CHAPTER lxxi.

An Act to confer further powers upon the Worthing Gas Light and Coke Company. [15th August 1913.]

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WHEREAS by the Worthing Gas Act 1868 the Worthing Gas Light and Coke Company (in this Act called "the Company") were incorporated for the purpose of making and supplying gas within (among other places) the town of Worthing: 31 & 32 Vict. c. xcii.

And whereas further powers were conferred upon the Company by the Worthing Gas Act 1875 and by the Worthing Gas Order 1894 scheduled to and confirmed by the Gas Orders Confirmation (No. 2) Act 1894 and the Worthing Gas Order 1904 scheduled to and confirmed by the Gas Orders Confirmation (No. 3) Act 1904: 38 & 39 Vict. c. cxliv. 57 & 58 Vict. c. cxviii. 4 Edw. 7. c. clxvi.

And whereas by the Worthing Gas Act 1907 the limits of supply of the Company were extended so as to include the parishes of Durrington and Goring in the county of Sussex and by the said Act the Company were authorised to acquire hold and use for the purposes of their undertaking including the manufacture and storage of gas certain lands in the said parish of Goring referred to and described in the schedule to that Act: 7 Edw. 7. c. lxxxix.

And whereas by section 7 of the said Act it was specifically provided that the Company might in the said parish of Goring lay down gas pipes and mains and works and apparatus connected therewith for the purpose of connecting the lands described in the schedule to that Act and the works thereon authorised by that Act with the existing gasworks of the

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Company in the borough of Worthing and might for the purposes of the said section exercise the powers of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying gas mains:

And whereas in pursuance of the powers so conferred upon the Company they have acquired the aforesaid lands in the parish of Goring and have laid under the powers of the said Act including the powers conferred by the said section 7 trunk mains and pipes along a certain road in the parish of Goring known as Goring Lane:

And whereas in the course of their operations in connection with the laying of such mains and pipes the Company found under the said Goring Lane a certain tunnel or building and in order to do as little damage as might be to such tunnel or building they made special arrangements in the construction and laying of such mains and pipes where the same crossed over the said tunnel or building:

And whereas on the application of the owner of the said tunnel or building the High Court decided that certain parts of the mains and pipes constructed across the said tunnel or building had been laid by the Company into through or against the said tunnel or building in contravention of the provisions of the Gasworks Clauses Act 1847 and ordered the removal of such parts of the said mains and pipes:

And whereas the Company in pursuance of an undertaking given in that behalf during proceedings in the High Court submitted a plan to the owner of such tunnel or building showing an altered method by which they proposed to lay down the said mains and pipes so as not to contravene the provisions of the Gasworks Clauses Act 1847:

And whereas the High Court has held in a further action brought by the said owner disputing the right of the Company to lay such mains and pipes in accordance with such altered method that the Company are entitled to lay the same in the position shown upon the plan so submitted but the said owner pending the decision of the Court made such alterations of and additions to such tunnel or building that the Company cannot now lay their mains and pipes thereover in accordance with such plan without either interference with such tunnel or building or risk of fracture of such mains and pipes:

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And whereas the mains or pipes necessary for connecting the existing gasworks at Worthing with the new site in Goring have been legally laid on either side of and up to the said tunnel or building and the Company have expended considerable sums of money thereon:

And whereas it is expedient with a view to enabling the Company to exercise their existing powers under the said Act of 1907 and to complete in accordance with the powers of that Act the connection between their existing gasworks in Worthing and the said new site in Goring that the powers of this Act should be conferred upon the Company with respect to the laying of mains and pipes over through and across the said tunnel or building or any addition thereto or alteration or reconstruction thereof or any other building structure or thing substituted therefor or constructed in proximity thereto:

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:—

Short title.

1. This Act may be cited as the Worthing Gas Act 1913.

Power to execute works.

2.—(1) The Company may subject to the provisions of this Act lay down place maintain and use the gas mains pipes and works shown upon the plan and section signed in duplicate by the Right Honourable the Viscount Hutchinson (Earl of Donoughmore) the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred one copy of which is deposited in the Parliament Office of the House of Lords and the other in the Private Bill Office of the House of Commons and which is hereinafter referred to as "the signed plan."

(2) Subject to the provisions of the next following section of this Act the Company may execute and do all acts works and things necessary or proper for so laying and placing such mains pipes and works and from time to time supporting and maintaining the same when laid and may from time to time

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renew alter or enlarge or add to the number of such mains pipes and works.

(3) Subject to the provisions of the next following section of this Act the Company may open and interfere with and make any alterations of and additions to the building or tunnel under Goring Lane shown upon the signed plan or any addition thereto or alteration or reconstruction thereof or any other building structure or thing substituted therefor or constructed or placed in proximity thereto which may be reasonably necessary or desirable for the purposes of giving effect to this Act or the powers of the said Act of 1907.

(4) The Company shall make to the owner of and other persons (if any) interested in any such tunnel or building compensation for any damage which may be caused to him or them by reason of any alterations made by the Company under the powers of this Act in the form construction or materials of any such tunnel or building or by reason of the support to such mains pipes and works to which the Company shall be entitled from the lands of such owner or other persons and the amount of such compensation if not agreed upon shall be determined by arbitration under the Arbitration Act 1889.

For protection of Paul Ernest Schweder.

3. For the protection of Paul Ernest Schweder or other the owner or owners for the time being of the aforesaid tunnel or building in Goring Lane shown upon the signed plan (hereinafter called "the owner") the following provisions shall unless otherwise agreed in writing between the owner and the Company have effect (that is to say):—

(1) No additional gas main or pipe laid down under the powers of this Act shall be laid or placed through or across the said tunnel at a lower level than the gas mains shown upon the signed plan:

(2) The Company shall not in the execution of any of the works authorised by this Act do any avoidable damage to the said building or tunnel under Goring Lane or the works in connection therewith or the lands of the owner and shall after laying relaying enlarging or repairing any mains pipes or works under the powers of this Act forthwith at their own expense make good any damage which the works of the Company

may have caused to the said building or tunnel under Goring Lane or the lands of the owner:

(3) Upon the completion of the laying or placing of any such mains pipes or works or of any repairs or renewals the Company shall forthwith remove all excavated soil débris and materials and plant from the said building or tunnel and the works connected therewith and so far as the same may be upon the lands of the owner from such lands:

(4) The Company shall not in the course of any operations carried out by them under the provisions of this Act impede or obstruct the user of the said tunnel or the approaches thereto to any greater extent than is reasonably incidental to carrying out such operations as speedily as possible:

(5) The Company shall not exercise any of the powers of this Act so as to affect or interfere with the said building or tunnel or the works in connection therewith or the lands of the owner further or otherwise than is by this Act authorised.

Limiting compensation in respect of new buildings or alterations not made bonâ fide.

4. In determining any difference as to any compensation under this Act the arbitrator shall not award any sum of money for or make any allowance in respect of any new building or structure erected or placed or any alterations of or additions to any existing building made after the twentieth day of November one thousand nine hundred and twelve if in his opinion such new building or structure or such alteration was not reasonably necessary or was erected placed or made with a view to increasing any compensation payable under this Act or to preventing or interfering with the exercise of any of the powers of this Act.

Protection of local authority.

5. In respect of the reinstating making good and keeping in good repair the roadway after the execution of the powers of this Act and the lighting fencing and guarding of the same when opened or broken up and the penalties in relation thereto the rural district council of East Preston shall (subject to the provisions of this Act) have all the same powers and rights as they would have had if the works by this Act

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authorised had been executed by the Company under the powers of the Gasworks Clauses Act 1847.

Expenses of Act.

6. All the costs charges and expenses of and 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 and may in whole or in part be charged against revenue.

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