CHAPTER clxviii.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act 1870 relating to Holyhead Gas Llangefni Gas Llanrwst Gas and Pwllheli Gas. A.D. 1911.

[18th August 1911.]

WHEREAS under the authority of the Gas and Water Works Facilities Act 1870 the Board of Trade have made the 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 said Act is not of any validity or force whatever until the confirmation thereof by Act of Parliament:

And whereas it is expedient that the Provisional Orders made by the Board of Trade as aforesaid and set out in the schedule to this Act be confirmed by Act of Parliament:

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

1. This Act may be cited as the Gas Orders Confirmation (No. 3) Act 1911. Short title.

2. The 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.

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SCHEDULE.

LIST OF ORDERS.

HOLYHEAD GAS.—Order authorising the maintenance and continuance of existing gasworks and the manufacture and supply of gas within the urban district of Holyhead and part of the rural district of Valley both in the county of Anglesey and for other purposes.

LLANGEFNI GAS.—Order authorising the maintenance and continuance of existing gasworks and the manufacture and supply of gas within the urban district of Llangefni in the county of Anglesey and for other purposes.

LLANRWST GAS.—Order authorising the maintenance and continuance of existing gasworks and the manufacture and supply of gas within the urban district of Llanrwst in the county of Denbigh and for other purposes.

PWLLHELI GAS.—Order authorising the maintenance and continuance of existing gasworks and the manufacture and supply of gas within the borough of Pwllheli and parish of Denio in the county of Carnarvon and for other purposes.

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Order authorising the maintenance and continuance of existing gasworks and the manufacture and supply of gas within the urban district of Holyhead and part of the rural district of Valley both in the county of Anglesey and for other purposes.

Preliminary.

Short title.

1. This Order shall be cited as the Holyhead Gas Order 1911.

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."

Incorporation of Acts.

3. 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) of the Gasworks Clauses Act 1847 and of the Gasworks Clauses Act 1871 are hereby incorporated with this Order except where the same are expressly varied by this Order Provided that section 13 of the former Act shall be read as if the words "or any premises" were inserted after the words "private building" and as if the words "Provided also "that every such contract entered into by the company shall be alike "in terms and amount under like circumstances to all consumers" were added at the end of that section and the said provisions of the said Gasworks Clauses Acts 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 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.

4. In this Order the expression "authorised rates" means the rates of dividend authorised by this Order on the capital of the Undertakers 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 in this Order the same respective meanings and for the purpose of the incorporation of any such Act the expression "the undertaking" in such Act shall include the gasworks and works connected therewith by this Order authorised to be maintained and continued and the undertaking by this Order authorised.

Limits of Order.

5. 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")

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shall be the urban district of Holyhead and so much of the rural district of Valley as lies to the north-west and north-east of the line marked on the map deposited for the purposes of this Order with the Board of Trade and signed by an assistant secretary of the said Board that is to say So much as is included within the boundaries of the Holyhead urban district and a straight line drawn in a south-westerly direction from the point where the boundary of Holyhead urban district crosses the high-water mark on Penrhos Beach towards and across the London and North Western Railway in a straight line to a point about 266 yards south of Capel Ebenezer on the Kingsland Road and thence in a north-westerly direction in a straight line across Porth Dafarch Road and Jew Street to the extreme south-westerly limit of the Holyhead urban district.

Undertakers.

Undertakers.

6. The Holyhead and North Wales Gas and Water Corporation Limited or a company hereafter to be duly constituted and incorporated for the special purpose of carrying on the undertaking hereby authorised as a separate undertaking shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers" Provided that if the undertaking is at any time assigned to such other company such company shall from the date of such assignment be the Undertakers for the purposes of this Order in lieu of the Holyhead and North Wales Gas and Water Corporation Limited but no such assignment shall have any validity or effect until after the approval of the Board of Trade to such assignment has been signified in writing signed by a secretary or an assistant secretary of the said Board Provided that nothing in this Order contained shall prevent the Undertakers borrowing money secured by mortgage of the undertaking not exceeding the amount by this Order prescribed or shall make the consent or approval of the Board of Trade necessary to the validity or effect of such mortgage.

Capital.

Capital.

7. The share capital of the Undertakers shall for the purposes of the undertaking authorised by this Order be deemed to consist of the sum of twenty thousand seven hundred and seventy pounds already expended by the Undertakers (in this Order referred to as "the original capital") and of additional share capital (in this Order referred to as "the additional capital") for the purposes of this Order not exceeding nine thousand two hundred and thirty pounds including any premium that may be obtained on the sale of any shares or stock under the provisions of this Order and the original and additional share capital of the Undertakers shall not for such purposes exceed thirty thousand pounds unless the Undertakers are hereafter authorised to expend for

such purposes further additional share capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament. A.D. 1911. *Holyhead.*

Additional capital to be sold by auction or tender.

8.—(1) All shares or stock to be issued for the purpose of raising the additional capital or any part thereof shall be issued in accordance with the provisions of this section.

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

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

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

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

(*d*) In the case of a sale by tender no preference shall be given to one of two or more persons tendering the same sum In the case of a sale by auction a bid shall not be recognised unless it is in advance of the last preceding bid :

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

(3) Any shares or stock which have been so offered for sale and are not sold may be offered at the reserve price to the holders of ordinary or preference shares or stock of the Undertakers in manner prescribed by resolution passed by the directors of the Undertakers and to the employees of the Undertakers and to the consumers of gas supplied by the Undertakers in such proportions as the directors of the Undertakers may think fit or to one or more of these classes of persons only Provided in the case of an offer to holders of shares or stock that if the aggregate

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amount of shares or stock applied for shall exceed the aggregate amount so offered as aforesaid the same shall be allotted to and distributed amongst the applicants as nearly as may be in proportion to the amounts applied for by them respectively.

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

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

Application of money.

9. All money raised under this Order including any premiums shall be applied only to purposes to which capital is properly applicable and 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 part of the capital of the Undertakers entitled to dividend.

Limit of dividends on capital.

10.—(1) Except as by this Order expressly provided the Undertakers shall not in any year make out of their profits any larger dividends on the said original and additional capital than at the following rates (in this Order referred to as "the standard rates of dividend") namely ten pounds in respect of every one hundred pounds of such original capital and seven pounds in respect of every one hundred pounds actually paid up of such additional capital as may be issued as ordinary capital or five pounds in respect of every one hundred pounds actually paid up of such additional capital as may be issued as preference capital.

(2) Provided that if and so long as the undertaking is carried on by the Holyhead and North Wales Gas and Water Corporation Limited as Undertakers in the construction of the provisions of this Order and of Schedule B thereto the expression "actually paid up" shall mean actually expended on or actually being used for the purposes of the undertaking and the expression "paid-up capital" shall mean the original capital together with so much of the additional capital as has been expended or as is being used for the purposes of the undertaking.

11. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the undertaking authorised by this Order shall not at any time exceed in the whole ten thousand pounds 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. Limit of borrowing powers.

Purchase of Lands.

12. The Undertakers may for the purposes of the undertaking purchase take on lease or acquire (by agreement but not otherwise) and hold in addition to the lands described in Schedule A to this Order annexed any lands which they may require Provided 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 schedule and 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 the said schedule. Power to purchase additional lands.

Maintenance and continuance of Gasworks. Manufacture and sale of Gas and Residual Products.

13. The Undertakers may on the lands shown on the map deposited for the purposes of this Order and described in Schedule A to this Order annexed maintain and continue alter enlarge extend improve renew or discontinue their existing gasworks and works connected therewith for the manufacture distribution storage conversion and sale of gas and of residual products arising in or resulting or producible from or used in the manufacture of gas and matters producible therefrom and they may subject to the provisions of this Order manufacture and store gas upon such lands or some part or parts thereof and supply and sell the same within the limits of supply and may on the same lands make convert and store residual products as aforesaid and may sell and dispose of the same at the works and elsewhere and they may also construct and maintain alter enlarge renew or discontinue houses offices buildings and other works connected with the undertaking. Undertakers may maintain and continue gasworks on lands described in schedule and may make and sell gas &c.

14. For the purposes of the Gasworks Clauses Act 1871 the prescribed testing place shall be a testing place which shall be provided by the Undertakers at their gasworks within six months of the commencement of this Order. Testing place.

Quality of Gas.

15.—(1) The quality of the gas supplied by the Undertakers shall with respect to its illuminating power be such as to produce at the testing place when burned at the rate of five cubic feet per hour a light equal in intensity to the light produced by not less than fourteen Quality of gas.

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sperm candles of six to the pound each consuming one hundred and twenty grains of sperm per hour and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act 1871.

(2) For testing the illuminating power of the gas the burner to be used shall be that known as the Metropolitan Argand No. 2 the photometer shall be the bar photometer the standard light shall be that supplied by Harcourt's ten-candle pentane lamp and in making the test the burner shall be so used as to obtain from the gas when burned at the rate aforesaid the greatest amount of light Provided that the Board of Trade may on the application of the Undertakers or the local authority approve the use of any other burner photometer or standard light which may appear to the Board to be equally or more suitable for the testing.

(3) The Undertakers shall within six months of the commencement of this Order provide all the apparatus required by this Order for the testing of gas and shall at all times keep the same in proper order and repair.

Price of Gas.

Price of gas.

16.—(1) The price of gas 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.

(2) 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 signed by a secretary or an 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 fixing a standard price with sliding scale as to profits and as from the date specified in such order (hereinafter referred to as "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.

(3) 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 conclusive evidence of the due making and validity of the same and of the contents thereof.

Charge for gas supplied by means of prepayment meters.

17.—(1) The Undertakers may demand for any gas supplied through a prepayment meter a not greater charge than for gas supplied to private consumers within the limits of supply through any other kind of meter or by any other method of supply.

(2) The Undertakers shall not charge for the hire of any prepayment meter and fittings to be used therewith any sum other than a sum of money calculated according to the quantity of gas supplied through such prepayment meter and the maximum sum to be so charged shall be at the rate of tenpence per one thousand cubic

feet supplied in manner aforesaid such sum to include the hire of meter and the fittings used therewith or at the rate of one shilling per thousand cubic feet if such fittings include a cooking stove The said charge shall include the providing letting fixing repairing and maintenance of the meter and fittings and the cost of collection and other costs incurred by the Undertakers in connection with the meter and fittings.

(3) The maximum charge for the hire of a prepayment meter without fittings shall be at the rate of ten per centum per annum on the cost of the meter.

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

Pressure of Gas.

Pressure of gas.

18.—(1) All gas supplied by the Undertakers to any consumer of gas shall be supplied at such pressure as to balance a column of water not less than eight-tenths of an inch in height at the main or as near as may be to the junction therewith of the service pipe supplying such consumer.

(2) Any gas examiner appointed under the Gasworks Clauses Act 1871 may for the purposes of this Order subject to the terms of his appointment at the testing place or at any public lamp as and when he thinks fit test the pressure at which the gas is supplied The Undertakers shall afford to the consumer all reasonable facilities for making the test.

Miscellaneous.

Power to supply gas fittings Fittings not to be subject to distress.

19.—(1) The Undertakers may sell let for hire and otherwise deal in fix repair and remove but shall not manufacture meters engines stoves ranges pipes fittings and other apparatus appliances and things (in this section called "fittings") for lighting for motive power for the warming and ventilating of houses and buildings for the cooking of food and for all other purposes for which gas can or may be used and may provide all materials and do all work necessary or proper in that behalf and with respect thereto may demand and take such remuneration or such rents and charges and make such terms and conditions as may be agreed upon between the Undertakers and the persons to or for whom the same are sold let fixed repaired or removed and such remuneration rents and charges shall be recoverable in the same manner as rents or sums due to the Undertakers for gas.

(2) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or

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any proceedings in bankruptcy against the persons in whose possession they may be Provided that such fittings are marked or impressed with a sufficient mark or brand indicating the Undertakers as the actual owners thereof.

(3) All fittings let by the Undertakers for hire as aforesaid shall notwithstanding that they be fixed or fastened to any part of any premises in which they may be situate or to the soil under any such premises at all times continue to be the property of and removable by the Undertakers Provided that nothing in this subsection shall affect the amount of the assessment for rating of any premises upon which any such fittings are or shall be fixed.

Undertakers to pay interest on money deposited as security for gas meter &c.

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

For protection of Anglesey County Council.

21. In executing the works and exercising the powers by this Order authorised and conferred so far as they affect main roads and county or main road bridges vested in or under the jurisdiction of the county council of the administrative county of Anglesey (in this section referred to as "the council") the following provisions for the protection of the council shall (unless otherwise agreed) have effect (that is to say):—

(1) All mains pipes and works to be laid in or along any main road or in or upon or across any county or main road bridge or the roadway over the same or approaches thereto shall be laid in such position in or at the side thereof as the council in writing under the hand of their surveyor may reasonably direct:

(2) The provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall extend and apply to all main roads and county or main road bridges and the roadway over the same and approaches thereto and to all other property of the council opened and broken up or interfered with by the Undertakers in the exercise of the powers of this Order and whenever the Undertakers shall exercise such powers they shall as soon as the work is completed fill in the trenches and notify the council's surveyor thereof and the road or other property so opened broken up or interfered with shall be forthwith reinstated and made good to his reasonable

satisfaction Provided that the notice required by the eighth section of that Act shall not be less than seven days instead of three days:

(3) The plan required by the ninth section of the last-mentioned Act shall be accompanied by a section of the proposed works and shall be delivered to the council or their surveyor by the Undertakers not less than in the case of a bridge one month and in all other cases fourteen days before the Undertakers commence to open or break up any main road or interfere with any county or main road bridge or roadway over the same or approaches thereto or other property of the council for the purpose of executing the works:

(4) Nothing in this Order shall authorise the Undertakers to interfere with the structural part of any county or main road bridge without the consent in writing of the surveyor to the council which consent may be given upon such conditions as the council or such surveyor may reasonably determine:

(5) Nothing in this Order contained shall interfere with the right of the council to alter the level of or deviate or improve in any manner they think fit any main road in or along which any mains pipes or works of the Undertakers shall have been laid and the Undertakers shall with all convenient speed on receiving notice in writing under the hand of the clerk or surveyor to the council so to do alter the position of any such mains pipes or works in the manner and to the extent prescribed by such notice or as in the case of difference shall be determined by arbitration in the manner hereinafter prescribed and the council shall not be liable to make any compensation to the Undertakers for any expense or loss to which the Undertakers may be put in consequence of any such alteration deviation or improvement:

(6) Nothing in this Order contained shall interfere with the right of the council at any time to remove alter rebuild widen or repair any county or main road bridge or the approaches thereto or the roadway over the same over or near or attached to which any mains pipes or works of the Undertakers are carried in the same manner as they might have removed altered rebuilt widened or repaired such bridge or the roadway over the same or the approaches thereto if this Order had not been made and such mains pipes or works had not been laid over or near or attached to such bridge and the council shall not be liable to make any compensation to the Undertakers for any expense or loss to which the Undertakers may be put in consequence of any such removal

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alteration or rebuilding widening or reparation and in the event of any such bridge or the roadway over the same or the approaches thereto over or near or attached to which any such mains pipes or works are laid being removed altered rebuilt widened or repaired as aforesaid the Undertakers shall at their own cost in all things alter the position of any works by which such mains or pipes are carried over or near or attached to such bridge or the roadway over the same or the approaches thereto as aforesaid Provided that during the removal alteration rebuilding widening or reparation of such bridge or the roadway over the same or the approaches thereto as aforesaid the council shall at the cost of the Undertakers afford all reasonable facilities for temporarily carrying such mains and pipes across any stream or river so as not to interrupt the continuous supply of gas or to diminish the pressure of such supply through such mains or pipes:

(7) All works shall be so executed by the Undertakers as not to stop the traffic and so far as reasonably practicable as not in any way to impede or interfere with the traffic on any main road or over any county or main road bridge or the approaches thereto:

(8) The Undertakers shall pay to the council the reasonable expenses (not being payments to salaried officials or workmen of the council) actually incurred by them in relation to the reasonable superintendence by the council of any work to be done by the Undertakers under the provisions of this section:

(9) If any difference at any time arises 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 President of the Institution of Civil Engineers on the application of either party:

(10) The council shall not be liable for or in respect of any damage or injury done to any work of the Undertakers by reason of such work being laid at a depth below the surface of any main road or roadway over a county bridge or the approaches thereto insufficient for its protection from injury arising from the use of any steam or other roller for the repair of such road or from the passage of the traffic in such road or in repairing any county or main road bridge or the roadway over the same or the approaches thereto or by reason of the non-repair of any such bridge or the approaches or roadway.

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For protection of London and North Western Railway Company.

22. The following provisions for the protection of the London and North Western Railway Company (hereinafter referred to as "the railway company") shall be in force and have effect:—

In laying down or executing or in effecting the repairs and renewals of any mains pipes or other works upon across over under or in any way affecting the railways lands or property now or hereafter belonging to or used or occupied by the railway company or the bridges approaches viaducts stations or other works or any level crossings over the railways of the railway company the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the railway company and only according to such plans to be submitted to and in such manner as shall be previously reasonably approved by him and in all things by and at the expense of the Undertakers who also shall restore and make good the roads over any such bridges level crossings and approaches which the railway company are or may be liable to maintain and which may be disturbed or interfered with by or owing to any operation of the Undertakers and all such works matters and things shall be constructed executed and done so as not to cause any injury to such railways bridges level crossings approaches viaducts stations works lands or property or interruption to the passage or conduct of traffic over such railways or at any station thereon and if any such injury or interruption shall arise from or be in any way owing to any of the acts operations matters and things aforesaid or the bursting leakage or failure of any such mains pipes or works the Undertakers shall make compensation in respect thereof to the railway company:

Any dispute or difference which may arise between the railway company and the Undertakers with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer or other fit person to be appointed by the Board of Trade on the application of the railway company and the Undertakers or either of them.

For protection of Holyhead Urban District Council.

23. For the protection of the Urban District Council of Holyhead (in this section called "the council") the following provisions shall unless otherwise agreed between the Undertakers and the council have effect (that is to say):—

(1) Whenever it shall be found necessary by the Undertakers to break up any street within the district of the council not dedicated to public use in which is laid any pipe drain sewer tunnel or other work vested in the council the like

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notice and plan as are respectively required by sections 8 and 9 of the Gasworks Clauses Act 1847 to be sent to a road authority shall be given to the council and if the council notify in writing to the Undertakers that any such pipe drain sewer tunnel or other work will or may be affected by the operations proposed to be carried out by the Undertakers in such street the provisions of the said Act shall apply for the protection of such pipe drain sewer tunnel or other work and of the council in reference thereto as though the council were the person having the control and management of such street within the meaning of the said Act and in particular the Undertakers shall cause danger lights to be placed at night at the end and by the side of any breaches which may be dug and temporarily left open in or across any such street so that all such lights are kept burning from one hour after sunset to one hour before sunrise whilst the said breaches remain open so as to effectually warn the traffic passing in the said street:

(2) The Undertakers shall not permit any trench made by them in any road street bridge or highway for the time being maintainable by the council to be open for more than fifty yards in length at any one place where only one cart can pass at the side of such trench or for more than one hundred yards in length where only two carts can pass at the same time:

(3) Where any pipe conduit or work of the Undertakers is required to be laid or constructed beneath the surface of any such road street bridge or highway as aforesaid the same shall if possible be laid or constructed at such a depth that not less than two feet shall intervene between the surface of such road street bridge or highway and the upper surface of such pipe conduit or work Any difference as to the possibility of so laying or constructing any such pipe conduit or work shall be determined by arbitration as in this section provided:

(4) If the council shall for the purpose of altering any such road street bridge or highway as aforesaid or rebuilding any such bridge or the approaches thereto at any time require the position or level of any pipe conduit or work of the Undertakers laid in under or through any such road street bridge or highway as aforesaid to be altered the Undertakers shall at their own expense on receiving notice in writing under the hand of the clerk of the council so to do alter

the same as reasonably required by such notice and under the superintendence of the officer of the council and any additional expense in relation to the alteration or rebuilding of any such bridge as aforesaid or the approaches thereto to which the council may be put by reason of the necessity for providing for any pipe conduit or other work of the Undertakers shall be paid by the Undertakers to the council The Undertakers shall also pay to the council all reasonable expense (not being payments to salaried officers of the council) actually incurred by them in relation to the superintendence by this section authorised. Any difference as to the reasonableness of any requirement contained in any such notice or as to the amount of any sum to be so paid by the Undertakers to the council shall be determined by arbitration as hereinafter provided:

(5) Any difference by this section required to be determined by arbitration shall be determined by an engineer to be appointed by agreement between the Undertakers and the council or failing such agreement by the President of the Institution of Civil Engineers on the application of either party.

Differences with road authority or railway or other company.

24. If any difference arise between the Undertakers and any road authority or railway or other company whose lands or works the Undertakers have power to cross or otherwise interfere with 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 unless otherwise provided by this Order be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party.

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

25. The Undertakers may but only with the consent of the owner of the soil of such street or road upon the application of the owner or occupier of any premises within the limits of supply of the Undertakers 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 take up alter relay or renew in across or along such street or road such pipes and apparatus as may be requisite or proper for 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 applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof.

Power to take licences for use of patents.

26. The Undertakers may subject to the provisions of this Order but only for the purposes of the undertaking within the limits of

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supply and not so as to acquire any exclusive right therein contract for take acquire and use any leave licence or authority to work use exercise or put in practice any invention under letters patent made or hereafter to be made granting any right or privilege of working using or vending any invention in relation to the manufacture storage supply utilisation or distribution of gas or the conversion manufacture or utilisation of any products obtainable in or arising from such manufacture or from the materials used therein.

Anti-fluctuators for gas engines.

27. Every consumer of gas supplied by the Undertakers who uses a gas engine shall if required to do so by the Undertakers use an effective anti-fluctuator and shall at all times at his own expense keep such anti-fluctuator in proper order and if any consumer shall make default in complying with the provisions of this section the Undertakers may cease to supply him with gas The Undertakers shall have access to and be at liberty to take off remove test inspect and replace any such anti-fluctuator at all reasonable times such taking off removal testing inspecting and replacing to be done at the expense of the Undertakers if the anti-fluctuator be found in proper order but otherwise at the expense of such consumer.

Gas consumers to give notice to Undertakers before removing.

28. At least twenty-four hours' notice in writing shall be given to the Undertakers by every consumer of gas supplied by the Undertakers before he shall quit any premises supplied with gas by meter by the Undertakers and in default of such notice the consumer so quitting shall be liable to pay to the Undertakers the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such premises shall require the Undertakers to supply gas to such premises whichever shall first occur Notice of the effect of this enactment shall be endorsed upon every demand note for gas charges payable to the Undertakers.

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

29. If a person requiring a supply of gas from the Undertakers has previously quitted premises at which gas was supplied to him by the Undertakers without paying to them all gas charges and meter rent due from him to the Undertakers they may refuse to furnish to him a supply of gas until he pays the same.

Period of error in defective meters.

30. 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 first arisen during the then last preceding quarter of the year unless it shall be proved to have first arisen during the then current quarter The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Undertakers 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 charges are recoverable by the Undertakers.

Notice of discontinuance.

31. A notice to the Undertakers from a consumer for the discontinuance of a supply of gas shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office for the time being of the Undertakers.

No penalty in case of unavoidable cause.

32. No penalty shall be incurred by the Undertakers for insufficiency of pressure defect of illuminating power or excess of impurity in the gas supplied by them in any case in respect of which the court having cognisance of the case are of opinion that such insufficiency defect or excess was caused by circumstances beyond the control of the Undertakers Provided that the want of sufficient funds shall not be held to be a circumstance beyond the Undertakers' control.

Undertakers may contract with local authority and others for supply in bulk.

33. The Undertakers may enter into and carry into effect contracts with any local authority company or persons authorised to supply gas under parliamentary powers in any district adjacent to the limits of supply for the supply to them respectively of gas in bulk upon such terms and conditions and for such periods as may be agreed upon not exceeding in any case seven years from the making of the contract as may be agreed upon but nothing in this section shall authorise the Undertakers to lay any mains or interfere with any street beyond the limits of supply.

Power to erect &c. cottages for officers and servants.

34. The Undertakers may on any land for the time being belonging or leased to them erect fit up maintain and let houses cottages and buildings for the officers and servants employed by the Undertakers for the purposes of their undertaking.

8 Vict. c. 16. s. 140 incorporated.

35. Section 140 (Proof of debts in bankruptcy) of the Companies Clauses Consolidation Act 1845 shall be and is hereby incorporated with this Order Provided that for the purpose of such incorporation the expression "the company" in the said section shall be construed to mean the Undertakers.

Costs of Order.

36. 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.

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Holyhead.

SCHEDULES.

SCHEDULE A.

Gas Lands.

The two pieces of land (upon which the existing gasworks are constructed) belonging or reputed to belong to the Undertakers and both situate in the town and parish of Holyhead in the county of Anglesey which pieces of land are separated by and abutting on Kingsland Road and bounded as to the piece of land on the east side thereof in front by Kingsland Road and on all other sides by property belonging or reputed to belong to the London and North Western Railway Company and as to the piece of land on the west side of Kingsland Road on the south by King's Road on the north by cottages in Kingsland Road and the passage hereinafter referred to and on the west by a passage leading out of King's Road and more particularly described on the deposited map.

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 contained in the foregoing Order 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 30 to 34 of Gasworks Clauses Act 1847 to cease to be incorporated.

(1) Sections 30 to 34 (both inclusive) of the Gasworks Clauses Act 1847 shall not continue to be incorporated with or to form part of the foregoing Order and in construing the said Act for the purposes of the foregoing Order section 35 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 authorised rates as defined by the foregoing Order together with any sum which under the provisions of this schedule might lawfully be carried to the special purposes fund:

Holyhead. Price of gas with sliding scale as to dividend.

(2) 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 capital of the Undertakers as follows:—

In respect of any year during any part of which the price charged by the Undertakers shall have been one penny or part of a penny above the standard price the dividend payable by the Undertakers shall in respect of each penny or part of a penny by which the price shall have been increased be reduced below the standard rates of dividend by five shillings on every one hundred pounds of ordinary paid up capital with a ten per centum standard rate of dividend and by three shillings and sixpence on every one hundred pounds of ordinary paid up capital with a seven per centum standard rate of dividend and so in proportion for any fraction of one hundred pounds;

And in respect of any year during the whole of 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 has been reduced be increased above the standard rates of dividend by five shillings on every one hundred pounds of ordinary paid up capital with a ten per centum standard rate of dividend and by three shillings and sixpence on every one hundred pounds of ordinary paid up capital with a seven per centum standard rate of dividend and so in proportion for any fraction of one hundred pounds:

Power to create a special purposes fund.

(3)—(I) The directors of the Undertakers may if they think fit in any year appropriate out of the revenue of the Undertakers as part of the expenditure on revenue account any sum not exceeding an amount equal to one per centum of the paid-up capital of the Undertakers including premiums to a fund to be called "the special purposes fund";

(II) The special purposes fund shall be applicable only to meet such charges as a chartered accountant or incorporated accountant being the auditor of the Undertakers or appointed

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for the purpose by the Board of Trade shall approve as being—

(*a*) Expenses incurred by reason of accidents strikes or circumstances which due care and management could not have prevented ; or

(*b*) Expenses incurred in the replacement or removal of plant or works other than expenses requisite for maintenance and renewal of plant and works ;

(III) The maximum amount standing to the credit of the special purposes fund shall not at any time exceed an amount equal to one-tenth part of the paid-up capital of the Undertakers including premiums ;

(IV) The moneys forming the special purposes fund or any portion thereof may be invested in securities in which trustees are authorised by law to invest or may be applied for the general purposes of the Undertakers to which capital is properly applicable or may be used partly in the one way or partly in the other ;

(V) Resort may from time to time be had to the special purposes fund notwithstanding that the sum standing to the credit of the fund is for the time being less than the maximum allowed by this section :

Application of excess of profits over authorised rates of dividend.

(4) If the clear profits of the undertaking of the Undertakers in any year amount to a larger sum than is sufficient to pay the dividend on the preference capital and the dividend at the authorised rates on the ordinary capital of the Undertakers the excess shall be carried to the credit of the divisible profits of such undertaking for the next following year :

Provided that the sum so carried forward shall not in any case exceed the amount required to pay one year's dividend at the authorised rates :

(5) Where in any year the dividend of the Undertakers on the ordinary share capital or stock of the Undertakers shall 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 year set apart such sum as they think fit 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 dividend at the authorised rates on the ordinary capital of the Undertakers 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.

(6) 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.

LLANGEFNI GAS.

Llangefni.

Order authorising the maintenance and continuance of existing gasworks and the manufacture and supply of gas within the urban district of Llangefni in the county of Anglesey and for other purposes.

Preliminary.

Short title.

1. This Order shall be cited as the Llangefni Gas Order 1911.

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."

Incorporation of Acts.

3. 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) of the Gasworks Clauses Act 1847 and of the Gasworks Clauses Act 1871 are hereby incorporated with this Order except where the same are expressly varied by this Order and the said provisions of the said Gasworks Clauses Acts shall apply as well to the mains pipes and works of the Undertakers laid down and constructed before the commencement of this Order and situate within the limits of supply as defined by this Order as to any mains pipes or works which may be laid down or constructed under the authority of this Order.

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Interpretation.

4. In this Order the expression "authorised rates" means the rates of dividend authorised by this Order on the capital of the Undertakers 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 in this Order the same respective meanings and for the purpose of the incorporation of any such Act the expression "the undertaking" in such Act shall include the gasworks and works connected therewith by this Order authorised to be maintained and continued and the undertaking by this Order authorised.

Limits of Order.

5. 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 the urban district of Llangefni in the county of Anglesey.

Undertakers.

Undertakers.

6. The Holyhead and North Wales Gas and Water Corporation Limited or a company hereafter to be duly constituted and incorporated for the special purpose of carrying on the undertaking hereby authorised as a separate undertaking shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers" Provided that if the undertaking is at any time assigned to such other company that company shall from the date of such assignment be the Undertakers for the purposes of this Order in lieu of the Holyhead and North Wales Gas and Water Corporation Limited but no such assignment shall have any validity or effect until after the approval of the Board of Trade to such assignment has been signified in writing signed by a secretary or an assistant secretary of the said Board Provided that nothing in this Order contained shall prevent the Undertakers borrowing money secured by mortgage of the undertaking not exceeding the amount by this Order prescribed or shall make the consent or approval of the Board of Trade necessary to the validity or effect of such mortgage.

Capital.

Capital.

7. The share capital of the Undertakers shall for the purposes of the undertaking authorised by this Order be deemed to consist of two thousand two hundred and forty-seven pounds already expended by the Undertakers (in this Order referred to as "the original capital") and of additional share capital (in this Order referred to as "the additional capital") for the purposes of this Order not exceeding two thousand seven hundred and fifty-three pounds including any premium that may be obtained on the sale of any shares or stock under the provisions of this Order and the original and additional capital of

the Undertakers shall not for such purposes exceed five thousand pounds unless the Undertakers are hereafter authorised to expend for such purposes further additional share capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

Additional capital to be sold by auction or tender.

8.—(1) All shares or stock to be issued for the purpose of raising the additional capital or any part thereof shall be issued in accordance with the provisions of this section.

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

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

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

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

(*d*) In the case of a sale by tender no preference shall be given to one of two or more persons tendering the same sum In the case of a sale by auction a bid shall not be recognised unless it is in advance of the last preceding bid:

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

(3) Any shares or stock which have been so offered for sale and are not sold may be offered at the reserve price to the holders of ordinary and preference shares or stock of the Undertakers in manner prescribed by resolution passed by the directors of the Undertakers and to the employees of the Undertakers and to the consumers of gas supplied by the Undertakers in such proportions as the directors of the Undertakers may think fit or to one or more of these classes of

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persons only Provided in the case of an offer to holders of shares or stock that if the aggregate amount of shares or stock applied for shall exceed the aggregate amount so offered as aforesaid the same shall be allotted to and distributed amongst the applicants as nearly as may be in proportion to the amounts applied for by them respectively.

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

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

Application of money.

9. All money raised under this Order including any premiums shall be applied only to purposes to which capital is properly applicable and 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 shall not be considered as part of the capital of the Undertakers entitled to dividend.

Limit of dividends on capital.

10.—(1) Except as by this Order expressly provided the Undertakers shall not in any year make out of their profits any larger dividends on the said original and additional capital than at the following rates (in this Order referred to as "the standard rates of dividend") namely ten pounds in respect of every one hundred pounds of such original capital and seven pounds in respect of every one hundred pounds actually paid up of such additional capital as may be issued as ordinary capital or six pounds in respect of every one hundred pounds actually paid up of such additional capital as may be issued as preference capital.

(2) Provided that if and so long as the undertaking is carried on by the Holyhead and North Wales Gas and Water Corporation Limited as Undertakers in the construction of the provisions of this Order and of Schedule B thereto the expression "actually paid up" shall mean actually expended on or actually being used for the purposes of the undertaking and the expression "paid up capital" shall mean the original capital together with so much of the additional capital as has been expended or as is being used for the purposes of the undertaking.

11. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the undertaking authorised by this Order shall not at any time exceed in the whole one thousand six hundred and fifty pounds 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.

Limit of borrowing powers.

Purchase of Lands.

12. The Undertakers may for the purposes of the undertaking purchase take on lease or acquire (by agreement but not otherwise) and hold in addition to the lands described in Schedule A to this Order annexed any lands which they may require Provided 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 schedule and 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 the said schedule.

Power to purchase additional lands.

Maintenance and Continuance of Gasworks Manufacture and Sale of Gas and Residual Products.

13. The Undertakers may on the lands shown on the map deposited for the purposes of this Order and described in Schedule A to this Order annexed maintain and continue alter enlarge extend improve renew or discontinue their existing gasworks and works connected therewith for the manufacture distribution storage conversion and sale of gas and of residual products arising in or resulting or producible from or used in the manufacture of gas and matters producible therefrom and they may subject to the provisions of this Order manufacture and store gas upon such lands or some part or parts thereof and supply and sell the same within the limits of supply and may on the same lands make convert and store residual products as aforesaid and may sell and dispose of the same at the works and elsewhere and they may also construct and maintain alter enlarge renew or discontinue houses offices buildings and other works connected with the undertaking.

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

Testing Place.

14. For the purposes of the Gasworks Clauses Act 1871 the prescribed testing place shall be a testing place which shall be provided by the Undertakers at their gasworks within six months of the commencement of this Order.

Testing place.

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Quality of Gas.

Quality of gas.

15.—(1) The quality of the gas supplied by the Undertakers shall with respect to its illuminating power be such as to produce at the testing place when burned at the rate of five cubic feet per hour a light equal in intensity to the light produced by not less than fourteen sperm candles of six to the pound each consuming 120 grains of sperm per hour and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act 1871.

(2) For testing the illuminating power of the gas the burner to be used shall be that known as the Metropolitan Argand No. 2 the photometer shall be the bar photometer the standard light shall be that supplied by Harcourt's ten-candle pentane lamp and in making the test the burner shall be so used as to obtain from the gas when burned at the rate aforesaid the greatest amount of light Provided that the Board of Trade may on the application of the Undertakers or the local authority approve the use of any other burner photometer or standard light which may appear to the Board to be equally or more suitable for the testing.

(3) The Undertakers shall within six months of the commencement of this Order provide all the apparatus required by this Order for the testing of gas and shall at all times keep the same in proper order and repair.

Price of Gas.

Price of gas.

16.—(1) The price of gas to be charged by the Undertakers for gas supplied by them shall not exceed five shillings and fourpence per thousand cubic feet and so in proportion for any less quantity supplied.

(2) 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 signed by a secretary or an assistant secretary of the said Board alter the said maximum price either by substituting any other sum for the said sum of five shillings and fourpence or by fixing a standard price with sliding scale as to profits and as from the date specified in such order (hereinafter referred to as "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.

(3) 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 conclusive evidence of the due making and validity of the same and of the contents thereof.

Charge for gas supplied by means of

17.—(1) The Undertakers may demand for any gas supplied through a prepayment meter a not greater charge than for gas supplied to private

consumers within their limits of supply through any other kind of meter or by any other method of supply.

prepayment meters.

(2) The Undertakers shall not charge for the hire of any prepayment meter and fittings to be used therewith any sum other than a sum of money calculated according to the quantity of gas supplied through such prepayment meter and the maximum sum to be so charged shall be at the rate of tenpence per one thousand cubic feet supplied in manner aforesaid such sum to include the hire of meter and the fittings used therewith or at the rate of one shilling per one thousand cubic feet if such fittings include a cooking stove The said charge shall include the providing letting fixing repairing and maintenance of the meter and fittings and the cost of collection and other costs incurred by the Undertakers in connection with the meter and fittings.

(3) The maximum charge for the hire of a prepayment meter without fittings shall be at the rate of ten per centum per annum on the cost of the meter.

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

Pressure of Gas.

Pressure of gas.

18.—(1) All gas supplied by the Undertakers to any consumer of gas shall be supplied at such pressure as to balance a column of water not less than eight tenths of an inch in height at the main or as near as may be to the junction therewith of the service pipe supplying such consumer.

(2) Any gas examiner appointed under the Gasworks Clauses Act 1871 may for the purposes of this Order subject to the terms of his appointment at the testing place or at any public lamp as and when he thinks fit test the pressure at which the gas is supplied The Undertakers shall afford to the examiner all reasonable facilities for making the test.

Miscellaneous.

Power to supply gas fittings Fittings not to be subject to distress.

19.—(1) The Undertakers may sell let for hire and otherwise deal in fix repair and remove but shall not manufacture meters engines stoves ranges pipes fittings and other apparatus appliances and things (in this section called "fittings") for lighting for motive power for the warming and ventilating of houses and buildings for the cooking of food and for all other purposes for which gas can or may be used and may provide all materials and do all work necessary or proper in that behalf and with respect thereto may demand and take such remuneration or such rents and charges and make such terms and conditions as may be agreed upon between the Undertakers and

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the persons to or for whom the same are sold let fixed repaired or removed and such remuneration rents and charges shall be recoverable in the same manner as rents or sums due to the Undertakers for gas.

(2) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession they may be Provided that such fittings are marked or impressed with a sufficient mark or brand indicating the Undertakers as the actual owners thereof.

(3) All fittings let by the Undertakers for hire as aforesaid shall notwithstanding that they be fixed or fastened to any part of any premises in which they may be situate or to the soil under any such premises at all times continue to be the property of and removable by the Undertakers Provided that nothing in this subsection shall affect the amount of the assessment for rating of any premises upon which any such fittings are or shall be fixed.

Undertakers to pay interest on money deposited as security for gas meter &c.

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

For protection of Anglesey County Council.

21. In executing the works and exercising the powers by this Order authorised and conferred so far as they affect main roads and county or main road bridges vested in or under the jurisdiction of the county council of the administrative county of Anglesey (in this section referred to as "the council") the following provisions for the protection of the council shall (unless otherwise agreed) have effect (that is to say):—

(1) All mains pipes and works to be laid in or along any main road or in or upon or across any county or main road bridge or the roadway over the same or approaches thereto shall be laid in such position in or at the side thereof as the council in writing under the hand of their surveyor may reasonably direct:

(2) The provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall extend and apply to all main roads and county or main road bridges and the roadway over the same and approaches thereto and to all other property of the council opened and broken up or interfered with by the Undertakers in the exercise of the powers of this Order And

whenever the Undertakers shall exercise such powers they shall as soon as the work is completed fill in the trenches and notify the council's surveyor thereof and the road or other property so opened broken up or interfered with shall be forthwith re-instated and made good to his reasonable satisfaction Provided that the notice required by the eighth section of that Act shall not be less than seven days instead of three days:

(3) The plan required by the ninth section of the last-mentioned Act shall be accompanied by a section of the proposed works and shall be delivered to the council or their surveyor by the Undertakers not less than in the case of a bridge one month and in all other cases fourteen days before the Undertakers commence to open or break up any main road or interfere with any county or main road bridge or roadway over the same or approaches thereto or other property of the council for the purpose of executing the works:

(4) Nothing in this Order shall authorise the Undertakers to interfere with the structural part of any county or main road bridge without the consent in writing of the surveyor to the council which consent may be given upon such conditions as the council or such surveyor may reasonably determine:

(5) Nothing in this Order contained shall interfere with the right of the council to alter the level of or deviate or improve in any manner they think fit any main road in or along which any mains pipes or works of the Undertakers shall have been laid and the Undertakers shall forthwith on receiving notice in writing under the hand of the clerk or surveyor to the council so to do alter the position of any such mains pipes or works in the manner and to the extent prescribed by such notice or as in case of difference shall be determined by arbitration in the manner hereinafter prescribed and the council shall not make any compensation to the Undertakers for any expense or loss to which the Undertakers may be put in consequence of any such alteration deviation or improvement:

(6) Nothing in this Order contained shall interfere with the right of the council at any time to remove alter rebuild widen or repair any county or main road bridge or the approaches thereto or the roadway over the same over or near or attached to which any mains pipes or works of the Undertakers are carried in the same manner as they might have

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removed altered rebuilt widened or repaired such bridge or the roadway over the same or the approaches thereto if this Order had not been made and such mains pipes or works had not been laid over or near or attached to such bridge and the council shall not make any compensation to the Undertakers for any expense or loss to which the Undertakers may be put in consequence of any such removal alteration rebuilding widening or reparation and in the event of any such bridge or the roadway over the same or the approaches thereto over or near or attached to which any such mains pipes or works are laid being removed altered rebuilt widened or repaired as aforesaid the Undertakers shall at their own cost in all things alter the position of any works by which such mains or pipes are carried over or near or attached to such bridge or the roadway over the same or the approaches thereto as aforesaid Provided that during the removal alteration rebuilding widening or reparation of such bridge or the roadway over the same or the approaches thereto as aforesaid the council shall at the cost of the Undertakers afford all reasonable facilities for temporarily carrying such mains and pipes across any stream or river so as not to interrupt the continual supply of gas or to diminish the pressure of such supply through such mains or pipes:

(7) All works shall be so executed by the Undertakers as not to stop the traffic and so far as reasonably practicable as not in any way to impede or interfere with the traffic on any main road or over any county or main road bridge or the approaches thereto:

(8) The Undertakers shall pay to the council the reasonable expense (not being payments to salaried officials or workmen of the council) actually incurred by them in relation to the reasonable superintendence by the council of any work to be done by the Undertakers under the provisions of this section:

(9) If any difference at any time arises between the council and the Undertakers touching this section or anything done or not to be done thereunder such difference shall be settled by an engineer to be appointed by the President of the Institution of Civil Engineers on the application of either party:

(10) The council shall not be liable for or in respect of any damage or injury done to any work of the Undertakers by reason of such work being laid at a depth below the surface

of any main road or roadway over a county bridge or the approaches thereto insufficient for its protection from injury arising from the use of any steam or other roller for the repair of such road or from the passage of the traffic in such road or in repairing any county or main road bridge or the roadway over the same or the approaches thereto or by reason of the non-repair of any such bridge or the approaches or roadway.

For protection of London and North Western Railway Company.

22. The following provisions for the protection of the London and North Western Railway Company (hereinafter referred to as "the railway company") shall be in force and have effect:—

In laying down or executing or in effecting the repairs and renewals of any mains pipes or other works upon across over under or in any way affecting the railways lands or property now or hereafter belonging to or used or occupied by the railway company or the bridges approaches viaducts stations or other works or any level crossings over the railways of the railway company the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the railway company and only according to such plans to be submitted to and in such manner as shall be previously reasonably approved by him and in all things by and at the expense of the Undertakers who also shall restore and make good the roads over any such bridges level crossings and approaches which the railway company are or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Undertakers and all such works matters and things shall be constructed executed and done so as not to cause any injury to such railways bridges level crossings approaches viaducts stations works lands or property or interruption to the passage or conduct of traffic over such railways or at any station thereon And if any such injury or interruption shall arise from or be in any way owing to any of the acts operations matters and things aforesaid or the bursting leakage or failure of any such mains pipes or works the Undertakers shall make compensation in respect thereof to the railway company:

Any dispute or difference which may arise between the railway company and the Undertakers with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer or other fit person to be appointed by the Board of Trade on the application of the railway company and the Undertakers or either of them.

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For protection of Llangefni Urban District Council.

23. For the protection of the urban district council of Llangefni (in this section called "the council") the following provisions shall unless otherwise agreed between the Undertakers and the council have effect (that is to say):—

(1) Whenever it shall be found necessary by the Undertakers to break up any street within the district of the council not dedicated to public use in which is laid any pipe drain sewer tunnel or other work vested in the council the like notice and plan as are respectively required by sections 8 and 9 of the Gasworks Clauses Act 1847 to be sent to a road authority shall be given to the council and if the council notify in writing to the Undertakers that any such pipe drain sewer tunnel or other work will or may be affected by the operations proposed to be carried out by the Undertakers in such street the provisions of the said Act shall apply for the protection of such pipe drain sewer tunnel or other work and of the council in reference thereto as though the council were the person having the control and management of such street within the meaning of the said Act:

(2) The Undertakers shall not permit any trench made by them in any road street bridge or highway for the time being maintainable by the council to be open for more than fifty yards in length at any one place where only one cart can pass at the side of such trench or for more than one hundred yards in length where only two carts can pass at the same time:

(3) Where any pipe conduit or work of the Undertakers is required to be laid or constructed beneath the surface of any such road street bridge or highway as aforesaid the same shall if possible be laid or constructed in such position at the side thereof or where necessary under the metalled portion of the road as the council shall by writing under the hand of their surveyor direct and at such depth that not less than two feet shall intervene between the surface of such road street bridge or highway and the upper surface of such pipe conduit or work Any difference as to the possibility of so laying or constructing any such pipe conduit or work shall be determined by arbitration as in this section provided:

(4) Whenever it shall be found necessary to open and break up any road street bridge or highway as aforesaid for the purpose of laying down or renewing any pipe or other work as aforesaid the Undertakers shall repair and complete such

road street bridge or highway so opened or broken up to the satisfaction of the surveyor for the time being of the council and all work or repairs carried out by the Undertakers shall be so executed as not in any way to stop or unreasonably interfere with or impede the traffic of any such road street bridge or highway maintained by the council as aforesaid and all such work or repairs shall be proceeded with and completed with all reasonable despatch and in such a way as to avoid any danger or injury to the persons or cattle or stock using such road street bridge or highway and in particular the Undertakers will cause danger lights to be placed at night at the end and by the side of any trenches which may be dug and temporarily left open in or across any such road street bridge or highway so that all such lights are lit and kept burning from one hour after sunset to one hour before sunrise whilst the said trenches remain open so as to effectually warn the traffic passing along the said road street bridge or highway:

(5) The Undertakers shall not at any time break open the surface of the concrete pavement constructed by the council on the east side of the Market Hall and Square without the consent of the council:

(6) If the council shall for the purpose of altering any such road street bridge or highway as aforesaid or rebuilding any such bridge or the approaches thereto at any time require the position or level of any pipe conduit or work of the Undertakers laid in under or through any such road street bridge or highway as aforesaid to be altered the Undertakers shall at their own expense on receiving notice in writing under the hand of the clerk of the council so to do alter the same as reasonably required by such notice and under the superintendence of the officer of the council and any additional expense in relation to the alteration or rebuilding of any such bridge as aforesaid or the approaches thereto to which the council may be put by reason of the necessity for providing for any pipe conduit or other work of the Undertakers shall be paid by the Undertakers to the council The Undertakers shall also pay to the council all reasonable expense (not being payments to salaried officers of the council) actually incurred by them in relation to the superintendence by this section authorised Any difference as to the reasonableness of any requirement contained in any such notice or as to the amount of any sum to be so paid by the Undertakers to the council shall be determined by arbitration as hereinafter provided;

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(7) Any difference by this section required to be determined by arbitration shall be determined by an engineer to be appointed by agreement between the Undertakers and the council or failing such agreement by the President of the Institution of Civil Engineers on the application of either party.

Purchase of undertaking.

24.—(1) If within six months after the expiration of a period of five years from the commencement of this Order the urban district council of Llangefni (in this section referred to as "the council") shall be duly authorised and empowered to purchase the undertaking and have obtained the necessary sanction of the Local Government Board and shall serve notice on the Undertakers requiring the Undertakers to sell to them the undertaking in accordance with the provisions of this section the Undertakers shall sell the undertaking to the council and the council shall purchase the undertaking from the Undertakers accordingly.

(2) Any such sale (except so far as regards moveable stock-in-trade coal gas and other stores which are hereinafter dealt with) shall be for such price or consideration being a sum in gross and on such terms and conditions as may be agreed upon between the Undertakers and the council or as failing such agreement shall be determined by arbitration in accordance with the provisions of the Lands Clauses Acts with reference to the purchase and taking of lands otherwise than by agreement and in the construction of the said provisions the expression "the promoters of the undertaking" shall mean the council and the expression "lands" shall mean the undertaking And in addition to the sum paid by the council to the Undertakers under the foregoing provision of this section the council shall pay to the Undertakers the actual costs charges and expenses incurred by them of and incidental to the winding up and transfer of the undertaking and shall pay compensation to any officers and servants in the regular employment of the Undertakers for whom no regular office or employment on the same terms shall be found by the council in respect of any loss of office or diminution of salary or income arising out of such sale the amount of such compensation in default of agreement to be determined by arbitration as aforesaid Provided that no officer or servant who has been in the employment of the Undertakers for twenty years or upwards shall lose his right to compensation as aforesaid by reason of his declining to enter into the service of the council.

(3) When the undertaking has been sold under this Order and the purchase price or consideration has been paid or satisfied the undertaking and all lands buildings works materials and plant so purchased as aforesaid shall vest in the council freed from all debts mortgages or similar obligations of the Undertakers or attaching to the undertaking

and the powers of the Undertakers in relation to the manufacture and supply of gas within the limits of supply shall absolutely cease and determine and shall vest in the council and the provisions of this Order save such as refer to the capital of the Undertakers shall have effect as if the council had been therein named instead of the Undertakers.

(4) The council shall take over all moveable stock-in-trade gas coal and other stores at the date of the transfer belonging to the Undertakers at such a price as failing agreement may be settled by a valuer to be agreed upon or failing agreement to be nominated by the Board of Trade on the application of either party and shall pay for the same within fourteen days after the said price has been agreed or settled as aforesaid and in default of such payment shall pay to the Undertakers interest on the amount payable in respect of such stores from the expiration of such fourteen days until the actual payment thereof at the rate of five per centum per annum and the expense of such valuation shall be paid by the council.

Differences with road authority or railway or other company.

25. If any difference arise between the Undertakers and any road authority or railway or other company whose lands or works the Undertakers have power to cross or otherwise interfere with 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 unless otherwise provided by this Order be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party.

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

26. The Undertakers may but only with the consent of the owner of the soil of such street or road upon the application of the owner or occupier of any premises within the limits of supply of the Undertakers 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 take up alter relay or renew in across or along such street or road such pipes and apparatus as may be requisite or proper for 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 applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof.

Power to take licences for use of patents.

27. The Undertakers may subject to the provisions of this Order but only for the purposes of the undertaking within the limits of supply and not so as to acquire any exclusive right therein contract for take acquire and use any leave licence or authority to work use exercise and put in practice any invention under letters patent made or hereafter to be made granting any right or privilege of working using or vending any invention in relation to the manufacture storage supply

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utilisation or distribution of gas or the conversion manufacture or utilisation of any products obtainable in or arising from such manufacture or from the materials used therein.

Anti-fluctuators for gas engines.

28. Every consumer of gas supplied by the Undertakers who uses a gas engine shall if required to do so by the Undertakers use an effective anti-fluctuator and shall at all times at his own expense keep such anti-fluctuator in proper order and if any consumer shall make default in complying with the provisions of this section the Undertakers may cease to supply him with gas The Undertakers shall have access to and be at liberty to take off remove test inspect and replace any such anti-fluctuator at all reasonable times such taking off removal testing inspecting and replacing to be done at the expense of the Undertakers if the anti-fluctuator be found in proper order but otherwise at the expense of such consumer.

Gas consumers to give notice to Undertakers before removing.

29. At least twenty-four hours' notice in writing shall be given to the Undertakers by every consumer of gas supplied by the Undertakers before he shall quit any premises supplied with gas by meter by the Undertakers and in default of such notice the consumer so quitting shall be liable to pay to the Undertakers the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such premises shall require the Undertakers to supply gas to such premises whichever shall first occur Notice of the effect of this enactment shall be endorsed upon every demand note for gas charges payable to the Undertakers.

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

30. If a person requiring a supply of gas from the Undertakers has previously quitted premises at which gas was supplied to him by the Undertakers without paying to them all gas charges and meter rent due from him to the Undertakers they may refuse to furnish to him a supply of gas until he pay the same.

Period of error in defective meters.

31. 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 first arisen during the then last preceding quarter of the year unless it shall be proved to have first arisen during the then current quarter The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Undertakers 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 charges are recoverable by the Undertakers.

Notice of discontinuance.

32. A notice to the Undertakers from a consumer for the discontinuance of a supply of gas shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office for the time being of the Undertakers.

No penalty in case of unavoidable cause.

33. No penalty shall be incurred by the Undertakers for insufficiency of pressure defect of illuminating power or 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 caused by circumstances beyond the control of the Undertakers Provided that the want of sufficient funds shall not be held to be a circumstance beyond the Undertakers' control.

Undertakers may contract with local authority and others for supply in bulk.

34. The Undertakers may enter into and carry into effect contracts with any local authority company or persons authorised to supply gas under parliamentary powers in any district adjacent to the limits of supply for the supply to them respectively of gas in bulk upon such terms and conditions and for such periods as may be agreed upon not exceeding in any case seven years from the making of the contract as may be agreed upon but nothing in this section shall authorise the Undertakers to lay any mains or interfere with any street beyond the limits of supply.

Power to erect &c. cottages for officers and servants.

35. The Undertakers may on any land for the time being belonging or leased to them erect fit up maintain and let houses cottages and buildings for the officers and servants employed by the Undertakers for the purposes of their undertaking.

8 Vict. c. 16 s. 140 incorporated.

36. Section 140 (Proof of debts in bankruptcy) of the Companies' Clauses Consolidation Act 1845 shall be and is hereby incorporated with this Order Provided that for the purpose of such incorporation the expression "the company" in the said section shall be construed to mean the Undertakers.

Costs of Order.

37. 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.

SCHEDULES.

SCHEDULE A.

Gas Lands.

The piece of land (upon which the existing gasworks are constructed) situate in the town and parish of Llangefni in the county of Anglesey in the occupation of the Undertakers containing by admeasurement 1,802

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square yards or thereabouts and bounded on the west by Church Street and having a frontage thereto of 75 feet on the east by a stream and on the north and south by land belonging or reputed to belong to Sir R. Bulkeley Baronet and more particularly shown on the deposited map.

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 contained in the foregoing Order prescribing a standard price for gas supplied by the Undertakers with sliding scale as to the profits and as from the specified date be read and construed subject to the modifications following :—

Sections 30 to 34 of Gasworks Clauses Act 1847 to cease to be incorporated.

(1) Sections 30 to 34 (both inclusive) of the Gasworks Clauses Act 1847 shall not continue to be incorporated with or to form part of the foregoing Order and in construing the said Act for the purposes of the foregoing Order section 35 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 authorised rates as defined by the foregoing Order together with any sum which under the provisions of this schedule might lawfully be carried to the special purposes fund :

Price of gas with sliding scale as to dividend.

(2) 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 capital of the Undertakers as follows :—

In respect of any year during any part of which the price charged by the Undertakers shall have been one penny or part of a penny above the standard price the dividend payable by the Undertakers shall in respect of each penny or part of a penny by which the price shall have been increased be reduced below the standard rates of dividend by five shillings on every one hundred pounds of ordinary paid-up capital with a ten per centum standard rate of

dividend and by three shillings and sixpence on every one hundred pounds of ordinary paid-up capital with a seven per centum standard rate of dividend and so in proportion for any fraction of one hundred pounds;

And in respect of any year during the whole of 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 has been reduced be increased above the standard rates of dividend by five shillings on every one hundred pounds of ordinary paid-up capital with a ten per centum standard rate of dividend and by three shillings and six on every one hundred pounds of ordinary paid-up capital with a seven per centum standard rate of dividend and so in proportion for any fraction of one hundred pounds:

Power to create a special purposes fund.

(3)—(I) The directors of the Undertakers may if they think fit in any year appropriate out of the revenue of the Undertakers as part of the expenditure on revenue account any sum not exceeding an amount equal to one per centum of the paid-up capital of the Undertakers including premiums to a fund to be called "the special purposes fund";

(II) The special purposes fund shall be applicable only to meet such charges as a chartered accountant or incorporated accountant being the auditor of the Undertakers or appointed for the purpose by the Board of Trade shall approve as being—

(*a*) Expenses incurred by reason of accidents strikes or circumstances which due care and management could not have prevented; or

(*b*) Expenses incurred in the replacement or removal of plant or works other than expenses requisite for maintenance and renewal of plant and works;

(III) The maximum amount standing to the credit of the special purposes fund shall not at any time exceed an amount equal to one-tenth part of the paid-up capital of the Undertakers including premiums;

(IV) The moneys forming the special purposes fund or any portion thereof may be invested in securities in which trustees are authorised by law to invest or may be applied for the general purposes of the Undertakers to which capital is properly applicable or may be used partly in the one way or partly in the other;

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(v) Resort may from time to time be had to the special purposes fund notwithstanding that the sum standing to the credit of the fund is for the time being less than the maximum allowed by this section:

Application of excess of profits over authorised rates of dividend.

(4) If the clear profits of the undertaking of the Undertakers in any year amount to a larger sum than is sufficient to pay the dividend on the preference capital and the dividend at the authorised rate on the ordinary capital of the Undertakers the excess shall be carried to the credit of the divisible profits of such undertaking for the next following year:

Provided that the sum so carried forward shall not in any case exceed the amount required to pay one year's dividend at the authorised rate:

(5) Where in any year the dividend of the Undertakers on the ordinary share capital or stock of the Undertakers shall exceed the standard rate 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 year set apart such sum as they think fit 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 dividend at the authorised rates on the ordinary capital of the Undertakers 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.

(6) 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.

LLANRWST GAS.

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Order authorising the maintenance and continuance of existing gasworks and the manufacture and supply of gas within the urban district of Llanrwst in the county of Denbigh and for other purposes. Llanrwst.

Preliminary.

Short title. 1. This Order shall be cited as the Llanrwst Gas Order 1911.

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."

Incorporation of Acts. 3. 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) of the Gasworks Clauses Act 1847 and of the Gasworks Clauses Act 1871 are hereby incorporated with this Order except where the same are expressly varied by this Order and the said provisions of the said Gasworks Clauses Acts shall apply as well to the mains pipes and works of the Undertakers laid down and constructed before the commencement of this Order and situate within the limits of supply as 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. 4. In this Order the expression "authorised rates" means the rates of dividend authorised by this Order on the capital of the Undertakers 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 in this Order the same respective meanings and for the purpose of the incorporation of any such Act the expression "the undertaking" in such Act shall include the gasworks and works connected therewith by this Order authorised to be maintained and continued and the undertaking by this Order authorised.

Limits of Order. 5. 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 the urban district of Llanrwst in the county of Denbigh.

Undertakers.

Undertakers. 6. The Holyhead and North Wales Gas and Water Corporation Limited or a company hereafter to be duly constituted and incorporated

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for the special purpose of carrying on the undertaking hereby authorised as a separate undertaking shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers" Provided that if the undertaking is at any time assigned to such other company that company shall from the date of such assignment be the Undertakers for the purposes of this Order in lieu of the Holyhead and North Wales Gas and Water Corporation Limited but no such assignment shall have any validity or effect until after the approval of the Board of Trade to such assignment has been signified in writing signed by a secretary or an assistant secretary of the said Board Provided that nothing in this Order contained shall prevent the Undertakers borrowing money secured by mortgage of the undertaking not exceeding the amount by this Order prescribed or shall make the consent or approval of the Board of Trade necessary to the validity or effect of such mortgage.

Capital.

Capital.

7. The share capital of the Undertakers shall for the purposes of the undertaking authorised by this Order consist of seven thousand four hundred and ninety-five pounds already expended by the Undertakers (in this Order referred to as "the original capital") and of additional share capital (in this Order referred to as "the additional capital") for the purposes of this Order not exceeding two thousand five hundred and five pounds including any premium that may be obtained on the sale of any shares or stock under the provisions of this Order and the original and additional share capital of the Undertakers shall not for such purposes exceed ten thousand pounds unless the Undertakers are hereafter authorised to raise for such purposes further additional share capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

Additional capital to be sold by auction or tender.

8.—(1) All shares or stock to be issued for the purpose of raising the additional capital or any part thereof shall be issued in accordance with the provisions of this section.

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

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

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

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

(*d*) In the case of a sale by tender no preference shall be given to one of two or more persons tendering the same sum In the case of a sale by auction a bid shall not be recognised unless it is in advance of the last preceding bid:

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

(3) Any shares or stock which have been so offered for sale and are not sold may be offered at the reserve price to the holders of ordinary or preference shares or stock of the Undertakers in manner prescribed by resolution passed by the directors of the Undertakers and to the employees of the Undertakers and to the consumers of gas supplied by the Undertakers in such proportions as the directors of the Undertakers may think fit or to one or more of these classes of persons only Provided in the case of an offer to holders of shares or stock that if the aggregate amount of shares or stock applied for shall exceed the aggregate amount so offered as aforesaid the same shall be allotted to and distributed amongst the applicants as nearly as may be in proportion to the amounts applied for by them respectively.

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

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

Application of money.

9. All money raised under this Order including any premiums shall be applied only to purposes to which capital is properly applicable and any sum of money which may arise from the issue of any shares

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or stock under the provisions of this Order by way of premium shall not be considered as part of the capital of the Undertakers entitled to dividend.

Limit of dividends on capital.

10.—(1) Except as by this Order expressly provided the Undertakers shall not in any year make out of their profits any larger dividends on the said original and additional capital than at the following rates (in this Order referred to as "the standard rates of dividend") namely ten pounds in respect of every one hundred pounds of such original capital and seven pounds in respect of every one hundred pounds actually paid up of such additional capital as may be issued as ordinary capital or six pounds in respect of every one hundred pounds actually paid up of such additional capital as may be issued as preference capital.

(2) Provided that if and so long as the undertaking is carried on by the Holyhead and North Wales Gas and Water Corporation Limited as Undertakers in the construction of the provisions of this Order and of Schedule B thereto the expression "actually paid up" shall mean actually expended on or actually being used for the purposes of the undertaking and the expression "paid-up capital" shall mean the original capital together with so much of the additional capital as has been expended or as is being used for the purposes of the undertaking.

Limit of borrowing powers.

11. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the undertaking authorised by this Order shall not at any time exceed in the whole three thousand three hundred pounds 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.

Purchase of Lands.

Power to purchase additional lands.

12. The Undertakers may for the purposes of the undertaking purchase take on lease or acquire (by agreement but not otherwise) and hold in addition to the lands described in Schedule A to this Order annexed any lands which they may require Provided 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 schedule and 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 the said schedule.

Maintenance and Continuance of Gasworks Manufacture and Sale of Gas and Residual Products.

Undertakers may maintain and

13. The Undertakers may on the lands shown on the map deposited for the purposes of this Order and described in Schedule A to this

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Order annexed maintain and continue alter enlarge extend improve renew or discontinue their existing gasworks and works connected therewith for the manufacture distribution storage conversion and sale of gas and of residual products arising in or resulting or producible from or used in the manufacture of gas and matters producible therefrom and they may subject to the provisions of this Order manufacture and store gas upon such lands or some part or parts thereof and supply and sell the same within the limits of supply and may on the same lands make convert and store residual products as aforesaid and may sell and dispose of the same at the works and elsewhere and they may also construct and maintain alter enlarge renew or discontinue houses offices buildings and other works connected with the undertaking.

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

Testing Place.

14. For the purposes of the Gasworks Clauses Act 1871 the prescribed testing place shall be a testing place which shall be provided by the Undertakers at their gasworks within six months of the commencement of this Order.

Testing place.

Quality of Gas.

15.—(1) The quality of the gas supplied by the Undertakers shall with respect to its illuminating power be such as to produce at the testing place when burned at the rate of five cubic feet per hour a light equal in intensity to the light produced by not less than fourteen sperm candles of six to the pound each consuming one hundred and twenty grains of sperm per hour and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act 1871.

Quality of gas.

(2) For testing the illuminating power of the gas the burner to be used shall be that known as the Metropolitan Argand No. 2 the photometer shall be the bar photometer the standard light shall be that supplied by Harcourt's ten candle pentane lamp and in making the test the burner shall be so used as to obtain from the gas when burned at the rate aforesaid the greatest amount of light Provided that the Board of Trade may on the application of the Undertakers or the local authority approve the use of any other burner photometer or standard light which may appear to the Board to be equally or more suitable for the testing.

(3) The Undertakers shall within six months of the commencement of this Order provide all the apparatus required by this Order for the testing of gas and shall at all times keep the same in proper order and repair.

Price of Gas.

16.—(1) The price of gas to be charged by the Undertakers for gas supplied by them shall not exceed five shillings and fourpence

Price of gas.

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per thousand cubic feet and so in proportion for any less quantity supplied.

(2) 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 signed by a secretary or an assistant secretary of the said Board alter the said maximum price either by substituting any other sum for the said sum of five shillings and fourpence or by fixing a standard price with sliding scale as to profits and as from the date specified in such order (hereinafter referred to as "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.

(3) 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 conclusive evidence of the due making and validity of the same and of the contents thereof.

Charge for gas supplied by means of prepayment meters.

17.—(1) The Undertakers may demand for any gas supplied through a prepayment meter a not greater charge than for gas supplied to private consumers within the limits of supply through any other kind of meter or by any other method of supply.

(2) The Undertakers shall not charge for the hire of any prepayment meter and fittings to be used therewith any sum other than a sum of money calculated according to the quantity of gas supplied through such prepayment meter and the maximum sum to be so charged shall be at the rate of tenpence per one thousand cubic feet supplied in manner aforesaid such sum to include the hire of meter and the fittings used therewith or at the rate of one shilling per thousand cubic feet if such fittings include a cooking stove The said charge shall include the providing letting fixing repairing and maintenance of the meter and fittings and the cost of collection and other costs incurred by the Undertakers in connection with the meter and fittings.

(3) The maximum charge for the hire of a prepayment meter without fittings shall be at the rate of ten per centum per annum on the cost of the meter.

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

Pressure of Gas.

Pressure of gas.

18.—(1) All gas supplied by the Undertakers to any consumer of gas shall be supplied at such pressure as to balance a column of water not less than eight-tenths of an inch in height at the main or as

near as may be to the junction therewith of the service pipe supplying such consumer.

(2) Any gas examiner appointed under the Gasworks Clauses Act 1871 may for the purposes of this Order subject to the terms of his appointment at the testing place or at any public lamp as and when he thinks fit test the pressure at which the gas is supplied The Undertakers shall afford to the examiner all reasonable facilities for making the test.

Miscellaneous.

Power to supply gas fittings Fittings not to be subject to distress.

19.—(1) The Undertakers may sell let for hire and otherwise deal in fix repair and remove but shall not manufacture meters engines stoves ranges pipes fittings and other apparatus appliances and things (in this section called "fittings") for lighting for motive power for the warming and ventilating of houses and buildings for the cooking of food and for all other purposes for which gas can or may be used and may provide all materials and do all work necessary or proper in that behalf and with respect thereto may demand and take such remuneration or such rents and charges and make such terms and conditions as may be agreed upon between the Undertakers and the persons to or for whom the same are sold let fixed repaired or removed and such remuneration rents and charges shall be recoverable in the same manner as rents or sums due to the Undertakers for gas.

(2) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession they may be Provided that such fittings are marked or impressed with a sufficient mark or brand indicating the Undertakers as the actual owners thereof.

(3) All fittings let by the Undertakers for hire as aforesaid shall notwithstanding that they be fixed or fastened to any part of any premises in which they may be situate or to the soil under any such premises at all times continue to be the property of and removable by the Undertakers Provided that nothing in this subsection shall affect the amount of the assessment for rating of any premises upon which any such fittings are or shall be fixed.

Undertakers to pay interest on money deposited as security for gas meter &c.

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

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For protection of Denbighshire County Council.

21. For the protection of the county council of Denbighshire (in this section called "the council") the following provisions shall unless otherwise agreed between the Undertakers and the council have effect (that is to say):—

(1) Whenever it shall be found necessary by the Undertakers to open and break up the soil of any roads streets or bridges maintainable by or vested in the council for the purpose of laying down any pipes or other works within or under such roads streets or bridges or for the purpose of repairing altering or removing such pipes or other works or for making any sewers or for erecting any pillars lamps or other works such notice and plan shall be sent to the council and its officer as are respectively required by sections 8 and 9 of the Gasworks Clauses Act 1847 to be sent to a road authority:

(2) The Undertakers shall not permit any trench made by them in any road street bridge or highway for the time being maintainable by or vested in the council to be open for more than fifty yards in length at any one place where only one cart can pass at the side of such trench or for more than one hundred yards in length where only two carts can pass at the same time and if the council or its surveyor notify in writing to the Undertakers any objections to break up the soil of any such road street bridge or highway as aforesaid and any difference shall arise between the Undertakers and the council thereon such difference shall be determined by arbitration as in this section provided:

(3) Where any pipe conduit or work of the Undertakers is required to be laid or constructed beneath the surface of any such road street bridge or highway as aforesaid the same shall be laid or constructed in such position at the side thereof or where necessary under the metalled portion of the road as the council shall by writing under the hand of their surveyor direct and at such depth that not less than two and a half feet shall intervene between the surface of such road street bridge or highway and the upper surface of such pipe conduit or work Any difference as to the possibility of so laying or constructing any such pipe conduit or work shall be determined by arbitration as in this section provided:

(4) Whenever it shall be found necessary to open and break up any road street bridge or highway as aforesaid for the purpose of laying down or removing any pipe or other work as aforesaid the Undertakers shall repair and complete such road street bridge or highway so opened or broken up to the satisfaction of the road surveyor for the time being

of the council and all work or repairs carried out by the Undertakers shall be so executed as not in any way to stop or unreasonably interfere with or impede the traffic of any such road street bridge or highway maintained by the council as aforesaid and all such work or repairs shall be proceeded with and completed with all reasonable despatch and in such a way as to avoid any danger or injury to persons or cattle or stock using such road street bridge or highway and in particular the Undertakers will cause danger lights to be placed at night at the end and by the side of any trenches which may be dug and temporarily left open in or across any such road street bridge or highway so that all such lights are lit and kept burning from one hour after sunset to one hour before sunrise whilst the said trenches remain open so as to effectually warn the traffic passing on the said road street bridge or highway:

(5) If the council shall for the purposes of altering any such road street bridge or highway as aforesaid or rebuilding any such bridge or the approaches thereto at any time require the position or level of any pipe conduit or work of the Undertakers laid in under or through any such road street bridge or highway as aforesaid to be altered the Undertakers shall at their own expense on receiving notice in writing under the hand of the clerk of the council so to do alter the same as reasonably required by such notice and under the superintendence of the road surveyor of the council and any additional expense in relation to the alteration or rebuilding of any such bridge as aforesaid or the approaches thereto to which the council may be put by reason of the necessity for providing for any pipe conduit or other work of the Undertakers shall be paid by the Undertakers to the council The Undertakers shall also pay to the council all reasonable expense (not being payments to salaried officers or workmen of the council) actually incurred by them in relation to the superintendence by this section authorised Any difference as to the reasonableness of any requirements contained in any such notice or as to the amount of any sum to be so paid by the Undertakers to the council shall be determined by arbitration as hereinafter provided:

(6) Any difference by this section required to be determined by arbitration shall be determined by an engineer to be appointed by agreement between the Undertakers and the council or (failing such agreement) to be appointed by the President for the time being of the Institution of Civil Engineers on the application of either party.

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For protection of London and North Western Railway Company.

22. The following provisions for the protection of the London and North Western Railway Company (hereinafter referred to as "the railway company") shall be in force and have effect:—

In laying down or executing or in effecting the repairs and renewals of any mains pipes or other works upon across over under or in any way affecting the railways lands or property now or hereafter belonging to or used or occupied by the railway company or the bridges approaches viaducts stations or other works or any level crossings over the railways of the railway company the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the railway company and only according to such plans to be submitted to and in such manner as shall be previously reasonably approved by him and in all things by and at the expense of the Undertakers who also shall restore and make good the roads over any such bridges level crossings and approaches which the railway company are or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Undertakers and all such works matters and things shall be constructed executed and done so as not to cause any injury to such railways bridges level crossings approaches viaducts stations works lands or property or interruption to the passage or conduct of traffic over such railways or at any station thereon. And if any such injury or interruption shall arise from or be in any way owing to any of the acts operations matters and things aforesaid or the bursting leakage or failure of any such mains pipes or works the Undertakers shall make compensation in respect thereof to the railway company:

Any dispute or difference which may arise between the railway company and the Undertakers with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer or other fit person to be appointed by the Board of Trade on the application of the railway company and the Undertakers or either of them.

For protection of Llanrwst Urban District Council.

23. For the protection of the urban district council of Llanrwst (in this section called "the council") the following provisions shall unless otherwise agreed between the Undertakers and the council have effect (that is to say):—

(1) Whenever it shall be found necessary by the Undertakers to break up any street within the district of the council not dedicated to public use in which is laid any pipe drain sewer tunnel

or other work vested in the council the like notice and plan as are respectively required by sections 8 and 9 of the Gasworks Clauses Act 1847 to be sent to a road authority shall be given to the council and if the council notify in writing to the Undertakers that any such pipe drain sewer tunnel or other work will or may be affected by the operations proposed to be carried out by the Undertakers in such street the provisions of the said Act shall apply for the protection of such pipe drain sewer tunnel or other work and of the council in reference thereto as though the council were the person having the control and management of such street within the meaning of the said Act:

(2) The Undertakers shall not permit any trench made by them in any road street bridge or highway for the time being maintainable by the council to be open for more than fifty yards in length at any one place where only one cart can pass at the side of such trench or for more than one hundred yards in length where only two carts can pass at the same time:

(3) Where any pipe conduit or work of the Undertakers is required to be laid or constructed beneath the surface of any such road street bridge or highway as aforesaid the same shall if possible be laid or constructed in such position at the side thereof or where necessary under the metalled portion of the road as the council shall by writing under the hand of their surveyor direct and at such a depth that not less than two feet shall intervene between the surface of such road street bridge or highway and the upper surface of such pipe conduit or work Any difference as to the possibility of so laying or constructing any such pipe conduit or work shall be determined by arbitration as in this section provided:

(4) Whenever it shall be found necessary to open and break up any road street bridge or highway as aforesaid for the purpose of laying down or renewing any pipe or other work as aforesaid the Undertakers shall repair and complete such road street bridge or highway so opened or broken up to the satisfaction of the surveyor for the time being of the council and all work or repairs carried out by the Undertakers shall be so executed as not in any way to stop or unreasonably interfere with or impede the traffic of any such road street bridge or highway maintained by the council as aforesaid and all such work or repairs shall be proceeded with and completed with all reasonable dispatch and in such

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a way as to avoid any danger or injury to the persons or cattle or stock using such road street bridge or highway and in particular the Undertakers will cause danger lights to be placed at night at the end and by the side of any trenches which may be dug and temporarily left open in or across any such road street bridge or highway so that all such lights are lit and kept burning from one hour after sunset to one hour before sunrise whilst the said trenches remain open so as to effectually warn the traffic passing along the said road street bridge or highway:

(5) If the council shall for the purpose of altering any such road street bridge or highway as aforesaid or rebuilding any such bridge or the approaches thereto at any time require the position or level of any pipe conduit or work of the Undertakers laid in under or through any such road street bridge or highway as aforesaid to be altered the Undertakers shall at their own expense on receiving notice in writing under the hand of the clerk of the council so to do alter the same as reasonably required by such notice, and under the superintendence of the officer of the council and any additional expense in relation to the alteration or rebuilding of any such bridge as aforesaid or the approaches thereto to which the council may be put by reason of the necessity for providing for any pipe conduit or other work of the Undertakers shall be paid by the Undertakers to the council The Undertakers shall also pay to the council all reasonable expense (not being payments to salaried officers of the council) actually incurred by them in relation to the superintendence by this section authorised Any difference as to the reasonableness of any requirement contained in any such notice or as to the amount of any sum to be so paid by the Undertakers to the council shall be determined by arbitration as hereinafter provided:

(6) Any difference by this section required to be determined by arbitration shall be determined by an engineer to be appointed by agreement between the Undertakers and the council or failing such agreement by the President of the Institution of Civil Engineers on the application of either party.

Purchase of undertaking.

24.—(1) If within six months after the expiration of a period of five years from the commencement of this Order the urban district council of Llanrwst (in this section referred to as "the council") shall be duly authorised and empowered to purchase the undertaking and have obtained the necessary sanction of the Local Government Board and shall serve notice on the Undertakers requiring the Undertakers to sell to them the undertaking in accordance with the provisions of this section the Undertakers shall sell the undertaking to the council and

the council shall purchase the undertaking from the Undertakers accordingly.

(2) Any such sale (except so far as regards moveable stock-in-trade coal gas and other stores which are hereafter in this section dealt with) shall be for such price or consideration being a sum in gross and on such terms and conditions as may be agreed upon between the Undertakers and the council or as failing such agreement shall be determined by arbitration in accordance with the provisions of the Lands Clauses Acts with reference to the purchase and taking of lands otherwise than by agreement and in the construction of the said provisions the expression "the promoters of the undertaking" shall mean the council and the expression "lands" shall mean the undertaking And in addition to the sum paid by the council to the Undertakers under the foregoing provisions of this section the council shall pay to the Undertakers the actual costs charges and expenses incurred by them of and incidental to the winding up and transfer of the undertaking and shall pay compensation to any officers and servants in the regular employment of the Undertakers for whom no regular office or employment on the same terms shall be found by the council in respect of any loss of office or diminution of salary or income arising out of such sale the amount of such compensation in default of agreement to be determined by arbitration as aforesaid Provided that no officer or servant who has been in the employment of the Undertakers for twenty years or upwards shall lose his right to compensation as aforesaid by reason of his declining to enter into the service of the council.

(3) When the undertaking has been sold under this Order and the purchase price or consideration has been paid or satisfied the undertaking and all lands buildings works materials and plant so purchased as aforesaid shall vest in the council freed from all debts mortgages or similar obligations of the Undertakers or attaching to the undertaking and the powers of the Undertakers in relation to the manufacture and supply of gas within the limits of supply shall absolutely cease and determine and shall vest in the council and the provisions of this Order save such as refer to the capital of the Undertakers shall have effect as if the council had been therein named instead of the Undertakers.

(4) The council shall take over all moveable stock-in-trade gas coal and other stores at the date of the transfer belonging to the Undertakers at such a price as failing agreement may be settled by a valuer to be agreed upon or failing agreement to be nominated by the Board of Trade on the application of either party and shall pay for the same within fourteen days after the said price has been agreed or settled as aforesaid and in default of such payment shall pay to the Undertakers interest on the amount payable in respect of such stores from the expiration of such fourteen days until the actual payment thereof at the rate of five per

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centum per annum and the expense of such valuation shall be paid by the council.

Differences with road authority or railway or other company.

25. If any difference arise between the Undertakers and any road authority or railway or other company whose lands or works the Undertakers have power to cross or otherwise interfere with 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 unless otherwise provided by this Order be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party.

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

26. The Undertakers may but only with the consent of the owner of the soil of such street or road upon the application of the owner or occupier of any premises within the limits of supply of the Undertakers 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 take up alter relay or renew in across or along such street or road such pipes and apparatus as may be requisite or proper for 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 applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof.

Power to take licences for use of patents.

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

Anti-fluctuators for gas engines.

28. Every consumer of gas supplied by the Undertakers who uses a gas engine shall if required to do so by the Undertakers use an effective anti-fluctuator and shall at all times at his own expense keep such anti-fluctuator in proper order and if any consumer shall make default in complying with the provisions of this section the Undertakers may cease to supply him with gas The Undertakers shall have access to and be at liberty to take off remove test inspect and replace any such anti-fluctuator at all reasonable times such taking off removal testing inspecting and replacing to be done at the expense of the Undertakers if the anti-fluctuator be found in proper order but otherwise at the expense of such consumer.

29. At least twenty-four hours' notice in writing shall be given to the Undertakers by every consumer of gas supplied by the Undertakers before he shall quit any premises supplied with gas by meter by the Undertakers and in default of such notice the consumer so quitting shall be liable to pay to the Undertakers the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such premises shall require the Undertakers to supply gas to such premises whichever shall first occur Notice of the effect of this enactment shall be endorsed upon every demand note for gas charges payable to the Undertakers.

Gas consumers to give notice to Undertakers before removing.

30. 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 charges and meter rent due from him to the Undertakers they may refuse to furnish to him a supply of gas until he pay the same.

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

31. 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 first arisen during the then last preceding quarter of the year unless it shall be proved to have first arisen during the then current quarter The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Undertakers 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 charges are recoverable by the Undertakers.

Period of error in defective meters.

32. A notice to the Undertakers from a consumer for the discontinuance of a supply of gas shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office for the time being of the Undertakers.

Notice of discontinuance.

33. No penalty shall be incurred by the Undertakers for insufficiency of pressure defect of illuminating power or 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 caused by circumstances beyond the control of the Undertakers Provided that the want of sufficient funds shall not be held to be a circumstance beyond the Undertakers' control.

No penalty in case of unavoidable cause.

34. The Undertakers may enter into and carry into effect contracts with any local authority company or persons authorised to supply gas under parliamentary powers in any district adjacent to the limits of supply for the supply to them respectively of gas in bulk upon such terms and conditions and for such periods as may be agreed upon not exceeding in any case seven years from the making of the contract

Undertakers may contract with local authority and others for supply in bulk.

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as may be agreed upon but nothing in this section shall authorise the Undertakers to lay any mains or interfere with any street beyond the limits of supply.

Power to erect &c. cottages for officers and servants.

35. The Undertakers may on any land for the time being belonging or leased to them erect fit up maintain and let houses cottages and buildings for the officers and servants employed by the Undertakers for the purposes of their undertaking.

8 Vict. c. 16. s. 140 incorporated.

36. Section 140 (Proof of debts in bankruptcy) of the Companies' Clauses Consolidation Act 1845 shall be and is hereby incorporated with this Order Provided that for the purpose of such incorporation the expression "the company" in the said section shall be construed to mean the Undertakers.

Costs of Order.

37. 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.

SCHEDULES.

SCHEDULE A.

Gas Lands.

The piece of land (upon which the existing gasworks are constructed) belonging to or reputed to belong to the Undertakers and situate in the parish and town of Llanrwst in the county of Denbigh which piece of land contains by admeasurement 754 square yards or thereabouts and is bounded on the north by a road leading to a certain corn and grist mill now or recently belonging to or reputed to belong to Edward Mills on the east by a road called Back Plough Street on the south by a passage and land belonging to or reputed to belong to A. J. Wright and on the west by land belonging to or reputed to belong to A. J. Wright.

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 contained in the foregoing Order prescribing a standard price for gas supplied by the Undertakers with sliding scale as to the profits and as from

the specified date be read and construed subject to the modifications following:—

Sections 30 to 34 of Gasworks Clauses Act 1847 to cease to be incorporated.

(1) Sections 30 to 34 (both inclusive) of the Gasworks Clauses Act 1847 shall not continue to be incorporated with or to form part of the foregoing Order and in construing the said Act for the purposes of the foregoing Order section 35 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 authorised rates as defined by the foregoing Order together with any sum which under the provisions of this schedule might lawfully be carried to the special purposes fund:

Price of gas with sliding scale as to dividend.

(2) 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 capital of the Undertakers as follows:—

In respect of any year during any part of which the price charged by the Undertakers shall have been one penny or part of a penny above the standard price the dividend payable by the Undertakers shall in respect of each penny or part of a penny by which the price shall have been increased be reduced below the standard rates of dividend by five shillings on every one hundred pounds of ordinary paid-up capital with a ten per centum standard rate of dividend and by three shillings and sixpence on every one hundred pounds of ordinary paid-up capital with a seven per centum standard rate of dividend and so in proportion for any fraction of one hundred pounds;

And in respect of any year during the whole of 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 has been reduced be increased above the standard rates of dividend by five shillings on every one hundred pounds of ordinary paid-up capital with a ten per centum standard rate of dividend and by

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three shillings and sixpence on every one hundred pounds of ordinary paid-up capital with a seven per centum standard rate of dividend and so in proportion for any fraction of one hundred pounds:

Power to create a special purposes fund.

(3)—(I) The directors of the Undertakers may if they think fit in any year appropriate out of the revenue of the Undertakers as part of the expenditure on revenue account any sum not exceeding an amount equal to one per centum of the paid-up capital of the Undertakers including premiums to a fund to be called "the special purposes fund";

(II) The special purposes fund shall be applicable only to meet such charges as a chartered accountant or incorporated accountant being the auditor of the Undertakers or appointed for the purpose by the Board of Trade shall approve as being—

(*a*) Expenses incurred by reason of accidents strikes or circumstances which due care and management could not have prevented; or

(*b*) Expenses incurred in the replacement or removal of plant or works other than expenses requisite for maintenance and renewal of plant and works;

(III) The maximum amount standing to the credit of the special purposes fund shall not at any time exceed an amount equal to one-tenth part of the paid-up capital of the Undertakers including premiums;

(IV) The moneys forming the special purposes fund or any portion thereof may be invested in securities in which trustees are authorised by law to invest or may be applied for the general purposes of the Undertakers to which capital is properly applicable or may be used partly in the one way or partly in the other;

(V) Resort may from time to time be had to the special purposes fund notwithstanding that the sum standing to the credit of the fund is for the time being less than the maximum allowed by this section:

Application of excess of profits over authorised rates of dividend.

(4) If the clear profits of the undertaking of the Undertakers in any year amount to a larger sum than is sufficient to pay the dividend on the preference capital and the dividend at the authorised rate on the ordinary capital of the Undertakers the excess shall be carried to the credit of the divisible profits of such undertaking for the next following year:

Provided that the sum so carried forward shall not in any case exceed the amount required to pay one year's dividend at the authorised rate:

(5) Where in any year the dividend of the Undertakers on the ordinary share capital or stock of the Undertakers shall exceed the standard rate 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 year set apart such sum as they think fit 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 dividend at the authorised rates on the ordinary capital of the Undertakers 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.

(6) 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.

PWLLHELI GAS.

Order authorising the maintenance and continuance of existing Gasworks and the Manufacture and Supply of Gas within the Borough of Pwllheli and Parish of Denio in the County of Carnarvon and for other purposes.

Pwllheli.

Preliminary.

Short title.

1. This Order may be cited as the Pwllheli Gas Order 1911.

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."

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Incorporation of Acts.

3. 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) of the Gasworks Clauses Act 1847 and of the Gasworks Clauses Act 1871 are hereby incorporated with this Order except where the same are expressly varied by this Order and the said provisions of the said Gasworks Clauses Acts shall apply as well to the mains pipes and works of the Undertakers laid down and constructed before the commencement of this Order and situate within the limits of supply as 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.

4. In this Order the expression "authorised rates" means the rates of dividend authorised by this Order on the capital of the Undertakers 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 in this Order the same respective meanings unless there be something in the subject or context repugnant to such construction and in the construction of this Order or of 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.

Limits of Order.

5. 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 the borough of Pwllheli and the parish of Denio in the county of Carnarvon.

Undertakers.

Undertakers.

6. The Holyhead and North Wales Gas and Water Corporation Limited or a company hereafter to be duly constituted and incorporated for the special purpose of carrying on the undertaking hereby authorised as a separate undertaking shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers" Provided that if the undertaking is at any time assigned to such other company that company shall from the date of such assignment be the Undertakers for the purposes of this Order in lieu of the Holyhead and North Wales Gas and Water Corporation Limited but no such assignment shall have any validity or effect until after the approval of the Board of Trade to such assignment has been signified in writing signed by a secretary or an assistant secretary of the said Board Provided that nothing in this Order contained shall prevent the Undertakers borrowing money secured by mortgage of the undertaking not exceeding the amount by this Order prescribed or shall make the consent or approval of the Board of Trade necessary to the validity or effect of such mortgage.

Capital.

Capital.

7. The share capital of the Undertakers shall for the purposes of the undertaking authorised by this Order be deemed to consist of six thousand eight hundred and nineteen pounds already expended by the Undertakers (in this Order referred to as "the original capital") and of additional share capital (in this Order referred to as "the additional capital") for the purposes of this Order not exceeding eight thousand one hundred and eighty-one pounds including any premium that may be obtained on the sale of any shares or stock under the provisions of this Order and the original and additional share capital of the Undertakers shall not for such purposes exceed fifteen thousand pounds unless the Undertakers are hereafter authorised to expend for such purposes further additional share capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

Additional capital to be sold by auction or tender.

8.—(1) All shares or stock to be issued for the purpose of raising the additional capital or any part thereof shall be issued in accordance with the provisions of this section.

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

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

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

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

(D) In the case of a sale by tender no preference shall be given to one of two or more persons tendering the same sum In the case of a sale by auction a bid shall not be recognised unless it is in advance of the last preceding bid:

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

(3) Any shares or stock which have been so offered for sale and are not sold may be offered at the reserve price to the holders of ordinary or preference shares or stock of the Undertakers in manner prescribed by resolution passed by the directors of the Undertakers and to the employees of the Undertakers and to the consumers of gas supplied by the Undertakers in such proportions as the directors of the Undertakers may think fit or to one or more of these classes of persons only Provided in the case of an offer to holders of shares or stock that if the aggregate amount of shares or stock applied for shall exceed the aggregate amount so offered as aforesaid the same shall be allotted to and distributed amongst the applicants as nearly as may be in proportion to the amounts applied for by them respectively.

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

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

Application of money.

9. All money raised under this Order including any premiums shall be applied only to purposes to which capital is properly applicable and 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 shall not be considered as part of the capital of the Undertakers entitled to dividend.

Limit of dividends on capital.

10.—(1) Except as by this Order expressly provided the Undertakers shall not in any year make out of their profits any larger dividends on the said original and additional capital than at the following rates (in this Order referred to as "the standard rates of dividend") namely ten pounds in respect of every one hundred pounds of such original capital and seven pounds in respect of every one hundred pounds actually paid up of such additional capital as may be issued as ordinary capital or six pounds in respect of every one hundred pounds actually paid up of such additional capital as may be issued as preference capital.

(2) Provided that if and so long as the undertaking is carried on by the Holyhead and North Wales Gas and Water Corporation Limited as Undertakers in the construction of the provisions of this Order and of Schedule B thereto the expression "actually paid up" shall mean actually expended on or actually being used for the purposes of the undertaking and the expression "paid-up capital" shall mean the original capital together with so much of the additional capital as has been expended or as is being used for the purposes of the undertaking.

Limit of borrowing powers.

11. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the undertaking authorised by this Order shall not at any time exceed in the whole five thousand pounds 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.

Purchase of Lands.

Power to purchase additional lands.

12. The Undertakers may for the purposes of the undertaking purchase take on lease or acquire (by agreement but not otherwise) and hold in addition to the lands described in Schedule A to this Order annexed any lands which they may require Provided 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 schedule and 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 the said schedule.

Maintenance and Continuance of Gasworks Manufacture and Sale of Gas and Residual Products.

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

13. The Undertakers may on the lands shown on the map deposited for the purposes of this Order and described in Schedule A to this Order annexed maintain and continue alter enlarge extend improve renew or discontinue their existing gasworks and works connected therewith for the manufacture distribution storage conversion and sale of gas and of residual products arising in or resulting or producible from or used in the manufacture of gas and matters producible therefrom and they may subject to the provisions of this Order manufacture and store gas upon such lands or some part or parts thereof and supply and sell the same within the limits of supply and may on the same lands make convert and store residual products as aforesaid and may sell and dispose of the same at the works and

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elsewhere and they may also construct and maintain alter enlarge renew or discontinue houses offices buildings and other works connected with the undertaking.

Testing Place.

Testing place.

14. For the purposes of the Gasworks Clauses Act 1871 the prescribed testing place shall be a testing place which shall be provided by the Undertakers at their gasworks within six months of the commencement of this Order.

Quality of Gas.

Quality of gas.

15.—(1) The quality of the gas supplied by the Undertakers shall with respect to its illuminating power be such as to produce at the testing place when burned at the rate of five cubic feet per hour a light equal in intensity to the light produced by not less than fourteen sperm candles of six to the pound each consuming 120 grains of sperm per hour and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act 1871.

(2) For testing the illuminating power of the gas the burner to be used shall be that known as the Metropolitan Argand No. 2 the photometer shall be the bar photometer the standard light shall be that supplied by Harcourt's ten-candle pentane lamp and in making the test the burner shall be so used as to obtain from the gas when burned at the rate aforesaid the greatest amount of light Provided that the Board of Trade may on the application of the Undertakers or the local authority approve the use of any other burner photometer or standard light which may appear to the Board to be equally or more suitable for the testing.

(3) The Undertakers shall within six months of the commencement of this Order provide all the apparatus required by this Order for the testing of gas and shall at all times keep the same in proper order and repair.

Price of Gas.

Price of gas.

16.—(1) The price of gas 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.

(2) 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 signed by a secretary or an 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 fixing a standard price with sliding scale as to profits and as from the

date specified in such order (hereinafter referred to as "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.

(3) 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 conclusive evidence of the due making and validity of the same and of the contents thereof.

Charge for gas supplied by means of prepayment meters.

17.—(1) The Undertakers may demand for any gas supplied through a prepayment meter a not greater charge than for gas supplied to private consumers within the limits of supply through any other kind of meter or by any other method of supply.

(2) The Undertakers shall not charge for the hire of any prepayment meter and fittings to be used therewith any sum other than a sum of money calculated according to the quantity of gas supplied through such prepayment meter and the maximum sum to be so charged shall be at the rate of tenpence per one thousand cubic feet supplied in manner aforesaid such sum to include the hire of meter and the fittings used therewith or at the rate of one shilling per one thousand cubic feet if such fittings include a cooking stove The said charge shall include the providing letting fixing repairing and maintenance of the meter and fittings and the cost of collection and other costs incurred by the Undertakers in connection with the meter and fittings.

(3) The maximum charge for the hire of a prepayment meter without fittings shall be at the rate of ten per centum per annum on the cost of the meter.

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

Pressure of Gas.

Pressure of gas.

18.—(1) All gas supplied by the Undertakers to any consumer of gas shall be supplied at such pressure as to balance a column of water not less than eight-tenths of an inch in height at the main or as near as may be to the junction therewith of the service pipe supplying such consumer.

(2) Any gas examiner appointed under the Gasworks Clauses Act 1871 may for the purposes of this Order subject to the terms of his appointment at the testing place or at any public lamp as and when he thinks fit test the pressure at which the gas is supplied The Undertakers shall afford to the examiner all reasonable facilities for making the test.

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Miscellaneous.

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Power to supply gas-fittings Fittings not to be subject to distress.

19.—(1) The Undertakers may sell let for hire and otherwise deal in fix repair and remove but shall not manufacture meters engines stoves ranges pipes fittings and other apparatus appliances and things (in this section called "fittings") for lighting for motive power for the warming and ventilating of houses and buildings for the cooking of food and for all other purposes for which gas can or may be used and may provide all materials and do all work necessary or proper in that behalf and with respect thereto may demand and take such remuneration or such rents and charges and make such terms and conditions as may be agreed upon between the Undertakers and the persons to or for whom the same are sold let fixed repaired or removed and such remuneration rents and charges shall be recoverable in the same manner as rents or sums due to the Undertakers for gas.

(2) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession they may be Provided that such fittings are marked or impressed with a sufficient mark or brand indicating the Undertakers as the actual owners thereof.

(3) All fittings let by the Undertakers for hire as aforesaid shall notwithstanding that they be fixed or fastened to any part of any premises in which they may be situate or to the soil under any such premises at all times continue to be the property of and removable by the Undertakers Provided that nothing in this subsection shall affect the amount of the assessment for rating of any premises upon which any such fittings are or shall be fixed.

Undertakers to pay interest on money deposited as security for gas meter &c.

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

For protection of Cambrian Railways Company.

21. The following provisions for the protection of the Cambrian Railways Company (in this section referred to as "the company") shall notwithstanding anything in this Order contained apply and have effect except in so far as may be otherwise agreed between the Undertakers and the company:—

(1) The construction or laying of gas mains and pipes under or in pursuance of this Order under any railways or other property of the company and any works of maintenance repair and

renewal of such mains and pipes (other than urgent repairs in case of accident) (all of which works are hereinafter referred to as "the works") shall be done under the superintendence and to the reasonable satisfaction of the engineer of the company and according to plans sections and specifications to be submitted to and reasonably approved by him before any such works are commenced or in the event of any dispute or difference between such engineer and the engineer of the Undertakers then in such manner as shall be settled by arbitration as hereinafter provided Provided that if the engineer shall fail to superintend at the time specified in a notice to be given by the Undertakers to the company of their intention to commence the works (such time being except in cases of emergency not less than fourteen days from the giving of the notice) such works may be executed without his superintendence and that unless the engineer shall give notice of his disapproval of such plans sections or specifications and of his grounds thereof within fourteen days after they shall have been submitted he shall be deemed to have approved thereof:

(2) The works shall be executed by and in all things at the expense of the Undertakers and in such manner as not to cause any injury to the railways or other property of the company or interruption to the passage or conduct of the traffic thereon and if any such injury or interruption shall arise the Undertakers shall make compensation to the company in respect thereof:

(3) The Undertakers shall bear and on demand pay to the company the reasonable expenses of employment by them of a sufficient number of inspectors watchmen and flagmen to be appointed by the company for watching their railway property and works with reference to and during the execution of the works:

(4) The Undertakers shall at all times maintain the works in substantial repair and good order to the reasonable satisfaction of the engineer of the company and if and whenever the Undertakers fail so to do the company may make and do in and upon as well the lands of the Undertakers as their own lands all such works repairs and things as they may reasonably think requisite and the reasonable amount of such expenditure shall be repaid to the company by the Undertakers:

(5) Notwithstanding anything in this Order contained the Undertakers shall be responsible for and make good to the company

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all costs losses damages or expenses which may be occasioned to them or to any of their railways works or property or to the traffic thereon or otherwise by reason or in consequence of the execution or failure of the works or any or either of them or by any act or omission of the Undertakers or any persons in their employment or their contractors agents or others :

(6) If any difference shall arise between the Undertakers and the company or their respective engineers touching the matters referred to in this section or anything to be done thereunder such difference shall (except where the determination thereof is otherwise provided for) be referred to and determined by an engineer to be nominated by such respective engineers or failing agreement to be appointed by the President of the Institution of Civil Engineers on the application of the Undertakers or the company and the provisions of the Arbitration Act 1889 shall apply to any such reference.

For protection of Pwllheli Corporation.

22. For the protection of the Pwllheli Corporation (in this section called "the council") the following provisions shall unless otherwise agreed between the Undertakers and the council have effect (that is to say) :—

(1) Whenever it shall be found necessary by the Undertakers to break up any street within the district of the council not dedicated to public use in which is laid any pipe drain sewer tunnel or other work vested in the council the like notice and plan as are respectively required by sections 8 and 9 of the Gasworks Clauses Act 1847 to be sent to a road authority shall be given to the council and if the council notify in writing to the Undertakers that any such pipe drain sewer tunnel or other work will or may be affected by the operations proposed to be carried out by the Undertakers in such street the provisions of the said Act shall apply for the protection of such pipe drain sewer tunnel or other work and of the council in reference thereto as though the council were the person having the control and management of such street within the meaning of the said Act :

(2) The Undertakers shall not permit any trench made by them in any road street bridge or highway for the time being maintained by the council to be open for more than fifty yards in length at any one place where only one cart can pass at the side of such trench or for more than one hundred yards in length where only two carts can pass at the same time :

(3) Where any pipe conduit or work of the Undertakers is required to be laid or constructed beneath the surface of any such road street bridge or highway as aforesaid the same shall if practicable be laid or constructed in such position in or at the side thereof or where necessary under the metalled portion of the road as the council shall by writing under the hand of their surveyor direct and at such a depth that not less than two feet shall intervene between the surface of such road street bridge or highway and the upper surface of such pipe conduit or work Any difference as to the practicability of so laying or constructing any such pipe conduit or work shall be determined by arbitration as in this section provided:

(4) Whenever it shall be found necessary to open and break up any road street bridge or highway as aforesaid for the purpose of laying down or removing any pipe or other work as aforesaid the Undertakers shall repair and complete such road street bridge or highway so opened or broken up to the satisfaction of the surveyor for the time being of the council and all work or repairs carried out by the Undertakers shall be so executed as not in any way to stop or unreasonably interfere with or impede the traffic of any such road street bridge or highway maintained by the council as aforesaid and all such work or repairs shall be proceeded with and completed with all reasonable despatch and in such a way as to avoid any danger or injury to the persons or cattle or stock using such road street bridge or highway and in particular the Undertakers shall cause danger lights to be placed at night at the end and by the side of any trenches which may be dug and temporarily left open in or across any such road street bridge or highway so that all such lights are lit and kept burning from one hour after sunset to one hour before sunrise whilst the said trenches remain open so as to effectually warn the traffic along the said road street bridge or highway:

(5) If the council shall for the purpose of altering any such road street bridge or highway as aforesaid or rebuilding any such bridge or the approaches thereto at any time require the position or level of any pipe conduit or work of the Undertakers laid in under or through any such road street bridge or highway as aforesaid to be altered the Undertakers shall at their own expense on receiving notice in writing under the hand of the clerk of the council so to do alter the same as reasonably required by such notice and under the superintendence of the officer of the council and any additional expense in relation to the alteration or the approaches thereto

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to which the council may be put by reason of the necessity for providing for any pipe conduit or other work of the Undertakers shall be paid by the Undertakers to the council The Undertakers shall also pay to the council all reasonable expense (not being payments to salaried officers or workmen of the council) actually incurred by them in relation to the superintendence by this section authorised Any difference as to the reasonableness of any requirement contained in any such notice or as to the amount of any sum to be so paid by the Undertakers to the council shall be determined by arbitration as hereinafter provided :

(6) Any difference by this section required to be determined by arbitration shall be determined by an engineer to be appointed by agreement between the Undertakers and the council or failing such agreement by the Board of Trade on the application of either party.

Purchase of undertaking.

23.—(1) If within six months after the expiration of a period of five years from the commencement of this Order the Pwllheli Town Council (in this section referred to as "the council") shall be duly authorised and empowered to purchase the undertaking and have obtained the necessary sanction of the Local Government Board and shall serve notice on the Undertakers requiring the Undertakers to sell to them the undertaking in accordance with the provisions of this section the Undertakers shall sell the undertaking to the council and the council shall purchase the undertaking from the Undertakers accordingly.

(2) Any such sale (except so far as regards moveable stock-in-trade coal gas and other stores which are hereinafter dealt with) shall be for such price or consideration being a sum in gross and on such terms and conditions as may be agreed upon between the Undertakers and the council or as failing such agreement shall be determined by arbitration in accordance with the provisions of the Lands Clauses Acts with reference to the purchase and taking of lands otherwise than by agreement and in the construction of the said provisions the expression "the promoters of the undertaking" shall mean the council and the expression "lands" shall mean the undertaking And in addition to the sum paid by the council to the Undertakers under the foregoing provisions of this section the council shall pay to the Undertakers the actual costs charges and expenses incurred by them of and incidental to the winding up and transfer of the undertaking and shall pay compensation to any officers and servants in the regular employment of the Undertakers for whom no regular office or employment on the same terms shall be found by the council in respect of any loss of office or diminution of salary or income arising out of such sale the amount of such compensation in default of agreement to be determined by arbitration as aforesaid Provided that

no officer or servant who has been in the employment of the Undertakers for twenty years or upwards shall lose his right to compensation as aforesaid by reason of his declining to enter into the service of the council.

(3) When the undertaking shall be sold under this Order and the purchase price or consideration has been paid or satisfied the undertaking and all lands buildings works materials and plant so purchased as aforesaid shall vest in the council freed from all debts mortgages or similar obligations of the Undertakers or attaching to the undertaking and the powers of the Undertakers in relation to the manufacture and supply of gas within the limits of supply shall absolutely cease and determine and shall vest in the council and the provisions of this Order save such as refer to the capital of the Undertakers shall have effect as if the council had been therein named instead of the Undertakers.

(4) The council shall take over all moveable stock-in-trade coal gas and other stores at the date of the transfer belonging to the Undertakers at such a price as failing agreement may be settled by a valuer to be agreed upon or failing agreement to be nominated by the Board of Trade on the application of either party and shall pay for the same within fourteen days after the said price has been agreed or settled as aforesaid and in default of such payment shall pay to the Undertakers interest on the amount payable in respect of such stores from the expiration of such fourteen days until the actual payment thereof at the rate of five per centum per annum and the expense of such valuation shall be paid by the council.

Differences with road authority or railway or other company.

24. If any difference arise between the Undertakers and any road authority or railway or other company whose lands or works the Undertakers have power to cross or otherwise interfere with 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 unless otherwise provided by this Order be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party.

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

25. The Undertakers may but only with the consent of the owner of the soil of such street or road upon the application of the owner or occupier of any premises within the limits of supply of the Undertakers 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 take up alter relay or renew in across or along such street or road such pipes and apparatus as may be requisite or proper for 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

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are applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof.

Power to take licences for use of patents.

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

Anti-fluctuators for gas engines.

27. Every consumer of gas supplied by the Undertakers who uses a gas engine shall if required to do so by the Undertakers use an effective anti-fluctuator and shall at all times at his own expense keep such anti-fluctuator in proper order and if any consumer shall make default in complying with the provisions of this section the Undertakers may cease to supply him with gas The Undertakers shall have access to and be at liberty to take off remove test inspect and replace any such anti-fluctuator at all reasonable times such taking off removal testing inspecting and replacing to be done at the expense of the Undertakers if the anti-fluctuator be found in proper order but otherwise at the expense of such consumer.

Gas consumers to give notice to Undertakers before removing.

28. At least twenty-four hours' notice in writing shall be given to the Undertakers by every consumer of gas supplied by the Undertakers before he shall quit any premises supplied with gas by meter by the Undertakers and in default of such notice the consumer so quitting shall be liable to pay to the Undertakers the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such premises shall require the Undertakers to supply gas to such premises whichever shall first occur Notice of the effect of this enactment shall be endorsed upon every demand note for gas charges payable to the Undertakers.

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

29. If a person requiring a supply of gas from the Undertakers has previously quitted premises at which gas was supplied to him by the Undertakers without paying to them all gas charges and meter rent due from him to the Undertakers they may refuse to furnish to him a supply of gas until he pays the same.

Period of error in defective meters.

30. 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 first arisen during

the then last preceding quarter of the year unless it shall be proved to have first arisen during the then current quarter The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Undertakers 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 charges are recoverable by the Undertakers.

Notice of discontinuance.

31. A notice to the Undertakers from a consumer for the discontinuance of a supply of gas shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office for the time being of the Undertakers.

No penalty in case of unavoidable cause.

32. No penalty shall be incurred by the Undertakers for insufficiency of pressure defect of illuminating power or 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 caused by circumstances beyond the control of the Undertakers Provided that the want of sufficient funds shall not be held to be a circumstance beyond the Undertakers' control.

Undertakers may contract with local authority and others for supply in bulk.

33. The Undertakers may enter into and carry into effect contracts with any local authority company or persons authorised to supply gas under parliamentary powers in any district adjacent to the limits of supply for the supply to them respectively of gas in bulk upon such terms and conditions and for such periods as may be agreed upon not exceeding in any case seven years from the making of the contract as may be agreed upon but nothing in this section shall authorise the Undertakers to lay any mains or interfere with any street beyond the limits of supply.

Power to erect &c. cottages for officers and servants.

34. The Undertakers may on any land for the time being belonging or leased to them erect fit up maintain and let houses cottages and buildings for the officers and servants employed by the Undertakers for the purposes of their undertaking.

8 Vict. c. 16. s. 140 incorporated.

35. Section 140 (Proof of debts in bankruptcy) of the Companies Clauses Consolidation Act 1845 shall be and is hereby incorporated with this Order Provided that for the purpose of such incorporation the expression "the company" in the said section shall be construed to mean the Undertakers.

Costs of Order.

36. 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.

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SCHEDULES.

SCHEDULE A.

Gas Lands.

The piece of freehold land (upon which the existing gasworks are constructed) belonging to the Undertakers and situate in the borough of Pwllheli and parish of Denio in the county of Carnarvon which piece of land contains 2,346 square yards or thereabouts and is bounded on the east by the Pwllheli Embankment and is opposite to the tidal gates at the mouth of the river or stream known as Afon Rhydir and is bounded on the north by land belonging to or reputed to belong to G Roberts Lloyd and Richard Newell on the south by the said river on the east by the said embankment and on the west by land belonging to or reputed to belong to the Pwllheli Corporation and is more particularly shown on the deposited map.

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 contained in the foregoing Order prescribing a standard price for gas supplied by the Undertakers with sliding scale as to the profits and as from the specified date be read and construed subject to the modifications following :—

Sections 30 to 34 of Gasworks Clauses Act 1847 to cease to be incorporated.

(1) Sections 30 to 34 (both inclusive) of the Gasworks Clauses Act 1847 shall not continue to be incorporated with or to form part of the foregoing Order and in construing the said Act for the purposes of the foregoing Order section 35 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 authorised rates as defined by the foregoing Order together with any sum which under the provisions of this schedule might lawfully be carried to the special purposes fund :

Price of gas with sliding scale as to dividend.

(2) 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 capital of the Undertakers as follows:—

In respect of any year during any part of which the price charged by the Undertakers shall have been one penny or part of a penny above the standard price the dividend payable by the Undertakers shall in respect of each penny or part of a penny by which the price shall have been increased be reduced below the standard rates of dividend by five shillings on every one hundred pounds of ordinary paid-up capital with a ten per centum standard rate of dividend and by three shillings and sixpence on every one hundred pounds of ordinary paid-up capital with a seven per centum standard rate of dividend and so in proportion for any fraction of one hundred pounds;

And in respect of any year during the whole of 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 has been reduced be increased above the standard rates of dividend by five shillings on every one hundred pounds of ordinary paid-up capital with a ten per centum standard rate of dividend and by three shillings and sixpence on every one hundred pounds of ordinary paid-up capital with a seven per centum standard rate of dividend and so in proportion for any fraction of one hundred pounds:

Power to create a special purposes fund.

(3)—(I) The directors of the Undertakers may if they think fit in any year appropriate out of the revenue of the Undertakers as part of the expenditure on revenue account any sum not exceeding an amount equal to one per centum of the paid-up capital of the Undertakers including premiums to a fund to be called "the special purposes fund";

(II) The special purposes fund shall be applicable only to meet such charges as a chartered accountant or incorporated accountant being the auditor of the Undertakers or appointed for the purpose by the Board of Trade shall approve as being—

(A) Expenses incurred by reason of accidents strikes or circumstances which due care and management could not have prevented; or

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(B) Expenses incurred in the replacement or removal of plant or works other than expenses requisite for maintenance and renewal of plant and works;

(III) The maximum amount standing to the credit of the special purposes fund shall not at any time exceed an amount equal to one-tenth part of the paid-up capital of the Undertakers including premiums;

(IV) The moneys forming the special purposes fund or any portion thereof may be invested in securities in which trustees are authorised by law to invest or may be applied for the general purposes of the Undertakers to which capital is properly applicable or may be used partly in the one way or partly in the other;

(V) Resort may from time to time be had to the special purposes fund notwithstanding that the sum standing to the credit of the fund is for the time being less than the maximum allowed by this section:

Application of excess of profits over authorised rates of dividend.

(4) If the clear profits of the undertaking of the Undertakers in any year amount to a larger sum than is sufficient to pay the dividend on the preference capital and the dividend at the authorised rate on the ordinary capital of the Undertakers the excess shall be carried to the credit of the divisible profits of such undertaking for the next following year:

Provided that the sum so carried forward shall not in any case exceed the amount required to pay one year's dividend at the authorised rate:

(5) Where in any year the dividend of the Undertakers on the ordinary share capital or stock of the Undertakers shall exceed the standard rate 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 year set apart such sum as they think fit 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 dividend at the authorised rates on the ordinary capital of the Undertakers 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.

(6) 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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