undertakers which lands are bounded on the western side by Whitfield Street aforesaid and on the east by property belonging or reputed to belong to and occupied by W. N. Nicholson Esq. J.P.

ROTHWELL GAS.

Order empowering the Rothwell Gas Light Company to extend their Limits of Supply and to purchase additional Lands.

Rothwell.

Short title.

1. This Order may be cited as the Rothwell Gas Order 1895.

Commencement of Order.

2. This Order shall come into force and have effect upon the day when the Act confirming the Order is passed which date is in this Order referred to as "the commencement of this Order."

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Rothwell. Construction of Order.

3. The Rothwell Gas Act 1882 (in this Order referred to as "the Act of 1882") and this Order shall be construed together except so far as such construction would be inconsistent with or repugnant to the terms of this Order.

Incorporation of Acts.

4. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the Undertakers) and of the Gasworks Clauses Act 1847 subject to the provisions of the Act of 1882 and of the Gasworks Clauses Act 1871 are (except when expressly varied by this Order) incorporated and form part of this Order and the said provisions of the said Gasworks Clauses Act shall apply as well to the mains pipes and works of the Undertakers laid down or constructed before the commencement of this Order and situate within the limits of supply as extended and defined by this Order as to any mains pipes or works which may be laid down or constructed under the authority of this Order.

Interpretation.

5. The expression "the prescribed rates" means the rates of dividend authorised by the Act of 1882 on the capital of the Undertakers authorised to be raised by the Act of 1882 or such rates as reduced or increased in accordance with the provisions of this Order and the several words terms and expressions to which by any Act in whole or in part incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have the same respective meanings and in the construction of this Order or any such Act for the purposes of this Order the expression "the undertaking" shall include the gasworks and works connected therewith by this Order authorised to be maintained and continued.

Undertakers.

6. The Rothwell Gas Light Company incorporated by the Act of 1882 shall be the Undertakers for the purposes of this Order and are in this Act referred to as "the Undertakers."

Extension of limits of supply.

7. The Undertakers shall have and may exercise subject to the provisions of this Order within the following new limits namely within such parts and precincts of the township of Oulton with Woodlesford in the county of York together with such part of the township of Rothwell situate near to the boundary of the Oulton with Woodlesford township as is not included in the Act of 1882 And also so much of the township of Swillington in the said county as consists of the highway known as the Wakefield and Aberford Road as far as the Lodges Gates up to and including a point opposite to the south-west entrance of Swillington Park Also so much of the Thorpe and Lofthouse with Carlton townships as are now comprised in the urban district of Rothwell Urban District Council but are not included in the Act of 1882 The boundary on the north portion of the Thorpe with Lofthouse township commences with a footpath across the Throstle Carr Beck and continues westwards to Dolphin Beck and along the north side of that beck and thence along the north side of the boundary line between the townships of Lofthouse with Carlton and East Ardsley to its junction with the district comprised in the said Act at Lingwell Gate as are not included within the limits of the Act of 1882 as defined and authorised by that 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 are subject to within the limits of the Act of 1882 and the expression "limits of this Act" in the said Act shall from and after the commencement of this Order be deemed to include the said new limits.

Power to apply capital.

8. Notwithstanding anything contained in the Act of 1882 moneys raised under the Act of 1882 may be applied for the purposes of this Order and the expression in the Act of 1882 "the purposes of this Act" shall from and after the commencement of this Order be deemed to include the purposes of this Order.

Power to purchase additional lands by agreement.

9. Notwithstanding anything in the Act of 1882 the Undertakers may for the purposes of the Act of 1882 and of this Order from time to time purchase or take on lease by agreement but not otherwise and hold in addition to the lands described in the Schedule A. to this Order annexed and in the schedules to the Act of 1882 any lands which they may require Provided that they shall not create or permit a nuisance on any such lands and that they shall not at any time hold for such purposes more than three acres of land in the whole in addition to the lands described in the said schedules and that no lands shall be used by the Undertakers for the purpose of manufacturing gas or residual products or of storing gas except the lands described in the said schedules.

Undertakers may maintain and continue gasworks and construct new gasworks on lands described in schedule and may make and sell gas &c.

10. Notwithstanding anything in the Act of 1882 the Undertakers may on the lands shown on the map deposited for the purposes of this Order and described in the Schedule A. to this Order annexed while they are possessed of the same maintain and continue and from time to time alter and enlarge renew or discontinue their existing gasworks and works connected therewith and may construct erect make and maintain and from time to time alter and enlarge retorts gasholders receivers purifiers meters apparatus and works for the manufacture and storage of gas and coke and other residual products obtained in the manufacture of gas and matters producible therefrom and may subject to the provisions of this Order make and store gas on such lands and supply and sell the same within the limits of the Act of 1882 and the limits as extended by this Order and may on the same lands manufacture and store tar coke pitch asphaltum and ammoniacal liquor oil and all such other residual products as aforesaid and may sell and dispose of the same at the works and elsewhere and they may also construct and maintain and from time to time alter enlarge renew or discontinue houses offices buildings and other works connected with the purposes of the Act of 1882 and of this Order.

For the protection of the West Riding County Council.

11. In executing the works and exercising the powers by this Order authorised so far as they affect the main roads and county and main road bridges of the west riding of the county of York the following provisions for the protection of the county council of the said west riding (in this section called "the council") shall have effect unless otherwise agreed on in writing between the council and the Undertakers (that is to say)—

(1.) All mains pipes or works to be laid in or along any main road after the confirmation of this Order (not being renewals of existing mains or pipes)

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Rothwell.

shall be laid in such position at the side thereof as the council shall by writing under the hand of their surveyor direct and shall not be laid in or upon or across any county or main road bridge or any arch connected therewith respectively but shall be carried over the stream crossed by such bridge by means of wrought iron riveted tubing entirely separate from and independent of such bridge and arch and the gradient of such bridge and of the respective approaches thereto shall not be altered.

(2.) All works to be constructed or laid in along or across or in any way affecting any main road or any county or main road bridge or any approach thereto shall be executed at the expense of the Undertakers under the superintendence and to the reasonable satisfaction of the said surveyor and in accordance with plans sections and specifications to be submitted to and approved of by him in writing before the commencement of any such work (except in the case of emergency arising from defect in any pipes and then as soon as is possible after the necessity for the same shall have arisen).

Provided that if he shall not within one month after the same shall have been submitted so express his approval or disapproval thereof or signify his requirements in relation thereto he shall be deemed to have approved thereof.

(3.) The works shall be so executed as not to stop or unreasonably interfere with the traffic of any main road or county or main road bridge or any approach thereto and all such works shall be proceeded with and completed with all possible despatch.

(4.) The Undertakers shall pay to the council the reasonable costs in relation to the examination of the said plans sections and specifications and the superintendence by this section authorised.

(5.) Notwithstanding anything in this Order contained it shall be lawful for the council at any time or times to divert or improve any such main road and also to remove alter or renew any such county or main road bridge or the approaches thereto in alongside or near to which the said line of pipes or works is carried in the same manner as they might have diverted or improved removed altered or renewed any such main road or bridge or the approaches thereto if this Order had not been passed and such line of pipes or works had not been constructed or laid in alongside or near to such main road or bridge respectively without making compensation to the Undertakers for any expense or loss to which the Undertakers may be put in consequence of such diversion improvement removal alteration or renewal And in the event of any such main road or bridge or the approaches thereto alongside or near to which the said line of pipes or works is laid being diverted or improved removed altered or renewed as aforesaid the Undertakers shall at their own expense alter the position of the works by which such line of pipes or works is carried alongside or near to any such main road or bridge or the approaches thereto as aforesaid and replace the same to the satisfaction of the said surveyor to the said council Provided that during the diversion improvement removal alteration or renewal of any such main road or bridge as aforesaid the council

shall afford at the cost of the Undertakers all reasonable facilities for temporarily carrying such line of pipes or works along the main road or across the stream so as not to interrupt the continuous supply of gas.

(6.) If any difference arise between the council and the Undertakers touching this section or anything to be done or not to be done thereunder such difference shall be settled by an engineer to be appointed by the Board of Trade on the application of either of the parties in difference and his decision shall be conclusive and the costs of the reference shall be borne as he shall direct.

For the protection of Edmund Calverley.

12. Section 57 of the Act of 1882 (for the protection of Edmund Calverley) shall apply in all respects as well to anything done or to be done within the said new limits as to anything done or to be done within the limits of supply as defined by the Act of 1882 and as if the said section had been repeated in this Order.

Differences with railway and other companies.

13. If any difference arise between the Undertakers and any railway canal or other company whose lands or works the Undertakers have power to cross under the authority of this Order for the purpose of meeting the demands for gas within the limits of supply as to the mode of laying down repairing altering or enlarging their conduits mains pipes or other works in over or upon such lands or works or the facilities to be afforded for the same such difference shall be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party.

Quality of gas.

14. From and after the first quarter day after the commencement of this Order section 64 of the Act of 1882 shall be repealed and the quality of gas supplied by the Undertakers shall with respect to its illuminating power be such as to produce a light equal in intensity to the light produced by fifteen sperm candles and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act 1871.

Price of gas.

15. From and after the first quarter day after the commencement of this Order section 29 shall be repealed and subject to the provision herein-after contained the price to be charged by the Undertakers for gas supplied by them shall not exceed four shillings and ninepence per thousand cubic feet and so in proportion for any less quantity supplied Provided that any time after the expiration of three years from the commencement of this Order the Board of Trade may if they think fit by order in writing signed by a Secretary or Assistant Secretary of the said Board alter the said maximum price either by substituting any other sum for the said sum of four shillings and ninepence or by fixing a standard price with sliding scale as to profits and as from the date specified in such Order (herein-after referred to as "the specified date") the price to be charged by the Undertakers for gas supplied by them shall be in accordance with such Order Provided further that in case such Order shall prescribe a standard price with sliding scale as to profits then as from the specified date the provisions set forth in Schedule B. to this Order annexed shall be in force and have effect and this Order shall be read and construed

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accordingly A copy of such Order made by the Board of Trade shall be published in the "London Gazette" and a copy of the said Gazette containing such Order shall be conclusive evidence of the due making and validity of the same and of the contents thereof.

Costs of Order.

16. All the costs charges and expenses of and incidental to the applying for preparing obtaining and confirming this Order or otherwise in relation thereto shall be paid by the Undertakers.

SCHEDULE A.

A plot of land containing 1408 square yards or thereabouts situate in the township of Woodlesford in the west riding of the county of York and being on the south side of Wakefield and Aberford Turnpike Road leading from Woodlesford to Swillington and which said plot of land is bounded on or towards the north-west and north-east by property belonging or reputed to belong to Edward Oddie Esq. and on or towards the south-west by property belonging or reputed to belong to Bentley's Yorkshire Breweries Company Limited the whole of which said land is already in the possession of the said Rothwell Gas Light Company.

SCHEDULE B.

The foregoing Order shall after the making by the Board of Trade of an order in pursuance of the provisions in that behalf therein contained prescribing a standard price for gas supplied by the Undertakers with sliding scale as to profits and as from the specified date be read and construed subject to the modifications following :—

Sections thirty to thirty-four of Gasworks Clauses Act 1847 to cease to be incorporated.

(i.) Sections thirty to thirty-four (both inclusive) of the Gasworks Clauses Act 1847 shall not continue to be incorporated with or to form part of the Act of 1882 and the foregoing Order and in construing the said Act for the purposes of the foregoing Order, section thirty-five of the said Act shall be read and construed as though the words from "in case the whole" down to "have been paid" all inclusive had been omitted therefrom and as though the expression "the prescribed rate" included the prescribed rates as defined by the foregoing Order together with any sum which under the provisions of this schedule might lawfully be carried to the insurance fund :

Price of gas with sliding scale as to dividend.

(ii.) Notwithstanding anything contained in the foregoing Order the standard price to be charged by the Undertakers for gas supplied by them to private consumers by meter shall be the price prescribed by such order of the Board of Trade as aforesaid per thousand cubic feet :

Provided that the Undertakers may increase or reduce the price so charged by them for gas above or below the standard price subject to a reduction or

increase in the dividend payable by the Undertakers on the ordinary share capital or stock as follows:—

In respect of any year during which the price charged by the Undertakers shall have been one penny or more above the standard price the dividend payable by the Undertakers shall in respect of each penny by which the price shall have been increased be reduced below the standard rate of dividend by five shillings on every hundred pounds of ordinary paid up capital and so in proportion for any fraction of one hundred pounds:

And in respect of any year during which the price charged by the Undertakers shall have been one penny or more below the standard price the dividend payable by the Undertakers may in respect of each penny by which the standard price shall have been reduced be increased above the standard rate by five shillings on every hundred pounds of ordinary paid up capital and so in proportion for any fraction of one hundred pounds:

If profits exceed amount limited excess may be invested and form an insurance fund.

(iii.) If the clear profits of the undertaking in any year amount to a larger sum that is sufficient to pay the prescribed rates the excess beyond the sum necessary for that purpose may from time to time to the extent of one per centum per annum upon the paid up capital of the Undertakers be invested in Government or other securities and the dividends and interest arising from such securities shall also be invested in the same or like securities in order that the same may accumulate at compound interest until the fund so formed amounts to a sum equal to one-twentieth part of the paid up capital of the Undertakers which sum shall form an insurance fund to meet any extraordinary claim demand or charge which may at any time arise against or fall upon the Undertakers from accident strike or other circumstance which in the opinion of a court of summary jurisdiction due care and management could not have prevented and if such fund be at any time reduced it may thereafter be again made up to the said limit and so from time to time as often as such reduction happens Provided that when and so often as the said fund reaches the said limit of one-twentieth part of the paid up capital the interest thereon shall be carried to the credit of the fund available for dividend Provided also that resort may from time to time be had to the insurance fund to meet any such extraordinary claim demand or charge as aforesaid although such fund may have been reduced below the full amount of one-twentieth as aforesaid:

Application of further excess of profits over prescribed rates.

(iv.) If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates the excess or such portion of it as is not carried to the insurance fund shall be carried to the credit of the divisible profits of the undertaking for the next following year:

Power to create a reserve fund and application thereof.

(v.) Where in any year the prescribed rates on the ordinary share capital or stock of the Undertakers exceed the standard rates by reason of the price charged by the Undertakers for gas in such year being below the standard price then out of the amount of the divisible profits of the Undertakers applicable to the payment of such excess of dividend the Undertakers may in such

A.D. 1895.

Rothwell.

year set apart such sum as they think fit by way of a reserve fund and all sums (if any) so set apart by the Undertakers and any reserve or other fund of a similar character of the Undertakers existing at the specified date in relation to the undertaking may be invested in Government or other securities and the dividends and interest arising from such securities may also be invested in the same or the like securities in order that the same may accumulate at compound interest and the fund so formed shall be called "the reserve fund" and shall be applicable to the payment of dividend in any year in which the clear profits of the Undertakers shall be insufficient to enable the Undertakers in such year to pay the prescribed rates and save as by this schedule specially provided no sum shall in respect of the undertaking in any year be carried by the Undertakers to any reserve fund:

Saving of existing contracts.

(vi.) Nothing in this schedule contained shall alter vary or affect any contract or agreement duly made or any liability incurred or notice given before the specified date with respect to the gasworks of or the supply of gas by the Undertakers.

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