



CHAPTER xcvi.

An Act to provide for the purchase of the undertaking and business of the Haverton Hill-on-Tees Gas Company Limited by the mayor aldermen and burgesses of the borough of Stockton-on-Tees to extend the areas of supply for gas and electricity of the Stockton-on-Tees Corporation to confer further powers on the Corporation with regard to the supply of gas and electricity and the consolidation of rates and for other purposes. [7th August 1925.]

A.D. 1925.

WHEREAS the mayor aldermen and burgesses of the borough of Stockton-on-Tees (in this Act called "the Corporation") supply gas within and in the neighbourhood of the borough of Stockton-on-Tees hereinafter called "the borough"):

And whereas the Haverton Hill-on-Tees Gas Company Limited (hereinafter called "the company") supply gas in part of the urban district of Billingham adjacent to the existing limits for the supply of gas of the Corporation:

And whereas the company have agreed with the Corporation for the transfer of their undertaking and business to the Corporation and it is expedient that the agreement (a copy of which is set forth in the First Schedule to this Act) should be confirmed and that provision should be made for carrying it into effect and that power should be conferred upon the Corporation as is in this Act contained in relation to the said under-

A.D. 1925. taking and that the limits of the Corporation for the supply of gas should be extended and the powers of the Corporation with regard to the supply of gas should be increased as by this Act provided:

And whereas it is expedient to extend the area of the Corporation with regard to the supply of electricity and to increase the powers of the Corporation with regard to the supply of electricity as by this Act provided:

And whereas it is expedient to appoint the Corporation acting by the council overseers of the township of Stockton-on-Tees and to make provision for the consolidation of the rates levied in the borough:

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

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

And whereas estimates have been prepared by the Corporation for the purposes hereinafter mentioned and such estimates are as follows:—

	£
For gas mains pipes and apparatus -	9,300
For working capital for the quay undertaking - - - - -	6,000
For mains wires and apparatus in connection with the supply of electricity	12,000
For working capital for the electricity undertaking - - - - -	10,000

And whereas the several works included in such estimates are permanent works and it is expedient that the cost thereof should be spread over a term of years:

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed:

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:—

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the Stockton-on-Tees Corporation Act 1925.

2. This Act is divided into Parts as follows:— A.D. 1925.

Part I.—Preliminary.

Part II.—Transfer of undertaking of Haverton Hill-on-Tees Gas Company Limited. Division of Act into Parts.

Part III.—Supply of gas.

Part IV.—Supply of electricity.

Part V.—Rating provisions.

Part VI.—Financial and miscellaneous provisions.

3. The following Acts and parts of Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act (namely):— Incorporation of Acts.

(1) The Lands Clauses Acts except section 127 of the Lands Clauses Consolidation Act 1845 (relating to the sale of superfluous lands) and except the provisions with respect to the taking of lands otherwise than by agreement;

(2) The Gasworks Clauses Act 1847 (except the provisions with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for their benefit and with respect to the yearly receipt and expenditure of the undertakers) Provided that section 13 of that Act 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 Corporation shall be alike in terms and amount under like circumstances" and for the same purposes to all consumers" were added at the end of that section; and

(3) The Gasworks Clauses Act 1871 (except sections 7 8 and 35 thereof);

(4) The provisions contained in the schedule to the Electric Lighting (Clauses) Act 1899 as amended by the Electricity (Supply) Acts 1909 to 1922.

4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by the Public Health Acts have the same respective meanings unless there be Interpretation.

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— construction And in this Act unless the subject or
context otherwise requires—

“ The Corporation ” means the mayor aldermen and
burgesses of the borough of Stockton-on-Tees;

“ The borough ” means the borough of Stockton-
on-Tees;

“ The council ” means the council of the borough;

“ The borough fund ” “ the borough rate ” “ the
district fund ” and “ the general district rate ”
mean respectively the borough fund the borough
rate the district fund and the general district
rate of the borough;

“ The Order of 1890 ” means the Stockton-on-Tees
Electric Lighting Order 1890;

“ The Act of 1919 ” means the Stockton-on-Tees
Corporation Act 1919;

“ The company ” means the Haverton Hill-on-Tees
Gas Company Limited;

“ The day of transfer ” means the 30th day of June
1925;

“ The scheduled agreement ” means the agreement
set forth in the First Schedule to this Act;

“ The gas limits ” means the limits within which
the Corporation are authorised by this or any
other Act or Order to supply gas;

“ The gas undertaking ” means the gas undertaking
of the Corporation;

“ The quay undertaking ” means the quay under-
taking of the Corporation;

“ The electricity limits ” means the area within which
the Corporation are authorised by this or any
former Act or Order to supply electricity;

“ The mayor ” “ the town clerk ” and “ the treas-
urer ” mean respectively the mayor the town
clerk and the treasurer of the borough;

“ Revenues of the Corporation ” includes the revenues
of the Corporation from time to time arising
from any land undertakings or other property
for the time being of the Corporation and the
rates or contributions leviable by or on the
order or precept of the Corporation;

“Statutory borrowing power” means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed;

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“Statutory security” means any security or investment in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Corporation.

PART II.

TRANSFER OF UNDERTAKING OF HAVERTON HILL-ON-TEES GAS COMPANY LIMITED.

5.—(1) The scheduled agreement is hereby confirmed and made binding upon the parties thereto and effect may and shall be given thereto accordingly and on and from the day of transfer the undertaking of the company as set forth in the first paragraph of the scheduled agreement (including the lands described in the Second Schedule to this Act) shall by virtue of this Act be transferred to and become vested in the Corporation freed and discharged from all incumbrances and such transfer and vesting are referred to in this Act as “the transfer.”

Confirma-
tion of
scheduled
agreement.

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(2) If the amount of the consideration payable by the Corporation to the company for stocks of materials under clause 1 of the scheduled agreement is not ascertained before the date of transfer the date of the final ascertainment of that amount shall for the purposes of section 12 of the Finance Act 1895 (which relates to stamp duty on property vested by Act of Parliament) be treated as the date of vesting.

Actions &c.
not to abate
and penal-
ties to be
recoverable.

6.—(1) Subject as between the Corporation and the company to the provisions of the scheduled agreement and without prejudice to any remedy over by the Corporation against the company no action suit prosecution or other proceeding whatsoever commenced either by or against the company in relation to any property right privilege debt liability or obligation transferred to the Corporation shall abate or be discontinued or prejudicially affected by reason of the transfer but the same shall continue and take effect either in favour of or against the Corporation in the same manner in all respects as the same would have continued and taken effect in relation to the company if the transfer had not been made and all offences committed against the company previously to the day of transfer may be prosecuted by the Corporation in such or the like manner to all intents and purposes as such penalties might have been sued for or such offences prosecuted if the transfer had not taken place and all moneys payable to the company prior to the day of transfer may be sued for and recovered by the Corporation in the same manner in all respects as the same might have been sued for and recovered by the company if this Act had not been passed.

(2) This section shall not apply to any proceedings relating to the amount due to the shareholders of the company in respect of their several shares in the company and the dividends (if any) accrued due thereon up to the day of transfer.

Contracts to
be binding
on Corpora-
tion.

7. Subject to the provisions of the scheduled agreement all agreements contracts deeds and other instruments affecting the company and in force at the day of transfer shall after that day be as binding and of as full force and effect against or in favour of the Corporation and may be continued or enforced as fully and effectually as if instead of the company the Corporation had been a party thereto.

8. All books and documents which if the transfer had not been made would have been 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.

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Books &c.
to remain
evidence.

9.—(1) From and after the day on which the purchase of the company's undertaking shall have been completed under the scheduled agreement (in this section called "the day of completion") the company shall continue to exist only for the purpose of receiving and recovering the sums payable to the company under the scheduled agreement and distributing or otherwise applying the same and of winding up the affairs of the company and carrying into effect the purposes of this Act so far as they relate to the company and for the purposes of such winding up the company shall be deemed to have resolved by special resolution that the company be wound up voluntarily within the meaning of the Companies (Consolidation) Act 1908 and the company shall be wound up in accordance with the provisions of that Act as soon as may be practicable. The directors of the company who are in office on the day of transfer and the survivors or survivor of them shall continue without re-election to hold the office of directors of the company until the appointment of a liquidator in the said winding up and pending such appointment and they or a majority of them shall have full power and authority to take all necessary proceedings for carrying into effect the several purposes of this section. If the number of directors of the company be reduced by death resignation or otherwise below three before the appointment of a liquidator in such winding up the continuing directors shall from time to time choose a shareholder or shareholders of the company to fill the vacancy or vacancies so caused.

Company to
wind up
affairs.

(2) Where the liquidator of the company is for six months after the day of completion unable after diligent inquiry to ascertain the person to whom such money ought to be paid or who can give an effectual receipt for the same the liquidator may pay the said money into court in manner provided for payment of money into court by any Act for the time being in force for the relief of trustees and where the amount does not exceed five hundred pounds the liquidator may pay the same into the county court of Durham holden at Stockton-on-

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PART III.

SUPPLY OF GAS.

Extension of
gas limits.

10. From and after the passing of this Act the limits within which the Corporation are authorised to supply gas shall extend to and include so much of the urban district of Billingham as is not already within those limits and the township of Cowpen Bewley in the rural district of Stockton in the county of Durham and the Corporation may for the purposes of such supply and subject to the provisions of this Act exercise within the said part of the said urban district and the said township the same powers as they are authorised to exercise under the Acts and Orders relating to their gas undertaking and shall subject as aforesaid be subject to the same obligations as they are subject to in respect of gas supply under the said Acts and Orders.

On failure
of Corpora-
tion other
undertakers
may apply
for powers.

11. If after the expiration of five years from the date of the passing of this Act the Corporation have not laid down reasonably sufficient mains for the supply of gas in the township of Cowpen Bewley the local authority of the district or any company or person may apply for an Act of Parliament or a special order for the purpose of providing such a supply in the said township and for the repeal of the powers of the Corporation in that behalf in respect of the said township. Any question which may arise from time to time as to whether or not reasonably sufficient mains have been so laid down shall be referred to and determined by the Board of Trade.

Purchase of
portion of
gas under-
taking by
urban dis-
trict council
of Billing-
ham.

12.—(1) The urban district council of Billingham (in this section referred to as "the council") may within six months after the expiration of seven years or fourteen years from the passing of this Act by notice in writing require the Corporation to sell and thereupon the Corporation shall sell to the council so much of the gas undertaking of the Corporation as is within the urban district of Billingham (including all lands buildings works materials and plant within such district suitable to and

used by the Corporation solely for the purposes of the said undertaking therein) upon the terms of paying the fair market value thereof as a going concern with proper compensation for any loss occasioned by severance such value to be determined in manner provided by the Lands Clauses Acts with respect to the taking of lands otherwise than by agreement. A.D. 1925.

(2) If the council do not avail themselves of the rights conferred by subsection (1) of this section the council may within six months after the expiration of eighteen years from the passing of this Act or within six months after the expiration of every subsequent period of seven years by notice in writing require the Corporation to sell and thereupon the Corporation shall sell to the council such portion of the gasworks and plant of the Corporation as is contained within the urban district of Billingham (except the mains and pipes or other apparatus which shall be necessary for supplying with gas any other part of the limits of the Corporation for the supply of gas) at such price being a sum in gross and upon such terms and conditions as shall be fixed in default of agreement by arbitration under the provisions of the Lands Clauses Acts.

(3) So much of section 4 (Extension of gas limits) of the Stockton-on-Tees Corporation (Gas) Act 1893 as authorises the council to purchase the gas mains pipes meters fittings and works belonging to the Corporation within the parish of Billingham is hereby repealed.

13. Subject to the provisions of this Act the Corporation may maintain alter improve enlarge extend and renew or discontinue the gasworks of the company transferred to them upon the lands upon which the same are erected and may upon the lands described in the Second Schedule to this Act erect maintain alter improve and renew or discontinue gasworks with all necessary machinery and apparatus and do all such acts as may be proper for making and storing gas and for supplying gas within the gas limits and may also upon the said lands work up and convert the residual products arising directly or indirectly from the manufacture of gas by them and exercise the powers conferred upon the Corporation by section 86 (Purchase of residual products &c. for purposes of conversion) of the Act of 1919. Powers as to maintenance of gasworks.

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Power to
lay pipes in
private
streets.

14. The Corporation may on the application of the owner or occupier of any premises within the gas limits 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 (Not to enter on private land without consent) of that Act were excepted from incorporation in this Act :

Provided that a local authority shall for the purposes of this section be deemed to be (in addition to any other person) persons having the control or management of any street to which this section applies and which is situate within the area of that authority.

Power to
lay pipes
for ancillary
purposes.

15. The Corporation may lay down and repair take up alter relay or renew mains pipes and culverts within the gas limits for the purpose of procuring conducting or disposing of any oil or other materials used by them in or resulting from the manufacture of gas or any residual products thereof or for any purpose connected with their undertaking 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 so far as they are applicable for the purposes of this section shall extend and apply *mutatis mutandis* to and for the purposes thereof.

Sale or lease
of lands not
required.

16. The Corporation may sell or lease any lands vested in or acquired by them under the powers of this Part of this Act and not for the time being required for the purposes of the gas undertaking :

Provided that the Corporation shall not without the consent of the Minister of Health sell lease exchange or otherwise dispose of any such lands or any interests therein at a price or rent or for a consideration of a value less than the current market value of such lands or interests.

Proceeds of
sale of sur-
plus lands.

17.—(1) So long as any lands remain to be acquired by the Corporation under the authority of this Act they may (so far as they consider necessary) apply any capital moneys received by them on the re-sale or exchange of or by leasing any lands acquired under the authority of this Part of this Act in the purchase of lands so remaining to be acquired but as to capital moneys so received and not so applied the Corporation shall apply the same in or towards the extinguishment of any loan raised by them

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under the powers of this Act for the purposes of this Part of this Act and such application shall be in addition to and not in substitution for any other mode of extinguishment provided by this Act except to such extent and upon such terms as may be approved by the Minister of Health.

(2) Provided that—

- (a) the amount to be applied in the purchase of lands under this section shall not exceed the amount for the time being unexhausted of the borrowing powers conferred by this Act for the purpose of such purchase;
- (b) the borrowing powers conferred by this Act for the purpose of such purchase shall be reduced to the extent of the amount applied in the purchase of lands under the provisions of this section.

18.—(1) Notwithstanding anything contained in any Act or Order relating to the gas undertaking of the Corporation the price to be charged by the Corporation for gas supplied by them to ordinary consumers within the part of the urban district of Billingham which is edged yellow on the map referred to in this section may exceed the price per therm for the time being charged to ordinary consumers within the borough by not more than twopence. Limit of price.

(2) The price to be charged by the Corporation for gas supplied by them to ordinary consumers within the area included within the gas limits under the powers of this Act shall not at any time exceed the price per therm for the time being charged to ordinary consumers within the borough by more than the following amounts—

- (a) within the part of the urban district of Billingham edged pink on the said map twopence;
- (b) within the parish of Cowpen Bewley point eight of a penny.

(3) The map referred to in this section means the map signed in quadruplicate by James Fitzalan Hope the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred of which one copy has been deposited in the Parliament Office of the House of Lords and one copy in the Private Bill Office of the House of Commons.

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(4) Three months before the expiration of a period of seven years from the passing of this Act the urban district council of Billingham (in this section referred to as "the council") may give notice to the Corporation that they desire the differential prices referred to in subsection (1) and paragraph (a) of subsection (2) of this section to be revised and three months before the expiration of every subsequent period of seven years the council or the Corporation may give notice to the other of them that they desire the said differential prices to be revised and upon the delivery of such notice and in the absence of agreement the amount by which the price to be charged by the Corporation for the ensuing seven years to ordinary consumers within the areas referred to in subsection (1) and paragraph (a) of subsection (2) of this section may exceed the price to be charged by the Corporation to ordinary consumers within the borough shall be determined by an arbitrator to be appointed on the application of either party by the President of the Institution of Civil Engineers and the provisions of the Arbitration Act 1889 or any statutory modification thereof shall apply to such reference. Provided that the arbitrator shall not be entitled to increase the differential price beyond the figure prescribed by subsection (1) and paragraph (a) of subsection (2) of this section.

(5) The addition to the price to be charged for gas supplied by the Corporation to consumers supplied by means of prepayment meters in respect of such prepayment meters and the fittings in connection therewith within the urban district of Billingham shall at all times be the same as the addition to the price charged to consumers supplied by means of prepayment meters with similar fittings within the borough.

(6) Such discount on the price of gas as is allowed to consumers in the borough shall likewise be allowed to consumers within the urban district of Billingham.

Discounts.

19. The Corporation may if they think fit allow discounts or rebates to consumers of gas in consideration of prompt payment of gas charges not exceeding in any case ten per centum and in addition thereto or irrespective thereof they may if they think fit allow discounts or rebates to large consumers not exceeding in any case fifteen per centum. Provided that all discounts or rebates shall be of equal amount under like circumstances to all

consumers Provided also that if and so long as the Corporation shall allow such discounts notice of the effect of this enactment shall be endorsed on every demand note for gas charges. A.D. 1925.

20. The price to be charged for gas supplied by the Corporation to the urban district council of Billingham (in this section referred to as "the council") for public lamps shall not exceed the lowest price charged for the time being for gas supplied to ordinary consumers within the area in which such public lamps are situate and the Corporation shall allow to the council from any payments due in respect of the supply of gas to the council for public lamps a discount exceeding by five per cent. the discount allowed to consumers within the borough. Supply for public lamps in Billingham.

21. Unless at the date of the demand for any such new or increased supply of gas as is hereinafter referred to the capacity of the distribution works of the Corporation is in the opinion of an arbitrator appointed as hereinafter provided insufficient to meet (with a reasonable margin) the requirements (as existing immediately before that date) of the consumers in the portion of the gas limits for which such works have been provided (so far as such requirements could reasonably have been foreseen) the Corporation notwithstanding anything contained in any other enactment shall not be obliged to give for any purpose other than lighting or domestic use— Relief from obligation to supply.

(a) a new supply of gas for the premises of any person demanding such supply at any time after the date of this Act; or

(b) an increased supply of gas (other than an increased supply necessitated by any reduction of the declared calorific value of the gas)

where the giving of such new or increased supply would render necessary the laying of a new main or the making (as an alternative to the laying of a new main) of any enlargement or alteration of or addition to the distribution works of the Corporation Provided that the foregoing provisions of this section shall not apply in any case in which the person demanding the new or increased supply (in this section referred to as "the applicant") shall enter into a written contract with the Corporation—

(i) to receive and pay for a supply of gas of such minimum quantity and for such minimum period as the Corporation may reasonably require; or

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- (ii) to make such payment or payments to the Corporation (in addition to any payments to be made from time to time for gas supplied to the applicant) as the Corporation may reasonably require

(according as the Corporation may in their discretion determine) in consideration of or by way of contribution towards the expenses to be incurred by the Corporation in laying such new main or making such enlargement alteration or addition as aforesaid and shall give such security for the payment of all moneys which may become due under the contract as the Corporation may reasonably demand. Provided also that if any question shall arise under the provisions of this section between the Corporation and the applicant as to the sufficiency of the distribution works of the Corporation or as to whether such new or increased supply would necessitate the laying of a new main or the making of any such enlargement alteration or addition as aforesaid or as to the reasonableness of the minimum quantity or period or of the payments (in addition to payments for gas supplied) required by the Corporation or as to the nature or amount of the security demanded by the Corporation such question shall be referred to and determined by an arbitrator to be appointed (failing agreement between the Corporation and the applicant) by the Board of Trade on the application of either party after notice in writing to the other of them and the decision of such arbitrator shall be final and binding. Provided also that in determining any such question as aforesaid the arbitrator shall have regard to the following among other considerations (that is to say):—

- (a) the total annual quantity of gas required by the applicant the maximum quantity required per hour and the hours of the day during which the Corporation may be called upon to supply gas to the applicant;
- (b) the capital expenditure which the Corporation would have to incur in the laying of a new main or the making of any enlargement or alteration of or addition to their distribution works as aforesaid in connection with the giving of such new or increased supply; and

(c) how far such capital expenditure may become unproductive to the Corporation in the event of the cesser of the new or increased supply : A.D. 1925.
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Subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any arbitration under this section.

22. The Corporation may refuse to supply gas or electrical energy to any person whose payments for the supply of either gas or electrical energy or meter rent in respect of the supply of gas or electrical energy are for the time being in arrear whether any such payments be due to the Corporation in respect of a supply to the premises in respect of which such supply is demanded or in respect of other premises. Corporation may refuse to supply gas or electrical energy in certain cases.

23. In order to enable the Corporation to ensure a satisfactory supply of gas to their consumers the following provisions shall have effect :— As to construction and placing of pipes &c. between mains and meters.

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

(2) The Corporation 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 circulating within the gas limits and a copy thereof shall be kept exhibited in the office of the Corporation :

(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 by the consumer between the main and the consumer's meter shall be placed as near as reasonably practicable to the Corporation's main but within the outside wall of the building :

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Provided that in the case of any building in connection with which there is provided outside the building accommodation reasonably approved by the Corporation for the meter or a separate meter house such meter may be placed in such accommodation or meter house instead of 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 Corporation and the pipe shall not be covered over until after the expiration of twenty-four hours from the service of such notice on the Corporation. Any officer of the Corporation 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 or if the pipes or fittings are not according to the Corporation's specification or if the meter is not placed as required by this section the Corporation may refuse to supply gas to the premises until the provisions of this section have been complied with :
- (6) Any person to whom the Corporation refuse 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 Corporation'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.

Corporation
to pay
interest on
money de-
posited as
security.

24. If any person is required by the Corporation to give to them security for any supply of gas or for the payment of the price or rent of a meter and such security is given by way of deposit the Corporation shall pay interest at the rate of not less than 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.

25.—(1) At least twenty-four hours' notice shall be given to the Corporation by every gas consumer either personally at the office of the Corporation or in writing 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 or the date from which any subsequent occupier of such premises shall require the Corporation to supply gas to such premises whichever shall first occur.

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Gas consumers to give notice to Corporation before removing.

(2) Notice of the effect of this enactment shall be endorsed upon every demand note for gas charges payable to the Corporation.

26. A notice to the Corporation 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 Corporation or be given by the consumer personally at the office of the Corporation.

Notice of discontinuance.

27.—(1) In the event of any meter used by a consumer of gas being tested in manner provided by the Gas Regulation Act 1920 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.

Period of error in defective meters.

(2) The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Corporation shall be paid by or to the Corporation 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 Corporation.

28. In any case in which in consequence of any default on the part of the occupier of any premises the Corporation shall have cut off the supply of gas to such premises and the occupier so in default shall desire to resume such supply he shall pay to the Corporation the expenses of re-connecting the supply and the Corporation shall not be under any obligation to supply

Occupier to pay expenses of re-connecting disconnected supply.

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gas to such occupier until he shall have made good the default and paid such expenses.

Anti-fluctuators to be used with gas engines.

29.—(1) The Corporation may by notice in writing require a consumer of gas supplied by the Corporation and used for the working of an engine to fix and use an efficient anti-fluctuator in a suitable position upon the premises upon which the engine is in use or to keep any anti-fluctuator fixed and used by the consumer in proper order and repair at all times while in use or to repair renew or replace an anti-fluctuator which is not in proper order or repair.

(2) If the consumer after any such notice as aforesaid fails to fix and use an efficient anti-fluctuator or to keep an anti-fluctuator in proper order and repair or to repair renew or replace an anti-fluctuator which is not in proper order and repair the Corporation may cease to supply him with gas.

(3) The Corporation may at all reasonable times demand and shall thereupon have access to any anti-fluctuator fixed upon any premises to which gas is supplied by the Corporation and for the purpose of ascertaining whether the anti-fluctuator is efficient and in proper order and repair may take off remove test and inspect the anti-fluctuator such taking off removing testing and inspecting to be done at the expense of the Corporation if the anti-fluctuator be found efficient and in proper order but otherwise at the expense of the consumer.

(4) For the purposes of this section an "anti-fluctuator" means an apparatus for the purpose of controlling and regulating the supply of gas to any engine and preventing any inconvenience or danger from the intermittent consumption of gas by the engine.

Provision of valve where high-pressure air is used.

30.—(1) Every consumer of gas supplied by the Corporation who uses air at high pressure for or in connection with the consumption of such gas (in this section referred to as "high-pressure air") shall if required to do so by the Corporation provide and fix in a suitable position and use an efficient valve or other appliance for preventing the admission of such air into the service pipe or any main through which such gas is supplied and shall at all times at his own expense keep in proper order and repair any such valve or other

appliance as aforesaid which shall have been provided and fixed whether upon such requirement or otherwise. A.D. 1925.

(2) It shall not be lawful for any person at any time after the passing of this Act to commence to use high-pressure air unless and until he shall have given to the Corporation not less than fourteen days' previous notice in writing of his intention to do so.

(3) Every person who at the date of the receipt by him of any such demand note as is referred to in paragraph (a) of subsection (5) of this section is using high-pressure air shall within one month after that date give to the Corporation notice in writing of such use and if within one month after the giving of such notice the Corporation require the consumer giving the same to provide and fix such a valve or other appliance as aforesaid it shall not be lawful for him after the expiration of fourteen days from the receipt of the requirement to continue to use high-pressure air unless before such expiration he shall have complied with the requirement.

(4) If any consumer shall fail to comply with any requirement of the Corporation or any obligation under this section the Corporation may cease to supply gas to him and shall not be under any obligation to resume such supply until the default shall have been remedied to their satisfaction.

(5) The Corporation shall give notice of the effect of the foregoing provisions of this section :—

(a) (in the case of all persons who at the date of the passing of this Act are consumers of gas supplied by the Corporation) on the demand notes for gas charges payable to the Corporation issued next after that date; and

(b) (in the case of any person becoming after the passing of this Act a consumer of gas supplied by the Corporation) on the first of such demand notes delivered to such person after he shall have become a consumer.

(6) The Corporation shall have access at all reasonable times to all premises supplied by them with gas in or upon which high-pressure air is used or the Corporation have reason to believe that high-pressure air is or may at the time be used in order to ascertain

A.D. 1925. whether any such valve or appliance as aforesaid is efficient or is in proper order and repair or whether such a valve or appliance is provided and fixed where necessary.

(7) The Corporation shall be at liberty to take off remove test inspect and replace any such valve or other appliance as aforesaid such taking off removing testing inspecting and replacing to be done at the expense of the Corporation if the valve or other appliance be found in proper order but otherwise at the expense of the consumer.

As to mode
of cutting
off supplies.

31.—(1) In any case in which the Corporation are by virtue of any enactment relating to the gas undertaking authorised to cut off and discontinue the supply of gas to any premises in consequence of any default on the part of the occupier of the premises it shall be lawful for the Corporation without prejudice to any other remedy which may be lawfully available to them to disconnect at the meter the service pipe (whether belonging to the consumer or to the Corporation) and any person who shall re-connect such service pipe with the meter without the consent of the Corporation shall be deemed to commit an offence within the meaning of section 18 (Penalty for fraudulently using the gas of the undertakers) of the Gasworks Clauses Act 1847 :

Provided that if and so soon as the matter complained of shall have been remedied nothing in this section shall prejudice or interfere with any rights vested in any person by virtue of section 11 (Undertakers to furnish sufficient supply of gas to owners and occupiers within the limits of the special Act) of the Gasworks Clauses Act 1871.

(2) For the purposes of this section the Corporation subject to the provisions of section 22 (Power to remove meter and fittings) of the Gasworks Clauses Act 1871 shall have and may exercise the like powers of entry as are exerciseable under that section.

Power to
take licences
for use of
patents.

32. The Corporation may subject to the provisions of this Act but only for the purposes of the gas undertaking and not so as to acquire any exclusive right therein contract for take and use any licence or authority

granting any right or privilege of working using or vending any invention subject to letters patent in relation to the manufacture supply or distribution of gas or the conversion manufacture or utilisation of residual products obtainable in or arising from such manufacture or from the materials used therein.

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33. The power to enter premises and to remove pipes meters fittings or apparatus conferred on the Corporation by section 22 (Power to remove meter and fittings) 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 Corporation shall not require to take a supply of gas from the Corporation or to hire from the Corporation all or any of the pipes meters fittings or apparatus belonging to the Corporation.

Power to enter premises and remove fittings.

34. The Corporation may contract with any local authority company or persons beyond the gas limits for the supply by the Corporation to them or for the supply to the Corporation by them of gas in bulk upon such terms and conditions as may be agreed upon but nothing in this section shall authorise the Corporation to lay any mains or interfere with any street beyond the gas limits Provided that the Corporation shall not supply gas under the provisions of this section unless they are satisfying and will continue to satisfy the requirements of consumers of gas for all purposes within the gas limits.

Corporation may contract for supply in bulk.

35. The Corporation by agreement may purchase the mains pipes and apparatus within the gas limits as extended by this Act of any company or person by means of which such company or person may at the passing of this Act be supplying gas in any part of such limits and the Corporation by agreement may purchase the goodwill attaching to any such supply in such limits or pay compensation to such company or person as the consideration for ceasing to give such supply.

As to mains &c. of companies and persons supplying gas in gas limits.

36. For the protection of Messrs. Dorman Long and Company or other the owners or owner for the time being of the Clarence Iron and Steel Works (hereinafter referred to as "the company") the following provisions shall unless otherwise agreed between the

For protection of Messrs. Dorman Long and Company.

A.D. 1925. — company and the Corporation apply and have effect (that is to say) :—

The Corporation shall not supply gas within so much of the urban district of Billingham as is coloured pink on the plan signed in quadruplicate by the Right Honourable Edmund Bernard Viscount FitzAlan of Derwent the Chairman of the Committee of the House of Lords to which the Bill for this Act was referred one copy of which plan has been deposited in the Parliament Office of the House of Lords and another copy in the Private Bill Office of the House of Commons until the Corporation shall in exercise of the power conferred upon them by the last preceding section of this Act have purchased the gas mains pipes and apparatus of the company or such of those mains and pipes and so much of that apparatus as the company may desire to sell and have also purchased the goodwill (if any) attaching to the supplies of gas given by the company in that area or paid compensation to the company for loss (if any) through ceasing to give such supplies.

Exclusion of township of Stainton from gas limits.

37. From and after the passing of this Act the township of Stainton in the rural district of Middlesbrough in the north riding of the county of York shall cease to form part of the gas limits and thereupon all rights and obligations of the Corporation with regard to the supply of gas in the said township shall cease and determine.

Supply of power gas.

38.—(1) The Corporation may make produce or purchase and may by agreement supply to any person within the gas limits at such price as may be agreed between the Corporation and such person gas (in this Act called "power gas") which shall not be required to comply with the provisions of the Acts relating to the Corporation as to the calorific power purity or pressure of the gas supplied by them and notwithstanding anything contained in any such Act the provisions of sections 11 12 24 to 34 36 and 37 of the Gasworks Clauses Act 1871 shall not apply to the Corporation in respect of power gas nor shall the provisions of the said Acts with respect to calorific power

purity or pressure as aforesaid and the testing thereof or with respect to the price of gas be applicable (a) in respect of power gas supplied by the Corporation or (b) to the Corporation in respect of power gas. A.D. 1925.
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(2) Power gas may subject to the provisions of this Part of this Act be supplied for utilisation for any purpose other than lighting.

(3) Nothing in this section shall deprive any person within the gas limits of any right which he may possess under the Acts and Orders relating to the Corporation of requiring a supply of gas of the calorific power purity and pressure prescribed by those Acts or any enactment incorporated therewith.

39. For the purposes of the last preceding section the Corporation may lay down repair take up alter relay and renew mains pipes and apparatus within the gas limits 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 for the purposes of this section extend and apply with the necessary alterations to and for such purposes. Mains for power gas.

40.—(1) It shall not be lawful for the Corporation at any time to supply power gas which does not possess a distinctive and readily perceptible smell. Conditions as to quality of power gas.

(2) For every contravention of this section the Corporation shall be liable on summary conviction to a fine not exceeding fifty pounds.

(3) It shall be the duty of the inspectors of factories and the inspectors of mines to enforce the provisions of this section within their district so far as respects factories workshops and mines inspected by them respectively and such inspectors shall for this purpose have all powers and authorities conferred by section 119 (Powers of inspectors) of the Factory and Workshop Act 1901 by section 98 (Powers of inspectors) of the Coal Mines Act 1911 and by section 17 (Powers of inspectors) of the Metalliferous Mines Regulation Act 1872 respectively.

(4) Provided that no proceedings shall be taken against the Corporation by any such inspector in respect of any contravention of the provisions of this section

A.D. 1925. — discovered by him on any inspection of a factory workshop or mine unless he shall have given notice in writing to the Corporation of such contravention and of the nature of the contravention as soon as possible after he discovers the same.

Regulation
as to power
gas.

41.—(1) The Secretary of State for the Home Department may from time to time either before or after the Corporation shall have commenced to give a supply of power gas to consumers (after holding such inquiries as he may think fit and considering any representations made to him by the Corporation) make or impose in the interests of the safety or health of persons regulations terms and conditions with respect to such supply.

(2) The Corporation shall not under the powers of this Act supply or continue to supply power gas otherwise than in accordance with any regulations and upon and subject to any terms and conditions which shall have been so made or imposed and shall for the time being be in force.

(3) Provided that if in the opinion of the Corporation compliance with any such regulations terms and conditions would render the supply or continued supply of power gas by them unremunerative or impracticable it shall be lawful for the Corporation upon giving to all consumers of power gas supplied by them not less than three months' notice of their intention so to do to discontinue such supply and in that event the Corporation shall not be under any obligation to supply or to continue to supply power gas to any person.

(4) For every contravention of this section the Corporation shall be liable on summary conviction to a fine not exceeding fifty pounds.

(5) For the purpose of enforcing this section or for the purpose of any inquiry by the said Secretary of State thereunder inspectors of factories and inspectors of mines shall have such and the like powers and authorities as are conferred by the enactments referred to in the section of this Act the marginal note whereof is "Conditions as to quality of power gas."

Provisions
as to general
Acts re-
lating to
power gas.

42. Nothing in this Act contained shall exempt the Corporation from the provisions of any general Act relating to the manufacture or supply of power

gas passed before or after the passing of this Act or from any regulations which may be made under any such general Act.

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43. The following provisions for the protection of the county council of the administrative county of Durham (in this section referred to as "the county council") shall unless otherwise agreed in writing between the county council and the Corporation apply and have effect in the part of the county of Durham referred to in this section (that is to say):—

For protection of Durham County Council.

(1) In this section unless the subject or context otherwise requires—

The expression "county surveyor" means the surveyor of the county council;

The expression "road" means any road for the time being vested in or repairable by the county council or for or towards the cost of the maintenance and repair of which the county council are liable to pay and situate within any part of the county of Durham added by this Act to the existing limits of supply;

The expression "bridge" means a county or main road bridge situate within such part of the said county and includes the road over such bridge and the approaches thereto; and

The expression "apparatus" includes mains pipes and apparatus:

(2) All apparatus of the Corporation (other than service pipes) to be laid under the powers of this Act in or along any road or in or upon or across any bridge shall be laid in such position in or at the side thereof as the county council in writing under the hand of the county surveyor may reasonably direct:

(3) (a) Nothing contained in this Act shall prejudice or affect the right of the county council at any time or times to divert widen or alter the levels of or otherwise alter and improve any road and to remove alter rebuild widen or repair any bridge in under over or attached to which any apparatus of the Corporation is carried in the same manner as the county council might have

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diverted improved or removed altered rebuilt widened or repaired any such road or bridge if this Act had not been passed and such apparatus had not been constructed or laid in under or over or attached to such road or bridge respectively but the county council shall take all reasonable precautions to prevent injury to the works of the Corporation and shall pay compensation for any loss which the Corporation may sustain by reason of any such injury;

(b) In the event of any road or bridge in under over or attached to which any such apparatus is laid being diverted improved removed altered rebuilt widened or repaired as aforesaid in such manner as to render an alteration in the position of any such apparatus reasonably necessary or desirable the Corporation shall alter the position of the said apparatus and the works by which the same is carried in under over or attached to any such road or bridge as aforesaid in such manner as the county council or the county surveyor may reasonably direct;

(c) During any such diversion improvement removal alteration rebuilding widening or reparation of such road or bridge as aforesaid the county council shall afford to the Corporation all reasonable facilities for carrying such apparatus temporarily along the road or across any stream or river so as not to interrupt the continuous supply of gas or to diminish the pressure of such supply through such apparatus and the Corporation may carry such apparatus accordingly;

(d) The reasonable expenses incurred by the Corporation under the provisions of this subsection in altering the position of any apparatus except any expense incurred consequent upon the removal alteration rebuilding widening or repairing of a bridge shall be defrayed by the county council:

- (4) All works of the Corporation to be executed under the powers of this Act so far as they affect any road or bridge shall be so executed by the Corporation as not to stop the traffic and so far

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as reasonably practicable as not in any way to impede or interfere with the traffic on any road or over any bridge and the Corporation shall not break up at any one time a greater length than two hundred yards of any road and where they break up any road in more places than one at any time they shall leave an interval of fifty yards between the respective portions of road so broken up :

- (5) If any difference at any time arises between the county council and the Corporation under this section such difference shall be referred to and settled by an arbitrator to be agreed upon between them or failing such agreement to be appointed on the application of either party after notice to the other by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to the reference.

44. The following provisions for the protection of the London and North Eastern Railway Company (in this section called "the railway company") shall unless otherwise agreed in writing between the Corporation and the railway company have effect in relation to the execution of works by the Corporation under the powers of this Part of this Act :—

For protec-
tion of
London and
North East-
ern Railway
Company.

- (1) The Corporation shall at their own expense to the reasonable satisfaction of the chief engineer of the railway company and under his superintendence if he shall give it and (except in cases of emergency) according to plans and sections to be previously submitted to and reasonably approved by him or in case of difference by an arbitrator appointed in manner hereinafter provided lay down all mains pipes or other works by this Act authorised and execute and effect any repairs and renewals to the same across over or under any railway of or for the time being leased to or worked by the railway company or any bridge approach station or other work in connection with or any level crossing over any such railway and any works adjoining thereto :

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Provided that if the said chief engineer does not express his disapproval of such plans and sections within twenty-one days after their submission to him by the Corporation he shall be deemed to have approved thereof :

- (2) If at any time it is found necessary in order to enable the railway company under powers vested in them at the date of the passing of this Act to carry out any alterations or extensions of their railway or works that the position of any mains pipes or other works laid down under the powers of this Act shall be altered the Corporation shall on receiving twenty-one days' notice in writing from the railway company so to do at their own cost with all reasonable despatch alter the position of the same so far as may be reasonably necessary to enable the railway company to carry out such alterations or extensions and the provisions of subsection (1) of this section shall apply to the said mains pipes or other works in their altered position :

Provided that the railway company shall afford to the Corporation all necessary and reasonable facilities for enabling them to continue the supply of gas without interruption during such alteration :

- (3) If the railway company give the Corporation notice that the railway company desire to construct so much of the works or to carry out so much of the alterations of such mains pipes or other works as will affect any railway or work belonging to them the railway company may themselves execute such works and alterations (other than the actual laying down of the mains pipes or other works) to the reasonable satisfaction of the gas engineer of the Corporation and may recover the reasonable cost incurred by them in so doing from the Corporation :

- (4) The Corporation shall to the reasonable satisfaction of the said chief engineer with all convenient speed restore and make good any work and the road and pavements over any bridge level crossing and approach which the railway company are

liable to maintain and which are disturbed or interfered with by or in consequence of any exercise by the Corporation of their powers under this Act and shall keep any such road or pavement in repair for three months after such restoration or making good and when any soil broken up continues to subside for a further period not exceeding twelve months :

- (5) All works shall so far as reasonably practicable be executed by the Corporation so as not to cause any injury to any railway bridge level crossing approach station or works in connection therewith or any interruption to the passage or conduct of traffic over the railway or at any station thereof :
- (6) If the Corporation make unnecessary delay in restoring or making good any such work road or pavement as aforesaid or neglect to keep such road or pavement in repair as aforesaid the railway company may after giving three days' notice in writing to the Corporation themselves restore and make good the work road or pavement unless the Corporation shall themselves in the meantime have made good such work road or pavement and any expense reasonably incurred by the railway company in that behalf shall be repaid to them by the Corporation :
- (7) The Corporation shall repay to the railway company the cost of any temporary works or watching which may be necessary for the protection of the railway or the traffic thereon in connection with the exercise by the Corporation of their powers :
- (8) Any damage or injury suffered by the railway company including any interruption of traffic in consequence of the exercise by the Corporation of their powers under this Act shall be made good to the railway company by the Corporation by way of compensation and in the event of any dispute as to the amount of any compensation so payable the matter shall be determined by arbitration as hereinafter provided :

A.D. 1925.

- (9) Any dispute which may arise between the railway company and the Corporation under this section shall be determined by a single arbitrator who shall be appointed failing agreement by the President of the Institution of Civil Engineers on the application of the parties or either of them and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration :
- (10) The provisions contained in section 89 (Certain lands to be liable to one-fourth only of any rate) of the Stockton Gas Act 1857 shall be incorporated with and form part of this Part of this Act and shall apply to any borough rate or rate in the nature of a borough rate or any increase of any such rate made levied or effected for the purposes of this Part of this Act.

For protec-
tion of Bil-
lingham
Urban Dis-
trict Coun-
cil.

45. In executing the works and exercising the powers by the Stockton-on-Tees Corporation (Gas) Act 1893 and by this Act authorised and conferred so far as they affect district roads in the urban district of Billingham (hereinafter referred to as "district roads") the following provisions for the protection of the urban district council of Billingham (in this section referred to as "the district council") shall unless otherwise agreed have effect (that is to say) :—

- (1) All mains pipes and other works to be laid by the Corporation in or along any district road shall be laid in such position and if under the metalled portion thereof at such depth as the district council in writing under the hand of their clerk may reasonably require :
- (2) In the application of the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purposes of laying pipes the notice required by the eighth section of the said Act shall as regards any such district road be not less than seven days instead of three days :
- (3) The plan required by the ninth section of the said Act shall be accompanied by a description of the proposed works in the case of any district road and shall be delivered to the district council or their surveyor by the Corporation not less than seven

days before they commence to open or break up any district road for the purpose of executing the works :

- (4) All works of the Corporation so far as they affect any district roads shall be so executed by the Corporation so far as reasonably practicable as not to stop the traffic or impede the traffic on any district road and the Corporation shall not without the consent of the district surveyor open or break up at any one time a greater length than one hundred yards of any such road :
- (5) The district council shall not be liable for or in respect of any damage or injury done to any main pipe or work of the Corporation laid or fixed in or upon the metalled portion of any district road arising from the use by the district council in the exercise or performance of their powers or duties in regard to the maintenance or repair of roads of a steam or other roller not exceeding fifteen tons in weight :

Provided that nothing in this subsection shall be deemed to imply that any such liability exists in respect of any mains pipes connections meter boxes or other property of the Corporation laid or fixed before the passing of this Act :

- (6) If any difference arises at any time between the district council and the Corporation touching this section or anything to be done or not to be done thereunder or the giving or withholding of any consent or the conditions of giving the same or any direction such difference shall be settled by an engineer as arbitrator to be agreed on between the district council and the Corporation and failing agreement to be appointed by the President of the Institution of Civil Engineers on the application of either party and the provisions of the Arbitration Act 1889 and any statutory modification thereof shall apply to such arbitration.

PART IV.

SUPPLY OF ELECTRICITY.

46. The undertaking authorised by the Order of 1890 and this Part of this Act and the Corporation in

Application
of Electric
Lighting
Acts.

A.D. 1925. — respect thereof shall be subject to the provisions contained in the schedule to the Electric Lighting (Clauses) Act 1899 as incorporated with this Act and so much of the Order of 1890 as is inconsistent with those provisions or this Act is hereby repealed without prejudice to anything done or suffered thereunder :

Provided that sections 23 and 65 of that schedule shall apply to the undertaking within the area added by this Act as if the undertakers were the local authority.

Added area
of supply.

47.—(1) There shall be added to the area of supply for the purposes of the Order of 1890 the townships of Preston and Egglecliffe in the rural district of Stockton in the county of Durham and the Corporation may within or in respect of the said townships exercise all or any of the powers conferred upon the Corporation by the Order of 1890 and subsequent Acts in relation to their electricity undertaking.

(2) The Corporation shall within six months from the passing of this Act deposit at the office of the Electricity Commission an Ordnance map on a scale of not less than six inches to the mile showing the boundaries of the area which is added to the said area of supply under the provisions of this section.

Compulsory
works.

48. The streets and parts of streets in the said townships throughout which the Corporation are to place suitable and sufficient distributing mains for the purposes of general supply within a period of two years after the passing of the special order as mentioned in section 21 (Mains &c. to be laid down in streets specified in special order and in remainder of area of supply) of the schedule to the Electric Lighting (Clauses) Act 1899 are as follows :—

Township of Preston—

Yarm Road from Chestnut Avenue to the southern boundary of the township Elmwood Road Witham Avenue Ashville Avenue The Avenue Myrtle Road Beechwood Road Pine-wood Road Dunottar Avenue ;

Township of Egglecliffe—

Yarm Road from the northern boundary of the township to Butts Lane Butts Lane from Yarm Road for a distance of seven hundred and fifty yards Station Road Swinburne Road Albert Road.

49.—(1) The Corporation may with the consent of the local and road authority subject to the provisions of the Order of 1890 as amended by this Act and of the Electricity (Supply) Acts 1882 to 1922 construct and maintain in or under any street repairable by the inhabitants at large or dedicated to public use within the electricity limits sub-stations and transforming stations in connection with their electricity undertaking and may in any such street provide and maintain all such means of access and approach to such sub-stations and transforming stations as may be necessary or convenient :

A.D. 1925.

—
Power to construct electrical sub-stations under streets.

Provided that the consent of the local and road authority shall not be unreasonably withheld and any question which may arise as to whether or not such consent has been unreasonably withheld shall be referred to and settled by an arbitrator to be agreed upon between the parties to the dispute and failing such agreement to be appointed on the application of either party after notice to the other by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 or any statutory amendment thereof shall apply to the reference.

(2) No sub-station or transforming station shall be constructed so as to interfere with or render less convenient the access to or exit from any station or depôt of any railway company or upon or under any bridge of a railway company or the approaches thereto except with the consent in writing of such company.

50. Any expenses reasonably incurred by the Corporation in reconnecting any electric line or other work through which electricity may be supplied which may have been lawfully cut off or disconnected by reason of any default of the consumer may be recovered by the Corporation in like manner as expenses lawfully incurred by them in such cutting off or disconnecting.

Power to recover charge for reconnecting.

51.—(1) If any consumer of electricity supplied by the Corporation under the terms of any agreement uses the electricity supplied to him by the Corporation in any manner contrary to the terms of such agreement the Corporation may if they think fit discontinue to supply electricity to such consumer until they are satisfied that any electricity so supplied will be consumed in accordance with the terms of such agreement Provided that before

Provisions as to supply of electricity by agreement.

A.D. 1925. — discontinuing any such supply the Corporation shall give to the consumer taking the same seven days' notice in writing of their intention so to do and shall in such notice specify the respect in which the electricity is used contrary to the terms of such agreement.

(2) A consumer supplied with electricity by the Corporation under the terms of any agreement shall be deemed to be a person to whom the Corporation may be and are required to supply energy within the meaning of section 23 of the Order of 1890 and the provisions of that section shall apply to the supply afforded by the Corporation under such agreement unless the provisions of that section are expressly excluded from application in any such agreement and if the Corporation fail to supply energy to such consumer they shall not be liable for any damages occasioned to such consumer by reason of such failure unless the same is caused by or in consequence of the wilful neglect or default of the Corporation :

Provided that the provisions of this subsection shall not operate to deprive any consumer of electricity supplied by the Corporation under the terms of any agreement existing at the date of the passing of this Act of any right to which he would be entitled but for the said provisions.

Use for
lighting pur-
poses of
electricity
supplied for
power.

52.—(1) No consumer to whom electricity is supplied by the Corporation for power purposes shall without the consent of the Corporation use such electricity for lighting purposes or suffer it to be so used.

Any consumer who without such consent shall use or suffer to be used for lighting purposes electricity supplied to him by the Corporation through a meter fixed for the purpose of ascertaining the value of the supply to him of electricity agreed to be supplied to him for power purposes shall be subject to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and shall in addition be liable to pay to the Corporation at such higher rate as they may be for the time being charging for the supply of electricity for lighting purposes for all or any portion of the electricity which has been supplied to him for power purposes within one year previous to the date when the Corporation shall sue for any penalty as aforesaid.

Any court having jurisdiction to impose such penalty may and shall on the application of the Corporation decide upon what portion (if any) of such electricity the higher charge as aforesaid shall be payable to the Corporation.

A.D. 1925.
—

(2) The provisions of section 18 (Power to refuse to supply electrical energy in certain cases) of the Electric Lighting Act 1909 shall apply to any person whom the Corporation have reasonable grounds for believing to be acting contrary to the provisions of this section.

53. The Corporation may in connection with and for the purposes of their electricity undertaking fit up showrooms and offices and exhibit specimen installations and give demonstrations of the uses to which electrical energy can be put and may appoint and pay persons for the purposes aforesaid.

As to show-rooms and offices.

54. The Corporation may upon the application of the owner or occupier of any premises abutting on or being erected in any street laid out but not repairable by the inhabitants at large within the electricity limits supply such premises with electrical energy and may lay down take up alter relay or renew in across or along such street such mains wires and apparatus as may be requisite or proper for furnishing such supply and the provisions of the Electricity (Supply) Acts 1882 to 1922 and of the schedule to the Electric Lighting (Clauses) Act 1899 with respect to the breaking up of streets for the purposes of laying mains so far as they are applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof Provided that a local authority shall for the purposes of this section be deemed to be (in addition to any other person) persons having the control or management of any street to which this section applies and which is situate within the area of that authority.

Power to lay electric mains in private streets.

55.—(1) The maximum electrical power with which any consumer shall be entitled to be supplied by the Corporation shall not include any supply of energy taken on extraordinary occasions or as a stand-by supply unless such consumer shall pay to the Corporation such minimum annual sum as will give them a reasonable return on the capital expenditure and will cover other

As to maximum power which may be demanded.

A.D. 1925. — standing charges incurred by the Corporation in order to meet the possible maximum demand for those premises the sum so to be paid to be determined in default of agreement by arbitration in the manner provided by section 28 (Arbitration) of the Electric Lighting Act 1882.

(2) The provisions of this section shall not operate to deprive any consumer of electricity supplied by the Corporation under the terms of any agreement existing at the passing of this Act of any right to which he would be entitled but for the said provisions.

Sale of electrical apparatus let on hire.

56. In case any owner or occupier of premises who has hired from the Corporation any electric line fitting apparatus or appliance (in this section referred to as "fittings") sells or leaves the premises in which such fittings are fixed or fastened and the next owner or occupier of those premises desires to purchase instead of to hire those fittings the Corporation may notwithstanding anything contained in the Electricity (Supply) Acts 1882 to 1922 sell those fittings to such next owner or occupier upon such terms and conditions as may be agreed between him and the Corporation.

Byelaws as to apparatus and fittings.

57. The Corporation may make byelaws for the purpose of preventing fire in any building or premises supplied with electricity by the Corporation with respect to the nature material workmanship and mode of arrangement of the wires apparatus and fittings in any such building or premises and required or used for the purpose of such supply and the provisions of section 6 of the Electric Lighting Act 1882 shall apply to any byelaws made under this section.

Period of error in defective meters.

58.—(1) In the event of a meter of a construction and pattern approved by the Board of Trade or the Minister of Transport used by any consumer of electricity within the electricity limits being proved to register erroneously 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.

(2) The amount of the allowance to be paid to or the surcharge to be made upon the consumer by the Corporation shall be paid by or to the Corporation to or by the consumer as the case may be and shall be recoverable

in the like manner as charges for electricity are recoverable by the Corporation. A.D. 1925.

59.—(1) Any person who shall hinder an officer appointed by the Corporation from entering any premises within the electricity limits in pursuance of section 24 (Power to enter lands or premises for ascertaining quantities of electricity consumed or to remove fittings) of the Electric Lighting Act 1882 or from exercising the powers contained in that section shall be liable to a penalty not exceeding forty shillings. Entry upon premises
Penalty for obstruction.

(2) Where any premises which the Corporation are entitled to enter in pursuance of the said section 24 are unoccupied the Corporation may after giving not less than forty-eight hours' notice to the owner thereof or if he is unknown to the Corporation and cannot be ascertained after diligent inquiry after affixing such notice upon a conspicuous part of the premises forcibly enter the same doing no unnecessary damage.

60. The Corporation may if they think fit make an allowance by way of discount not exceeding the rate of five pounds per centum on all sums of money due to the Corporation for the supply of electricity from any person who pays the same within such time of the demand thereof as the Corporation think fit to prescribe in that behalf Provided that the Corporation shall make the same allowance to all consumers under similar conditions Provided also that if and so long as the Corporation shall allow such discount notice of the effect of this enactment shall be endorsed on every demand note for charges for the supply of electricity. Discounts
for prompt
payments.

61.—(1) Any expenses incurred by the Corporation in carrying into effect the provisions of this Part of this Act and not otherwise provided for shall be deemed to be expenses incurred by the Corporation under the Electric Lighting Act 1882 and not otherwise provided for and the provisions of sections 7 and 8 of that Act shall extend and apply accordingly to such expenses. Receipts
and ex-
penses.

(2) Any moneys received by the Corporation under this Part of this Act shall be deemed to be moneys received in respect of the electricity undertaking of the Corporation and shall be applicable accordingly.

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Contracts
for supply
of elec-
tricity in
bulk.

62.—(1) The Corporation and any local authority company or person authorised by Act of Parliament or Order confirmed by Parliament or by a special order under the Electricity (Supply) Act 1919 to produce or supply electricity may enter into and carry into effect contracts for the supply by the Corporation beyond the electricity limits to any such local authority company or person or by any such local authority company or person to the Corporation of electricity in bulk upon and subject to such terms and conditions as may be agreed upon but nothing in this section shall authorise any party to any such contract (not being otherwise so authorised) to lay any mains or electric lines or to interfere with any street nor shall any such contract be entered into without the previous consent in writing of the Cleveland and Durham County Electric Power Company.

(2) Any contract entered into under the provisions of this section shall be submitted to the Electricity Commissioners for their approval.

As to pri-
vate streets
of London
and North
Eastern
Railway
Company.

63. Nothing contained in the sections of this Act of which the marginal notes are “Power to lay pipes in private streets” and “Power to lay electric mains in private streets” shall apply to any street belonging to and forming the approach to any station depôt or works of the London and North Eastern Railway Company except with the consent in writing of such company being first obtained such consent not to be unreasonably withheld nor shall the Corporation in carrying out the works authorised by these sections unreasonably obstruct or interfere with the convenient access to or exit from any such street station depôt or works.

For further
protection
of London
and North
Eastern
Railway
Company.

64.—(1) Nothing in this Part of this Act shall in any way limit or affect the existing powers of the London and North Eastern Railway Company (in this section referred to as “the company”) to rebuild alter widen or repair the structure of any bridge or other property upon which any works by this Act authorised shall be constructed or impose upon the company any liability which was not by law imposed upon them prior to the commencement of this Act.

(2) If at any time the company require under their existing powers to carry out works for rebuilding altering widening or repairing any bridge or other property which

might involve interference with any work constructed under or in pursuance of this Part of this Act they shall prior to the commencement of such works give the Corporation one month's notice of their intention to carry out such works and if in order to avoid interruption to the supply by the Corporation of electrical energy it is in the opinion of the company necessary temporarily to remove the mains and other electrical appliances belonging to the Corporation from such bridge or other property then the Corporation shall (and they are hereby authorised so to do) at their own expense temporarily carry their cables and wires across such bridge or other property overhead or at the side thereof in such a manner as will not be a danger or inconvenience to the public or the traffic on the railway of the company or unreasonably interfere with the works to be carried out by the company. A.D. 1925.

(3) When the rebuilding altering widening or repairing of such bridge or other property shall have been completed the Corporation shall have the same rights and powers with regard to such bridge or other property and its approaches as they had before the works were carried out.

(4) If any dispute arises between the company and the Corporation with regard to this section the same shall be determined by an arbitrator to be appointed on the application of either party by the Minister of Transport.

65.—(1) Nothing in this Part of this Act shall in any way limit or affect the powers of the Durham County Council (in this section referred to as "the county council") to rebuild alter widen or repair the structure of any bridge upon which any work by this Part of this Act authorised shall be constructed or impose upon the county council any liability which was not by law imposed upon them prior to the passing of this Act. For further protection of Durham County Council.

(2) If at any time the county council require to carry out works for rebuilding altering widening or repairing any bridge which might involve interference with any portion of the undertaking in the townships added by this Part of this Act to the electricity limits they shall prior to the commencement of such works give the Corporation one calendar month's notice in writing of their intention to carry out such works and if in order to avoid interruption to the supply by the Corporation of

A.D. 1925.

electrical energy it is in the opinion of the county council necessary temporarily to remove the mains and other electrical appliances belonging to the Corporation from such bridge then the Corporation shall (and they are hereby authorised so to do) at their own expense temporarily carry their cables and wires across such bridge overhead or at the side thereof in such a manner as will not be a danger or inconvenience to the public or unreasonably interfere with the works to be carried out by the county council.

(3) When the rebuilding altering widening or repairing of such bridge shall have been completed the Corporation shall have the same rights and powers with regard to such bridge and its approaches as they had before the works were carried out.

(4) If any dispute arises between the county council and the Corporation with regard to this section the same shall be determined by an arbitrator to be appointed on the application of either party by the Minister of Transport.

PART V.

RATING PROVISIONS.

Commence-
ment and
interpre-
tation.

66.—(1) This Part of this Act shall come into operation on the thirty-first day of March nineteen hundred and twenty-six.

(2) In this Part of this Act unless the subject or context otherwise requires:—

“The township” means the township of Stockton-on-Tees;

“The overseers” means the overseers of the township;

“The guardians” means the guardians of the poor of the Stockton Union;

“The poor rate” means the poor rates of the township;

“The consolidated rate” means the poor rate as by this Part of this Act authorised to be levied and collected.

Council to
be overseers.

67.—(1) (a) Notwithstanding anything to the contrary contained in any Act or Order from and after the commencement of this Part of this Act the council shall

be the overseers and all powers duties and liabilities exerciseable by or attaching to overseers shall be exerciseable by and extend and apply to the council acting as overseers : A.D. 1925.

Provided that—

- (i) Any person designated by the Corporation as hereinafter mentioned to perform duties in relation to the preparation of the jurors' book and the register of electors shall have the powers and duties and be subject to the liabilities of overseers under the enactments relating to these subjects :
- (ii) In the application to the township of section 54 of the Poor Law Amendment Act 1834 the said section shall be read and construed as if for the references therein to any overseer there were substituted references to any guardian representing any ward of the township :
- (iii) In the application to the township of sections 13 to 16 and section 20 of the Lunacy Act 1890 and section 2 of the Lunacy Act 1891 the said sections shall be read and construed as if references therein to an overseer had been omitted therefrom :
- (iv) The town clerk shall have the powers and duties and be subject to the liabilities of an overseer or overseers with respect to the matters specified in the Third Schedule to this Act and any other powers and duties of an overseer or overseers with respect to matters similar in character to the matters specified in the said Third Schedule which may be transferred to the town clerk by order of the Minister of Health who is hereby empowered to make any such order accordingly.

(b) The overseers of the township shall go out of office at the commencement of this Part of this Act.

(c) Separate accounts shall be kept of the transactions of the council acting as overseers and the enactments relating to the audit of the accounts of overseers shall apply to such separate accounts.

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(2) (a) After the thirty-first day of March nineteen hundred and twenty-six every precept issued by the guardians for the purpose of obtaining money which is ultimately to be raised by the council acting as overseers out of the consolidated rate to be raised within the borough under the provisions of this Act shall be sent to the council at their office addressed to the council or the town clerk.

(b) Any document required to be signed by the overseers may be signed by the town clerk.

(3) References in any Act to the overseers shall be construed as references to the council and the legal interest in all property vested in the overseers (other than property connected with the affairs of the church or held for an ecclesiastical charity within the meaning of the Local Government Act 1894) shall vest in the council.

(4) Where the overseers as such are either alone or jointly with any other persons trustees of any parochial charity such number of members of the council or other persons not exceeding the number of the overseer trustees as the council may appoint shall be trustees in their place. The term of office of a trustee so appointed shall be four years.

Transfer to
Corpora-
tion of
powers of
vestry.

68. On the commencement of this Part of this Act all and every right custom privilege or power other than in matters ecclesiastical and in relation to ecclesiastical charities within the meaning of the Local Government Act 1894 vested in or exerciseable by the parishioners ratepayers or inhabitants in vestry assembled of the township shall cease to be so vested or exerciseable and every such right custom privilege or power shall for and within the township be vested in and exerciseable by the Corporation.

Appoint-
ment of
assistant
overseers
and other
officers.

69.—(1) Subject to the provisions of any order which the Minister of Health may hereafter make the provisions of the orders heretofore made by the Local Government Board and conferring upon the council the power of appointing and revoking the appointment of assistant overseers of the township shall continue to apply.

(2) The council may appoint and remove such officers as they deem necessary to assist in the discharge of the duties of overseers and may fix the remuneration to be paid to such officers.

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(3) The registration officer may before the preparation of the autumn register in any year require the Corporation to designate one or more of the assistant overseers or other officers appointed under this section to perform the duties of overseers in relation to the preparation of the jurors' book and register of electors in that year and the Corporation shall forthwith comply with any such requirement of the registration officer. The remuneration of or expenses incurred by any such officer in respect of the performance of such duties shall continue to be payable in accordance with the provisions of the enactments relating to these subjects.

(4) (a) Any assistant overseer appointed by the council and all officers appointed or to be appointed by the council to assist in the discharge of the duties of overseers shall give such security to the Corporation for the due performance of their duties as may be required by the Corporation and the district auditor appointed by the Minister of Health shall report thereon annually to the Corporation and such securities shall be deposited with the Corporation and not with the board of guardians.

(b) Assistant overseers appointed by the council shall not be required to give security to the guardians of the Stockton Union under section 61 of the Poor Law Amendment Act 1844.

(5) Any person holding at the commencement of this Part of this Act the office of assistant overseer for the township shall (subject to the provisions of this section) after the commencement of this Part of this Act become an officer of the Corporation acting by the council as overseers.

(6) The Corporation may abolish the office or situation of any person holding the office of assistant overseer at the coming into operation of this Part of this Act which they deem unnecessary and any such person required to perform duties such as are not analogous or which are an unreasonable addition to those which he was required to perform may relinquish his office or situation.

(7) Every person whose office or situation is so abolished or who so relinquishes his office or situation or whose services are dispensed with on the ground that they are not required or for any reason not being on account of any misconduct or incapacity or whose salary

A.D. 1925. — wages or remuneration are reduced on the ground that his duties have been diminished and who suffers any direct pecuniary loss in consequence of any such action or who otherwise suffers any direct pecuniary loss by reason of the provisions of this section shall be entitled to be paid compensation for such pecuniary loss to be determined and paid by the Corporation in accordance with the provisions contained in section 120 of the Local Government Act 1888 relating to compensation to existing officers and those provisions shall apply accordingly as if they were herein re-enacted with the necessary modifications :

Provided that (1) the expression in subsection (1) of section 120 of the Local Government Act 1888 "the Acts and rules relating to Her Majesty's Civil Service" shall mean the Acts and rules relating to His Majesty's Civil Service which were in operation at the date of the passing of the Local Government Act 1888 (2) that in the said section the Minister of Health shall be substituted for the Treasury and (3) that references in the said section to "the passing of this Act" shall be construed as references to the date on which this Part of this Act shall come into operation or to the date of relinquishment or abolition of office as the case may be.

For pro-
tection of
William
Henry
Baylis.

70.—(1) William Henry Baylis collector of poor rate for the west district of the township (hereinafter referred to as "the transferred officer") shall be transferred to and become an officer of the Corporation but shall be at liberty to relinquish his office and the Corporation may abolish his office.

(2) The transferred officer shall hold his office by the same tenure and upon the same terms and conditions as if this Act had not been passed and while performing the same or analogous duties shall receive not less salary or remuneration and be entitled to not less pension than that to which he would have been entitled but for the passing of this Act.

(3) If at any time within five years after the commencement of this Part of this Act the transferred officer is required by the Corporation to perform duties which are not analogous to or which are an unreasonable addition to those which he is required to perform immediately before the commencement of this Part of this Act the

Corporation shall pay him such additional remuneration as in their opinion may be reasonable but the transferred officer may notwithstanding the offer by the Corporation of such additional remuneration relinquish his office. A.D. 1925.

(4) The provisions of the Poor Law Officers' Superannuation Act 1896 shall continue to apply to the transferred officer subject to the following modifications (namely):—

- (i) References to the Corporation shall be substituted in the provisions of the Act for references to the guardians and the said provisions shall in other respects apply and have effect as if the Corporation were within the meaning of those provisions an authority to which the Act applies;
- (ii) The contributions of the transferred officer shall from and after the date of the transfer be applied in aid of the consolidated rate and any superannuation allowance or gratuity under the provisions of that Act shall be paid by the overseers on the certificate of the Corporation out of the consolidated rate.

(5) The contributions which have been made by the transferred officer under the Poor Law Officers' Superannuation Act 1896 shall in so far as such contributions have been received by the guardians from whom the officer is transferred be paid to the Corporation by the guardians.

(6) Notwithstanding the provisions of section 61 of the Poor Law Amendment Act 1844 the transferred officer shall give such security for the due performance of his duties as may be required by the Corporation and every such security shall be deposited with the Corporation.

(7) If the transferred officer shall under this section relinquish his office or if his office be abolished by the Corporation or if within five years after the commencement of this Part of this Act his services be dispensed with on the ground that they are not required or for any reason not being on account of any misconduct or incapacity or if within the said period the salary wages or remuneration of the transferred officer is or are reduced on the ground that his duties have been diminished and he suffers any direct pecuniary loss in consequence of any

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such action or if he otherwise suffers any direct pecuniary loss by reason of the provisions of the section of this Act of which the marginal note is "Appointment of assistant overseers and other officers" he shall be entitled to be paid compensation for such pecuniary loss such compensation to be determined and paid by the Corporation in accordance with the provisions contained in section 120 of the Local Government Act 1888 as applied by subsection (7) of the said section of this Act.

(8) Subject to the provisions of this Act the transferred officer shall not be entitled to claim or receive both compensation under the provisions of this Part of this Act and a superannuation or retiring allowance in respect of the same period of service and the same pecuniary loss.

Revocation of
portion of
order of Local
Government
Board.

71. So much of the order of the Local Government Board dated the third day of September eighteen hundred and ninety-one as relates to the appointment of poor rate collectors for the township is hereby revoked.

Expenses to
be paid out
of borough
fund.

72.—(1) All expenses of the Corporation which if this Act had not been passed would have been payable out of and all rates charges damages penalties and other moneys which if this Act had not been passed would have been paid or carried to the credit of the district fund and general district rate or either of them shall be charged on and defrayed out of or paid and carried to the credit of the borough fund and the borough rate and in any case for which no specific provision is made in this Act any reference to the district fund or general district rate in any Act or Provisional Order in force in the borough or in any mortgage of or charge on such fund or rate granted by the Corporation in pursuance of the provisions of any such Act or Order shall be deemed to be a reference to the borough fund and the borough rate.

(2) The district fund shall be closed and any balances which at the commencement of this Part of this Act are standing to the credit or to the debit of the district fund or the general district rate shall from and after that date be transferred to the credit or the debit (as the case may be) of the borough fund and any moneys owing to the Corporation in respect of or in connection with the district fund or the general district rate shall notwithstanding the provisions of this Act continue to be payable to and recoverable by the Corporation as if this Act had not been

passed and when received by the Corporation shall be carried to the credit of the borough fund. The Corporation may make and levy any borough rate prospectively in order to raise money to pay charges and expenses to be incurred thereafter or retrospectively in order to raise money to pay charges and expenses already incurred.

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73. The contribution of the township to the borough rate shall be paid by the overseers out of the poor rate to be made for the township and the provisions of section 145 (Collection of borough rate in undivided parish) of the Municipal Corporations Act 1882 shall apply to such contribution.

Contribution to borough rate to be paid out of poor rate.

74. The poor rate (inclusive of the contributions to the borough fund levied in pursuance of the provisions of this Act) shall be called "the consolidated rate" but except as expressly provided by this Act that rate shall continue to be subject to all Acts passed and to be passed relating to the poor rate and to be made assessed levied and recovered as the poor rate.

Poor rate to be called consolidated rate.

75. The provisions contained in this section shall have effect in the township with respect to the consolidated rates to be made and levied by the overseers (that is to say):—

Differential consolidated rate in certain cases.

- (1) Until the ninth day of November nineteen hundred and twenty-eight the owner or occupier of hereditaments in the parts of the parishes of Hartburn East and Norton amalgamated with the township by the Stockton-on-Tees (Extension) Order 1913 not within the provisions of subsection (2) of this section shall be assessed to the consolidated rate in respect of such hereditaments on the full rateable value thereof but shall only be liable to pay in each year the rate in the pound payable in respect of such hereditaments in the township less an allowance of twelve pence in the pound:
- (2) The owner of any tithes or any tithe commutation rentcharge or the occupier of any land used as arable meadow or pasture ground only or as woodlands allotments orchards market gardens or nursery grounds and the occupier of

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any land covered with water or used only as a canal or towing-path for the same or as a railway constructed under the powers of any Act of Parliament for public conveyance shall be assessed to the consolidated rate in respect of such hereditaments on the full rateable value thereof but shall be liable to pay in each year until the ninth day of November nineteen hundred and twenty-eight only sixty-nine per centum of the rate in the pound payable in respect of hereditaments not within the provisions of this section and after the said ninth day of November nineteen hundred and twenty-eight only seventy per centum of the rate in the pound payable in respect of such hereditaments :

(3) Provided that—

(a) During the continuance of the Agricultural Rates Acts 1896 and 1923 the occupier of any agricultural land as defined in the Agricultural Rates Act 1896 shall be liable to pay in each year in respect of such land only twenty-five per centum of the rate in the pound payable in respect of hereditaments not within the provisions of this section ;

(b) If the Agricultural Rates Act 1923 shall expire before the expiration of the Agricultural Rates Act 1896 “ thirty-five ” shall during the continuance of the latter Act be substituted for “ twenty-five ” in paragraph (a) of this subsection ;

(c) During the continuance of the Tithe Rentcharge (Rates) Act 1899 such Act shall have effect within the township as if the following provision were substituted for section 1 thereof (that is to say) :—

“ The owner of tithe rentcharge attached to a benefice shall be liable to pay only one-half of the amount payable under the section of the Stockton-on-Tees Corporation Act 1925 of which the marginal note is ‘ Differential consolidated rate in certain cases ’ in respect of any rate which is

assessed on him as owner of that tithe rentcharge and the remaining one half thereof shall on demand being made by the collector of the rate on the surveyor of taxes for the borough or any district therein be paid by the Commissioners of Inland Revenue out of the sums payable by them to the local taxation account on account of the estate duty grant:”

(4) Nothing in this section shall in any way affect—

(a) The share of the annual grant payable under the Agricultural Rates Act 1896 to any spending authority or save as expressly provided in this Act the operation of that Act; or

(b) The operation of the Agricultural Rates Act 1923 or the power of the Minister of Health to estimate as respects each half year after the commencement of this Part of this Act the amount of the deficiency which would have arisen by reason of section 1 of that Act if this Act had not been passed in the produce of any rate for the purpose of the issue from the local taxation account of the share of any spending authority in the additional annual grant under the Agricultural Rates Act 1923; or

(c) The operation of the Ecclesiastical Tithe Rentcharges (Rates) Acts 1920 and 1922; or

(d) the amount of the contribution for any purposes to be made by the township out of the consolidated rate:

(5) The provisions of this section shall apply and have effect in the borough in lieu of the provisions of section 89 (Certain lands to be liable to one fourth only of any rate) of the Stockton Gas Act 1857 section 267 (Certain kinds of property assessable on one fourth of their net annual value) of the Stockton-on-Tees Extension and Improvement Act 1869 section 39 (As to rating of railways) of the Stockton-on-Tees (Quay and Markets) Act 1878 and section 91 (As to rating of railways &c.) of the Tees Valley Water (Consolidation) Act 1907.

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Appeals.

76.—(1) If any occupier referred to in subsection (1) of the section of this Act of which the marginal note is “Differential consolidated rate in certain cases” claims that in respect of any rate made or levied he is not receiving the full benefit to which he is entitled under the said subsection he may appeal to the next court of quarter sessions for the county of Durham holden not less than twenty-one days after the demand of the rate and according to the provisions of the Summary Jurisdiction Acts but no such appeal shall be entertained by such quarter sessions unless fourteen days’ notice in writing of such appeal and of the grounds thereof be given by the appellant to the Corporation as the overseers.

(2) On appeals under this section the court to which such appeal shall be made shall have power to determine the amount payable by the occupier in respect of such rate and to award costs between the parties to the appeal.

Discount on consolidated rate.

77. The overseers if they think fit may make an allowance by way of discount not exceeding five per centum on the amount due in respect of any consolidated rate or any instalment thereof from every person who pays the same within such time after demand of the rate or after the date when any instalment falls due as the case may be as the overseers shall prescribe and in any such case the overseers shall make such allowance accordingly Provided that any such allowance shall in every case be of equal amount under like circumstances :

Provided also that notice of this enactment if and so long as the overseers shall allow such discount shall be endorsed on every demand note for rates.

Form of rate &c. to be prescribed by Minister of Health.

78. The consolidated rate and the demand note and any other necessary documents to be used for the purposes of or in connection with the consolidated rate shall be in such form as the Minister of Health may from time to time prescribe.

Application of section 133 of Lands Clauses Consolidation Act 1845.

79. For the purposes of section 133 (Until completion of works promoters shall make good any deficiency of land tax and poor’s rate caused by lands being taken) of the Lands Clauses Consolidation Act 1845 the poor’s rate shall be deemed to be fifty per centum of the amount in the pound of the consolidated rate.

80. No warrant of commitment in respect of non-payment of the consolidated rate shall be issued against any person who shall satisfy the court that his failure to pay the said rate is due to circumstances over which he had or has no control and that he has not divested himself of means for the purpose of evading payment of the said rate.

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—
As to recovery of consolidated rate.

81. Section 267 (Service of notices) of the Public Health Act 1875 shall apply to any demand for the consolidated rate to be served by the overseers.

Service of demands.

82.—(1) The owner instead of the occupier may from time to time at the option of the Corporation be rated to the consolidated rate—

Rating of owners instead of occupiers.

(a) where the rateable value of the property does not exceed ten pounds; or

(b) where the premises are let in separate apartments; or

(c) where the rents are collected weekly :

Provided that—

(i) where the rateable value of the property does not exceed ten pounds the owner so rated shall be entitled to a deduction of fifteen per centum from the amount of the rate when paid by him if he shall pay the same within such period as the Corporation may determine not being less than six weeks after the rate has been demanded;

(ii) where the owner of any premises referred to in this subsection is willing to enter into an agreement to pay the rates whether the premises are occupied or not the Corporation may make a further allowance not exceeding fifteen per centum from the amount of the rate when paid by him within such period as the Corporation may determine not being less than six weeks after the rate has been demanded.

(2) When the Corporation exercise their powers under this section they shall forthwith give notice thereof to the overseers and the overseers shall rate the owner and the owner shall pay the rate accordingly and during the

A.D. 1925. currency of any such notice the provisions of this section shall apply within the borough in substitution for the provisions with regard to the rating of owners instead of occupiers which are contained in sections 3 4 and 5 of the Poor Rate Assessment and Collection Act 1869.

Overseers
may require
returns.

83.—(1) The overseers may by notice in writing require the owner or occupier or reputed owner or occupier of any hereditament in the township (other than land used as arable meadow or pasture ground only or as woodlands) to send to them a return in writing in the form set forth in the Fourth Schedule to this Act and containing the particulars therein mentioned or referred to :

Provided that (except for purposes connected with the preparation of and preliminary to a general re-valuation for rating) the powers conferred by this section shall only be exercised—

- (a) upon any change in the occupation or ownership of any hereditament; or
- (b) upon any change in the nature or use of any hereditament whether by way of addition to or adaptation of premises or otherwise such as may affect the value of the hereditament; or
- (c) in the case of any hereditament in respect of which the overseers are of opinion that special circumstances exist which make it desirable that a return should be rendered in accordance with the provisions of this section.

(2) Any person who wilfully refuses or neglects to make a return lawfully required under this section within fourteen days after receipt of such notice as aforesaid shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings and any person who wilfully makes or causes to be made a false return shall be liable to a penalty not exceeding ten pounds.

(3) The overseers shall whenever required by the assessment committee of the Stockton Poor Law Union produce from time to time to such committee the returns or any of them obtained by the overseers under the provisions of this section.

(4) Nothing in this section shall require a railway company to include in any return which they may be

required to send to the overseers particulars with respect to their running lines sidings or stations or any hereditaments therein. A.D. 1925.

84. In addition and without prejudice to any other powers which may be exercised by them the overseers may amend the consolidated rate of the township by inserting therein the name of any person claiming or entitled to have his name inserted or by inserting the name of any person who ought to have been rated or by striking out the name of any person who ought not to have been assessed or by raising or reducing the sum at which any person has been assessed if it appears to the overseers that he has been under-rated or over-rated or by making any other alteration which would make the rate conformable to the provisions of this Act and no such amendment shall be held to avoid the rate :
Amend-
ment of con-
solidated
rate.

Provided that—

- (1) Any person who may feel himself aggrieved by any such amendment shall have the same right of appeal therefrom as he would have had if the matter of amendment had appeared on the rate originally made and with respect to him an amended rate shall be considered to have been made at the time when he first received notice of the amendment;
- (2) An amended rate shall not be payable by any person the amount of whose rate is increased by the amendment or whose name is thereby newly inserted until seven days after such notice has been given to him.

85. The purposes to which the borough fund is applicable shall include the provision of a working balance for the payment of current expenses that may be incurred by the Corporation in the exercise or performance of the powers and duties the cost of which is charged on the borough fund and the Corporation may (in estimating the amount sufficient for those purposes and in ordering the borough rate to be made) include such a sum as they may consider to be necessary for the provision of such working balance.
Borough
rate may
include
working
balance.

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PART VI.

FINANCIAL AND MISCELLANEOUS PROVISIONS.

Power to
borrow.

86.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and in order to secure the repayment thereof and the payment of interest thereon they may mortgage or charge the revenues of the Corporation and they shall pay off all moneys so borrowed within the respective periods (each of which is in this Act referred to as "the prescribed period") mentioned in the third column thereof (namely):—

1	2	3
Purpose.	Amount.	Period for Repayment.
(a) For the purchase money payable by the Corporation under the scheduled agreement.	£ 24,155	Forty years from the date or dates of borrowing.
(b) For the payment of any further sums payable by the Corporation under the scheduled agreement and for defraying the costs and expenses incident to the purchase and transfer of the undertaking of the company to the Corporation (other than the Corporation's costs of this Act).	The sum requisite.	Twenty years from the date or dates of borrowing.
(c) For gas mains pipes and apparatus -	9,300	Thirty years from the date or dates of borrowing.
(d) For working capital for the quay undertaking.	6,000	Ten years from the date or dates of borrowing.
(e) For mains wires and apparatus in connection with the supply of electricity.	12,000	Twenty-five years from the date or dates of borrowing.
(f) For working capital for the electricity undertaking of the Corporation.	10,000	Ten years from the date or dates of borrowing.
(g) For paying the costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

(2) (a) The Corporation also with the consent of the Electricity Commissioners may borrow such further money as may be necessary for any of the purposes of the electricity undertaking of the Corporation with the consent of the Minister of Transport may borrow such further money as may be necessary for the purposes of the quay undertaking and with the consent of the Minister of Health may borrow such further money as may be necessary for any of the other purposes of this Act. A.D. 1925.

(b) In order to secure the repayment of any money borrowed under this subsection and the payment of interest thereon the Corporation may mortgage or charge the revenues of the Corporation.

(c) Any money borrowed under this subsection shall be repaid within such period (in this Act referred to as "the prescribed period") as may be prescribed by the Minister or Commissioners with whose consent it is borrowed.

87. A person lending money to the Corporation shall not be bound to inquire as to the observance by the Corporation of any provisions of any Act relating to the Corporation or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent or of any part thereof. Protection of lender from inquiry.

88. If any moneys are payable to a mortgagee or stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Corporation. Receipt in case of persons not sui juris.

89. The following sections of the Act of 1919 shall with any necessary modifications extend and apply to the exercise of the powers of this Act in the same manner as if those sections had been re-enacted in this Act (namely): Application of provisions of Act of 1919.

Section 69 Section 234 of Public Health Act 1875 not to apply;

Section 70 Mode of raising money;

Section 71 Provisions of Act of 1869 as to mortgages to apply;

Section 72 Mode of payment off of money borrowed;

A.D. 1925.

- Section 73 Sinking fund (Provided that the application of the said section 73 shall be subject to the provisions of this Act);
- Section 74 Appointment of receiver;
- Section 75 Application of money borrowed;
- Section 82 Corporation not to regard trusts;
- Section 84 Expenses of execution of Act;
- Section 85 Audit of accounts;
- Section 89 Evidence of appointments authority &c.;
- Section 90 Application of Arbitration Act 1889;
- Section 91 Recovery of fines and expenses;
- Section 92 Recovery of demands in county court;
- Section 93 Informations by whom to be laid;
- Section 94 Powers of Act cumulative;
- Section 97 Judges not disqualified.

Amendment
of section 77
of Act of
1919.

90. Subsection (5) of section 77 (Power to use one form of mortgage for all purposes) of the Act of 1919 shall be read and have effect as if the words "out of the revenues of the Corporation and within the periods and by the means within and by which they would have been payable respectively" were inserted therein instead of the words "within the periods by the means and out of the funds rates or revenues within by and out of which they would have been repayable respectively."

Return to
Minister of
Health with
respect to
repayment
of debt.

91.—(1) The town clerk shall if and when he is requested by the Minister of Health so to do transmit to the Minister a return showing the provision made for the repayment of any loans raised by the Corporation under any statutory borrowing power.

(2) The return shall show such particulars and shall be made up to such date and in such form as the Minister may require and shall if so required by him be verified by statutory declaration of the treasurer or other the chief accounting officer of the Corporation and shall be transmitted within one month after the making of the request and in the event of his failing to make such return the town clerk shall for each offence be liable to a penalty not exceeding twenty pounds

to be recovered by the Minister in a court of summary jurisdiction and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court. A.D. 1925.

(3) If it appears to the Minister by such a return as aforesaid or otherwise that the Corporation have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by any enactment relating to the statutory borrowing power or by the Minister in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purpose other than those authorised the Minister may by order direct that the sum in such order mentioned not exceeding the amount in respect of which default has been made shall be paid or applied in the manner and by the date in such order mentioned and the Corporation shall notify the Minister as soon as the order is complied with and any such order shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

(4) Any provision of any enactment now in force in the borough requiring an annual return to be made to the Minister with regard to the repayment of debt is hereby repealed.

92. Notwithstanding anything contained in any Act relating to the Corporation the Corporation may use for the purpose of any statutory borrowing power possessed by them any moneys forming part of any sinking fund loans fund redemption fund reserve fund or insurance fund of the Corporation (in this section respectively referred to as "the lending fund") and not for the time being required subject to the following conditions :—

Use of moneys forming part of sinking and other funds.

(a) The moneys so used shall be repaid to the lending fund by equal yearly or half-yearly instalments of principal or of principal and interest combined within the period and out of the fund rate or revenue within and out of which a loan raised under the statutory borrowing power would be repayable:

A.D. 1925.

(b) Interest shall be paid to the lending fund on any moneys so used and for the time being not repaid to the fund. Such interest shall be calculated at the rate per centum per annum to be determined by the Corporation and to be equal as nearly as may be to the rate of interest which would be payable on a loan raised on mortgage under the statutory borrowing power and shall be paid out of the fund rate or revenue which would be applicable to the payment of interest on a loan raised under the statutory borrowing power:

(c) The statutory borrowing power for the purpose of which the moneys are so used shall be deemed to be exercised by such use as fully in all respects as if a loan of the same amount had been raised in exercise of the power and the provisions of any enactment relating to the reborrowing of sums raised under the statutory borrowing power shall apply thereto.

Investment
of and pay-
ments into
sinking
fund.

93. When under the provisions of this Act or of any Act of Parliament or of any Order confirmed by or having the effect of an Act of Parliament whether passed confirmed or made before or after the passing of this Act the Corporation are empowered or required to form a sinking fund or loans fund the following provisions shall have effect with respect to the appropriate yearly sums and accumulations thereof required to be set apart for or paid into such sinking fund or loans fund for the purpose of providing for the repayment of moneys borrowed by the Corporation (that is to say) :—

(1) The Corporation may (in addition to any other powers for the time being vested in them) invest the said yearly sums and accumulations in statutory securities :

(2) The accumulations of the said yearly sums shall be paid and provided out of the borough fund and borough rate and any interest dividends and annual proceeds arising from the investment of the said yearly sums and the accumulations thereof (including such yearly sums and

accumulations thereof as may have been provided prior to the passing of this Act) shall be paid into the borough fund. A.D. 1925.

94.—(1) Notwithstanding anything contained in the Public Health Acts Amendment Act 1890 or in any other Act or Order on and after the thirty-first day of March nineteen hundred and twenty-six the Corporation may (if they think fit) establish a fund to be called the consolidated loans fund to which shall be paid as and when they are received—

Consolidated loans fund.

(a) All moneys borrowed by the Corporation whether by issue of stock or other security together with any moneys borrowed without security in connection with the exercise of any statutory borrowing power;

(b) All moneys of a capital nature received by the Corporation whether from the sale of capital assets or otherwise except such as are applied by the Corporation with due authority to another capital purpose;

(c) The appropriate sums provided in each year out of other funds of the Corporation to comply with the terms and conditions as to repayment attaching to their several borrowing powers or otherwise provided for the repayment of debt; and

(d) A sum or sums equal to the aggregate amount of all dividends or interest payable in each year on the stock mortgages or other securities issued in exercise of the statutory borrowing powers of the Corporation and remaining outstanding;

and there shall also be carried to the credit of the consolidated loans fund the unapplied balances of all moneys borrowed or received except such moneys as have been borrowed from the Public Works Loan Commissioners and of all sums provided by the Corporation as aforesaid before the date as from which the consolidated loans fund is established.

(2) The moneys of the consolidated loans fund shall be used or applied by the Corporation—

(a) In the redemption of stock or any other securities issued by the Corporation the purchase of stock for extinction or the repayment of any moneys borrowed by the Corporation;

A.D. 1925.

(b) In the exercise of any statutory borrowing power by transfer of the required amount to the appropriate fund and account of the Corporation; and

(c) In the payment of dividends and interest on stock mortgages or other securities issued in the exercise of any statutory borrowing power of the Corporation and remaining outstanding;

and the moneys of the consolidated loans fund not used or applied in these ways may be invested in statutory securities and the sums realised by the sale of such securities shall be repaid on receipt to the consolidated loans fund and the moneys of the consolidated loans fund including the interest arising from the investments thereof shall not except with the consent of the Minister of Health be used or applied otherwise than as provided in this subsection.

(3) Subject to any priority existing at the passing of this Act all stock of and loans to the Corporation and the dividends and interest thereon shall be charged indifferently on all the revenues of the Corporation and shall rank equally one with the other without any priority whatsoever.

(4) Save as in this section expressly provided all the obligations of the Corporation to the holders of stock or other securities of the Corporation shall continue in force.

(5) The powers conferred by this section shall not be put into operation by the Corporation except in accordance with a scheme to be approved by the Minister of Health and such scheme may make provision for any matters incidental to the establishment and administration of the consolidated loans fund.

Security for
loans.

95.—(1) Any moneys borrowed or to be borrowed by the Corporation under any statutory borrowing power (including borrowing powers under this Act) shall be and the same are by virtue of this Act charged indifferently upon all the revenues of the Corporation.

(2) The interest from time to time payable on any such moneys shall rank equally with the interest or dividends on all other securities of the Corporation created or granted in pursuance of any statutory

borrowing power and all such interest and dividends shall be the first charge on all the revenues aforesaid.

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96.—(1) The Corporation may from time to time appoint and pay one or more members of the Institute of Chartered Accountants or of the Society of Incorporated Accountants and Auditors to act as auditor or auditors of the accounts of the Corporation in such manner as the Corporation direct. Any auditor or auditors appointed by the Corporation under the provisions of this section and for the time being holding office is or are in this section referred to as “the appointed auditor.”

Professional auditors.

(2) Every appointment of an auditor or auditors under this section shall be in writing under the seal of the Corporation and may be for such term and subject to such conditions as the Corporation may think fit.

(3) Subsection (1) of section 27 (Audit and publication of treasurer’s accounts) of the Municipal Corporations Act 1882 shall apply and have effect as if the appointed auditor had been referred to therein as well as or instead of the borough auditors and in addition the appointed auditor shall be entitled to require from any officer of the Corporation all such papers books accounts vouchers sanctions for loans information and explanations as may be necessary for the performance of his duties.

(4) The appointed auditor shall include in or append to any certificate given by him with reference to the accounts of the Corporation such observations and recommendations (if any) as he may deem necessary or expedient with respect to the accounts and any matter arising thereout or in connection therewith.

(5) If and while the Corporation exercise the powers of subsection (1) of this section section 25 (Borough auditors) of the Municipal Corporations Act 1882 shall not apply within the borough.

97. Notwithstanding anything contained in the Municipal Corporations Act 1882 any money borrowed or to be borrowed by the Corporation in pursuance of that Act shall be repaid within such period not exceeding sixty years as the Minister of Health shall in each case prescribe.

Period for repayment of loans under Municipal Corporations Act 1882.

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Corporation Act, 1925.

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As to section 234 of Public Health Act 1875.

98. In calculating under subsection (2) of section 234 of the Public Health Act 1875 the amount which the Corporation may borrow the amount at the time of such calculation of any sinking fund or redemption fund accumulated for the purpose of providing for the repayment of loans contracted by the Corporation under the Sanitary Acts and the Public Health Act 1875 shall be deducted from the outstanding loans contracted by the Corporation under those Acts.

Apportionment of items.

99. In all cases in which the Corporation keep separate accounts for separate purposes they shall so far as may be reasonably practicable apportion between those accounts or carry to any of them any receipts credits payments and liabilities which from time to time it appears to them ought to be so apportioned or carried.

Revision of quay and siding tolls dues and charges.

100.—(1) If at any time after the passing of this Act it is represented in writing to the Minister of Transport (in this section referred to, as “the Minister”)—

(a) by any chamber of commerce or shipping or any representative body of traders or any person who in the opinion of the Minister is a proper person for the purpose; or

(b) by the Corporation;

that under the circumstances then existing all or any of the tolls dues and charges authorised by sections 13 17 and 18 of the *Stockton-on-Tees (Quay and Markets) Act 1878* and set out in Schedules B C and D to that Act should be revised the Minister may if he thinks fit make an order revising all or any of such tolls dues and charges as aforesaid and may fix the date as from which such order shall take effect and thenceforth such order shall be observed until the same expires or is revoked or modified by a further order of the Minister made in pursuance of this section. Provided that before making an order under this section the Minister shall cause an inquiry to be held with reference thereto in pursuance of the *Board of Trade Arbitrations &c. Act 1874* as applied by this section.

(2) No application may be made under this section for a general revision of the tolls dues and charges within twelve months after the date of an order made by the

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Minister for a general revision thereof and no application may be made for a revision of any particular toll due or charge within twelve months after the date of an order made by the Minister for a general revision or of any previous application for a revision of the particular toll due or charge in question.

(3) The provisions of Part I. of the Board of Trade Arbitrations &c. Act 1874 shall apply for the purposes of this section—

(a) as if the Minister were referred to therein in lieu of the Board of Trade;

(b) as if the person or persons duly authorised to hold any inquiry thereunder were the rates advisory committee constituted under the Ministry of Transport Act 1919 or any sub-committee thereof to which the said advisory committee may under section 2 of the Harbours Docks and Piers (Temporary Increase of Charges) Act 1920 have delegated their powers or in the event of the said advisory committee ceasing to exist some persons with similar qualifications to be appointed for the purpose by an order of the Minister under section 2 of the said Act of 1874; and

(c) as if in section 4 of the said Act of 1874 the words “under the seal of the Minister of Transport” were substituted for the words “by writing under the hand of the President or of one of the Secretaries of the Board.”

(4) An application made to the Minister under this section shall be accompanied by such information and particulars as the Minister may consider relevant certified in such manner as he may require and the Minister and the body or persons holding an inquiry for the purposes of this section may call for such documents and accounts as they may consider relevant and may hear such witnesses as they shall think fit and shall have power to take evidence on oath and for that purpose may administer oaths.

101. The Corporation may grant leases in such manner for such consideration and purposes on such terms and conditions and for such periods as they may think fit of the Corporation's quay or of buildings thereon or of

Power to grant leases of quay.

A.D. 1925. — parts thereof Any moneys received by them in respect of such leases shall be deemed to form part of the revenues of the quay undertaking and so long as any loan raised by the Corporation in respect of the quay undertaking is outstanding shall be applied in or towards the extinguishment of such loan or if all such loans shall have been extinguished such moneys shall be paid into the borough fund.

Annual account to be sent to Ministry of Transport.

102.—(1) The Corporation shall within two months after the date to which the annual accounts and balance sheet of the quay undertaking are made up send a copy of the same to the Ministry of Transport and the sixteenth section of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include any and every such account.

(2) The Corporation shall as from the expiration of that period be liable to a penalty not exceeding twenty pounds for every week or part of a week during which they refuse or neglect to comply with the foregoing provisions.

(3) The account of the Corporation referred to in this section and in section 50 of the Harbours Docks and Piers Clauses Act 1847 respectively shall be made up to the end of the thirty-first day of March in each year.

Application of section 265 of Public Health Act 1875.

103. Section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 shall extend and apply to the purposes of this Act as if the same were re-enacted herein.

Inquiries by Minister of Health.

104.—(1) The Minister of Health may direct any inquiries to be held by his inspectors which he may deem necessary in regard to the exercise of any powers conferred upon him or the giving of any consents by him under this Act and the inspectors of the Minister of Health shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Minister under the Public Health Act 1875.

(2) The Corporation shall pay to the Minister of Health any expenses incurred by that Minister in relation to any inquiries referred to in this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Minister not exceeding five guineas a day for the services of such inspector.

105. In executing the works and exercising the powers conferred by the Acts and Orders relating to the gas and electricity undertakings of the Corporation so far as they affect public and private streets and roads (other than main roads) in the rural district of Stockton (hereinafter referred to as "district roads") the following provisions for the protection of the rural district council of Stockton (in this section referred to as "the council") shall unless otherwise agreed have effect (that is to say):—

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—
For protec-
tion of
Stockton
Rural Dis-
trict Coun-
cil.

- (1) All mains pipes and other works to be laid by the Corporation in or along any district road shall be laid in such position and if under the metalled portion thereof at such depth as the council in writing under the hand of their clerk may reasonably require :
- (2) In the application of the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purposes of laying mains and pipes the notice required by the eighth section of the said Act shall as regards any such district road be not less than seven days instead of three days :
- (3) The plan required by the ninth section of the said Act shall be accompanied by a description of the proposed works in the case of any district road and shall be delivered to the council or their surveyor by the Corporation not less than seven days before they commence to open or break up any district road for the purpose of executing the works :
- (4) All works of the Corporation so far as they affect any district roads shall be so executed by the Corporation so far as reasonably practicable as not to stop the traffic or impede the traffic on any district road and the Corporation shall not without the consent of the council's surveyor open or break up at any one time a greater length than one hundred yards of any such road :
- (5) The council shall not be liable for or in respect of any damage or injury done to any main pipe or work of the Corporation laid or fixed in or upon the metalled portion of any district road arising from the use by the council in the exercise or

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performance of their powers or duties in regard to the maintenance or repair of roads of a steam or other roller not exceeding fifteen tons in weight :

- (6) If any difference arises at any time between the council and the Corporation touching this section or anything to be done or not to be done thereunder or the giving or withholding of any consent or the conditions of giving the same or any direction such difference shall be settled by an engineer as arbitrator to be agreed on between the council and the Corporation and failing agreement to be appointed by the President of the Institution of Civil Engineers on the application of either party and the provisions of the Arbitration Act 1889 and any statutory modification thereof shall apply to such arbitration.

Registration
of Act.

106.—(1) The Corporation 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 Corporation 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.

(2) There shall be paid to the registrar by the Corporation on such copy being registered the like fee as is for the time being payable under the Companies (Consolidation) Act 1908 on registration of any document other than a memorandum of association.

Costs of Act.

107. 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 out of the borough fund or out of money to be borrowed under this Act for that purpose.

The SCHEDULES referred to in the
foregoing Act.

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FIRST SCHEDULE.

AN AGREEMENT made the sixteenth day of December one thousand nine hundred and twenty-four between THE MAYOR ALDERMEN AND BURGESSES OF THE BOROUGH OF STOCKTON-ON-TEES (hereinafter called "the Corporation") of the one part and THE HAVERTON HILL-ON-TEES GAS COMPANY LIMITED whose registered office is at Haverton Hill in the county of Durham (hereinafter called "the Company") of the other part.

WHEREAS the Company was on the thirtieth day of May one thousand nine hundred and eleven incorporated under the Companies (Consolidation) Act 1908 :

And whereas under the memorandum of association of the Company amongst the objects for which the Company was established were :—

- (a) To light with gas electricity oil or other illuminating means or appliances the roads streets houses buildings and open spaces in the parishes of Haverton Hill Port Clarence Cowpen or any part of such parishes and the neighbourhood thereof and any parish township village or place in the neighbourhood of or adjacent to the said parishes and generally to supply light for domestic business public or other purposes within the area aforesaid or elsewhere ;
- (b) To supply illuminants light heat power or force whether by means of coal coke gas electricity oil or any other means within the area aforesaid ;
- (c) To acquire any land tenements and hereditaments of whatever tenure and for whatever interest therein necessary or convenient for the purposes of the Company and any easements wayleaves rights of support and other rights and privileges leaves and licences in respect of any lands tenements or hereditaments ;
- (d) To purchase acquire build construct lay down erect supply or procure furnaces works factories warehouses plants engines machinery and appliances for making generating

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storing accumulating rendering available and serviceable manufacturing and distributing gas electricity and any other lighting heating motive or other power and all necessary or convenient reservoirs tanks retorts holders dynamos mains pipes wires lamps fittings meters posts poles and appliances for the same ;

- (e) To purchase or otherwise acquire manufacture sell deal in or dispose of in any manner whatsoever coal coke cinders tar pitch ammoniacal liquor and other residual products arising from or obtained in connection with any of the businesses of the Company and to prepare the same for market and to carry on the business of manufacturers of and merchants and dealers in slate stone lime cement bricks sand gravel timber and all kinds of building materials ;
- (f) To manufacture make work buy sell let on hire or deal in lamps brackets globes films shades glasses burners meters galvanometers ammeters volt meters carbons cutouts switches motors batteries stoves turbines pipes wires and all appliances and things used in connection with gas electricity or other illuminant or generator of heat light or power ;
- (g) To carry on any other business (whether manufacturing or otherwise) which may seem to the Company capable of being conveniently carried on in connection with the above or calculated directly or indirectly to enhance the value of or render more profitable any of the Company's property ;
- (h) To sell or otherwise dispose of the whole or any part of the undertaking of the Company either together or in portions for such consideration as the Company may think fit and in particular for shares debentures debenture stock or securities of any company purchasing the same :

And whereas from the date of such incorporation the Company have continued to carry on the business for which it was established and to supply gas in a portion of the ecclesiastical parish of Haverton Hill and also in a portion of the urban district of Billingham outside such ecclesiastical parish :

And whereas the Company are willing to sell and the Corporation are willing to purchase the undertaking of the Company upon the terms and conditions hereinafter contained :

Now it is hereby agreed as follows :—

1. The Company shall sell and the Corporation shall purchase for the sum of £24,155 the land buildings house gasworks and all

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plant fixed and movable apparatus and works connected therewith and all meters stores fittings stocks mains pipes tools furniture books stores trade stock assets and other effects and all property real and personal (including the goodwill of the business) of the Company freed and discharged from all mortgages charges and debts of the Company and also all easements rights powers authorities and privileges enjoyed or exerciseable by the Company for or in connection with the manufacture and supply of gas as such land buildings house works plant apparatus effects property easements rights powers authorities and privileges shall exist on the day hereinafter appointed for the completion of such sale and purchase (hereinafter called "the day of transfer") and also the benefit of all contracts existing on the day of transfer and all registers books accounts maps and documents relating to the undertaking of the Company (all of which premises agreed to be sold and purchased are hereinafter referred to as "the undertaking"):

In addition to the said sum of £24,155 the Corporation shall on the date of transfer pay the sum due under a valuation to be made by representatives of the Corporation and of the Company for stocks of materials as defined and covered by what has been entered under that head in the balance sheets from time to time issued by the Company.

2. There shall be exempted from such sale and purchase (a) the cash balances at the bank and in hand other than consumers' deposits in the hands of the Company or their agents on the day of transfer (b) all rents and profits and all books and other debts due or accrued due to the Company prior to the day of transfer and (c) all books and papers relating exclusively to the shareholders in and the constitution of the Company.

3. The Company shall forthwith after the day of transfer discharge and pay the debts and liabilities of the Company in respect of mortgages debentures debenture stock and money borrowed and interest accrued due thereon and the debts and liabilities of the Company on revenue account and all other debts and liabilities of the Company subsisting at the day of transfer and shall indemnify the Corporation from all demands claims or liability in respect thereof.

4. The Company shall subject as hereinafter provided be entitled to all the rents rates charges and profits accrued due in respect of the undertaking up to the day of transfer other than rents or rates payable in advance in respect of the quarter in which the day of transfer occurs and as from the day of transfer the Corporation shall be entitled to all such rents rates charges and profits The Corporation shall have and may exercise all the powers of the Company for the collection and recovery of rents

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rates and charges payable for the quarter in which the day of transfer occurs or unpaid on the day of transfer and may collect and recover all current rents rates and charges due to the Company on the day of transfer and for such purpose be entitled to deliver accounts if so desired in the name of the Company and likewise to sue for recovery of any debt owing in the name of the Company All arrears of rents rates and charges so recovered by the Corporation shall be paid over by the Corporation to the Company free from any deduction for expenses or otherwise except any legal expenses which may have been incurred by the Corporation in order to recover any such rent rates or charges All rents rates and charges for the quarter in which the day of transfer occurs whether payable in advance or otherwise shall be apportioned between the Corporation and the Company.

5. The Company shall until the day of transfer continue to carry on and manage the undertaking according to their usual course of business and shall uphold maintain and keep the works and property included in the undertaking in their present state and condition and shall keep proper accounts.

6. After the date of this agreement the Company shall not make any outlay or incur any liability otherwise than in the ordinary way of business or borrow any money or issue any debentures or debenture stock or issue any additional capital or call up any uncalled capital without first obtaining the consent in writing of the Corporation.

7. On the day of transfer or so soon thereafter as the Corporation shall have paid to the Company the said sum of £24,155 the Company shall forthwith execute all deeds and documents and do all things reasonably required by the Corporation for carrying into effect the sale and purchase and for duly transferring to and vesting in the Corporation the undertaking freed and discharged from all debts liabilities and incumbrances affecting the same and for letting the Corporation into possession thereof and shall procure the execution of such deeds and documents by all other (if any) necessary parties.

8. The day appointed for the completion of the sale and purchase (hereinbefore referred to as "the day of transfer") shall be the thirtieth day of June one thousand nine hundred and twenty-five and if from any cause other than the default or neglect of the Company all or any part of the said sum of £24,155 shall not be paid on the day of transfer the Corporation shall pay to the Company interest at the rate of seven pounds ten shillings per centum per annum on the share capital money and five per centum upon the debenture stock money remaining unpaid from the day of transfer until payment thereof.

9. If from any cause the sale and purchase shall not be actually completed on the day of transfer the Company shall as agents for and in accordance with the directions of and at the expense and risk of the Corporation carry on the undertaking until the sale and purchase shall be actually completed and the Corporation shall repay to the Company all moneys expended by them whilst acting as such agents including such sums for administrative expenses and wages as the Company shall be authorised by the Corporation to pay. A.D. 1925.

10. The Corporation shall use its best endeavours to procure either a special order under section 10 of the Gas Regulation Act 1920 or an Act of Parliament authorising the Corporation to purchase the undertaking of the Company and to supply gas within the ecclesiastical parish of Haverton Hill and such other area as the Company is now supplying gas in and the Company will aid and assist the Corporation in its said endeavours and will supply the Corporation with such information particulars and evidence as the Corporation may reasonably require and will if necessary support the making of the special order or the application for an Act of Parliament by evidence or otherwise.

11. If the Corporation shall fail to obtain such a special order or Act of Parliament as the case may be as aforesaid within two years from the date of this agreement this agreement and every clause thereof shall be void and of no effect.

12. The title to the Company's land shall commence as to part thereof with an indenture dated the tenth day of November one thousand eight hundred and eighty-eight and made between the Rev. John Alfred Lodge and others of the first three parts and John Wilson Watson and Robert Scrafton of the fourth part and as to the remainder with an indenture dated the ninth day of February one thousand nine hundred and twelve and made between the North Eastern Railway Company of the one part and the Company of the other part. The said title having already been examined by the Corporation the same shall be accepted without further investigation objection or requisition.

13. If any question difference or dispute shall arise with reference to this agreement or to the construction thereof or as to anything herein contained or as to the rights liabilities or duties of either party hereunder the same shall be referred to an arbitrator to be appointed on the application of either party by the President of the Institute of Civil Engineers and the provisions of the Arbitration Act 1889 or any statutory modification thereof shall apply to such reference.

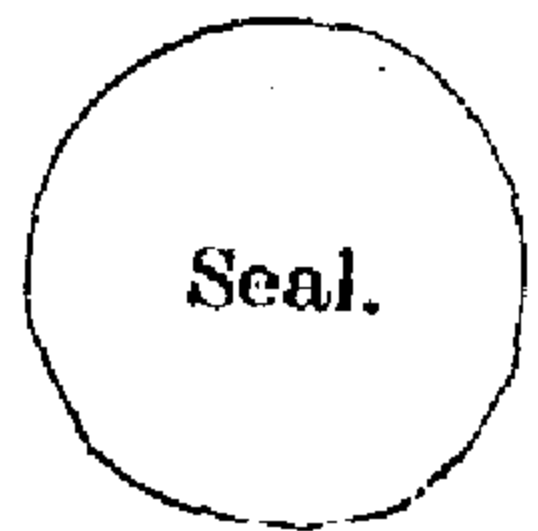
14. This agreement is conditional on the same being approved of and sanctioned at a general meeting of the members of the Company.

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In witness whereof the Corporation and the Company have caused their respective common seals to be hereunto affixed the day and year first before written.

The corporate seal of the mayor aldermen and burgesses of the borough of Stockton-on-Tees was affixed hereto in the presence of

THOS. DOWNEY
Town Clerk.



The common seal of the Haverton Hill Gas Company Limited was affixed hereto in the presence of

A. E. WARD }
JOHN WOOD } Directors.
J. W. PRECIOUS
Secretary.



SECOND SCHEDULE.

GAS LANDS.

All that piece or parcel of land situate at Haverton Hill in the county of Durham containing in the whole by admeasurement three roods and twenty-nine perches or thereabouts bounded on or towards the north by property belonging to the United Alkali Company Limited and on or towards the south east and west by property belonging to the London and North Eastern Railway Company.

THIRD SCHEDULE.

A.D. 1925.

DUTIES OF OVERSEERS TRANSFERRED TO TOWN CLERK.

Subject Matter.	Act &c. imposing the Duty.
Liquor licences - - - -	Licensing (Consolidation) Act 1910 sections 15 and 25.
Pawnbrokers' certificates - -	Pawnbrokers Act 1872 section 42,
Notices under Education Act	Education Act 1921 section 161.
Army Reserve - - - -	Reserve Forces Act 1882 section 24.
Territorial Army - - - -	Territorial and Reserve Forces Act 1907 section 19.
Air Force Reserve - - - -	The two last-mentioned enactments as applied by or under any other Act.
Auxiliary Air Force - - - -	

FOURTH SCHEDULE.

RETURN OF RENT OR ANNUAL VALUE AND OF OTHER PARTICULARS TO BE RENDERED UNDER THE STOCKTON-ON-TEES CORPORATION ACT 1925.

1. Name of the street or road &c. in which the property is situate - Number of the house - - - - (If not numbered state the name by which known.) Whether occupied with or without stables or other premises as part of the same property - - - - The quantity of land (if any) and how used - - - -	
2. Full Christian name and surname of occupier - - - -	
3. Name and address of owner or immediate lessor - - - - (If not known state the name and address of the agent or person to whom the rent is paid.)	

A.D. 1925.

<p>4. Whether the property is occupied (a) Wholly as a private residence - - - - - or (b) Partly as a dwelling-house and partly for trade or business purposes - - - - - or (c) Solely for trade or business purposes with no person residing on the premises other than a caretaker - - - (Number of rooms set apart for the use of the caretaker (if any) and on which floor.) (d) Nature of the business (if any) -</p>	<p>(a) (b) (c) (d)</p>
<p>5. If the occupation is in respect of part only of a house or premises state the extent and on which floor or floors - - - - -</p>	
<p>6. Amount of rent - - - - - or if ground rent only is paid state its amount - - - - -</p>	<p>£ per £ per</p>
<p>7. Whether the property is held under lease or agreement for a period of years - - - - - or by the year quarter month or week - - - - -</p>	
<p>8. (a) Date of commencement of term of lease or agreement - - - (b) Term of years for which granted (c) Whether granted for any consideration in money in addition to the rent or upon any condition as to laying out money in building rebuilding or improvements - - - - - (If none insert "None.")</p>	<p>(a) (b) (c) Amount paid for lease £</p>
<p>9. If the occupier is the owner or has purchased the lease the full annual value should be stated <i>i.e.</i> the amount at which the property is worth to be let by the year the owner keeping it in repair - - - - -</p>	<p>} Annual Value £</p>

A.D. 1925.

<p>10. (a) Amount of land tax (if any) - (b) Amount of tithe rentcharge or of any rate or assessment in lieu of tithes paid in the year 19 (State in each case whether borne by the landlord or tenant.)</p>	<p>(a) £ . Borne by the (b) £ . Borne by the</p>
<p>11. Whether all usual tenant's rates and taxes are paid and borne by the occupier in addition to the rent - - - - -</p>	
<p>12. Whether the landlord or the tenant undertakes to bear the cost of repairs insurance and other expenses necessary to maintain the property - - - - - (If each undertakes to bear part only of the cost of repairs state the particulars.)</p>	

DECLARATION.

I declare that the foregoing particulars are in every respect fully and truly stated to the best of my judgment and belief.

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FOR

WILLIAM RICHARD CODLING, Esq., C.V.O., C.B.E., the King's Printer of
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