# CHAPTER xxiv.

An Act to authorise the Hartlepool Gas and Water Company to construct waterworks to confer further powers upon that Company in connexion with their undertaking and for other purposes. [22nd July 1919.] A.D. 1919.

WHEREAS the Hartlepool Gas and Water Company (in this Act referred to as "the Company") are a company incorporated by statute and authorised to supply gas and water within an area comprising the towns of Hartlepool and West Hartlepool and certain neighbouring places in the county of Durham (which area is in this Act called "the limits of supply"):

And whereas the affairs of the Company are regulated by the several Acts and the Order specified in the First Schedule to this Act (which Acts and Order are in this Act together referred to as "the recited Acts" each Act being separately referred to as the Act of the year in which the same was passed):

And whereas the share and loan capital of the Company are as set forth in the Second Schedule to this Act:

And whereas the demands of the Company's undertaking in respect of both water and gas have increased and the increase is likely to continue and it is expedient that the Company should be empowered to construct the new waterworks in this Act described and to raise additional capital funds and that the existing powers of the Company with respect to capital and borrowing should be amended as in this Act provided:

[*Price* 1*s.* 9*d.*]

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And whereas the Dalton Reservoir included in the said new waterworks is intended to be in substitution for the Dalton Reservoir Work No. 2 by the Act of 1898 authorised the powers for constructing which have expired by effluxion of time:

And whereas the raising of the cills and embankments of the Crookfoot Reservoir and the Hurworth Burn Reservoir included in the said new waterworks are intended to be in substitution for upward deviations from the levels of the said cills and embankments which the Company were entitled to carry out pursuant to powers in that behalf contained in the Act of 1898 and the Act of 1867 respectively which powers have expired by effluxion of time:

And whereas it is expedient that the powers of taking water by means of the said Dalton Reservoir Work No. 2 and the said Crookfoot Reservoir and the said Hurworth Burn Reservoir conferred upon the Company by the Act of 1898 and the Act of 1867 respectively should be made applicable to the new waterworks so substituted for works authorised under the said Acts:

And whereas it is expedient that further powers should be conferred upon the Company with respect to the management of their water and gas undertakings and matters connected therewith:

And whereas plans and sections showing the lines situations and levels of the works authorised by this Act and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Durham and are hereinafter respectively referred to as the deposited plans sections and book of reference:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

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

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Short title.

**1.** This Act may be cited as the Hartlepool Gas and Water Act 1919.

Incorporation of general Acts.

**2.** The following Acts and parts of Acts—

The Lands Clauses Acts:

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof (but for the purpose only of constructing the Dalton Reservoir by this Act authorised and the works immediately connected therewith):

The provisions of the Waterworks Clauses Act 1847 with respect to the following matters (that is to say):—

The construction of the waterworks;

The construction of works for the accommodation of lands adjoining the waterworks; and

Mines:

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

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

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

The forfeiture of shares for non-payment of calls;

The remedies of creditors of the Company against the shareholders;

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

The consolidation of the shares into stock;

The general meetings of the Company and the exercise of the right of voting by the shareholders;

The making of dividends;

The giving of notices; and

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

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And Part I. (Cancellation and Surrender of Shares) Part II. (Additional Capital) and Part III. (Debenture Stock) of the Companies Clauses Act 1863 as amended by subsequent Acts;

are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation.

**3.** In this Act—

The several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction;

The expression "undertaking" means the undertaking of the Company under the recited Acts and this Act; and

For the purposes of this Act in the provisions of the Railways Clauses Consolidation Act 1845 incorporated with this Act the expressions "the railway" "the work" and "the centre line of railway" respectively mean the Dalton Reservoir hereby authorised and the centre line of the Dalton Reservoir.

Power to make and maintain waterworks.

**4.** Subject to the provisions of this Act the Company may make and maintain in the county of Durham the following works in the situations and according to the lines and levels shown upon the deposited plans and sections (that is to say):—

Work No. 1 (Dalton Reservoir) A reservoir on Dalton Beck Char Beck Bogle Beck and Cradock Beck to collect the waters of those becks and their tributaries at "the Howls" partly in the parish of Dalton Piercy and partly in the parish of Elwick all in the Hartlepool Rural District to be formed by means of an embankment to be placed across the beck called Dalton Beck:

Work No. 2 An aqueduct conduit or line of main pipes wholly in the parish of Dalton Piercy in the Hartlepool Rural District commencing in Dalton Piercy Lane and terminating in the intended Dalton Reservoir:

Work No. 3 An aqueduct conduit or line of main pipes wholly in the parish of Dalton Piercy in the Hartlepool Rural District commencing at and in the intended

Dalton Reservoir and terminating at a point in the Dalton Piercy Road thirty-three yards north of the east end of the public road bridge over Dalton Beck:

Work No. 4 A raising of the cill and embankment of the Company's Crookfoot Reservoir for the purpose of enlarging the area and depth of the said reservoir commencing at the west end of the existing embankment of the said reservoir and terminating at a point three hundred yards along the embankment at the Embleton Road:

Work No. 5 An aqueduct conduit or line or lines of pipes commencing at the chamber on the existing line of pipes from Hurworth Burn Reservoir at the west end of the embankment of Crookfoot Reservoir in the parish of Embleton and terminating at the gauge basin of the Company's upper reservoir in the parish of Hart:

Work No. 6 A raising of the cill ninety-two feet in length at the west end of the embankment of the Company's Hurworth Burn Reservoir for the purpose of enlarging the area and depth of the said reservoir.

And the Company may enter upon take and use such of the lands delineated upon the deposited plans and described in the deposited book of reference as may be required for the purposes of this Act:

Provided that before Work No. 6 be commenced the Company shall unless it be otherwise agreed in writing with the North Eastern Railway Company (hereinafter called "the railway company") provide and construct and for ever thereafter maintain to the satisfaction of the railway company all such works and defences as shall in the opinion of the railway company be necessary to prevent any waters of Hurworth Burn Reservoir entering upon or injuring any railways or property of the railway company:

Provided also that notwithstanding anything contained in this or in any existing Act of the Company the railway company shall have full right and authority when reasonably necessary to maintain repair or renew the culvert (passing under the railway company's Stockton and Sunderland (Wellfield) Railway) which connects the two portions of the said reservoir severed by the said railway and temporarily to stop or cut off the waters of

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the said reservoir from entering the said culvert and to pump out all water from the said culvert into the said reservoir:

Provided further that the Company shall indemnify the railway company from all claims and demands in respect of any damage to any lands adjoining the said railway which under any Act of Parliament or agreement are drained or partly drained by or into the drains of the said railway company if and when such damage is caused by the holding up or waterlogging of water in the said drains resulting from the raising of the waters of the said reservoir as authorised by this Act.

Lateral and vertical deviation.

**5.** In making the works by this Act authorised or any of them the Company may deviate laterally from the lines thereof shown on the deposited plans to any extent within the limits of deviation shown or defined thereon and where on any road or any part of any road no such limits are shown the boundaries of such road shall be deemed to be such limits and the Company may also deviate vertically from the levels of any such works shown on the deposited sections to any extent not exceeding three feet upwards and ten feet downwards Provided that if it be found necessary or expedient in the construction of the Dalton Reservoir by this Act authorised to alter the situation of the embankment thereof the Company shall not construct such embankment of a greater height above the general surface of the ground than three feet above that shown on the deposited sections Provided also that no part of any aqueduct conduit or line of pipes shall be constructed or laid so as to be above the general surface of the ground unless it be so shown on the deposited sections nor to a greater height than is so shown.

Power to make subsidiary works.

**6.** The Company in addition to the foregoing works may make alter maintain and renew all proper and necessary cuts channels aqueducts culverts tunnels drains banks walls approaches engines machinery and appliances in connexion with the works hereinbefore described and authorised by this Act but nothing in this section shall exonerate the Company from any action indictment or other proceeding in the event of any nuisance being caused or permitted by them.

Temporary stoppage of streets.

**7.** The Company may with the consent of the road authority during the execution and for the purposes of any work authorised by this Act stop up any street and prevent all persons other than those bonâ fide proceeding to or returning from any house

in the street from passing along and using the same for any reasonable time and the Company shall provide reasonable access for all persons so bonâ fide proceeding to or returning from any such house. A.D. 1919.

The Company shall at all times during the execution of any such works maintain a reasonably sufficient access both for vehicular and pedestrian traffic to the stations and depôts of the North Eastern Railway Company.

Persons under disability may grant easements &c.

**8.** Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Period for compulsory purchase of lands.

**9.** The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of a period of three years from the date when the Treasury shall give their consent to the raising of the money requisite for the purchase thereof or a period of four years from the termination of the present war whichever period shall expire the earlier.

Period for completion of works.

**10.** If the waterworks by this Act authorised and shown on the deposited plans are not completed within ten years from the passing of this Act the powers by this Act granted for the making thereof or otherwise in relation thereto shall cease except as to so much thereof as is then completed Provided always that subject to the restrictions and provisions of this Act the Company may at any time after the expiration of the said period lay down additional lines of pipes and alter enlarge extend and renew their mains pipes and other works as they may think expedient to provide for the requirements of their water supply.

Works to form part of water undertaking of Company.

**11.** The waterworks authorised by this Act shall for all purposes form part of the water undertaking of the Company.

Certain provisions of Lands Clauses Consolidation Act 1845 not to apply to lands acquired by agreement.

**12.** Notwithstanding anything contained in the Gasworks Clauses Act 1871 or in any Act of or relating to the Company the provisions of sections 128 to 132 (both inclusive) of the Lands Clauses Consolidation Act 1845 shall not apply to any lands which have been or may be acquired by the Company by agreement.

Application of existing powers for taking waters to certain waterworks by this Act authorised.

**13.** Section 7 (Power for Company to take waters) of the Act of 1898 shall be read and construed as if the construction of the Dalton Reservoir and the raising of the cill and embankment of the Company's Crookfoot Reservoir by this Act authorised were works by the Act of 1898 authorised and section 26 (Power to take and use water from Hurworth Burn and Mousey Burn) of the Act of 1867 shall have effect after the raising of the cill of the Company's Hurworth Burn Reservoir by this Act authorised has been executed as if such raising had been carried out under the powers conferred by section 65 (Lateral and vertical deviations) of the Act of 1867.

Construction of existing enactment as to compensation water.

**14.** Section 10 (Provisions as to compensation water) of the Act of 1898 shall be read and construed mutatis mutandis as if the Dalton Reservoir therein referred to were the Dalton Reservoir by this Act authorised and after the raising of the cill and embankment of the Company's Crookfoot Reservoir by this Act authorised has been carried out the said section shall further be read and construed as if the Crookfoot Reservoir therein referred to were the Company's Crookfoot Reservoir as already constructed but with the cill and embankment thereof raised as aforesaid.

Dalton Reservoir not to be used for domestic purposes.

**15.** The Company shall not at any time supply water for domestic purposes from the Dalton Reservoir by this Act authorised.

For protection of Durham County Council.

**16.** Notwithstanding anything contained in this Act the following provisions for the protection of the county council shall (unless otherwise agreed in writing between the county council and the Company under their respective common seals) apply and have effect (that is to say):—

(1) In this section—

The expression "the county council" means the county council for the administrative county of Durham;

The expression "road" means any road for the time being vested in or repairable by the county council or

for or towards the cost of the maintenance and repair of which the county council are liable to pay;

The expression "the county surveyor" means the surveyor for the time being of the said county;

The expression "works" means Works Nos. 1 to 6 (inclusive) authorised by this Act and any works and appliances in connexion therewith:

(2) The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall subject to the provisions of this section extend and apply to any road opened and broken up or interfered with by the Company in the exercise of the powers of this Act Provided that—

(*a*) except in cases of leakage bursting or other emergency the notice required to be given under section 30 of the Waterworks Clauses Act 1847 shall be not less than seven days instead of three days;

(*b*) the plan required by section 31 of the last-mentioned Act shall clearly define the position in the road at which the works are proposed to be constructed and shall be accompanied by a section showing the depth below the surface of the works and (except in cases of leakage bursting or other emergency) shall be delivered to the county council or the county surveyor by the Company not less than seven days before the Company commence to open or break up the road:

(3) The county council may alter the level of or deviate or improve in any manner they think fit any road in which the works are constructed in the same manner as they might have altered deviated or improved such road in the absence of such works and in the event of such road being altered deviated or improved the Company shall at their own expense with all convenient speed on receiving fourteen days' notice in writing from the county council so to do alter the position of such works in such manner and

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to such extent as such notice may reasonably prescribe and to the reasonable satisfaction of the county surveyor and the county council shall repay to the Company the expense reasonably incurred by the Company in carrying out such alteration of position Provided that during the alteration of such road the county council shall afford all reasonable facilities to enable the Company temporarily to carry such works along such road so as not to interrupt the continuous supply of water:

(4) All works of the Company so far as they affect any road shall be so executed by the Company 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 road:

(5) The county council shall not except in case of their negligence be liable for or in respect of any damage or injury to the works arising from the ordinary use by the county council of a steam or other roller or traction engine:

(6) The Company shall make compensation to the county council for all damage or injury loss or expenses whatsoever which the county council may sustain by reason or in consequence of the failure of any reservoir aqueduct or other works of the Company:

(7) If any difference arises between the county council or the county surveyor and the Company under this section such difference shall be referred to and settled by an arbitrator to be agreed upon between the county council and the Company or failing such agreement to be appointed on the application of either party (after notice in writing to the other of them) by the President of the Institution of Civil Engineers and subject as aforesaid the Arbitration Act 1889 shall apply to any such reference.

Accommodation for workmen employed on construction of works.

**17.**—(1) The Company shall erect fit up and maintain or provide—

(*a*) such huts or buildings for the accommodation of the workmen employed in and about the construction of the works authorised by this Act;

(*b*) such hospital accommodation for the treatment of cases of sickness or accident among such workmen including accommodation for dealing with infectious diseases;

as shall be reasonably necessary having regard to the accommodation available in the neighbourhood of or conveniently accessible from the said works and shall provide and maintain proper and sufficient sanitary accommodation in connexion with every such building and hospital.

(2) The Company shall pay all reasonable costs and expenses incurred in respect of the medical and surgical treatment of any workman employed on the construction of the said works who is treated in any hospital accommodation provided by them except in so far as such costs and expenses are payable under the provisions of the National Insurance (Health) Acts 1911 to 1918 or otherwise.

(3) The medical officer of health of the Durham County Council (in this section called "the county council") and any medical officer of health and inspector of nuisances for any district in which such accommodation is afforded under this section shall be entitled at any time to enter into and inspect and examine any accommodation afforded under this section in order to ascertain whether overcrowding exists therein and whether proper and sufficient sanitary arrangements are provided.

(4) The Company shall give every such officer all facilities and information which he requires for the purpose of the performance of his duties including the right to enter upon the said works and any person obstructing such officer in the performance of his duty under this section shall be liable on summary conviction to a fine not exceeding forty shillings.

(5) If at any time it appears to the county council that the Company have failed to afford or maintain accommodation in accordance with subsection (1) of this section the Company shall afford and maintain such accommodation as the county council may require Provided that if within fourteen days after the receipt of notice of any requirement of the county council under this subsection the Company give notice to the county council that they dispute the reasonableness of any such requirement the difference shall be determined by the Local Government

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Board on the application of either of the parties to the difference and the Local Government Board may make such requirements (if any) in variation of the requirements of the county council as they may think fit.

(6) If the Company fail to afford and maintain accommodation in accordance with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding twenty pounds and to a further daily penalty not exceeding five pounds for every day on which the offence is continued after conviction and such penalties may be recovered by the county council.

(7) Any expenses incurred by the county council in carrying out the provisions of this section shall be repaid to the county council by the Company and shall be recoverable as a debt due from the Company to the county council.

(8) The Company shall pay to the Local Government Board any expenses incurred by that Board under this section including a sum not exceeding three guineas a day for the services of any inspector in connexion with any local inquiry or investigation which they may consider necessary in the exercise of their powers under subsection (5) of this section and the expenses of any witnesses summoned by the inspector.

Byelaws for preventing waste of water.

**18.**—(1) The Company may make byelaws for the purpose of preventing the waste undue consumption misuse or contamination of water and may by such byelaws prescribe the size nature materials workmanship and strength and the mode of arrangement connexion disconnexion alteration and repair of pipes meters cocks ferrules valves soil-pans waterclosets baths cisterns and other apparatus (in this section referred to as "water fittings") to be used and forbid any arrangements and the use of any water fittings which may allow or tend to waste undue consumption misuse erroneous measurement or contamination.

(2) Such byelaws shall apply only in the case of premises to which the Company are bound to afford and do in fact afford or are prepared on demand to afford a constant supply.

(3) All such byelaws shall be subject to the provisions contained in sections 182 183 184 and 186 of the Public Health Act 1875 and all penalties imposed for the breach of any such byelaws shall be recoverable in manner provided by that Act

for the recovery of penalties and those sections shall for the purposes of this section be construed as if the Company were a local authority within the meaning of those sections and the secretary of the Company were the clerk of the local authority.

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

(5) In case of failure of any person to observe such byelaws as are for the time being in force the Company may if they think fit after twenty-four hours' notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any water fittings belonging to or used by such person and not being in accordance with the requirements of such byelaws and the expense of every such repair replacement or alteration shall be recoverable by the Company as the water rates in respect of the premises are recoverable.

(6) Until any byelaws have been made confirmed and published under this section or until the expiration of two years from the date of the passing of this Act whichever period shall be the shorter any regulations made by the Company for the like purposes under section 97 (Regulations for preventing waste &c. of water) of the Act of 1867 and in force at the passing of this Act shall continue in force and have full effect.

Powers as to residual products.

**19.** The Company may upon the lands upon which they are authorised to make and store gas—

(*a*) work up and convert the residual products arising directly or indirectly from the manufacture of gas by them;

(*b*) purchase the residual products arising from the manufacture of gas by other gas undertakers and therewith manufacture other products of the same kind as the Company are manufacturing from their own residual products Provided that the quantity of any residual product so purchased by the Company in any year shall not exceed one-third of the quantity of the like

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residual product which shall in that year arise directly or indirectly from the manufacture of gas by them;

(*c*) purchase from other gas undertakers and elsewhere and use the materials required to work up and convert the residual products so arising from their own manufacture of gas or purchased as aforesaid:

But the Company shall not manufacture chemicals exclusively from raw materials purchased from sources other than gas undertakings or in the manufacture of which the use of residual products produced by the Company or purchased from other undertakings is merely subsidiary.

Exemption of certain fittings from liability to distress &c.

**20.**—(1) Any gas fittings engines stoves tubes meters pipes apparatus or appliances let for hire by the Company under statutory powers or supplied by the Company under such powers in accordance with any hire-purchase agreement in the case of which any instalment of purchase money payable under such agreement remains unpaid 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 Company and shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under process of any court or proceedings in bankruptcy against the person in whose possession the same may be Provided that such fittings engines stoves tubes meters pipes apparatus or appliances have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Company as the actual owners thereof.

(2) Nothing in this section shall affect the amount of assessment for rating of any premises upon which any such fittings engines stoves tubes meters pipes apparatus or appliances are or shall be fixed.

Power to enter premises and remove fittings.

**21.** The power to enter premises and to remove pipes meters fittings or apparatus conferred upon the Company by section 22 of the Gasworks Clauses Act 1871 shall extend to all cases in which any person entering into occupation of any premises previously supplied with gas by the Company shall not

require to take a supply of gas from the Company or to hire from the Company all or any of the pipes meters fittings or apparatus belonging to the Company and let by them on hire to any former occupier of such premises. A.D. 1919.

As to mode of cutting off supplies.

**22.**—(1) In any case in which the Company are by virtue of any enactment relating to their undertaking authorised in consequence of any default on the part of a consumer of gas to cut off and discontinue the supply of gas to the premises of such consumer it shall be lawful for the Company without prejudice to any other remedy which may be lawfully available to them to disconnect at the meter the service pipe (whether belonging to the consumer or to the Company) and any person who shall re-connect such service pipe with the meter without the consent of the Company shall be deemed to commit an offence within the meaning of section 18 of the Gasworks Clauses Act 1847:

Provided that if and so soon as the matter complained of shall have been remedied nothing in this section shall prejudice or interfere with any rights vested in any person by virtue of section 11 of the Gasworks Clauses Act 1871.

(2) For the purposes of this section the Company shall (subject to the conditions specified in section 22 of the Gasworks Clauses Act 1871) have and may exercise the like powers of entry as are exerciseable under the said section 22 for the purposes of that section.

Consumer to pay expenses of re-connecting disconnected supply.

**23.** In any case in which in consequence of any default on the part of the consumer the Company shall have cut off the supply of gas to the premises occupied by such consumer (whether under the existing powers of the Company or under the powers conferred by this Act) and the consumer so in default shall desire to resume such supply he shall pay to the Company the expenses of re-connecting the supply and the Company shall not be under any obligation to supply gas to such consumer until he shall have paid such expenses.

Power to lay pipes in private streets.

**24.** The Company may on the application of the owner or occupier of any premises within the limits of supply abutting on or being erected in any street laid out but not dedicated to public use supply those premises with gas or with water

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and for those purposes respectively the Gasworks Clauses Act 1847 shall apply as if section 7 of that Act were excepted from incorporation in this Act and the recited Acts and the Waterworks Clauses Act 1847 shall apply as if section 29 of that Act were excepted from incorporation in this Act and the recited Acts:

Provided that nothing in this section contained shall apply to any street or road belonging to and forming the approach to any station or depôt of the North Eastern Railway Company nor shall the Company in carrying out the works authorised by this section obstruct or interfere with the convenient access to any such street or road.

Power to utilise pipes for ancillary purposes.

**25.**—(1) The Company may lay down place repair alter remove and renew mains pipes and culverts in any street within the limits of supply for the purpose of procuring conducting or disposing of any oil or other materials used by them in or resulting from any manufacture of gas or any residual products thereof or for any purpose connected with their gas undertaking and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid shall so far as applicable for the purposes of this section extend and apply mutatis mutandis to and for the purposes thereof.

(2) The Company shall not under the powers of this section break up any street except with the consent of the local authority of the district in which the street is situate which consent shall not be unreasonably withheld If any question shall arise between such local authority and the Company as to whether the consent of such local authority under this subsection is unreasonably withheld the same shall be determined by the Board of Trade.

For protection of North Eastern Railway Company.

**26.** The following provisions for the protection of the North Eastern Railway Company (in this section called "the railway company") shall unless with the previous consent of the railway company in writing apply and have effect:—

(1) All mains and pipes to be laid by the Company under the powers of this Act over or under any bridge of the railway company shall be carried over or under the same in such a way as not to interfere

with the structure of any such bridge and all other mains and pipes to be laid or maintained by the Company under the powers of this Act which shall cross any railway of the railway company shall be carried under the same in a culvert or culverts of sufficient dimensions to admit of such mains and pipes being relaid or repaired without interference with the railway the top of any such culvert in no case being nearer the bottom of the rails of the railway than three feet:

(2) In laying and maintaining any mains pipes culverts or other works under the powers of this Act over upon or across or under any work or property of the railway company the Company shall execute and maintain their works under the direction and superintendence and to the reasonable satisfaction of the engineer of the railway company and in accordance with plans drawings and specifications previously submitted to and approved by him and shall pay and make good to the railway company all loss damages and expenses which the railway company shall sustain or be put to by or in consequence of the laying maintenance or user of the said mains pipes culverts and other works or by or in consequence of the bursting of or any other accident to any main or pipe of the Company or otherwise howsoever:

(3) If at any time it is found necessary in order to enable the railway company to carry out any alterations or extensions of their railway or works under their existing powers that the position of such mains pipes or culverts shall be altered the Company shall on receiving notice in writing from the railway company so to do at their own cost with all dispatch alter the position of the same so far as may be necessary to enable the railway company to carry out such alterations or extensions and the provisions of this section shall apply to the said mains pipes or culverts in their altered position:

(4) If the railway company give to the Company notice that they themselves desire to construct so much of the works or to carry out so much of the alterations of such mains pipes or culverts as will affect any

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railway or work belonging to them the railway company may themselves execute such works and alterations and recover the reasonable cost thereof from the Company :

(5) Any difference arising between the Company and the railway company under this Act shall be determined by an engineer to be appointed failing agreement by the President of the Institution of Civil Engineers and in accordance with the Arbitration Act 1889.

Purchase &c. of gas from other companies bodies and persons.

**27.** The Company may enter into and carry into effect contracts and agreements with any local authority company body or person supplying or authorised to supply gas within any area or limits of supply adjoining or near to the limits of supply for the time being of the Company and with any company body or person producing gas in connexion with the carrying on of any works trade or business by such company body or person whether within or outside the limits of supply for the time being of the Company with reference to the purchase and taking by the Company of a supply of gas from any such local authority company body or person as aforesaid Subject to the provisions of this Act the Company may within the limits of supply and (with the consent of the road authority for any road which may be affected) outside those limits lay mains and pipes for the purposes of this section and open and break up roads for that purpose.

Company may contract with local authority &c. for supply of gas in bulk.

**28.** The Company may contract with any local authority company or persons authorised to supply gas under parliamentary powers in any district adjacent to the Company's limits of supply for the supply to them respectively of gas in bulk upon such terms and conditions and for such periods 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 Company to lay any mains or other pipes or to interfere with any street beyond their limits of supply.

Application of authorised capital.

**29.** The Company may apply for the purposes of this Act to which capital is properly applicable any money which they have raised or are authorised to raise for the purposes of their undertaking Provided that any such money which under the recited Acts is appropriated exclusively for the purposes of the water undertaking or the gas undertaking (as the case may be)

of the Company shall not be applied otherwise than in accordance with such appropriation.

Power to Company to raise additional capital.

**30.** The Company may raise additional capital not exceeding in the whole one hundred thousand pounds by the creation and issue of new ordinary stock or new preference stock or partially by each of those modes but no such stock shall vest in the person or corporation accepting the same unless and until the full price of such stock including any premium obtained upon the sale thereof shall have been paid in respect thereof Provided that it shall not be lawful for the Company to create and issue under the powers of this Act any greater nominal amount of capital than shall be sufficient to produce including any premiums which may be obtained on the sale thereof the sum of one hundred thousand pounds All ordinary stock created and issued under the powers of this section shall when issued in all respects and for all purposes whatsoever form one stock with the Company's existing ordinary stock.

New stock to be sold by auction or tender.

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

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

(*a*) Notice of the intended sale shall be given in writing to the town clerks of Hartlepool and West Hartlepool 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 said boroughs and rural district:

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

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

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

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

(3) Any stock which has been so offered for sale and is not sold may be offered at the reserve price to the holders of ordinary and preference stock of the Company in accordance with the provisions of sections 18 19 and 20 of the Companies Clauses Act 1863 and to the employees of the Company and to the consumers of gas supplied by the Company in such proportions as the Company may think fit or to one or more of these classes of persons only Provided in the case of an offer to holders of stock that if the aggregate amount of 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 stock which has been offered for sale in accordance with subsection (2) or with subsections (2) and (3) and is 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 stock then remaining unsold may be otherwise disposed of at such price and in such manner as the directors may determine for the purpose of realising the best price obtainable.

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

Reserve price on sale of stock.

**32.** Notwithstanding anything contained in section 23 of the Act of 1898 and section 13 of the Act of 1900 it shall be lawful for the Company for the purpose of any sale by auction or tender of any stock created under either of those Acts or this Act to fix such reserve price as they think fit and so much

of each of those sections as provides that the reserve price put upon the shares or stock referred to in that section for the purpose of sale by auction or tender shall not be less than the nominal amount thereof shall be and the same is hereby repealed.

Power to issue certain stock as preference stock.

**33.** The power conferred upon the Company by the Act of 1898 as amended by subsection (2) of section 4 of the Act of 1900 of creating and issuing stock to the amount of one hundred and twelve thousand pounds less the amount of any premiums which may be obtained on the sale thereof may so far as such power has not already been exercised by the creation and issue of ordinary stock as provided by the said subsection (2) be exercised by the creation and issue of new preference stock if and so far as the Company so determine.

Dividend on preference stock.

**34.** Section 12 (Limit of dividend on additional capital) of the Act of 1900 so far as the same relates to any additional capital which may be created and issued after the passing of this Act as preference stock shall be read and construed as if the word "seven" had therein been inserted instead of the word "five".

Application of premium arising on issue of stock.

**35.** Any sum of money which shall arise from the issue of any stock under this Act by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Company but shall be expended in extending or improving the gasworks or waterworks of the Company or in paying off money borrowed or owing on mortgage by the Company and shall not be considered as part of the capital of the Company entitled to dividend Provided that for the purpose of determining the amount which the Company may raise by borrowing or may carry to an insurance or reserve fund any such premiums shall be reckoned as part of the paid-up capital.

Limit of dividend on additional capital.

**36.** The Company shall not in any one year make out of their profits any larger dividend on the additional capital to be raised under the powers of this Act than at the rate of five pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital or seven pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as preference capital.

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Appropriation of additional capital.

**37.** The additional capital of one hundred thousand pounds by this Act authorised to be raised shall be called "water capital" and be appropriated to and used for the water undertaking only of the Company.

Additional borrowing powers in respect of existing capital powers.

**38.** The Company may subject to the provisions of this Act borrow on mortgage of the undertaking—

(*a*) at any time after the passing of this Act any sum or sums not exceeding in the whole (including the sums already borrowed under the powers conferred by the recited Acts) one-third part of the capital (including premiums) raised by the Company before the passing of this Act;

(*b*) from time to time any sum or sums not exceeding in the whole one-third part of the amount of any capital (including premiums) for the time being raised after the passing of this Act under the powers of the recited Acts as amended by this Act Provided that no such sum shall be borrowed in respect of any capital so raised until the Company have proved to a justice of the peace before he gives his certificate under the fortieth section of the Companies Clauses Consolidation Act 1845 that the whole of the stock at the time issued together with the premium (if any) realised on the sale thereof has been fully paid up.

Power to borrow in respect of additional capital.

**39.** The Company may subject to the provisions of this Act borrow on mortgage of their undertaking any sum or sums not exceeding in the whole one-third part of the amount of the additional capital by this Act authorised to be raised and at the time actually issued by stock but no part thereof shall be borrowed until the whole of the stock at the time issued together with the premium (if any) realised on the sale thereof shall have been fully paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that such stock and premium (if any) have been issued and fully paid up and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

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Company may issue redeemable preference and debenture stock.

**40.**—(1) The Company may issue as redeemable preference or debenture stock any preference or debenture stock which they are by the recited Acts or this Act authorised to create and issue and which has not been issued before the passing of this Act and the resolution authorising the creation and issue or the issue as the case may be of such redeemable stock shall specify the terms and conditions on which such stock shall be redeemed.

(2) If it is so provided in the resolution under which any such redeemable preference or debenture stock (hereinafter in this section referred to as "redeemable stock") is created or issued as the case may be the Company may—

(*a*) call in and pay off the redeemable stock or any part thereof at any time before the date for redemption; and

(*b*) redeem the redeemable stock or any part thereof either by paying off the redeemable stock or by issuing to the holder thereof subject to his consent other stock in substitution therefor and may from time to time for the purpose of providing the necessary money for paying off the redeemable stock or of providing substituted stock create and issue new stock (either redeemable or irredeemable) or reissue under the same or altered conditions redeemable stock originally issued or created and issued under this section.

(3) The provisions of the sections of this Act whereof the marginal notes are "New stock to be sold by auction or tender" and "Application of premium arising on issue of stock" shall apply to any preference or debenture stock created and issued for the purpose of providing money for paying off redeemable stock.

Priority of mortgages and debenture stock over other debts.

**41.** All money raised or to be raised by the Company on mortgage or debenture stock shall have priority aganst the Company and the property of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act Provided always that this priority shall not affect any claim against the Company or their property in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved by or payable under any

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lease granted or made to the Company in pursuance of any Act relating to the Company which is entitled to rank in priority to or pari passu with the interest on their mortgages or debenture stock.

Repeal of provisions of Act of 1900 as to receiver.

**42.** Section 20 of the Act of 1900 (As to appointment of a receiver) is hereby repealed but subject and without prejudice to any appointment made or proceedings taken under or by virtue of that section and in force or pending at the time of the passing of this Act.

As to appointment of a receiver.

**43.** The mortgagees of the Company's undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than five thousand pounds in the whole.

Existing mortgages to have priority.

**44.** All mortgages granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages and subject to the provisions of the Acts under which such mortgages were respectively granted have priority over any mortgages granted by virtue of this Act but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Debenture stock.

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

Rate of interest on debenture stock.

**46.** Notwithstanding anything contained in section 22 of the Act of 1878 or in any resolution relating to any debenture

stock created by the Company but not issued before the passing of this Act any debenture stock created by the Company after the passing of this Act whether under this Act or any of the recited Acts and any debenture stock created by the Company before the passing of this Act but not issued shall bear interest at such rate not exceeding six per centum per annum as shall be prescribed by resolution of the Company in general meeting.

Application of moneys.

**47.** All money raised under this Act whether by stock or borrowing or by debenture stock shall be applied only for purposes of the Company to which capital is properly applicable.

Consent of Treasury to raising of money.

**48.** Notwithstanding anything in this Act the Company shall not under the powers of or for the purposes of this Act raise or borrow any money during the continuance of the present war and twelve months thereafter unless the consent of the Treasury has been previously obtained.

Authentication and service of notices by Company.

**49.** Any notice to be served by the Company on a person supplied with gas shall be sufficiently authenticated by the signature of the secretary of the Company or other officer of the Company for the time being authorised in writing by the directors thereof being affixed thereto in writing or in print or by a stamp or if it be a notice to pay any charge in respect of a supply of gas or water or gas or water fittings or appliances by the name either of the secretary or such other officer as aforesaid being affixed thereto in writing or in print or by a stamp and any such notice may be served on such person either personally or by sending the same through the post by a prepaid letter addressed to him by name at his last-known or usual place of abode or business or by delivering the same to some inmate at his last-known or usual place of abode or business or to any inmate of the premises supplied or if such premises be unoccupied and the place of abode of the person to be served is after proper inquiry unknown it shall in the case of any notice not being a notice to pay any charge be sufficient to affix such a notice or a copy thereof upon some conspicuous part of such premises.

Power for directors to determine remuneration of secretary.

**50.** In addition to the powers which the directors may exercise under the Companies Clauses Acts 1845 to 1889 they may from time to time determine the remuneration of the secretary of the Company.

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Contents of summons or warrant.

**51.** Where the payment of more than one sum by any person is due under this Act or any of the Acts and Order relating to the Company the summons or warrant issued for the purposes of such Act or Order in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

Judges not disqualified.

**52.** A judge of any court or a justice shall not be disqualified from acting in the execution of this Act or any of the Acts or Order relating to the Company by reason of his being liable to any rate.

Repeal of certain sections of Act of 1867.

**53.** The sections of the Act of 1867 whereof the numbers and marginal notes are set forth in the Third Schedule to this Act are hereby repealed Provided that in the case of section 97 (Regulations for preventing waste &c. of water) of the Act of 1867 the repeal shall be subject to the provisions of subsection (6) of the section of this Act whereof the marginal note is "Byelaws for preventing waste of water."

Costs of Act.

**54.** All costs charges and expenses of incident and preliminary to the preparing and applying for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company and may in whole or in part be charged against revenue.

Any sum so charged shall be spread over the year ending on the thirty-first day of December one thousand nine hundred and nineteen and the two next following years and the amount to be charged against the revenue of each of those years shall be as nearly as may be one third part of the amount which the Company or the directors thereof determine to charge against revenue under the powers of this section.

The SCHEDULES in the foregoing Act referred to. A.D. 1919.

## THE FIRST SCHEDULE.

### Acts relating to the Company.

The Hartlepool Gas and Water Act 1867.
The Hartlepool Gas and Water Act 1867 Amendment Act 1874.
The Hartlepool Gas and Water Act 1878.
The Hartlepool Gas and Water Act 1890.
The Hartlepool Gas and Water Act 1898.
The Hartlepool Gas and Water Act 1900.
The Hartlepool Gas (Standard of Calorific Power) Order 1918.

## THE SECOND SCHEDULE.

### Present Capital of the Company.

| Acts. | Authorised. | | Raised. | | To raise. | |
|---|---|---|---|---|---|---|
| | Shares. | Loans. | Shares. | Loans. | Shares. | Loans. |
| | | £ | | £ | | £ |
| 1846 - - - | 9,000 | — | 9,000 | — | — | — |
| 1849 - - - | 25,000 | — | 25,000 | — | — | — |
| 1855 - - - | 66,000 | 25,000 | 66,000 | 25,000 | — | — |
| 1867 - - - | 100,000 | 25,000 | 100,000 | 25,000 | — | — |
| 1878 - - - | 200,000 | 50,000 | 200,000 | 50,000 | — | — |
| 1898 - - - | 80,000 | 20,000 | — | — | 80,000 | 20,000 |
| Total up to 1898 (gas and water) | 480,000 | 120,000 | *400,000 | 100,000 | 80,000 | 20,000 |
| 1900 | | | | | | |
| Issued capital consolidated and converted into - | †587,000 | ‖100,000 | 587,000 | 100,000 | — | — |
| Water capital - | ‡112,000 | 20,000 | 68,483 | 13,500 | 43,517 | 6,500 |
| Gas capital - - | §150,000 | 37,500 | 37,305 | 9,000 | 112,695 | 28,500 |
| | 849,000 | 157,500 | 692,788 | 122,500 | 156,212 | 35,000 |
| | £1,006,500 | | £815,288 | | £191,212 | |
| | | | £1,006,500 | | | |

* In addition to this sum premiums amounting in total to £58,337 were received on the issue of the shares.

† Ordinary stock with 5 per cent. maximum dividend.

‡ Ordinary stock with 5 per cent. maximum dividend (in substitution for unissued capital under Act of 1898).

§ Ordinary stock or preference stock with 5 per cent maximum dividend.

‖ In respect of £50,000 of this sum the interest is limited by Act of 1878 to 5 per cent. per annum.

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## THE THIRD SCHEDULE.

### Sections of the Hartlepool Gas and Water Act 1867 repealed by this Act.

| Number of Section. | Marginal Note of Section. |
|---|---|
| 69 | Power for Company to make and let meters. |
| 70 | Consumption of gas by meter. |
| 71 | Repairs of meters. |
| 72 | On notice Company to fix &c. meters. |
| 73 | Removal of meter &c. from unoccupied premises. |
| 74 | Penalty for fraudulently injuring meters &c. |
| 78 | Power to test lighting power and purity of gas. |
| 79 | Penalties if gas not of due lighting power or purity. |
| 80 | Costs of experiment to abide event. |
| 83 | Register of gas meter to be primâ facie evidence. |
| 84 | Compelling Company to supply consumers. |
| 85 | Penalty for failure by Company to furnish supply of gas. |
| 86 | Security for payment of gas rent. |
| 87 | Justice may determine nature of security. |
| 88 | Incoming tenant not liable to pay arrears of gas rent or water rate. |
| 94 | Water rates where several houses supplied together. |
| 97 | Regulations for preventing waste &c. of water. |
| 100 | Recovery of money by action or suit. |
| 101 | Recovery of money by distress. |
| 102 | Costs of distress. |
| 103 | Several names in one warrant. |
| 104 | Justices not disqualified from liability to act &c. |

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