CHAPTER 1.

An Act to authorise the Spennymoor and Tudhoe Gas Company to raise additional capital and to confer further powers upon that Company. [15th July 1915.] A.D. 1915.

WHEREAS by the Spennymoor and Tudhoe Gas Act 1876 (hereinafter referred to as "the Act of 1876") the Spennymoor and Tudhoe Gas Company (incorporated under the Joint Stock Companies Act 1856 with limited liability) were dissolved and the several persons and corporations who immediately before the passing of the Act of 1876 were members of such limited company and all other persons and corporations who had subscribed to or who should thereafter become proprietors in the undertaking of the company and their executors administrators successors and assigns respectively were incorporated by the name of "The Spennymoor and Tudhoe Gas Company" (hereinafter called "the Company") and were empowered to supply gas within certain places in the county of Durham defined in the Act of 1876: 39 & 40 Vict. c. cxxviii.

And whereas by the Act of 1876 the capital of the Company was defined and authorised to consist of twelve thousand five hundred pounds original capital and thirty-seven thousand five hundred pounds additional capital:

And whereas under the provisions of the Act of 1876 and the Acts incorporated therewith the rate of dividend payable by the Company in respect of the original capital was limited to ten per centum per annum and the rate of dividend payable on the additional capital by that Act authorised was limited to seven pounds in respect of every one hundred pounds actually paid up of such capital as should be issued as ordinary capital or five pounds in respect of every one hundred pounds actually paid up of such capital as might be issued as preference capital:

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

A.D. 1915.

And whereas the said original capital was by the Act of 1876 vested in the holders of the shares in the said limited company and the Company have created and issued three thousand seven hundred and fifty shares of ten pounds each being the full amount of the said additional capital and such additional capital has been fully paid up:

And whereas the Company have received by way of premiums in respect of the said additional capital the sum of one thousand and thirty-eight pounds:

And whereas the Company are authorised by the Act of 1876 to borrow on mortgage in respect of the original capital any sums not exceeding in the whole three thousand one hundred and twenty-five pounds and in respect of the said additional capital any sum or sums not exceeding in the whole nine thousand three hundred and seventy-five pounds:

And whereas the Company have borrowed on mortgage of their undertaking and now owe the sum of twelve thousand five hundred pounds bearing interest at the rate of four pounds per centum per annum:

And whereas the demand for the supply of gas within the limits of supply of the Company is increasing and with a view to meeting such demand and for the other purposes of this Act and the general purposes of the Company it is expedient that the Company should be authorised to raise additional capital as by this Act provided:

And whereas it is expedient that the Company should be authorised to extend their works for the manufacture of gas and for other purposes in connection with their undertaking and for the purposes aforesaid to acquire the lands hereinafter described:

And whereas it is expedient that the other provisions contained in this Act should be made:

And whereas a plan showing the lands which may be taken compulsorily under the powers of this Act and a book of reference to the said plan containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of those lands have been deposited with the clerk of the peace for the county of Durham and are in this Act referred to as the deposited plan 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 (that is to say):—

Short title.

1. This Act may be cited as the Spennymoor and Tudhoe Gas Act 1915.

Incorporation of Acts.

2. The following Acts and parts of Acts so far as the same are applicable for the purposes of and are not inconsistent with or varied by the provisions of this Act are hereby incorporated with and form part of this Act:—

The Lands Clauses Acts except sections 16 17 and 127;

The Gasworks Clauses Act 1847 as amended by the Gasworks Clauses Act 1871:

Provided that—

(A) Section 13 of the said Gasworks Clauses Act 1847 in its application to the Company shall be read as if the words "or any premises" were inserted after the words "private building" and as if the words "Provided also that every such contract entered "into by the Company shall be alike in terms "and amount under like circumstances to all "consumers" were added at the end of that section;

(B) Notwithstanding anything contained in the Gasworks Clauses Act 1871 the provisions of sections 128 to 132 (both inclusive) of the Lands Clauses Consolidation Act 1845 shall not apply to any lands acquired by the Company by agreement.

Application of certain provisions of Companies Clauses Acts.

3. 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;

A.D. 1915.

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

The consolidation of the shares into stock;

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;

and Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts shall so far as the same are respectively applicable and except so far as the same may be varied by or be inconsistent with the provisions of this Act extend and apply to the Company in respect of the additional capital which they are by this Act authorised to raise.

Interpretation.

4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective meanings unless there be something in the subject or context repugnant to such construction And in this Act—

The expression "the Company" means the Spennymoor and Tudhoe Gas Company;

The expression "the limits of supply" means the limits of the Company for the supply of gas as defined by the Act of 1876.

Power to take lands.

5. The Company may enter upon take and use all or any of the lands in the urban district of Spennymoor in the county of Durham described in Part I. of the Schedule to this Act so far as the same are delineated upon the deposited plan and described in the deposited book of reference.

Stopping up of portions of streets &c.

6. It shall be lawful for the Company to stop up and appropriate the site and soil of so much of the following roads streets and ways as is comprised within the lands described in Part I. of the Schedule to this Act (viz.):—

Teasdale Street the back street leading from Teasdale Street to Thomas Street Church Street and the streets or roadways respectively described in Part I. of the said Schedule under the letters (C) and (E):

And as from such stopping-up all rights of way and other rights (if any) whether public or private in and over the same shall be extinguished and the Company may alter divert stop up remove or otherwise interfere with any sewers drains mains pipes wires tubes and other apparatus in or under the said portions of roads streets and ways:

Provided that the Company shall make full compensation to all parties interested in respect of any private rights of way extinguished by virtue of this section and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement:

Provided also that the Company shall not alter divert stop up remove or otherwise interfere with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General except under and subject to the provisions of the said Act.

Correction of errors in deposited plan and book of reference.

7. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plan or specified in the deposited book of reference the Company after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county of Durham for the correction thereof and if it shall appear to the justices that such omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Durham and a duplicate thereof shall also be deposited with the clerk of the urban district council of Spennymoor and such certificate and duplicate respectively shall be kept by such clerk of the peace and clerk of the district council respectively with the other documents to which the same relate and thereupon the deposited plan and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Company to take the lands in accordance with such certificate.

Period for compulsory purchase of lands.

8. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

A.D. 1915.

Power to use lands for manufacture of gas.

9. The Company may on the lands described in Part II. of the Schedule to this Act erect maintain and use works for the manufacture storage and supply of gas and may upon the said lands manufacture and store gas.

Power to purchase lands by agreement.

10. The Company may for the general purposes of their undertaking purchase or take on lease (by agreement but not otherwise) and may hold in addition to the lands described in Part I. of the Schedule to this Act and the lands now held by them under the powers of the Act of 1876 any lands and hereditaments not exceeding in the whole five acres which the Company may require for the purposes of or connected with their works and undertaking but the Company shall not create or permit a nuisance on any such lands and no lands shall be used by the Company for the purpose of manufacturing gas or residual products except the lands described in the Act of 1876 and in Part II. of the Schedule to this Act.

Power to sell and lease lands.

11. The Company may sell and dispose of or may exchange or may let on lease for such period as they think fit any lands for the time being belonging to them and which may not at the time be required for the purposes of their undertaking and any such disposal exchange or lease may be for such consideration and subject to such reservations stipulations and conditions as the Company think fit.

Dwelling-houses for employees &c.

12. The Company may purchase by agreement or take on lease houses cottages and other buildings for persons in their employ and offices showrooms and other buildings for the purposes of their undertaking and may erect fit up maintain and let any such building upon any lands for the time being belonging or leased to the Company.

Power to Company to raise additional capital.

13. The Company may from time to time raise additional capital not exceeding in the whole forty thousand pounds by the creation and issue of new ordinary shares or stock or new preference shares or stock or wholly or partially by one or more of those modes respectively but the Company shall not issue any share of less nominal value than ten pounds and such shares or stock shall not vest in the person or corporation accepting the same unless and until the full price of such shares or 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 premium which may be obtained on the sale thereof the sum of forty thousand pounds.

Limitation of dividend on additional capital.

14. The Company shall not in respect of any one year make out of their profits any larger dividend on the additional capital which they are by this Act authorised to raise than seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital or six pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as preference capital.

New shares or stock to be sold by auction or tender.

15.—(1) All shares or stock created under the powers of the section of this Act of which the marginal note is "Power to Company to raise additional capital" shall be issued in accordance with the provisions of this section.

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

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

(B) A reserve price shall be fixed 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 shares or stock of greater nominal value than one hundred pounds:

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

A.D. 1915.

(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 shares or stock which have been so offered for sale and are not sold may be offered at the reserve price to the holders of ordinary and preference shares or stock of the 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 directors of 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 shares or stock that if the aggregate amount of shares or stock applied for shall exceed the aggregate amount so offered as aforesaid the same shall be allotted to and distributed amongst the applicants as nearly as may be in proportion to the amounts applied for by them respectively.

(4) Any shares or stock which have been offered for sale in accordance with subsection (2) or with subsections (2) and (3) and are not sold shall be again offered for sale by public auction or by tender in accordance with the provisions of this section and any such shares or stock then remaining unsold may be otherwise disposed of at such price and in such manner and upon such terms 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 respective shares or stock sold the total amount obtained as premium (if any) and the highest and lowest prices obtained for the respective shares or stock.

Application of premium arising on issue of shares or stock.

16. Any sum of money which shall arise from the issue of any such shares or stock 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 works of the Company or in paying off money borrowed or owing on mortgage by the Company Provided that all such sums shall for the purpose of determining the powers of the Company to raise money by

borrowing or the amount which the Company may carry to the reserve fund be reckoned as part of the paid up capital.

Incidents of additional capital.

17. The additional capital by this Act authorised so far as the same is not issued as preference capital shall form part of the ordinary capital of the Company and the proprietors of any shares or stock issued under the authority of this Act shall subject to the provisions of this Act be entitled to the same rights as the other holders of shares or stock of the same class or description.

Power to borrow in respect of additional capital.

18. The Company may subject to the provisions of this Act borrow on mortgage of the undertaking any further 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 which at the time of borrowing has been raised But no 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 shares or stock at the time issued together with the premiums (if any) realised on the sale thereof have been fully paid up.

Power to borrow in respect of existing capital.

19. The Company may at any time after the passing of this Act borrow on mortgage of the undertaking such sum or sums (including the sum of twelve thousand five hundred pounds already borrowed under the powers of the Act of 1876) as may be equal to one-third part of the capital of the Company as existing immediately before the passing of this Act.

Borrowed money not to be converted into capital.

20. The provisions of the Companies Clauses Consolidation Act 1845 with respect to the conversion of the borrowed money into capital shall cease to apply to the Company.

For appointment of receiver.

21. The mortgagees 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 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 three thousand pounds in the whole.

Debenture stock.

22.—(1) The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies

A.D. 1915.

Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under the Act of 1876 or under this 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 and charged upon the undertaking Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock granted or created and issued by the Company after the passing of this Act.

(2) Section 34 (Debenture stock) of the Act of 1876 is hereby repealed.

Restriction as to raising money during war.

23. Notwithstanding anything in this Act the Company shall not under the powers 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.

Priority of mortgages and debenture stock over other debts.

24. All money raised or to be raised by the Company on mortgage or by the issue of debenture stock under the provisions of the Act of 1876 or of this Act shall have priority against the Company and the property from time to time 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 lease granted or made to the Company which is entitled to rank in priority to or pari passu with the interest or dividends on their mortgages or debenture stock.

Receipt in case of persons not sui juris.

25. If any money is payable to a shareholder stockholder or mortgagee or debenture stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Application of money.

26. All money raised under this Act by the Company whether by shares stock debenture stock or borrowing shall be applied only to the general purposes of the Company being in all cases purposes to which capital is properly applicable.

Power to create a special purposes fund.

27.—(1) The directors of the Company may if they think fit in any year appropriate out of the revenue of the Company as part of the expenditure on revenue account any sum not exceeding an amount equal to one per cent. of the paid-up capital of the Company including premiums and any sum so appropriated shall be carried to a fund to be called "the special purposes fund."

(2) The special purposes fund shall be applicable only to meet such charges as an accountant appointed for the purpose by the Board of Trade shall approve as being—

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

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

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

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

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

Charge for gas supplied by means of prepayment meters.

28.—(1) The Company may demand for any gas supplied through a prepayment meter a not greater charge than for gas supplied to private consumers through any other kind of meter.

(2) The charge for the hire of any prepayment meter and fittings to be used therewith shall be a sum of money calculated according to the quantity of gas supplied through the prepayment meter and the maximum charge shall be at the rate of tenpence per one thousand cubic feet supplied in manner aforesaid such sum to include the hire of meter and the fittings used therewith

A.D. 1915.

or at the rate of one shilling per one thousand cubic feet if such fittings include a cooking stove.

(3) The charge for the hire of any prepayment meter without fittings shall be a sum of money calculated according to the quantity of gas supplied through the prepayment meter and the maximum charge shall be at the rate of sixpence per one thousand cubic feet supplied in manner aforesaid or at the rate of ten per centum per annum on the cost of the meter whichever shall be the higher.

(4) The said charges shall include the providing letting fixing and repairing and maintenance of the meters and fittings or of the meters (as the case may be) and the cost of collection and other costs incurred by the Company in connection therewith.

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

Pressure of gas.

29. As from the first day of January one thousand nine hundred and sixteen section 51 of the Act of 1876 shall be repealed and all gas supplied by the Company to any consumer of gas shall be supplied at such pressure as to balance a column of water not less than one inch in height at the main or as near as may be to the junction therewith of the service pipe supplying the consumer Subject to the terms of his appointment any gas examiner appointed under the Gasworks Clauses Act 1871 may for the purposes of this Act either at the testing place or at any public lamp as and when he thinks fit test the pressure at which the gas is supplied and the Company shall afford to the examiner all reasonable facilities for making any such test.

Standard calorific power.

30.—(1) As from the first day of January one thousand nine hundred and sixteen so much of the provisions of sections 12 28 29 30 32 33 and 36 of the Gasworks Clauses Act 1871 as relate to the illuminating power of gas shall cease to apply to the Company or in respect of the gas supplied by them and sections 52 53 and 54 of the Act of 1876 shall be and the same are hereby repealed and there shall be substituted a standard of calorific power for the prescribed illuminating power.

(2) The standard calorific power of the gas supplied by the Company in the limits of supply shall be five hundred British

thermal units gross per cubic foot (the expression "British thermal units" being used in this Act as meaning British thermal units gross per cubic foot).

(3) The following provisions shall apply with respect to the testing for calorific power of the gas supplied by the Company and to forfeitures in respect of deficient calorific power of such gas:—

(A) Within one month after the said first day of January one thousand nine hundred and sixteen the Company shall provide and shall thereafter keep and maintain at the testing place at the works of the Company (which shall for all the purposes of the Gasworks Clauses Act 1871 be the prescribed testing place) apparatus for testing the calorific power of the gas supplied by the Company and such apparatus shall be similar to the apparatus for the time being prescribed by the metropolitan gas referees for testing the calorific power of gas and the test shall be made in the mode and under the conditions for the time being prescribed by the said referees:

When the Company shall have provided in accordance with the provisions of this subsection apparatus for testing the calorific power of the gas supplied by them they shall be at liberty to remove from the said testing place any apparatus which they have provided thereat for testing the illuminating power of such gas:

(B) Any gas examiner appointed in accordance with the provisions of the Gasworks Clauses Act 1871 may by means of the testing apparatus provided by the Company as aforesaid test the calorific power of the gas supplied by the Company at the testing place at any time between the hours prescribed by section 29 of that Act but subject as next provided not more than one testing for calorific power shall be made on any day:

(C) In the event of the calorific power being on any testing ascertained to be below the standard calorific power the gas examiner shall forthwith give notice thereof to the Company and a second testing shall be made at an interval of not less than one hour from the

A.D. 1915.

time of making the first testing and the average of the two testings shall be the ascertained calorific power of the gas supplied by the Company on that day:

(D) The gas examiner shall on the day immediately following that on which any testing has been made under this section make and deliver a report of the results of his testing to the Company and to the local authority or the justices by whom he was appointed and such report shall be receivable in evidence:

(E) When the ascertained calorific power on any day of the gas supplied by the Company is below the standard calorific power the Company shall be liable to forfeitures in respect of any deficiency as hereinafter mentioned but the Company shall not be liable to any forfeiture or proceedings for or in respect of any deficiency in the calorific power of the gas supplied by them unless such deficiency has been ascertained in the manner and subject to the conditions prescribed by this section:

(F) The forfeitures to which the Company shall be liable in respect of any ascertained deficiency in the calorific power of the gas supplied by them shall not exceed the following (that is to say):—

Where the deficiency does not exceed fourteen British thermal units two pounds;

Where the deficiency exceeds fourteen British thermal units but does not amount to twenty-eight British thermal units a sum not exceeding five pounds;

For each complete twenty-eight British thermal units of defective power a sum not exceeding ten pounds:

(G) The provisions of section 31 of the Gasworks Clauses Act 1871 shall apply to any testing made under this section:

(H) Any forfeiture under the provisions of this section may be sued for and recovered in the same manner as penalties imposed by the Gasworks Clauses Act 1871.

Power to Board of Trade to vary standard calorific power.

31. If within one month after the expiration of a period of three years from the first day of January one thousand nine hundred and sixteen or after the expiration of any subsequent period of three years either the Company or any urban or rural district council having jurisdiction within the limits of supply shall desire that the standard calorific power prescribed by the section of this Act of which the marginal note is "Standard calorific power" shall be reduced or increased and shall give to the Company and to the Board of Trade notice in writing of such desire it shall be lawful for the Board of Trade after hearing the parties and considering any representations made by any of them by order under the hand of an assistant secretary to reduce or increase the amount of the said standard calorific power to such extent as to the said Board may seem fit and the said Board may by such order make all such modifications of this Act as may be necessary in consequence of any such reduction or increase as aforesaid and may also direct the manner in which the costs charges and expenses of the said parties and of the said Board of and incidental to any such application and any inquiry held by or under the direction of the said Board in connection therewith shall be borne.

Exemption from penalties in certain cases.

32. No penalty or forfeiture shall be incurred by the Company for insufficiency of pressure defect of calorific power or excess of impurity in the gas supplied by them in any case in respect of which it is proved that such insufficiency defect or excess was produced by any circumstance beyond the control of the Company Provided that the want of sufficient funds shall not be held to be a circumstance beyond the control of the Company.

Supply of engines stoves &c. and exemption of certain fittings from liability to distress &c.

33.—(1) The Company may purchase sell let for hire fix repair and remove but shall not manufacture engines dynamos stoves and ranges for lighting motive power heating ventilating cooking or any other purposes and may provide all materials and work necessary or proper in that behalf and with respect thereto may demand and take such remuneration or rents and charges and make such terms and conditions as may be agreed upon.

(2) Any engines dynamos stoves or ranges let for hire under the provisions of this section and any gas fittings tubes meters or pipes let for hire under the provisions of section 7 of the Act of 1876 shall notwithstanding that they be fixed or

A.D. 1915.

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 engines dynamos stoves ranges fittings tubes meters and pipes 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.

(3) Nothing in this section shall affect the amount of assessment for rating of any premises upon which any such gas engines and other apparatus and fittings are or shall be fixed.

Gas consumers to give notice to Company before removing.

34. 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.

Company may refuse to supply gas in certain cases.

35. 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.

Minimum charge for gas laid on to premises having a supply of electricity or power gas.

36. Where any person has for the purposes of a stand-by only a supply of gas laid on by the Company to any premises for which he has at the same time a separate supply of electricity or gas for power or other purposes (not being domestic purposes) the Company shall be entitled to charge and receive from him in respect of the supply of gas so laid on such minimum sum as shall be fixed by them not exceeding twenty-five shillings for any one quarter of a year notwithstanding that the ordinary charge for the 'gas actually consumed in such

quarter would amount to a lower sum and in fixing the amount of such minimum charge the Company shall have regard to the probable maximum supply of gas which might at any time be required for such premises Provided that in respect of any premises for which the whole supply of gas afforded by the Company is taken through a meter having a nominal capacity of less than ten lights the amount of the minimum charge shall not exceed five shillings for any one quarter of a year.

As to construction and placing of pipes &c. between mains and meters.

37. In order to enable the Company to ensure a satisfactory supply of gas to their consumers the following provisions shall have effect:—

(1) The Company may specify the size and material of the pipes with the fittings thereof which are to be laid by the consumer on his own premises either in the first instance or on the occasion of any renewal between the Company's mains and the meter so far as such pipes and fittings are intended to be covered over:

(2) The Company may if they think fit make different specifications for different classes of premises having regard to the probable maximum consumption of gas thereon at any one time:

(3) The specification shall be published twice in some newspaper or once in each of two newspapers circulating within the limits of supply and a copy thereof shall be kept exhibited in the office or offices of the Company:

(4) Every meter to be used in a new building or a building not previously supplied with gas or in connection with a new or substituted pipe laid between the main and the consumer's meter shall be placed as near as reasonably practicable to the Company's main but within the outside wall of the building:

(5) When any such pipe or meter as aforesaid has been laid or placed notice thereof shall be given to the Company and the pipe shall not be covered over until after the expiration of twenty-four hours from the service of such notice on the Company Any officer of the Company duly appointed may between nine o'clock in the morning and five o'clock in the afternoon attend and inspect such pipes (with their fittings) and meter and if the officer is not permitted to make the inspection

A.D. 1915.

or if the pipes or fittings are not according to the Company's specification or if the meter is not placed as required by this section the Company may refuse to supply gas to the premises until the provisions of this section have been complied with:

(6) Any person to whom the Company refuses a supply of gas under the provisions of this section may appeal to a petty sessional court against such refusal and the court may after hearing the parties and considering any questions as to the reasonableness of the Company's specification make such order as seems to them proper in the circumstances and may order by which of the parties the costs of and incident to the appeal shall be paid.

Power to lay pipes in private streets.

38. 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 or the Act of 1876.

Power to utilise pipes for ancillary purposes.

39. Subject to the provisions of this Act the Company may lay down place repair alter remove and renew mains pipes and culverts 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 business 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 extend and apply to the laying down and placing repairing altering or removing and protection of such mains pipes and culverts.

Power to require use of anti-fluctuators for gas engines.

40. Every consumer of gas supplied by the Company who uses a gas engine shall if required to do so by the Company use an effective anti-fluctuator together with an effective non-return valve and shall at all times at his own expense keep such anti-fluctuator and valve in proper repair and in default of his using or keeping in repair such anti-fluctuator and valve the Company may cease to supply him with gas The Company shall have access to and be at liberty to take off remove test inspect and replace any

such anti-fluctuator and valve at all reasonable times such taking off removing testing inspecting and replacing to be done at the expense of the Company if the anti-fluctuator and valve be found in proper order but otherwise at the expense of the consumer.

Power to enter premises and remove fittings.

41. 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.

Period of error in defective meters.

42. 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.

Notice to discontinue supply of gas.

43. 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.

Company may contract with local authorities &c. for supply in bulk.

44. The Company may contract with any local authority company body or persons supplying 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 interfere with any street beyond their limits of supply.

Amendment of section 50 of Act of 1876.

45. As from the first day of January one thousand nine hundred and sixteen the interest to be paid by the Company

A.D. 1915.

under the provisions of section 50 of the Act of 1876 shall be after the rate of four pounds per centum per annum instead of after the rate of five pounds per centum per annum and the said section of the Act of 1876 shall apply and have effect accordingly.

Power to sell or dispose of clay.

46. The Company may sell or dispose of any clay vested in them and included in any property for the time being belonging to them and any right of excavating such clay on such terms and subject to such conditions as they may think fit and it shall be lawful for the Company to utilise any such clay for the manufacture of bricks or other goods or articles or for such other purposes as they may think fit.

Power to establish a benefit fund.

47.—(1) The directors may if they think fit in respect of any half-year appropriate out of the revenue of the Company as part of the expenditure on revenue account any sum not exceeding one half-penny per one thousand cubic feet of gas supplied by the Company during such half-year to a fund to be called "the benefit fund":

Provided that the amount of the sums so appropriated and for the time being standing to the credit of the benefit fund shall not at any time exceed the amount which the directors would have been entitled to appropriate to the benefit fund out of the revenue of the Company at the rate aforesaid during the then preceding five years.

(2) The directors may out of the benefit fund grant a gratuity of any sum or make any pensions or other allowances payments or benefits to any of the weekly servants of the Company who may be disabled or injured in or may be retired from or become incapacitated through age permanent injury or other infirmity from continuing in the service of the Company or to the widow or family or dependents of any such servant and on such terms and conditions as to contributions by such servants or otherwise as the directors may think fit Provided that it shall not be obligatory on any present or future servant of the Company to become a party to any arrangement made under this section for securing to him or his widow family or dependents any gratuity pension or other allowance payment or benefit.

(3) The benefit fund shall be applicable for the purposes of this section and for no other purpose whatsoever and if a benefit fund be established under this section no such gratuity pension allowance payment or benefit as is mentioned in this section

(other than sick pay) shall be granted or paid to any such weekly servant widow family or dependent otherwise than out of the benefit fund.

(4) The directors may enter into and carry into effect agreements with any insurance company or other association or company for securing to any such servant or the widow family or any dependent of any such servant gratuities pension or other allowances payments or benefits as aforesaid and may make payments out of the benefit fund for the purpose of any such agreement.

(5) The moneys forming the benefit fund or any portion thereof shall be invested in securities in which trustees are by law authorised to invest or in such other securities as may be authorised by resolution of the Company.

(6) Every gratuity pension or other allowance payment or benefit secured made or granted under this Act shall be payable to or in trust for the servant person widow or dependent to whom the same shall be granted and shall not be assignable or chargeable with the debts or other liabilities of such servant person widow or dependent as the case may be.

(7) If the Company shall under the powers of this Act make any scheme involving contributions by their servants such scheme shall not come into operation until such scheme shall have been registered as the rules of a society under the Friendly Societies Act 1896 and any amendment or variation of such scheme shall not be valid until so registered and the provisions of that Act (except the proviso to subsection (1) of section 8 and section 41) so far as they are applicable and are not inconsistent with the provisions of this Act shall apply (A) as if such scheme were the rules of a society to which the said Act of 1896 applies (B) as if the Company were the trustees of such society (C) as if the benefit fund were the funds of such society and (D) as if persons contributing to and participating in the benefit of such fund were the members of such society.

Power to grant pensions &c.

48. The directors may in addition to forming a benefit fund under this Act grant pensions and retiring or superannuation allowances to officers and servants (other than weekly servants) of the Company and may grant a gratuity of any sum to the widow or family or dependents of any such officer or servant who may die in their service or be retired or become incapacitated

A.D. 1915.

and the Company may apply their funds and revenues for the purposes aforesaid or any of such purposes.

Power to subscribe to charitable and other institutions.

49. The Company may out of their funds and revenues subscribe to any charitable or benevolent institution or fund such amounts as the directors may from time to time think fit.

Meetings of Company.

50. As from the passing of this Act the ordinary general meetings of the Company shall be held annually instead of half-yearly and shall in every year be held in the month of February or at such other time as shall be appointed for that purpose by a resolution passed at a general meeting.

Interim dividends.

51. The directors may in any year declare and pay an interim half-yearly dividend out of the profits of the Company without the sanction or direction of a general meeting but no such half-yearly dividend shall exceed one-half of the amount of the authorised yearly rate of dividend upon any stock or shares of the Company.

Closing of transfer books previous to declaring dividend or paying interest.

52.—(1) The directors may close the register of transfers for a period not exceeding fourteen days previous to the declaration of any dividend and they may close the register of transfers of debenture stock for a period not exceeding fourteen days previous to each date at which the interest thereon shall be payable and in the case of either such register they may fix a day for closing the same of which seven days' notice shall be given by advertisement in a newspaper published or circulating in the limits of supply.

(2) Any transfer of stock or debenture stock made during the time when the register of transfers or the register of transfers of debenture stock as the case may be is so closed shall as between the Company and the person claiming under the same but not otherwise be considered as made subsequently to the declaration of any such dividend or the payment of any such interest as the case may be.

Appointment and remuneration of secretary.

53. Notwithstanding anything contained in the Companies Clauses Consolidation Act 1845 and in addition to the powers which they may exercise under the provisions of that Act the directors may appoint the secretary of the Company and determine the remuneration of such secretary.

Qualification of auditors.

54. It shall not be necessary for any person who shall be an auditor of the Company to hold any shares in the capital of the Company.

Saving as to general Acts.

55. Nothing in this Act shall exempt the Company or their undertaking from the provisions of any general Act relating to the supply of gas which may be passed in this or any future session of Parliament.

Costs of Act.

56. 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.

A.D. 1915.

The SCHEDULE referred to in the foregoing Act.

PART I.

(A) Certain lands in the parish of Whitworth situate on the north-eastern side of Thomas Street and the south-eastern side of the back street leading from Teasdale Street to Thomas Street and comprising the premises known as No. 13 Thomas Street.

(B) A strip of land partly in the said parish of Whitworth and partly in the parish of Tudhoe at the southern end of Teasdale Street 7 yards or thereabouts in width extending from the north-eastern side of the said premises known as No. 13 Thomas Street in a north-easterly direction to the western side of the back street at the rear of Bishop's Close Cottages and bounded on the south-east by the boundary wall of the property of the Company and including a portion of the stream known as the Valley Burn.

(C) Certain lands in the said parish of Whitworth comprising the site of the street or roadway bounded on the north-eastern side by the offices of the Company at the gasworks at the south-eastern end by other property of the Company on the south-western side by the rear of the premises known as Nos. 15 and 17 Church Street and on the north-west by an imaginary straight line drawn from the northernmost corner of the said premises known as No. 15 Church Street to the westernmost corner of the said offices of the Company.

(D) Certain lands in the said parish of Whitworth comprising the site of so much of the street or road known as Church Street as extends for a distance of 14 yards or thereabouts measured in a north-westerly direction from the existing boundary wall of the Company's works at the south-eastern end of that street.

(E) Certain lands in the said parish of Whitworth comprising the sites of the streets or roads and the lands unbuilt upon lying to the south-westward of the back of the houses adjoining the gasworks on the south-western side of Church Street and lying in the angle formed by the northern boundary of the North Eastern Railway and a line drawn north-east and south-west through a point in Mill Street 40 yards or thereabouts from the junction of Mill Street and Cambridge Street.

PART II.

(i) Lands in the said parish of Whitworth adjoining and lying to the westward of the existing gasworks of the Company and bounded as follows:—

On the south by the embankment of the North Eastern Railway (Spennymoor to Ferryhill) between the southern end of the

western boundary wall of the existing works of the Company and a point 33 yards or thereabouts measured in a westerly direction from the said boundary wall along the northern boundary of the property of the North Eastern Railway Company On the north-west by a line drawn as follows From the last-mentioned point to the northernmost corner of the premises known as No. 18 Church Street thence in a south-easterly direction along the south-western side of Church Street for a distance of 8 yards or thereabouts thence across Church Street to the westernmost corner of the premises known as No. 15 Church Street thence along the south-eastern side of the back street leading from Church Street to Thomas Street to the northernmost corner of the said premises known as No. 15 Church Street and thence to the westernmost corner of the offices of the Company at the gasworks.

(ii) Lands partly in the said parish of Whitworth and partly in the said parish of Tudhoe bounded on the south-east partly by the existing purifying house of the Company and partly by an imaginary straight line drawn in a north-easterly direction from the northern corner of the said purifying house to the back street in rear of Bishop's Close Cottages on the south-west by Thomas Street on the north-west in part by the back street leading from Teasdale Street to Thomas Street and in part by an imaginary straight line drawn from the northernmost corner of the said premises known as No. 13 Thomas Street in a north-easterly direction to the said back street in rear of Bishop's Close Cottages and on the east by the last-mentioned back street.

Printed by EYRE and SPOTTISWOODE, LIMITED.,
FOR
FREDERICK ATTERBURY Esq., C.B., the King's Printer of Acts of Parliament.

To be purchased, either directly or through any Bookseller, from
WYMAN AND SONS, LIMITED., 29, BREAMS BUILDINGS, FETTER LANE, E.C., and
28, ABINGDON STREET, S.W., and 54, ST. MARY STREET, CARDIFF; or
H.M. STATIONERY OFFICE (SCOTTISH BRANCH), 23, FORTH STREET, EDINBURGH; or
E. PONSONBY, LIMITED., 116, GRAFTON STREET, DUBLIN;
or from the Agencies in the British Colonies and Dependencies,
the United States of America, and other Foreign Countries of
T. FISHER UNWIN, LIMITED, LONDON, W.C.