# CHAPTER cxvii.

An Act to enable the Corporation of Yeovil to construct additional waterworks to purchase the undertaking of the Yeovil Gas and Coke Company Limited to supply gas to establish a station for generating electric power and to raise money by borrowing on mortgage or otherwise. [25th July 1898.]

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WHEREAS by the Yeovil Improvement Act 1870 (herein-after referred to as "the Act of 1870") the mayor aldermen and burgesses of the borough of Yeovil (in this Act called "the Corporation") were empowered to construct waterworks and to supply water within the borough of Yeovil and (subject to due provision being made for the wants of the borough) within the other places mentioned in the Act of 1870: 33 & 34 Vict. c. lxxxviii.

And whereas by the Yeovil Corporation (Waterworks) Act 1896 (herein-after called "the Act of 1896") the Corporation were empowered to construct certain additional waterworks: 59 & 60 Vict. c. clii.

And whereas the Corporation have constructed the works authorised by the Act of 1870 and the works authorised by the Act of 1896 are now in course of construction and the Corporation are supplying water within part of the limits as defined by the Act of 1870 but the supply of water is inadequate to enable them properly to meet the demands upon them for water and it is expedient that the Corporation should be authorised to obtain additional water and to construct the additional waterworks herein-after described:

And whereas the Corporation were authorised by the Act of 1870 to borrow on mortgage for the purposes of the waterworks by that Act authorised to be made any sums not exceeding in the whole twenty thousand pounds and for the purposes of the Borough of Yeovil Extension and Improvement Act 1854 and the Act of 1870 any sums not exceeding in the whole five thousand pounds: 17 & 18 Vict. c. cxxv.

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42 & 43 Vict. c. lxxviii.

And whereas by the Borough of Yeovil Provisional Order scheduled to and confirmed by the Local Government Board's Provisional Orders Confirmation (Aysgarth Union &c.) Act 1879 the Corporation were empowered subject to the sanction of the Local Government Board to borrow and apply to the purposes of the waterworks authorised by the Act of 1870 all or any part of the said sum of five thousand pounds:

And whereas by the Yeovil Corporation (Waterworks) Act 1896 the Corporation were empowered to borrow as in that Act provided a sum of ten thousand pounds and certain further moneys as therein provided:

And whereas the Corporation have raised and expended in connexion with their waterworks the whole of the said sums of twenty thousand pounds and five thousand pounds and the sum of ten thousand pounds is allocated to and will be expended upon the works authorised by the Act of 1896 and it is expedient that they should be empowered to raise further moneys for the purposes of this Act:

And whereas the borough of Yeovil is now supplied with gas by the Yeovil Gas and Coke Company Limited and it is expedient that the Corporation should be empowered to purchase the works of that company and to supply gas as in this Act provided and it is also expedient that subject to the provisions of this Act the Corporation should have power to use the site of the said works or part thereof as a station for generating electric power:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

And whereas estimates have been prepared of the cost of and in connexion with the execution of the waterworks by this Act authorised and such estimates amount to fifty thousand pounds or thereabouts:

And whereas the several works included in such estimates are permanent works within the meaning of section 234 of the Public Health Act 1875:

38 & 39 Vict. c. 55.

And whereas an absolute majority of the whole number of the council at a meeting held on the ninth day of November one thousand eight hundred and ninety-seven after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the Western Gazette a newspaper published and circulating in the borough (such notice being in addition to the ordinary notices required for summoning such meeting) resolved that the expense in relation to promoting the Bill for this Act should be charged on the borough rate of the borough:

And whereas such resolution was published twice in the Western Gazette and has received the approval of the Local Government Board:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council at a further special meeting held in pursuance of a similar notice on the eighth day of February one thousand eight hundred and ninety-eight being not less than fourteen days after the deposit of the Bill in Parliament:

And whereas the owners and ratepayers of the borough by resolution in the manner provided in the Third Schedule of the Public Health Act 1875 consented to the payment out of the borough rate or borough fund of the borough of the costs of the promotion of the Bill for this Act:

And whereas plans and sections showing the lines situation and levels of the works by this Act authorised and plans showing the lands which may be acquired under the powers of this Act and a book of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of and describing such lands have been deposited with the clerks of the peace for the counties of Somerset and Dorset respectively and are in this Act referred to as the deposited plans sections and book of reference:

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):—

## PART I.—PRELIMINARY.

Short title.

**1.** This Act may be cited as the Yeovil Corporation Act 1898.

Incorporation of Acts.

**2.** The following Acts and parts of Acts (that is to say):—

The Lands Clauses Acts;

The Waterworks Clauses Act 1847 except the provisions thereof with respect to the amount of profits to be received by the Undertakers when the waterworks are carried on for their benefit and except the words "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner" in the 44th section of that Act;

The Waterworks Clauses Act 1863;

so far as they are applicable for the purposes of and not varied by or inconsistent with this Act are hereby incorporated with and form part of this Act.

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Interpretation.

**3.** Unless the subject or context otherwise requires—
In this Act—
"The borough" means the borough of Yeovil;
"The Corporation" means the mayor aldermen and burgesses of the borough;
"The council" means the council of the borough;
"The Company" means the Yeovil Gas and Coke Company Limited;
"The borough fund" and "the borough rate" respectively mean the borough fund and the borough rate of the borough;
"The gas undertaking" means the undertaking of the Company;
Terms to which meanings are assigned in Acts incorporated wholly or in part with this Act or which have therein special meanings have in this Act (unless varied thereby) the same respective meanings:
And in the Railways Clauses Consolidation Act 1845 for the purposes of this Act—
The expressions "the railway" "the work" and "the centre of the railway" respectively mean the service tanks and works immediately connected therewith and the boundaries thereof respectively by this Act authorised.

Act to be executed by council.

**4.** This Act shall be carried into execution by the Corporation acting by the council.

## PART II.—WATERWORKS.

Power to make works.

**5.** Subject to the provisions of this Act the Corporation may in the lines and situation and upon the lands delineated on the deposited plans and described in the deposited book of reference make and maintain the works shown on the deposited plans and sections and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as they require for the construction and maintenance of the works by this Act authorised The works by this Act authorised comprise the following (that is to say):—
A collecting pond (No. 1) in the parish of Melbury Bubb in the rural district of Cerne and county of Dorset at a site in the enclosure numbered 165 on the $\frac{1}{2500}$ Ordnance map (published 1889) of that parish 120 yards or thereabouts north of the northern corner of Haydon Wood:
A conduit or conduits (No. 1) commencing in the said parish of Melbury Bubb at the northern end of the collecting pond

lastly described and terminating in the same parish in the road leading from Sherborne to Evershot at a point in that road 340 yards or thereabouts northward of Redford Farm:

A conduit or conduits (No. 2) in the parish of Yetminster and county of Dorset commencing at a point 300 yards or thereabouts north of the junction of the road leading to Ryme with the said road from Sherborne to Evershot and terminating in the parish of Clifton Maybank in the road known as Clifton Hill at a point thereon 400 yards or thereabouts north-eastward from Stoford Bridge:

A conduit or conduits (No. 3) in the parish of Yeovil Without and county of Somerset commencing in the road from Stoford to Yeovil 140 yards or thereabouts south of the post on that road denoting one mile from Yeovil and terminating in the reservoir now in course of construction at Newton or Summerhouse Hill under the powers of the Yeovil Corporation (Waterworks) Act 1896:

A collecting pond (No. 2) situate in the parish of Stockwood in the rural district of Sherborne and county of Dorset in the Stock Wood at a site 140 yards or thereabouts south-east from the south-east corner of Stockwood Farm buildings and 145 yards or thereabouts eastward of the Higher Pond at that farm:

A conduit or conduits (No. 4) commencing in the said parish of Stockwood at the collecting pond (No. 2) herein-before described and terminating in the said parish of Yeovil Without at the service reservoir:

A service reservoir or tank in the parish of Yeovil Without situate in the centre of the field numbered 854 on the $\frac{1}{2500}$ Ordnance map (published 1889) of that parish in the angle formed by the roads leading from Crewkerne to Yeovil and from East Coker to Yeovil.

Power to make subsidiary works.

**6.** The Corporation in addition to the foregoing works may upon any lands for the time being belonging to them make and maintain all such aqueducts culverts drains sluices bywashes filter-beds tanks banks walls approaches and other works as may be necessary or convenient in connexion with the before-mentioned works or any of them.

Limits of deviation.

**7.** In the construction of the works authorised by this Act the Corporation may deviate to any extent not exceeding the limits of deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and they may also deviate from the levels

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shown on the deposited sections to any extent not exceeding five feet upwards and ten feet downwards but not so as to raise any pipe above the surface of the ground unless so shown on the deposited plans or sections and then only to the extent so shown.

Period for completion of works.

**8.** If any works authorised by this Act are not completed within the period of eight years from the passing of this Act then on the expiration of such period the powers by this Act granted to the Corporation for executing the same or in relation thereto shall cease except as to so much thereof as is then completed but nothing in this Act shall restrict the Corporation from extending enlarging altering reconstructing or removing any of their tanks tunnels engines sluices machinery apparatus filter-beds mains pipes or other works or plant as occasion may require.

Power to take water.

**9.** Subject to the provisions of this Act the Corporation may collect impound take use divert and appropriate for the purposes of their water undertaking the waters of the springs and streams shown on the deposited plans and within the limits of the lands which may be acquired by the Corporation and also all such springs streams and waters as will or may be intercepted by the works by this Act authorised or as may be found in or under any lands for the time being held by the Corporation for the purposes of their water undertaking.

For protection of Melbury estate.

**10.** For the protection of the Right Honourable Henry Edward Fox-Strangways Earl of Ilchester or other the owner of the Melbury estate (in this section called "the owner") the following provisions shall unless otherwise agreed between the owner and the Corporation have effect :—

(1) Nothing contained in this Act shall prevent the owner from taking by a ram or such other appliances as the owner shall from time to time think fit from the springs on the Melbury estate known as the Lower Stockwood Springs such quantity of water as he may require for use at Melbury House and the gardens laundries stables cottages lodges and other buildings and premises occupied therewith not exceeding one-seventh part of the water from time to time flowing from the said springs and the Corporation may appropriate the remaining six-seventh parts of the said water for the purposes of their water undertaking :

(2) The necessary works for giving effect to the foregoing provisions shall be agreed between the engineer of the Corporation and the owner or his engineer and if not so agreed shall be settled by arbitration as herein-after provided :

(3) Out of the remaining six-seventh parts of the water flowing from the said springs the Corporation shall at all times hereafter allow for all farms and cottages and buildings occupied with the farms now belonging to the owner on his Melbury estate (other than Melbury House with its immediate appurtenances as aforesaid) as are capable of being supplied from the said Stockwood Springs by gravitation a full and sufficient supply of water for all domestic and farm purposes other than irrigation :

(4) Any necessary connexions with the conduit or conduits of the Corporation shall be made and maintained by the Corporation at the cost of the owner but the owner shall not be entitled to take or use the water under this provision except for the purpose of supplying the said farms cottages and buildings and any dairies stables and buildings belonging thereto so far as they can be supplied by gravitation as aforesaid :

(5) In order to prevent unreasonable use or waste of the water to be supplied to or for the owner under subsection (3) of this section the Corporation may appoint persons to examine the places and fittings to and through which such water is supplied and to ascertain the purposes for which and quantities in which such water is being used and for that purpose any such person and the Corporation respectively shall have and may exercise all or any of the powers conferred by the Waterworks Clauses Act 1847 upon the undertakers and their officers for the prevention of waste or misuse of water :

(6) For the purpose of providing motive power for the utilisation of the water which may be appropriated as aforesaid by the owner under the provisions of this Act the owner may make use of the remainder of the said water which may be appropriated by the Corporation but such remainder of the said water shall be utilised in such manner as not to cause any fouling thereof and shall be returned to the Corporation at some convenient point near the said springs on the line of the said conduit or conduits No. 4 and at an elevation of not less than 335 feet above Ordnance datum :

(7) If the Corporation makes default (after having appropriated the said six-seventh parts of the water) in supplying such water as aforesaid or any part or parts thereof they shall be liable to a penalty not exceeding ten pounds for every day or part of a day during which any such default shall continue such penalty to be recovered summarily by the owner :

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(8) Any difference referred by this section to arbitration shall be determined by the arbitration of a single engineer to be agreed between the Corporation and the owner or in default of agreement to be appointed for the purpose by the President for the time being of the Institution of Civil Engineers on the application of either party.

Corporation may acquire easements only in certain lands.

**11.** The Corporation may in lieu of acquiring any lands for the purposes of the works by this Act authorised acquire such easements and rights in such lands as they may require for the purpose of constructing placing laying inspecting maintaining cleansing repairing conducting or managing the same and may give notice to treat in respect of such easements and rights and may in such notice describe the nature thereof and the several provisions of the Lands Clauses Acts inclusive of those with regard to arbitration and the summoning of a jury shall apply to such easements and rights as fully as if the same were lands within the meaning of such Acts Provided always that except as to land forming part of a street nothing herein contained shall authorise the Corporation to acquire by compulsion any such easement in any case in which the owner in his particulars of claim shall require the Corporation to acquire the lands in respect of which they have given notice to treat for the acquisition of an easement only and every notice to treat for the acquisition of an easement shall be endorsed with notice of this proviso.

Limitation of time for compulsory purchase of lands.

**12.** The powers of the Corporation for the compulsory purchase of lands for the purposes of this Part of this Act shall cease after the expiration of three years from the passing of this Act.

Limiting interference with Stockwood Common.

**13.** Nothing in this Act shall authorise the Corporation to purchase or take any greater part of the common or commonable lands known as Stockwood Common in the parish of Stockwood in the county of Dorset than one-third of an acre and the Corporation shall not purchase or take any estate or rights therein other than an easement or right of laying the conduit as by this Act authorised below the surface of the said common or commonable lands and the said surface shall after disturbance be restored as promptly as reasonably practicable and except during and for the purpose of the construction of the works by this Act authorised no part of the said common or commonable lands shall be fenced.

Power to acquire additional lands easements &c. by agreement.

**14.** The Corporation may (in addition to lands they are authorised to acquire and hold under the powers of the recited Acts and under the other powers of this Act) by agreement acquire either by purchase or by way of exchange or otherwise for the

purposes of their water undertaking any land not exceeding in the whole twenty acres or any easement power or privilege therein thereunder thereover or thereupon (not being an easement right or privilege of water in which persons other than the grantors have an interest) which shall be deemed necessary by the Corporation but the Corporation shall not deal with any such lands so as to create or permit a nuisance nor shall they use for any building purpose unconnected with their waterworks any land acquired under the powers of this section.

Power to take additional lands by agreement for protection of water supply.

**15.** The Corporation may for the purposes only of protecting from contamination fouling or discolouration any reservoirs or ponds or any waters over which they for the time being have any right or in which they for the time being have any interest and any waters which flow into such reservoirs or waters acquire by agreement or take on lease and hold either temporarily or permanently any lands situate within the drainage area of such reservoirs or ponds or waters and such lands shall not be deemed to be superfluous lands within the meaning of the Lands Clauses Consolidation Act 1845 (except as herein-after provided in the case of sale by the Corporation) or the recited Acts but the Corporation shall not deal with such lands so as to create a nuisance nor use any such lands for any building except buildings required for the undertaking of the Corporation or for the purposes of farms.

Consideration for such acquisition.

**16.** The consideration for any such acquisition may be either money or land or a mixed consideration of money and land and on any exchange the Corporation may give or take any money for equality of exchange.

Restriction on taking houses of labouring class.

**17.**—(1) The Corporation shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

(2.) For the purposes of this section the expression "labouring class" means mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

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Sale of superfluous lands.

**18.** The Corporation may sell lease or otherwise dispose of in such manner and to such persons as the Corporation think fit any lands houses or other property for the time being held by the Corporation for the purposes of their water undertaking and which they do not require for the purposes of that undertaking and in any such sale or lease the Corporation may reserve to themselves all or any water or water rights or other easements belonging to the lands sold or leased and may make the sale or lease for such consideration and subject to such reservations conditions restrictions or provisions and generally upon such terms and conditions as the Corporation think fit.

Application of moneys from sale &c. of land.

**19.** The Corporation shall apply all moneys received by them in respect of any sales exchanges or disposition of lands acquired by them under this Act or by way of fine or premium on any lease of any such lands in or towards paying off moneys borrowed and for the time being owing under this Act or if there shall be no moneys owing under this Act such proceeds shall be applied in or towards paying off any other moneys for the time being owing by the Corporation and such proceeds shall not be applicable to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board.

## PART III.—TRANSFER OF GAS COMPANY'S UNDERTAKING TO CORPORATION.

Transfer to Corporation of Company's undertaking.

**20.**—(1) In and for the purposes of this Part of this Act the expression "the undertaking of the Company" includes all the gasworks engines mains pipes and machinery lands and buildings plant and all the rights powers and privileges vested in or belonging to or had or enjoyed by the Company at the date of the transfer of the undertaking of the Company to the Corporation under the provisions of this Act save and except—

(i) The cash balances other than consumers' deposits in the Company's hands or in those of their bankers or agents on the day of the transfer and all sums standing to the credit of their reserve fund and all stock-in-trade and stores; and

(ii) All rents and profits of and all book and other debts due to the Company and all rates accrued due on the day of the transfer and the books and papers relating exclusively to the shareholders in and the constitution of the Company.

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(2) The Corporation shall within six months after the passing of this Act by notice in writing under their seal require the Company to sell and transfer to the Corporation and the Company shall thereupon sell and transfer to the Corporation the undertaking of the Company for such a sum of money and upon such terms and conditions as may be agreed upon between the Company and the Corporation or as failing agreement shall be determined by arbitration in manner provided by the Lands Clauses Acts and in the event of such arbitration taking place the arbitrators and umpire shall in settling the amount of compensation to be paid by the Corporation to the Company have regard to and make allowance for the capacity of the works and plant being in excess of the requirements of the Company and sufficient to meet future requirements.

(3) In addition to the sums to be paid by the Corporation to the Company under the foregoing provisions of this section the Corporation shall on or before the first day of January one thousand eight hundred and ninety-nine pay to the Company the costs and expenses incurred by them preliminary to and of and incident to the promotion by them of their Bill in the present session and their opposition to the Bill for this Act and the Corporation shall also pay all the costs and expenses of and incident to the transfer of the undertaking of the Company and the winding up of the Company.

(4) The Corporation shall also pay compensation to any officers and servants in the regular employment of the Company who shall not be retained by the Corporation in the same or similar office or employment and at the salary and on the terms and conditions in at and on which they respectively were employed by the Company at the passing of this Act in respect of any loss of office or diminution of salary or income by reason of the transfer of the undertaking of the Company to the Corporation the amount of such compensation in default of agreement to be determined by arbitration as aforesaid and no officer or servant who has been in the employment of the Company for fourteen years or upwards shall lose his right to compensation as aforesaid by reason of his declining to continue in the service of the Corporation.

(5) The Company shall be entitled to and shall retain all sums standing to their credit at any bank or otherwise and all sums standing to the credit of their reserve fund and all cash in hand and shall also be entitled to receive and recover all debts accruing due to the Company up to the time of the transfer.

(6) The purchase shall be completed and the transfer shall be carried into effect within three months from the date of the award

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of the arbitrator or at such earlier date as may be agreed in the event of an arbitration not taking place.

(7) The Corporation shall pay to the Company such a sum as shall be agreed between them or determined by valuation for the stock-in-trade and stores of the Company as they stand on the day of transfer.

On payment of purchase money undertaking to vest in the Corporation.

**21.** On payment by the Corporation of the purchase money in accordance with the provisions of this Act the undertaking of the Company shall by virtue of this Act become and shall thenceforth be transferred to and vested in the Corporation subject and according to the provisions of this Act and free as between the Company and the Corporation from all debts and liabilities affecting the same due from or payable by the Company up to the time of such transfer and thenceforth the Corporation shall have and hold the undertaking.

Receipt for purchase money.

**22.** The receipt in writing of three of the directors of the Company for any money to be paid to the Company by the Corporation shall effectually discharge the Corporation from the sum which in such receipt shall be acknowledged to have been received and from being concerned to see to the application thereof and from being answerable or accountable for the loss misapplication or non-application thereof:

Provided that if from any cause the Corporation are unable to obtain such receipt they may pay the amount under this Act into the Bank of England in the name of the Paymaster-General for and on behalf of the Supreme Court to an account to be opened in the matter of this Act and a receipt shall be given to the Corporation by the cashier of the said bank for the said sum which shall have the same effect as the receipt of such three directors.

Liabilities and actions &c. by or against Company.

**23.** All debts and liabilities due from or payable by the Company up to the time of transfer which shall then remain unpaid or unsatisfied shall as between the Company and the Corporation be paid or satisfied by the Company and the Company shall indemnify the Corporation against the same and if at the time of the transfer any action or proceeding or any cause of action or proceeding is pending or existing by or against or in favour of the Company the same shall not abate or be discontinued or in anywise prejudicially affected by reason of the transfer or of anything in this Act but the same may be continued prosecuted and enforced by or against or in favour of the Corporation as and when it might have been continued prosecuted and enforced by or against or in favour of the Company if this Act had not been passed but as between the Company and the Corporation the Company shall

indemnify the Corporation against any action or proceeding against the Company and shall be entitled to the benefit of any action or proceeding in favour of the Company which shall be pending at the time of the transfer.

Contracts of Company to be binding on Corporation.

**24.** Subject to this Act all agreements conveyances contracts deeds and other instruments entered into or made with or by the Company and in force at the time of the transfer shall be as binding and of as full force and effect in every respect against or in favour of the Corporation and may be enforced as fully and effectually as if instead of the Company the Corporation had been a party thereto.

Maintenance of undertaking of Company until transfer.

**25.** Until the transfer the gas undertaking shall be maintained and carried on by the Company in the ordinary course of business but the Company shall not without the previous consent of the Corporation under the hand of the town clerk make or enter into any contract agreement or obligation except such as shall be in the ordinary course of maintenance of the works and the proper conduct of the gas undertaking.

Books &c. to remain evidence.

**26.** All documents books and writings which if the transfer had not been made would have been receivable in evidence in respect of any matter for or against the Company shall be admitted in evidence in respect of the same and the like matter for or against the Corporation.

Copy of Act to be registered.

**27.** The council shall forward to the registrar of joint stock companies a printed copy of this Act and it shall be recorded by him and if such copy is not forwarded within three months from the passing of this Act the council shall incur a penalty not exceeding two pounds for every day after the expiration of those three months during which the copy is omitted to be forwarded and every penalty shall be recovered summarily.

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## PART IV.—POWERS AS TO SUPPLY OF GAS BY CORPORATION.

Act not to take effect until transfer.

**28.** This Part of this Act shall apply to the Corporation and their gas undertaking as from the date of the transfer to the Corporation of the undertaking of the Company but not otherwise.

Incorporation of Acts.

**29.** The following Acts and parts of Acts (so far as the same are applicable for the purposes and are not inconsistent with the

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provisions of this Act) are hereby incorporated with this Part of this Act (namely):—

The Gasworks Clauses Act 1847 (except the provisions thereof with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for their benefit and except section 38 relating to accounts):

And the Gasworks Clauses Act 1871 (except section 7 relating to shareholders section 8 relating to the appointment of a receiver and section 35 relating to accounts &c.) shall apply to the gas undertaking of the Corporation.

Gas limits.

**30.** The limits of this Act for the supply of gas by the Corporation shall be the borough of Yeovil and the parishes and places following viz. Yeovil Without Preston Plucknett in the county of Somerset and Clifton Maybank in the county of Dorset.

Powers as to construction and maintenance of gasworks &c.

**31.** Subject to the provisions of this Act the Corporation may upon the lands described in the schedule to this Act or on any part of such lands erect provide and maintain alter improve enlarge extend and renew or discontinue additional and other works for the manufacture and storage of gas and for the manufacture and conversion of any residual products arising in or resulting from the manufacture of gas and the Corporation may also erect lay down provide maintain alter improve enlarge extend and renew or discontinue additional retorts condensers scrubbers exhausters purifiers gas-holders tanks receivers drains sewers mains pipes meters lamps lamp-posts burners stop-cocks machinery and other works and apparatus and conveniences and may do all such acts as they may think proper for making and storing gas and for supplying gas within the limits of this Act for the supply of gas and may make store and supply gas accordingly and may manufacture sell provide supply and deal in coke tar pitch asphaltum ammoniacal liquor oil and all other products or residuum of any materials employed in arising or resulting from the manufacture of gas and also meters fittings tubes pipes and other articles and things in any way connected with gasworks or with the supply of gas as they may think fit.

Provision for sale of portion of gasworks and plant to other sanitary authorities.

**32.** If at any time after the passing of this Act any local authority whose district is beyond the district of the Corporation but as to the whole or any part thereof within their limits for the supply of gas shall give not less than six months' notice in writing to the council of their desire to purchase such portion of the gasworks and plant of the council as is contained within the district of any such local authority and shall obtain the consent of the Local

Government Board to such purchase and shall apply to Parliament or to the Local Government Board for power to purchase such portion of the gasworks and plant of the council (except the mains and pipes or other apparatus which shall be necessary for supplying with gas any other part of the limits of the council for the supply of gas) and to supply gas within such district then it shall not be lawful for the council to oppose such application (except as to the details thereof) and if such powers of purchase and supply be granted the council shall sell and such local authority shall purchase the portion of the gasworks and plant of the council (except as aforesaid) within the district of such local authority at such price and upon such terms and conditions as shall be fixed in default of agreement by arbitration under the provisions of the Lands Clauses Acts Any such purchase shall be deemed to be a purpose of the Public Health Act 1875 except so far as the same may be otherwise provided for by Parliament Provided that after the completion of such purchase all obligations on the part of the council to supply gas within the district of the purchasing authority shall cease and determine.

Power to take additional lands by agreement.

**33.** The Corporation may for any of the purposes of their gas undertaking purchase by agreement any lands not exceeding five acres but the Corporation shall not create or permit the creation or continuance of any nuisance on any such lands or use such lands for any buildings except offices and dwellings for persons in their employ and such buildings and works as may be incident to or connected with their gas undertaking.

Power to supply gas apparatus engines &c. for heating motive and other purposes.

**34.** The Corporation may purchase provide supply sell let for hire and otherwise deal in and fix set up alter remove and re-fix gas meters and fittings gas engines stoves ranges pipes and other apparatus and appliances articles and things for lighting motive power the warming and ventilation of houses and buildings the cooking of food and for all other purposes for which gas can or may be used and may require and take such remuneration in money or such rents and charges for and make such terms and conditions with respect to the sale supply letting fixing setting up altering or removing of such meters fittings engines stoves ranges pipes and other apparatus and appliances articles and things as aforesaid and for securing their safety and return to the Corporation as may be agreed upon between the Corporation and the person to or for whom the same are sold supplied let fixed set up altered or removed.

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

**35.** If a person requiring a supply of gas has previously quitted premises at which gas was supplied to him by the Corporation without paying all gas or meter rent due from him the Corporation

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may refuse to furnish to him a supply of gas until he pays the same.

Gas consumers to give notice to Corporation before removing.

**36.** Twenty-four hours' notice in writing shall be given to the Corporation at their gas office by every gas consumer before he shall quit any premises supplied with gas by meter by the Corporation and in default of such notice the consumer so quitting shall be liable to pay to the Corporation 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:

Provided that notice of the effect of this enactment shall be endorsed on the demand sent to the consumer.

Limiting the price of gas.

**37.** The price to be charged by the Corporation for gas supplied by them to persons who shall burn the same by meter shall not at any time exceed four shillings per one thousand cubic feet The Corporation shall not at any time charge consumers of gas within the portion of the gas limits which is outside the district of the Corporation a higher price than that charged to consumers in the district of the Corporation under like circumstances.

Pressure of gas.

**38.** All gas supplied by the Corporation to any consumer of gas shall be supplied at such pressure as to balance a column of water from midnight to sunset not less than six-tenths of an inch and from sunset to midnight 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 consumer 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 and two hours' previous notice shall be given to the Corporation of the time and place at which such testing shall be conducted.

Quality of gas.

**39.** The prescribed number of candles shall be fifteen.

Testing place.

**40.** Within six months from the transfer a testing place shall be provided at some convenient part of the gasworks of the Corporation.

Burner.

**41.** The prescribed burner shall be Sugg's London Argand Burner Number 1 with a six-inch by one-and-three-quarter-inch glass chimney but if at any time and so long as the gas flame rises above the top of that glass a six-inch by two-inch chimney shall be

used or any other burner or chimney approved for this purpose by the Board of Trade. A.D. 1898.

Corporation to pay interest on money deposited as security for gas meter.

**42.** If any person is required by the Corporation to give to them security for the payment of the price or rent of a gas meter the Corporation shall pay interest after the rate of four pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

Corporation may contract with local authority for supply in bulk.

**43.** The Corporation may contract with any local authority company or persons whether within or beyond the Corporation's limits of supply (but as to any such company public body officers or persons beyond the Corporation's limits of supply only with the consent in writing of the local authority of and of any company authorised by special Act or Provisional Order confirmed by Parliament to supply gas within the district within which the supply is to be given) 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 shall be agreed upon.

Use of lands for generating electric power.

**44.** If and when the Corporation are empowered either by special Act or Provisional Order to supply electricity they may provide and maintain a station for generating electric power upon any part of the lands mentioned in the schedule to this Act.

## PART V.—FINANCIAL.

Power to borrow.

**45.**—(1) The Corporation may independently of any other borrowing power borrow at interest any sum or sums of money for the purposes herein-after mentioned not exceeding the respective amounts following (that is to say) :—

(A) For the purchase of land for and the execution of the waterworks authorised by this Act the sum of fifty thousand pounds ;

(B) For the purchase of the gas undertaking and costs and expenses incidental thereto such sums as may be required ;

(C) For paying the costs and expenses of this Act as herein-after provided the sum requisite for that purpose :

And with the approval of the Local Government Board such further moneys as the Corporation may require for any of the purposes of this Act or otherwise in relation to the water undertaking or gas undertaking of the Corporation.

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(2) In order to secure the repayment of the moneys borrowed under this section and the payment of the interest thereon the Corporation may mortgage the revenue of their water undertaking and gas undertaking or either of them and the borough fund and borough rate.

Inquiries by Local Government Board.

**46.**—(1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in regard to the exercise of any powers conferred upon them or the giving of any consents under this Act and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that board under the Public Health Act 1875.

(2) The Corporation shall pay to the Local Government Board any expenses incurred by that board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that board not exceeding three guineas a day for the services of such inspector.

Mode of raising money.

**47.** The Corporation may raise all or any moneys which they are authorised to borrow under this Act either by mortgage or by issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another.

Certain regulations of Public Health Act as to borrowing not to apply.

**48.** The powers of borrowing money by this Act given shall not be restricted by any of the regulations contained in section 234 of the Public Health Act 1875 and in calculating the amount which the Corporation may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

Provisions of Public Health Act as to mortgages to apply.

**49.** The following sections of the Public Health Act 1875 shall extend and apply to mortgages granted under this Act (that is to say) :—

Section 236. Form of mortgage;
Section 237. Register of mortgages;
Section 238. Transfer of mortgages;
Section 239. Receiver may be appointed in certain cases.

Periods for payment off of money borrowed

**50.** The Corporation shall pay off all moneys borrowed by them under this Act within the respective periods (in this Act referred to as "the prescribed periods") following (that is to say) :—

As to moneys borrowed for the purposes of waterworks hereinbefore mentioned within sixty years from the date or dates of the borrowing of the same;

As to moneys borrowed for the purpose of purchasing the gasworks and making gasworks within forty years from the date or dates of the borrowing;

As to moneys borrowed for the purpose (c) herein-before mentioned within ten years from the date or dates of the borrowing of the same;

As to moneys borrowed with the approval of the Local Government Board within such period as they may think fit to sanction.

Mode of payment off of money borrowed.

**51.**—(1) The Corporation shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest or by means of sinking funds or partly by such instalments and partly by sinking funds and the payment of the first instalment or the first payment to the sinking fund shall be made within one year after the time of borrowing the sum in respect of which the payment is made.

(2) The following provisions shall apply in regard to any sinking fund to be formed under this Act:—

(A) The Corporation in every year shall appropriate and set apart out of the funds rates and revenue on the security of which such moneys shall have been borrowed such equal annual sums as will with the accumulations thereof by way of compound interest at a rate not exceeding three pounds per centum per annum be sufficient to pay off the principal moneys borrowed (so far as the same are repayable by means of a sinking fund) within the prescribed periods:

(B) The yearly sums so appropriated and set apart shall be invested from time to time and accumulated in the way of compound interest by investing the same and the dividends interest and annual income thereof respectively in any securities in which trustees are by law authorised to invest trust money (other than securities of the Corporation and securities transferable by delivery) and if and as often as the rate of interest by investment is not equal to the prescribed rate of accumulation any deficiency arising thereby shall be made good out of the respective funds or rates which are liable to contribute to the sinking fund:

(c) The Corporation may at any time apply the whole or part of the sinking fund in or towards the repayment of the borrowed moneys in respect of which such sinking fund is set apart in such order and manner as they deem proper Provided that in such case they pay into such sinking fund in each year afterwards and accumulate as herein-before prescribed until the

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whole of such borrowed moneys are discharged a sum equal to the interest produced by the sinking fund or part thereof so applied at the rate per centum on which the equal annual payments to the sinking fund are based:

(d) Whenever and so long as the yearly income arising from the sinking fund would if the sinking fund were invested at the same rate of interest as is payable on the borrowed moneys then outstanding be equal to the annual interest of such borrowed moneys the Corporation may in lieu of investing the said yearly income apply the same in payment of such interest and may during such periods discontinue the payment to the sinking fund of the yearly sums required to be so paid thereto.

Power to reborrow.

**52.** If the Corporation pay off any moneys borrowed by them under this Act otherwise than by instalments appropriations or annual repayments or by means of a sinking fund or out of the proceeds of the sale of land or other property or out of fines or premiums on leases or out of other moneys received on capital account not being borrowed moneys they may from time to time reborrow the same but all moneys so reborrowed shall be repaid within the prescribed period and shall be deemed to form the same loan as the moneys originally borrowed and the obligations of the Corporation with respect to the repayment of the loan and to the provisions to be made for such repayment shall not be diminished by reason of such reborrowing.

Protection of lender from inquiry.

**53.** A person lending money to the Corporation under this Act shall not be bound to inquire as to the observance by them of any provisions of this Act or be bound to see to the application or be answerable for any loss or non-application of the money lent or of any part thereof.

Application of money borrowed.

**54.** Moneys borrowed or raised by the Corporation under this Act shall be applied only to the purposes in respect of which they were respectively authorised to be borrowed or raised and to which capital is properly applicable.

Annual return to Local Government Board with respect to sinking fund.

**55.** The town clerk of the borough shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund or any instalment is required to be paid under this Act transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been paid as an instalment or invested for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing

the purposes to which any portion of the moneys invested for the sinking fund and the interest thereon have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return the town clerk shall be liable to a penalty of not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act 1875 in a summary manner may be recovered by parties aggrieved within the meaning of that Act If it appear to the Local Government Board by such return or otherwise that the Corporation have failed to pay any instalment or to set apart the sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereon to any purposes other than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court The provisions of this section shall apply mutatis mutandis to appropriations and annual repayments.

Saving for existing charges.

**56.** Nothing in this Act shall prejudicially affect any charge on the revenue and rates or the estates and property of the Corporation subsisting at the passing of this Act and every mortgagee or person for the time being entitled to the benefit of any such charge shall have the same priority of charge and all the like rights and remedies in respect of the revenue rate and property subject to his charge as if this Act had not passed and all such charges created before the passing of this Act shall during the subsistence thereof have priority over any mortgage or charge granted under this Act on the same revenue rate and property.

Corporation to keep separate accounts of gas and water undertakings.

**57.** The Corporation shall keep separate accounts of their receipts and expenditure for gasworks and waterworks purposes respectively on capital and revenue account and they may apportion between those accounts any expenditure incurred for purposes common to both.

Application of gas revenue.

**58.** The Corporation shall apply the gas revenue as follows (that is to say):—

Firstly In payment of their costs charges and expenses of and incidental to the collecting and recovering of gas revenue and of the borrowing of money for gasworks under this Act;

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Secondly In payment of the working and establishment expenses and costs of management and maintenance of the gas undertaking;

Thirdly In providing the moneys required to pay the interest on moneys borrowed by them under this Act for the purchase of the gas undertaking or for the purposes of their gas undertaking;

Fourthly In providing the requisite appropriations instalments or sinking fund under this Act or otherwise making provision for repayment of the moneys borrowed under this Act for the purchase of the gas undertaking of the Company;

Fifthly In providing a reserve fund for the gas undertaking if they think fit by setting aside such money as they from time to time think reasonable and investing the same and the resulting income thereof in any securities in which trustees are authorised to invest trust moneys (except securities of the Corporation and securities transferable by delivery) and accumulating the same at compound interest until the fund so formed amounts to five hundred pounds which fund shall be applicable from time to time to answer any deficiency at any time happening in the income of the Corporation from the gas undertaking or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of that undertaking or to the improving and extending thereof and so that if that fund is at any time reduced it may thereafter be again restored to the sum of five hundred pounds and so from time to time as often as such reduction happens;

Sixthly In improving and extending the gas undertaking:

And any balance remaining in any year which may in the opinion of the Corporation not be required for carrying on the gas undertaking and paying the current expenses connected therewith and the annual proceeds of the reserve fund when such fund amounts to five hundred pounds shall be carried to the credit of the borough fund.

As to deficiency in receipts.

**59.** Any deficiency in the revenues and receipts of the Corporation on account of the gas undertaking shall in the absence of a reserve fund applicable to the purpose or so far as such reserve fund is not sufficient for the purpose be from time to time made good out of the borough fund.

## PART VI.—MISCELLANEOUS.



Saving rights of duchy of Cornwall.

**60.** Nothing contained in this Act shall extend to authorise the Corporation to take use enter upon or interfere with any land soil or water or any rights in respect thereof belonging to Her Majesty in right of the duchy of Cornwall without the consent in writing of some two or more of such of the regular officers of the said duchy or of such other persons as may be duly authorised under the provisions of the Duchy of Cornwall Management Act 1863 section 39 to exercise all or any of the rights powers privileges and authorities by the said Act made exerciseable or otherwise for the time being exerciseable in relation to the said duchy or belonging to the Duke of Cornwall for the time being without the con-ent of such duke testified in writing under the seal of the duchy of Cornwall first bad and obtained for that purpose or to take away diminish alter prejudice or affect any property rights profits privileges powers or authorities vested in or enjoyed by Her Majesty in right of the duchy of Cornwall or in or by the Duke of Cornwall for the time being.

For protection of London and South Western Railway Company.

**61.** For the protection of the London and South Western Railway Company (in this section called "the South Western Company") the several provisions of this section shall have full effect with reference to the intended works of the Corporation under this Act:—

(A) Where any work of the Corporation is intended to pass under the railway of the South Western Company (herein-after referred to as "the railway") the same shall be made and maintained for a distance of ten yards on either side of the railway and under that railway according to drawings and specifications which the South Western Company's engineer shall approve:

(B) All works of the Corporation shall be respectively made and maintained in such a manner as not in any degree to prejudice or endanger the stability of any part of the railway or works and the Corporation shall maintain at their own cost for a period of twelve months after the completion of the works any portion of any road which they may break up and which may be otherwise maintainable by the South Western Company:

(C) Before commencing any works the Corporation shall submit to the South Western Company's engineer for his approval thereof a proper and sufficient description plan section and specification of such parts of the Corporation's respective works or alteration as are to be made within ten yards of the railway and if in any case the South Western Company's engineer does

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not within fourteen days after the delivery thereof to him approve the same with such modifications (if any) thereof as he reasonably requires or if the Corporation object to any modification thereof required then the matter may be determined by an impartial civil engineer appointed on the application of the Corporation and the South Western Company or either of them by the President of the Institution of Civil Engineers:

(d) The South Western Company if and when they think fit may upon giving fourteen days' previous notice to the Corporation and upon emergency without notice execute for and at the expense of the Company all or any of those works respectively which are to be made and maintained in upon or within ten yards from any part of the railway:

(e) Notice in writing of the intention of the Corporation to execute such works shall be given by them to the South Western Company by leaving the same at their principal office or at the office of their engineer fourteen clear days before the commencement of the execution thereof and the same shall be executed under the superintendence and to the satisfaction of the South Western Company's engineer The South Western Company may from time to time at the expense of the Corporation appoint and employ such inspectors and watchmen as may be reasonably necessary to superintend the execution of the works of construction or maintenance from time to time by the Corporation and to secure the safety of the railway or works or the traffic on to or from the railway:

(f) The Corporation shall from time to time on demand fully compensate the South Western Company in respect of all damage and loss occasioned to them by reason of the construction and maintenance or of the failure or want of stability or repair of the works by this Act authorised or any of them by interruption of or interference with the railway or the works or conveniences thereof or the traffic thereon or failing payment the same may be recovered by the South Western Company with full costs of suit in any court of competent jurisdiction:

(g) The Corporation shall hold harmless and keep indemnified the South Western Company from and against all actions suits or other proceedings which may be commenced or instituted against them by reason of or in relation to any of the works by this Act authorised or the maintenance thereof for damage or injury which may result therefrom:

(h) In the event of the South Western Company desiring to alter or extend their railway or any of the works approaches buildings or conveniences connected therewith so as to involve

any interference with any water or gas mains or pipes laid down by the Corporation under the powers of this Act on any land now belonging to the South Western Company the Corporation shall give to the South Western Company every reasonable facility for such alteration or extension and shall pay any extra cost which may be occasioned to the South Western Company in such alteration or extension by reason of such mains or pipes being laid down on any land now belonging to the South Western Company:

(1) Except as by this Act expressly authorised the Corporation shall not without the consent of the South Western Company testified by writing signed by their secretary acquire any part of their land or property.

For protection of Great Western Railway Company.

**62.** The following provisions for the protection of the Great Western Railway Company shall be in force and have effect:—

(1) Any mains or pipes which the Corporation may lay down under the powers of this Act in or along any road crossing over under or on the level of the railway of the Great Western Railway Company shall so far as they may affect such railway be laid down by the Corporation at such times as may be reasonably required by and under the direction and superintendence and to the reasonable satisfaction of the engineer for the time being of the Great Western Railway Company and in accordance with plans and sections (when necessary in the opinion of such engineer) previously submitted to and approved by him in writing and any such mains or pipes from time to time renewed or repaired by the Corporation shall be renewed or repaired in the same manner and under the like conditions and the reasonable charges of such engineer shall be borne by the Corporation Provided that where any mains or pipes require to be laid under or over any level crossing of their railway the Great Western Railway Company may if they elect so to do themselves lay the same at the costs charges and expenses of the Corporation:

(2) The said mains or pipes shall be so laid down maintained repaired and used by the Corporation as not to cause any damage or injury to or impede the free and uninterrupted use of the said railway and works:

(3) The Corporation shall at all times keep the Great Western Railway Company indemnified against all damages losses expenses or injuries which they or the traffic on the said railway may sustain or incur by reason or in consequence of the laying down maintaining and using or the failure of any such mains and pipes as aforesaid.

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Power to Corporation to supply water in bulk to local authorities through whose district works will be made.

**63.** The Corporation may enter into and fulfil contracts and agreements with any other corporation company or person in or having jurisdiction within any parish in or through which the works by this Act authorised will be made or pass for or in relation to the supply of water in bulk by the Corporation to such other corporation company or person and the execution of the works and the acquisition of the lands requisite for the purpose of such supply The Corporation may for the purposes aforesaid exercise the powers of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes But the powers of this section shall not be exercised without the consent of the local authority or company (if any) having statutory powers to supply water within the parish to which the agreement relates.

Expenses of Act.

**64.** All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation.

## The SCHEDULE referred to in the foregoing Act.



### Lands for the Manufacture and Storage of Gas.

Lands in the borough of Yeovil in the county of Somerset containing two acres or thereabouts on which the existing works of the Company are situate bounded as follows:—On the north-west partly by Middle Street partly by premises in the occupation of the Yeovil and South Somerset Liberal Club Company Limited partly by premises in the occupation of George Henry Whitby partly by premises in rear of the houses in Ebenezer Terrace partly by premises in the occupation of Thomas Jesty and partly by premises in the occupation of Messrs. Bird and Pippard on the south-wets by S tars Lane on the south-east partly by a lane known as Gas Lane and partly by premises of Ellen Chaffey and on the north-east by Gas Lane.

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