CHAPTER xiii.

An Act to extend the limits of supply of the South Bank and Normanby Gaslight and Coke Company Limited to repeal the powers of the Middlesbrough Corporation to supply gas within the existing and extended limits of supply of that Company and for other purposes. A.D. 1914.

[8th July 1914.]

WHEREAS the South Bank and Normanby Gaslight and Coke Company Limited (hereinafter referred to as "the Company") are by the South Bank and Normanby Gas Order 1871 and the South Bank and Normanby Gas Order 1877 (hereinafter referred to as "the existing Orders") authorised to supply gas within the limits of supply defined in section 6 of the last-mentioned Order which limits of supply owing to various changes which have from time to time been made in the administrative areas comprised therein now consist of the urban district of South Bank in Normanby the urban district of Eston the parish of Wilton in the rural district of Guisborough the extra parochial land lying between the said urban districts and parish and low-water mark of the River Tees and so much of the parish of Ormesby in the rural district of Middlesbrough as lies to the south of the southern boundary of the limits of supply under the North Ormesby Gas Order 1876:

And whereas in exercise of the powers so conferred upon them by the existing Orders the Company have laid down mains and have for many years past been supplying gas throughout the said urban districts of South Bank in Normanby and Eston and the said portion of the parish of Ormesby:

And whereas the Company have also extended their mains into and are supplying gas within part of the parish of Marton

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in the said rural district of Middlesbrough and it is expedient that a portion of the said parish be included within the limits for the supply of gas of the Company:

And whereas under or by virtue of the Middlesbrough Extension and Improvement Act 1866 the mayor aldermen and burgesses of the borough of Middlesbrough (hereinafter referred to as "the corporation") are as successors of the Middlesbrough Local Board authorised to light with gas the streets and places within (amongst other places) the said urban district of South Bank in Normanby and the said parishes of Ormesby and Marton and also to supply the inhabitants of such urban district and parishes with gas upon such terms as should be agreed upon between the corporation and the persons so supplied:

And whereas neither the corporation nor their predecessors have constructed any works for the supply of gas or have afforded any such supply within the said urban district of South Bank in Normanby or the portions of the parishes of Ormesby and Marton in which the Company have laid down mains and are supplying gas as aforesaid and it is expedient that the powers of the corporation of supplying gas within the limits for the supply of gas of the Company as extended by this Act be repealed:

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 (that is to say):—

Short title.

1. This Act may be cited as the South Bank and Normanby Gas Act 1914.

Incorporation of general Acts.

2. The Gasworks Clauses Act 1847 and the Gasworks Clauses Act 1871 so far as such Acts are not inconsistent with the provisions of the existing Orders and this Act are hereby incorporated with and form part of this Act.

Interpretation.

3. In this Act—

The expression "the existing limits" means the limits within which the Company are by the existing Orders authorised to supply gas;

The expression "the new limits" means the limits within which the Company are authorised to supply gas by the section of this Act of which the marginal note is "Extension of limits of supply";

The expression "the limits of supply" means and includes the existing limits and the new limits.

Extension of Limits of Supply.

Extension of limits of supply.

4.—(1) From and after the passing of this Act the limits within which the Company may supply gas and exercise the powers of the existing Orders and this Act shall extend to and include so much of the parish of Marton in the rural district of Middlesbrough as lies between the eastern boundary of that parish and the following boundary (that is to say):—

A boundary line commencing at a point on the said parish boundary and at a distance of seven hundred and fifty yards measured in a straight line and northerly direction from the northern side of the main road leading from Stockton to Guisborough and drawn thence westward in an imaginary straight line at right angles to the Middlesbrough and Guisborough Branch of the North Eastern Railway to a point two hundred yards from the point of commencement thence southward in an imaginary straight line to the south-westernmost corner of the property known as Brackenhoe thence in another imaginary straight line to a point on the southern side of the road leading from Ormesby Station to the lane entrance known as East Gate and at a distance of three hundred and sixty-six yards or thereabouts measured along that road in an easterly direction from the centre of that entrance thence in an imaginary straight line in continuation of the last-mentioned imaginary straight line for a distance of three hundred and fifty yards from the last-mentioned point and thence at right angles to such imaginary straight line in a north-easterly direction to the aforesaid parish boundary.

The area comprised within the new limits is more particularly described on maps signed in triplicate by the Right Honourable Arthur Divett Hayter Baron Haversham the Chairman of the Committee of the House of Lords to whom

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the Bill for this Act was referred which maps have been deposited in the Parliament Office of the House of Lords the Private Bill Office of the House of Commons and in the principal office of the Company and if there should be any discrepancy between the description contained in this section and the area delineated on such maps the latter shall prevail.

(2) Within the new limits the Company shall have and may exercise all and the like powers rights privileges and authorities for and in relation to the supply of gas and be subject to all and the like duties and obligations in respect thereof as they for the time being have and are subject to within the existing limits.

(3) The Company may continue maintain and use any mains pipes and other works laid down or constructed by them before the commencement of this Act within the new limits as if the same had been laid down or constructed by them under the powers of this Act and the provisions of the Gasworks Clauses Act 1847 as amended by the Gasworks Clauses Act 1871 shall apply to the said mains pipes and works in all respects as if the same had been laid down or constructed under the authority of this Act.

REPEAL OF POWERS OF MIDDLESBROUGH CORPORATION.

Repeal of powers of corporation to supply gas in Company's limits of supply.

5. From and after the passing of this Act all powers rights authorities and privileges of or belonging to the corporation under the provisions of the Middlesbrough Extension and Improvement Act 1866 or otherwise for or relating to the supply of gas within the limits of supply shall absolutely cease and determine and so much of the last-mentioned Act as authorises the corporation to supply gas within the limits of supply is hereby repealed.

MISCELLANEOUS.

Power to lay pipes in private streets.

6. 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 and for that purpose the Gasworks Clauses Act 1847 shall apply as if section 7 of that Act were excepted from incorporation in this Act and the existing Orders.

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For protection of North Riding County Council.

7. For protection of the county council of the north riding of Yorkshire (in this section referred to as "the county council") the following provisions shall unless otherwise agreed in writing between the county council and the Company apply and have effect (that is to say):—

(1) Nothing in this Act or done thereunder or by virtue thereof shall in any way limit or affect the powers of the county council to rebuild alter widen or repair the structure of any bridge upon which any work shall be constructed under or by virtue of the provisions of this Act or impose upon the county council any liability which was not by law imposed upon them at the date of the passing of this Act:

(2) If at any time the county council require to carry out works for rebuilding altering widening or repairing any bridge which might involve interference with any mains pipes or apparatus of the Company they shall prior to the commencement of such works give to the Company one month's notice of their intention to carry out such works and if in order to avoid interruption to the supply by the Company of gas it is in the opinion of the county council necessary that mains pipes and apparatus belonging to the Company should be removed temporarily from such bridge then the Company shall (and they are hereby authorised so to do) at their own expense remove such mains pipes and apparatus and carry the same temporarily across such bridge at the side thereof in such a manner as will not be a danger or inconvenience to the public or unreasonably interfere with the works to be carried out by the county council Provided that in case any rebuilding altering widening or repairing of any such bridge shall be required solely for the accommodation of any light railway tramway trolley vehicle service or omnibus service belonging or leased to or worked or run by the county council the county council shall repay to the Company any reasonable expenses incurred by the Company under this subsection:

(3) When the rebuilding altering widening or repairing of such bridge shall have been completed the Company

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shall have the same rights and powers with regard to such bridge and its approaches as they had before the works were carried out:

(4) If any dispute arises between the county council and the Company with regard to this section the same shall be referred to and determined by an arbitrator to be agreed upon or failing such agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference.

For protection of North Eastern Railway Company.

8. Any mains pipes or other works which under the authority of this Act the Company may lay down or execute under or over any railway of the North Eastern Railway Company shall be so laid down and executed and subsequently maintained and repaired under the direction and superintendence and to the reasonable satisfaction of the engineer for the time being of the railway company and in accordance with plans and sections previously submitted to and approved of by him Provided that if the engineer fails to superintend any operations of the Company with reference to the laying down execution maintenance or repair of any mains pipes or other works after having received reasonable notice from the Company of the time when such operations will be carried out the Company may proceed with such operations without waiting for the direction and superintendence of such engineer Provided also that if the engineer disapproves of any plans and sections submitted to him under this section or withholds his approval thereof for a period of twenty-one days after such submission or if any difference arise between the Company and the railway company as to the mode of laying down executing repairing altering or maintaining any mains pipes or other works of the Company or as to the facilities to be afforded for the same the plans and sections or such difference as the case may be shall be referred to and settled by an engineer to be appointed by the Board of Trade at the request of either party and subject thereto the provisions of the Arbitration Act 1889 shall apply to any such reference.

Period of error in defective meters.

9. In the event of any meter used by a consumer of gas being tested in manner provided by the Sale of Gas Act 1859 and being proved to register erroneously within the meaning of

the said Act such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Company shall be paid by or to the Company to or by the consumer as the case may be and shall be recoverable in the like manner as gas charges are recoverable by the Company.

Gas consumers to give notice to Company before removing.

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

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

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

Notice to discontinue supply of gas.

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

Application of funds.

13. The Company may apply for the purposes of this Act to which capital is properly applicable any money which they have already raised or are authorised to raise under or by virtue of the existing Orders.

Copy of Act to be registered.

14. The Company shall deliver to the Registrar of Joint Stock Companies a printed copy of this Act and he shall retain and register the same and if such copy is not so delivered within three months from the passing of this Act the Company

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shall incur a penalty not exceeding two pounds for every day after the expiration of those three months during which the default continues and any director or manager of the Company who knowingly and wilfully authorises such default shall incur the like penalty Every penalty under this section shall be recoverable summarily.

There shall be paid to the Registrar by the Company on such copy being registered the like fee as is for the time being payable under the Companies (Consolidation) Act 1908 on registration of any document other than the memorandum or the abstract required to be filed with the Registrar by a receiver or manager or the statement required to be sent to the Registrar by the liquidator in a winding-up in England.

Costs of Act.

15. All costs charges and expenses of and incident to the preparing 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.

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