ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

VICTORIÆ REGINÆ.

Cap. cix.

An Act to grant further Powers to the *Nottingham* Gaslight and Coke Company.

[23d *June* 1864.]

WHEREAS by "The *Nottingham* Gas Act, 1853," in this Act called "the Act of 1853," the previous Acts relating to the *Nottingham* Gaslight and Coke Company, in this Act called the Company, were repealed, and the Incorporation of the Company was continued, and they were authorized to supply Gas within the Limits in such Act defined: And whereas by "The *Nottingham* Gas Amendment Act, 1858," in this Act called "the Act of 1858" the Company were authorized to raise further Sums of Money, and the Limits within which they were authorized to supply Gas were extended: And whereas by "The *Nottingham* Gas Amendment Act, 1863," in this Act called "the Act of 1863," the Company were authorized to purchase additional Lands for the Erection of Gasworks: And whereas it is expedient that the Limits within which the Company may supply Gas should be further extended: And whereas certain Works have been established without the Authority of Parliament for the Supply of Gas to the Villages of *Beeston* and *Eastwood*, and it is expedient that the Company be authorized to purchase by Agreement the Pipes and Apparatus (other than the Apparatus used for manufacturing Gas) laid down for supplying Gas in such

21 & 22 Vict. c. ix.

26 & 27 Vict. c. xli.

Villages, and to use them for the Purposes of their Undertaking: And whereas it is expedient that further Powers should be given to the Company with respect to the Supply of Meters and Fittings, the Manufacture and Sale of the residual Products of Gas, and for the Prevention of Frauds upon the Company, and for other the Purposes herein-after mentioned: And whereas the several Purposes aforesaid 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 Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Short Title.

1. In citing this Act for any Purpose it shall be sufficient to use the Expression "The *Nottingham* Gas Act, 1864."

Interpretation of Terms.

2. For the Construction of this Act the following Words and Expressions shall have the several Meanings hereby respectively assigned to them, unless there be something in the Subject or Context repugnant to or inconsistent with such Construction; (that is to say,)

The Expression "the recited Acts" means the Act of 1853, the Act of 1858, and the Act of 1863:

The Expression "the Lighting Authority," means and includes the Town Lighting Committee acting under the Act of the Sixth Year of the Reign of Her present Majesty, Chapter Two (Local), the Inspectors acting under the Public and General Act of the Third and Fourth *William* the Fourth, Chapter Ninety, "The Public Health Supplemental Act, 1849," "The Local Government Act, 1858," and any other Public Body entrusted with the public lighting of the Streets within the Limits of the recited Acts and this Act.

10 & 11 Vict. c. 15. incorporated.

3. "The Gasworks Clauses Act, 1847," is incorporated with this Act: Provided always, that such Incorporation shall not affect the Rate of Dividend prescribed by the Tenth Section of the Act of 1858.

Same Meanings to Words, &c. in incorporated Acts as in this Act.

4. The several Words and Expressions to which by the Act incorporated herewith and by the recited Acts Meanings are assigned shall have in this Act the same respective Meanings, unless there be in the Subject or Context something repugnant to or inconsistent with such Construction.

Limits within which Company may supply Gas.

5. The Limits within which the Company may supply Gas shall extend to and include the several Parishes following, in addition to the Parishes, Townships, and Extra-parochial Places within the Limits of

of the Act of 1853 and the Act of 1858; (that is to say,) *Ruddington*, *Clifton-with-Glapton*, *Barton-in-Fabis*, *Attenborough*, *Beeston*, *Bramcote*, *Stapleford*, *Trowell*, *Cossall*, *Wollaton*, *Eastwood*, *Greasley*, *Strelley*, *Hucknall-Torkard*, *Papplewick*, *Woodborough*, *Lambley*, *Burton Joyce*, *Shelford*, *Ratcliffe-on-Trent*, *Cotgrave*, *Holme Pierrepont*, *Plumtree*, *Tollerton*, *Edwalton*, and *Bradmore*, all in the County of *Nottingham*; and it shall be lawful for the Company, within such extended Limits, to exercise the same Powers as they could have exercised if such extended Limits had been included within the Limits of the Act of 1858.

Power to take limited differential Rents for Gas in extended Districts.

6. For the Purpose of reimbursing the Company for any Increase in the Expense of supplying Gas within the Parishes aforesaid to which the Powers of the Company are extended by this Act, beyond the Expense of such Supply within the Limits defined in "the Act of 1853," the Company may, if they think fit, charge for the Gas supplied by them in those Parishes such Sum in addition to the Price or Rate at which the Gas is for the Time being charged under similar Circumstances, or for similar Quantities in the District within the Limits defined in "the Act of 1853," as they shall think proper, but such additional Sum shall not in any case exceed One Shilling for every One thousand Cubic Feet of Gas.

Power to purchase certain Gas Pipes.

7. The Company may, by Agreement with the Owners thereof, purchase and use any Pipes or Apparatus (other than the Apparatus used for manufacturing Gas) laid down and fixed in any Street or other Place in the Parish of *Beeston*, and may use the same for the Purposes of this Act.

Purchase of Works at Eastwood.

8. Before supplying Gas within the Parish of *Eastwood* the Company shall, if so required by *Samuel John Barber* or other the Owner for the Time being holding from or under him, purchase and use for the Purposes of the Undertaking the Gasworks and Pipes there established and laid down by the said *Samuel John Barber*, upon such Terms as shall be mutually agreed upon between the Parties, or as, in case of Difference, shall be settled by Arbitration in manner provided by "The Lands Clauses Consolidation Act, 1845," for settling Cases of disputed Compensation.

To burn by Meter.

9. Every Consumer of the Gas of the Company, except as herein-after mentioned with respect to the public Lamps, shall, upon the Request or under the Regulations of the Company, consume Gas by Meter.

Powers to the Company to let Meters.

10. The Company may let for Hire any Meter for ascertaining the Quantity of Gas consumed or supplied, and any Fittings thereto, and

and the Remuneration of the Company therefor shall be recoverable in the same Manner as the Rents or Sums due to the Company for Gas, and such Meter and Fittings shall not be subject to Distress or to the Landlord's Hypothec for Rent of the Premises where the same may be used, nor to be taken in execution under any Process of a Court of Law or Equity or any Proceedings in Bankruptcy against the Persons in whose Possession the same may be.

Register of Gas Meters to be primâ facie Evidence.

11. The Register of the Index of the Meter shall be *primâ facie* Evidence of the Quantity of Gas consumed by any Customer of the Company and in respect of which any Rent is charged and sought to be recovered by the Company.

Penalty for injuring Meters, &c.

12. Every Person who shall wilfully, fraudulently, or by culpable Negligence injure or suffer to be injured any Meter or Fittings belonging to the Company, or shall alter the Index of any Meter, or who shall otherwise fraudulently consume or use the Gas of the Company, shall forfeit to the Company a Sum not exceeding Five Pounds for each Offence, and the Company may, in addition thereto, recover the Amount of any Damage by them sustained; and the Company may also discontinue the Supply of Gas to or for the Use of the Person so offending, notwithstanding any Contract which may have been previously entered into.

Power to remove Meters and Fittings.

13. It shall be lawful for the Company, after Twenty-four Hours Notice in Writing under the Hand of the Clerk to the Company to the Occupier, or if unoccupied then to the Owner or Lessee of any Land, House, or Building in which any Pipes, Mains, Meters, or Fittings belonging to the Company are laid or fixed, and through or in which the Supply of Gas shall from any Cause other than the Neglect or Default of the Company be discontinued, to enter such Land, House, or Building between the Hours of Nine in the Morning and Four in the Afternoon for the Purpose of removing, and to remove, such Pipes, Meters, or Fittings, repairing all Damages caused by such Entry or Removal; and every such Notice shall be served by being delivered to the Person for whom it is intended or left at his usual or last-known Place of Abode, or if such Person reside or be beyond the Limits of this Act and the recited Acts, then by being sent by Post addressed to such Person in a registered Letter, or if such Person or his Address be not known to the Company, then by being affixed on some conspicuous Part of such Land, House, or Building.

Power to Company to exercise Patent Rights.

14. It shall be lawful for the Company to manufacture and sell any Matters or Things producible from the residual Products arising from the Manufacture of Gas, and to take and use any Licence

Licence under any Letters Patent at any Time heretofore made or hereafter to be made granting any Right or Privilege of working, using, exercising, or vending any Invention in relation to the Manufacture and Distribution of Gas or the Utilisation of the residual Products arising from the Manufacture of Gas, or otherwise in relation thereto, for and during the Term during which such Letters Patent shall be in force: Provided always, that the Company shall not be entitled to take any such Licence except for Use by them within the Limits of this Act and the recited Acts; provided also, that nothing herein contained shall prevent the Company from being liable to an Indictment for Nuisance or to any other legal Proceedings to which they may be liable in consequence of the Manufacture and Sale of any Matters or Things producible from the residual Products arising from the Manufacture of Gas.

As to laying the Mains and Service Pipes.

15. Subject to the Provisions of this Act, the Company shall at their own Expense, upon the Request in Writing of any Lighting Authority, provide, lay down, fix, maintain, and keep in repair all Mains necessary for the proper lighting of such of the Streets within the said Limits as are mentioned in such Request, and provided the Lamps to be supplied shall be fixed at not exceeding the average Distance of Eighty Yards along the Course of any Main to be laid down by the Company for conveying Gas to such Lamps.

Company to supply Gas to public Lamps on Request of Lighting Authority.

16. The Company shall from Time to Time, at the Request in Writing of any such Lighting Authority, supply all or any of the present public Lamps within the said Limits, or such other public Lamps to be hereafter provided and fixed as aforesaid, with so much Gas, and to be delivered at and for such Times and Periods, as the Parties on whose Request the Supply of Gas is made may from Time to Time desire.

Price of Gas supplied to public Lamps.

17. The Price to be charged by the Company and to be paid to them by the Lighting Authority within the extended Limits by this Act authorized for all Gas so supplied to or for any such public Lamps shall always be calculated and fixed at and according to the lowest Price for the Time being charged by the Company to any private Consumer in the Parish or Place within such extended Limits in which such public Lamps shall be situated.

Meters for public Lamps.

18. The Gas supplied to the public Lamps within the Limits of this Act and the recited Acts shall be consumed by Meter, at the Option from Time to Time of the Lighting Authority or the Company; and in case of its being consumed by Meter, the Meters shall be

be provided by the Company at the Expense of the Lighting Authority; but neither Party shall, except as herein-after provided, be entitled to require that a Meter be affixed to more than One in every Twelve Lamps then supplied with Gas under this Act or the recited Acts; provided also, that the Company shall be at liberty, if they think fit, to have a Meter affixed to any additional Number of Lamps, they providing such Meters, and paying to the Lighting Authority the additional Expense of providing and adjusting the Lamps, Lamp-posts, and other Things necessary for their Reception and Use: Provided always, that if the Gas shall under the Provisions of this Act be supplied to the public Lamps by average Meter Indication, the Company shall, for securing Uniformity of Consumption between the metered and the unmetered Lamps, from Time to Time provide the public Lamps under the Control of the Lighting Authority with proper regulating Apparatus and Burners to the Satisfaction of the Lighting Authority, or, in case of Difference, as from Time to Time shall be settled by the Justices in Petty Sessions assembled.

Regulation Governors to be attached to the public Lamps.

Average Amount of Indication to be deemed Amount consumed.

19. The average Amount of the Indications of all the Meters attached to the public Lamps under the Control of any Lighting Authority shall be deemed to be the Amount consumed by each such Lamp.

Gas to be supplied to Public Lamps without Obstruction.

20. The Gas supplied to any such public Lamp shall be permitted to pass unrestricted to and from such regulating Apparatus for the whole of the Period during which any such public Lamp shall be lighted.

Recovery of Sums due to the Company.

21. Whenever any Person neglects to pay any Rate or Sum due and payable by him to the Company, the Company may recover the same in any Court of Jurisdiction competent to the Recovery of Debts of the like Amount, and the Remedies of the Company under this Enactment shall be in addition to their other Remedies for the Recovery of such Rate or Sum, and such Rate or Sum shall be deemed to be a Simple Contract Debt and not a Debt or Demand created by Statute.

Defining Expressions "Superior Courts" or "Court of competent Jurisdiction."

22. The Expression "Superior Courts" or "Court of competent Jurisdiction," or any other like Expression in this Act, shall read and have effect as if the Debt or Demand with respect to which the Expression is used were a common Simple Contract Debt and not a Debt or Demand created by Statute.

Liability to Gas Rate not

23. No Justice or Judge of any County Court or Quarter Sessions shall be disqualified from acting in the Execution of this Act by reason

reason of his being liable to the Payment of any Gas Rent, Rate, or other Charge under this Act. to disqualify Justices.

24. Penalties imposed on the Company for one and the same Offence by several Acts of Parliament shall not be cumulative, and with relation to such Penalties this Act and the Act incorporated therewith shall be deemed several Acts. Penalties not cumulative.

25. All the Costs, Charges, and Expenses of and incident to the passing of this Act, and preparatory thereto, shall be paid by the Company. Expenses of Act.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1864.