CHAPTER ccv.

An Act for granting further powers to the Nottingham Gaslight and Coke Company. A.D. 1873. [28th July 1873.]

WHEREAS the Nottingham Gaslight and Coke Company (in this Act called the Company) were incorporated by The Nottingham Gas Act, 1853, and their powers were extended by the following Acts; namely,— 16 & 17 Vict. c. xi.

The Nottingham Gas Amendment Act, 1858; 21 & 22 Vict. c. ix.

The Nottingham Gas Amendment Act, 1863; and 26 & 27 Vict. c. xli.

The Nottingham Gas Act, 1864; 27 & 28 Vict. c. cix.

and under the powers of those Acts (which are herein-after referred to as the recited Acts) or some of those Acts, they are now supplying with gas the town of Nottingham, and various parishes and places in the county of Nottingham:

And whereas the share capital of the Company is fixed at four hundred thousand pounds, and their borrowing powers are limited to forty thousand pounds:

And whereas the Company will shortly have expended all their capital, and they have exhausted their borrowing powers:

And whereas the consumption of and the demand for gas within the limits of the said Acts have greatly increased and are still increasing, and it is expedient that the Company be authorised to acquire additional lands and raise additional capital by shares and by loan for the purposes of their undertaking:

And whereas the objects 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,)

1. This Act may be cited as "The Nottingham Gas Act, 1873." Short title.

2. "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869;" Provisions of general Acts herein

A.D. 1873.

named incorporated.

The provisions in "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 the nonpayment of calls;

The remedies of creditors of the Company against the shareholders;

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

The conversion of borrowed money into capital;

The consolidation of shares into stock;

The making of dividends;

The giving of notices;

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

Parts I., II., III. (relating respectively to cancellation and surrender of shares, to additional capital, and to debenture stock) of "The Companies Clauses Act, 1863," as amended by "The Companies Clauses Act, 1869;"

are (except where varied by this Act or inconsistent with the provisions thereof) incorporated with and form part of this Act; and from and after the thirtieth day of June one thousand eight hundred and eighty, "The Gasworks Clauses Act, 1871," (except the sections relating to the supply of gas to local authorities,) shall apply to the existing undertaking of the Company as if the same were hereby authorised: Provided that the annual statement of accounts required by section thirty-five of that Act to be forwarded to the local authorities shall be so forwarded on or before the twenty-ninth day of September, instead of on or before the twenty-fifth day of March in every year, and shall be made up to and include the preceding thirtieth day of June instead of the thirty-first day of December in every year; provided also, that for the purposes of "The Gasworks Clauses Act, 1871," the prescribed number of candles, burner, and testing place shall be the number of candles, burner, and testing place prescribed by "The Nottingham Gas Amendment Act, 1858."

Interpretation of terms.

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; and in construing this Act, and in construing for the purposes of this Act the Acts incorporated herewith, the expressions "superior courts," or "court of competent jurisdiction," or any other like

expression in this Act or any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute.

Power to take additional lands.

4. And whereas plans describing the lands which by virtue of this Act are intended to be or may be taken or used for the purposes of the undertaking of the Company, and also books of reference to such plans containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of such lands, have been deposited with the clerk of the peace for the county of Nottingham: And whereas such lands are more particularly described in the schedule to this Act annexed: Therefore, subject to the provisions of this Act, the Company may, for the general purposes of their undertaking, enter upon, take, and use the lands delineated on the said plans, and described in the books of reference thereto, and more particularly described in the said schedule, and all estates and interests in the said lands, or in any part thereof, and may stop up all roads and ways within the limits of deviation defined on the deposited plans which are shown thereon, and may appropriate for the purposes of this Act the sites of such roads and ways.

Correction of errors as to lands.

5. If any omission, misstatement, or wrong description of any lands, or of any owner, lessee, or occupier of any lands described in, or intended or purporting to be described in the deposited plans and book of reference be discovered, the following provisions shall have effect, videlicet:

The Company may apply to two justices for the correction thereof, giving ten days notice in writing to the owners, lessees, and occupiers of the lands affected by the proposed correction;

If it appear to such justices that the omission, misstatement, or wrong description arose from mistake, they shall certify the same, stating in the certificate the particulars of the omission, misstatement, or wrong description;

The certificate shall be deposited with the clerk of the peace for the county of Nottingham, who shall safely keep the same in like manner and subject to the like regulations as the deposited plans and book of reference;

Thereupon the deposited plans and book of reference shall be deemed to be corrected according to the certificate, and the Company may enter on, take, and use the lands for the general purposes of their undertaking in accordance with the certificate as if there had not been any omission, misstatement, or wrong description, and a copy of or an extract from such certificate purporting to be under the hand of the clerk of the peace aforesaid (which copy or extract he shall give when required

A.D. 1873.

under his hand to any person interested) shall be conclusive evidence of such correction.

Powers of compulsory purchase limited.

6. The powers by this Act granted to the Company for the compulsory purchase of lands shall not be exercised after five years from the passing of this Act.

Additional lands by agreement.

7. The Company may acquire by agreement, and hold for the purposes of their undertaking, in addition to the lands now held by them or acquired under this Act, any lands not exceeding in the whole fifty acres.

Prohibiting manufacture of gas, &c., except on certain lands.

8. The Company shall not manufacture gas, or residual products, or store gas, except on lands which they are by the recited Acts authorised to use for those respective purposes, and on the land described in the schedule to this Act.

Sale of lands.

9. The Company may at any time hereafter sell and dispose of any lands vested in them, or which they are authorised to acquire, or which they may hereafter acquire, and which shall not be required for the purposes of the Company, and the Company may also from time to time sell and dispose of any works, buildings, or erections, or any lands belonging to them which shall not be required for the purposes of the Company.

Power to raise additional capital.

10. In addition to the capital authorised by the recited Acts, the Company may from time to time raise, by the creation and issue of new ordinary shares or stock, or wholly or partially by one or both of these modes, such further sum or sums as they may think proper, not exceeding in the whole four hundred thousand pounds.

Division of additional capital in shares.

11. Such additional capital shall be divided into shares of the nominal value of fifty pounds each, and such shares are herein-after distinguished as "additional shares."

New shares not to issue until one fifth paid up.

12. The Company shall not issue any such share, nor shall any such share vest in the person accepting the same unless and until a sum not being less than one fifth part of the amount of such share shall have been paid up in respect thereof.

Additional shares to be sold by auction.

13. The committee of the Company shall cause the additional shares, when and as the same shall from time to time be issued, to be sold by public auction in such manner and at such times and subject to such conditions as the said committee may from time to time determine.

Sales by auction to be advertised, and premiums on

14. The intention to sell those shares or any of them by auction shall be duly advertised once at least in each of two successive weeks in two or more newspapers published in the town of Nottingham, and any sum of money which shall arise upon such sales by

way of premium shall be expended in extending or improving the works of the Company, or in paying off money borrowed or owing by the Company, and shall not be considered as part of the capital of the Company entitled to dividend.

such sales not to be entitled to dividend.

15. The additional capital so to be raised shall be considered as part of the general capital of the Company, and such additional capital and additional shares shall be subject to the same provisions in all respects, whether with reference to the prescribed rate of dividend, or the payment of calls, or the forfeiture of shares on the nonpayment of calls (in case the whole amount of such shares shall not be payable at one time), or otherwise as if such capital had been additional capital authorised to be created by The Nottingham Gas Amendment Act, 1858, except as to the time of making calls for such additional capital, and the amount of such calls, which respectively it shall be lawful for the committee from time to time to fix as they shall think fit.

Additional capital to be considered part of original capital.

16. Every person who shall become entitled to any additional share to be created under this Act shall, in respect of the same share, be a shareholder in the undertaking, and shall be entitled to a share of the dividends of the Company in the proportion which the amount paid upon such additional share shall, exclusive of any premium, bear to the aggregate amount of the paid-up capital of the Company for the time being in respect whereof such dividend shall be payable.

Rights of new shareholders.

17. If any money be payable to a shareholder being a minor, idiot, or lunatic, the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company for the same.

Receipts of guardians, &c. to be sufficient discharge.

18. After the passing of this Act, every shareholder shall have one vote in respect of every completely paid-up sum of fifty pounds held by him in the capital of the Company.

Votes.

19. The Company may from time to time, under the powers of this Act, borrow on mortgage any additional sums not exceeding in the whole the sum of one hundred thousand pounds, and the Company may, as each sum of forty thousand pounds of the additional capital by this Act authorised has been issued and accepted, and one-half of the amount of each such sum has been paid up, borrow on mortgage in respect of such sum of forty thousand pounds any sum or sums not exceeding in the whole ten thousand pounds, but in no case shall any part of the said additional sums be borrowed until the Company shall have proved to the justice who is to certify under the fortieth section of "The Companies Clauses Consolidation Act, 1845," before he so certifies that the whole of the said additional

Power to borrow on mortgage.

A.D. 1873.

capital, in respect of which such borrowing powers are sought to be exercised, has been issued and accepted, and that one-half thereof has been paid up, and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, or their executors, administrators, successors, or assigns are legally liable for the same, 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.

Priority of existing mortgages and bonds.

20. All mortgages and bonds 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 bonds, have priority over any mortgages granted by virtue of this Act.

For appointment of a receiver.

21. The mortgagees and bondholders of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver, and in order to authorise the appointment of a receiver in respect of principal, the amount owing to the mortgagees and bondholders, by whom the application for a receiver is made, shall not be less in the whole than ten thousand pounds.

Power to create debenture stock.

22. The Company may create and issue debenture stock, but the interest of all debenture stock, at any time after the passing of this Act created and issued by the Company, shall rank pari passu with the interest of all mortgages at any time after the passing of this Act granted by the Company.

As to conversion of borrowed money into capital.

23. The Company shall not have power to convert into capital other than preference or ordinary stock, with a maximum dividend of five pounds per centum per annum, any money borrowed under the powers of this Act.

Moneys payable to the Company may be recovered in court of competent jurisdiction.

24. Any money owing to the Company for a supply of gas or otherwise, may be recovered by them, with costs, in any court having jurisdiction in cases of debts of the like amounts, and the remedy under this enactment shall be in addition to their other remedies for the recovery of such money.

Pressure of gas.

25. All gas supplied by the Company to any consumer of gas shall be supplied at such pressure as to balance a column of water

from midnight to sunset of not less than six-tenths of an inch, and from sunset to midnight of not less than eight-tenths of an inch in height at the main, as near as may be to the junction therewith of the service pipe supplying such customer, and any gas examiner appointed under "The Gasworks Clauses Act, 1871," may, subject to the terms of his appointment, from time to time test the pressure at which the gas is supplied, and may for that purpose open any street, road, passage, or place vested in or under the control of any local or road authority, and the provisions of "The Gasworks Clauses Act, 1871," with reference to testing of gas, and to penalties shall, mutatis mutandis, apply to such testing of pressure; provided, that on each occasion of such testing sufficient notice in writing of the time and place at which the same shall be conducted shall be given to the Company to enable them to be represented.

Expenses of Act.

26. All the costs, charges, and expenses of, incident, and preliminary to the preparing, applying for, obtaining, and passing of this Act, and otherwise in relation thereto, shall be paid by the Company.

SCHEDULE referred to in the foregoing Act.

A plot of land containing fourteen acres or thereabouts and the houses thereon situate in the parish of Basford, in the county of Nottingham, adjoining the existing works of the Company in that parish, and lately in the occupation of George Alfred Beardmore, deceased, and bounded northwardly by the said gasworks of the Company, eastwardly by the road called the Radford Road leading from the town of Nottingham to the village of Basford, southwardly in part by the northern boundary of the property known as Charnwood Villa, now unoccupied, and in part by a line extending in a westerly direction from the north-western corner of the said property to the centre of the river Leen, south-westwardly by a line following the centre of the river Leen, and north-westwardly by the Nottingham and Mansfield branch of the Midland Railway.

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