



## CHAPTER xviii.

An Act to confer further powers upon the Mayor  
Aldermen and Citizens of the City of Stoke-on-  
Trent with respect to their Gas Undertaking and  
for other purposes. [29th June 1927.]

A.D. 1927.

**W**HEREAS the city of Stoke-on-Trent (hereinafter referred to as "the city") is a municipal borough and a county borough under the local government of the mayor aldermen and citizens of the city (hereinafter referred to as "the Corporation") and the Corporation acting by the council of the city are the urban sanitary authority for the city :

And whereas the Corporation are the owners of gas undertakings and under the powers of the Stoke-on-Trent (Gas Consolidation) Act 1922 (hereinafter referred to as "the Act of 1922") they supply gas within limits which are described in that Act and comprise the city the parish of Newchapel in the urban district of Kidsgrove the parish of Norton-in-the-Moors in the rural district of Leek the parishes of Caverswall and Forsbrook in the rural district of Cheadle and the parishes of Fulford Barlaston and Trentham and part of the parish of Stone in the rural district of Stone all in the county of Stafford :

And whereas previous to the passing of the Act of 1922 the city and parishes aforesaid or some of them were supplied with gas from five undertakings four of which were known as the Longton undertaking the Stoke-upon-Trent undertaking the Fenton undertaking

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A.D. 1927. — and the Burslem undertaking and belonged to the Corporation and one of which was known as the Staffordshire Potteries station and belonged to the British Gas Light Company Limited :

And whereas by the Act of 1922 the Corporation were empowered to purchase the Staffordshire Potteries station and after the purchase thereof to connect all the said undertakings with one another and to amalgamate the same or any two or more of them and subject to the provisions of that Act to carry on the same or such of the same as might be amalgamated as one undertaking :

And whereas the Corporation duly purchased the Staffordshire Potteries station which included gasworks at Etruria in the city which had recently been rebuilt and extended and in exercise of the powers in that behalf contained in the Act of 1922 the Corporation have connected up therewith and have ceased to manufacture gas at the gasworks forming part of their Stoke-upon-Trent undertaking and their Fenton undertaking and those three undertakings have been amalgamated and are now carried on as one undertaking and the Corporation are about to connect up and amalgamate therewith their Longton undertaking :

And whereas it is expedient that the Burslem undertaking of the Corporation including the gasworks at Longport held in connection therewith be connected up with the gasworks at Etruria and that the Corporation cease to manufacture gas at Longport :

And whereas the shortest convenient route for the pipes necessary for connecting the gasworks at Longport with the gasworks at Etruria passes through the urban district of Wolstanton United which is not within the limits for the supply of gas by the Corporation and it is expedient that the Corporation be empowered to lay the pipes along that route as shown on the plans hereinafter mentioned and to acquire land and easements for the purposes thereof :

And whereas the objects of this Act cannot be attained without the authority of Parliament :

And whereas estimates have been prepared by the Corporation for the purchase of land and easements and for the laying of such pipes and such estimates amount to fourteen thousand five hundred pounds :

And whereas the works included in such estimates are permanent works and it is expedient that the cost thereof be spread over a term of years : A.D. 1927.

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 :

And whereas plans and sections showing the lines situations and levels of the works authorised by this Act and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Stafford and are in this Act respectively referred to as the deposited plans sections and book of reference :

May it therefore please Your Majesty that it may be enacted and be it enacted by the 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 :—

1. This Act may be cited as the *Stoke-on-Trent Corporation (Gas) Act 1927* and this Act and the *Stoke-on-Trent Corporation (Gas Consolidation) Act 1922* may be cited together as the *Stoke-on-Trent Corporation (Gas) Acts 1922 and 1927.* Short title.

2. The following Acts and parts of Acts (so far as the same are applicable for the purposes of 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* with the following exception and modification :—

(a) Section 127 of the *Lands Clauses Consolidation Act 1845* (relating to the sale of superfluous lands) is not incorporated with this Act ;

(b) The bond required by section 85 of the *Lands Clauses Consolidation Act 1845* shall be under the corporate seal of the Corporation and shall be sufficient without the addition of the sureties mentioned in that section :

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(2) The provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and in construing those provisions the expression "the limits of the special Act" shall mean the limits of deviation shown on the deposited plans.

Interpreta-  
tion.

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

"The city" means the city of Stoke-on-Trent as constituted at the passing of this Act;

"The Corporation" means the mayor aldermen and citizens of the city;

"The Act of 1922" means the Stoke-on-Trent Corporation (Gas Consolidation) Act 1922;

"The gas undertaking" means the gas undertakings or the gas undertaking of the Corporation as for the time being authorised;

"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;

"Statutory security" means any security 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. A.D. 1927.  
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4. Subject to the provisions of this Act the Corporation may wholly in the county of Stafford in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited book of reference make and maintain the following works shown on the deposited plans and sections and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for that purpose (that is to say) :— Power to construct new works.

A line or lines of pipes with all convenient valves syphons and connections thereto commencing at the gasworks of the Corporation at Etruria in the city and passing through the city and thence into and through the parish and urban district of Wolstanton United and into and terminating in the gasworks of the Corporation at Longport in the city :

Provided that the works by this Act authorised shall not be used for the purpose of supplying gas in the urban district of Wolstanton United without the previous consent in writing of the council of that district.

5. In the construction of the works by this Act authorised the Corporation may deviate to any extent not exceeding the limits of lateral deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections to any extent provided that except for the purpose of crossing over a railway no part of the works shall be raised above the surface of the ground. Limits of deviation.

6.—(1) The Corporation may in lieu of acquiring any lands for the purposes of the works by this Act authorised acquire such easements only in such lands as they may require for such purposes and may give notice to treat in respect of such easements describing Corporation may acquire easements only in certain cases.

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(2) As regards any lands in respect of which the Corporation have acquired easements only under the provisions of this section the Corporation shall not be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall subject to such easements have the same rights to use the said lands at all times as if this Act had not been passed.

Limit of time for compulsory purchase of lands.

7. The powers of the Corporation for the compulsory purchase of lands and easements for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

For protection of Staffordshire County Council.

8. The provisions of section 43 (For protection of Staffordshire County Council) of the Act of 1922 shall apply to the works by this Act authorised as if the same were herein enacted.

For protection of Wolstanton United Urban District Council.

9. For the protection of the council of the urban district of Wolstanton United (in this section referred to as "the council" and "the district" respectively) the following provisions shall notwithstanding anything in this Act contained and unless otherwise agreed in writing between the Corporation and the council apply and have effect with respect to the construction and repair by the Corporation of so much of the works by this Act authorised as shall be situate in any road vested in the council (hereinafter referred to as "the authorised works") (that is to say):—

(1) The authorised works shall be laid in such position in or at the side of the road as the council in writing under the hand of their surveyor may reasonably direct and at such a depth as will not interfere with the maintenance of and access to the existing gas pipes of the council. Provided that if in the construction of the authorised works it is found that it will be more convenient to alter the position of any pipe of the council and that such alteration can be effected without permanently interfering with any of the services now being

afforded by the council then the Corporation may if they so desire and in that event shall carry out such alteration to the reasonable satisfaction of the surveyor of the council : A.D. 1927.  
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- (2) The notice required by section 8 of the Gasworks Clauses Act 1847 with respect to the breaking up of streets shall as regards any such road be not less than seven days instead of three days :
- (3) In filling in the ground after constructing or repairing so much of the authorised works as will be situate between the northern end of Basford Road and the church at Port Hill in the district the Corporation shall provide to the reasonable satisfaction of the surveyor of the council a foundation of 9-inch lump slag upon which they shall reinstate and make good the top metalling of the road :
- (4) The authorised works shall be so executed by the Corporation as not to stop or (so far as reasonably practicable) impede or interfere with the traffic on any such road and the Corporation shall not break up at any one time a greater consecutive length than one hundred yards of any such road :
- (5) The Corporation shall bear and on demand pay to the council the salary of a clerk of the works to be appointed and employed by the council for the purpose of watching the construction of the authorised works in the district :
- (6) The authorised works shall be constructed and maintained so as not to cause any damage to any property of the council and if any such damage arises from the acts or operations of the Corporation or by reason of the failure of the Corporation to maintain the authorised works or from the bursting leakage or failure thereof not being due to the acts or defaults of the council their servants or agents all such damage shall forthwith be made good by the Corporation or if the council so elect by the council at the expense of the Corporation :

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- (7) Any difference arising between the council and the Corporation touching this section or anything to be done or not to be done thereunder such difference shall be referred to two justices sitting as a court of summary jurisdiction who shall hear and determine the matter in dispute in all respects as if the same were a difference between the Corporation and the council under the Gasworks Clauses Act 1847.

For pro-  
tection of  
Stafford-  
shire  
Potteries  
Water  
Board.

**10.** For the protection of the Staffordshire Potteries Water Board (in this section referred to as "the water board") the following provisions shall unless otherwise agreed in writing between the water board and the Corporation apply and have effect (that is to say):—

- (1) Notwithstanding anything contained in this Act or shown on the deposited plans and sections the works by this Act authorised shall be constructed by the Corporation in such position as will not prevent ready and full access to the existing pipes and works of the water board for the purpose of repairing lowering or renewing those pipes and works by the water board and in accordance with plans and sections to be reasonably approved by the engineer of the water board or settled by an arbitrator to be appointed as hereinafter provided:
- (2) Any difference arising between the water board and the Corporation under the provisions of this section shall be referred to and determined by a single arbitrator to be appointed failing agreement between the parties by the President of the Institution of Civil Engineers on the application of either party after notice in writing to the other and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference and arbitration.

For pro-  
tection of  
Potteries  
Electric  
Traction  
Company  
Limited.

**11.** For the protection of the light railways and tramways of the Potteries Electric Traction Company Limited or their successors and assigns lessees or licensees (in this section referred to as "the traction company") the following provisions shall unless otherwise agreed in writing between the traction company and the



Corporation have effect in reference to the works by this Act authorised (that is to say) :— A.D. 1927.

- (1) Where under the powers of this Act the Corporation require to dig or sink any trench or to make or repair any works across or under or within three feet of any light railway or tramway of the traction company or of any posts or cables used for the same (hereinafter referred to as "the property of the traction company") the Corporation shall except in case of sudden emergency give to the traction company not less than fourteen days before commencing to dig or sink make or repair any of the aforesaid works notice with full particulars of such works and a plan and the traction company shall be entitled to superintend the works and in carrying out the same the Corporation shall conform to such reasonable requirements as may be made by the traction company for protecting the property of the traction company from injury or subsidence:
- (2) Any interference with or any alteration of the property of the traction company which may be reasonably necessary in the execution of the said works shall if the traction company so desire and shall signify such desire by writing delivered to the Corporation within seven days after the delivery of the said particulars and plan be carried out by the traction company under the supervision (if given) and in accordance with the reasonable directions of the Corporation and the reasonable expense incurred by the traction company in so doing shall be repaid to them by the Corporation :
- (3) The Corporation shall as far as practicable dig or sink make or repair the aforesaid works so as not injuriously to affect the property of the traction company and in the event of any injury being thereby occasioned to the property of the traction company the traction company may at the expense of the Corporation restore such part of the property of the traction company as may be injured to as good a state

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and condition as it was in before such injury was occasioned and the Corporation shall recoup to the traction company all costs and expenses which they may reasonably pay in restoring such property in manner aforesaid and the traction company may recover the same from the Corporation as a simple contract debt :

- (4) If during the execution or within six months after the completion of any works of the Corporation under the powers of this Act any subsidence of any light railway or tramway of the traction company shall be caused by such execution the Corporation shall pay to the traction company compensation for any loss occasioned by reason of such subsidence :
- (5) Any difference arising between the traction company and the Corporation under the provisions of this section shall be referred to and determined by a single arbitrator to be appointed failing agreement between the parties by the President of the Institution of Electrical Engineers on the application of either party after notice in writing to the other and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference and arbitration.

For protection of  
London  
Midland and  
Scottish  
Railway  
Company.

**12.** For the protection of the London Midland and Scottish Railway Company (hereinafter in this section called "the company") the following provisions shall unless otherwise agreed in writing between the company and the Corporation apply and have effect with respect to the construction and repair by the Corporation of so much of the works by this Act authorised as shall be situate in or over any of the railways works and property of the company (hereinafter referred to as "the authorised work") (that is to say) :—

- (1) The Corporation shall not under the powers of this Act take or acquire by compulsion any lands or property of the company but the Corporation may purchase and the company shall sell if required by the Corporation such easement or right in or over or upon the lands property and works of the company as may be

required for making and maintaining the authorised work in accordance with the provisions of this Act :

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- (2) Before constructing or repairing the authorised work the Corporation shall submit to the company plans sections and specifications thereof showing the line and level and the manner in which the same is to be carried out for the approval of the company which approval shall not be unreasonably withheld and shall be deemed to have been given unless the company signify their disapproval within twenty-one days after submission of the said plans sections and specifications for approval. Provided also that when in the opinion of the engineer of the company there is not a reasonably sufficient space on any bridge to lay the authorised work between the road surface and the structure of any such bridge the Company may require such work to be carried below or outside the structure of any such bridge and shall afford all reasonable facilities for the purpose :
- (3) The authorised work shall be constructed and maintained by the Corporation in strict conformity with the plans sections and specifications so approved at the sole risk and cost of the Corporation and under the supervision and to the reasonable satisfaction of the engineer of the company :
- (4) The Corporation shall give to the company fourteen days' notice in writing of their intention to construct the authorised work and to repair the same except in cases of emergency in which case such notice as is reasonably practicable shall be given :
- (5) The Corporation shall pay to and reimburse the company all reasonable costs and expenses which they may incur in connection with the employment of inspectors signalmen watchmen and others and for superintendence and extra precautions (if any) for the safety and working of their traffic or protection of their property during the construction or repair of the authorised work :

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- (6) The authorised work shall be constructed and repaired by the Corporation so as not to injure or interfere with (except so far as may be necessary for carrying out the same) or endanger the structure of any of the railways works and property of the company and if any damage to or interference with the passage or conduct of traffic on the said railways works and property of the company shall be caused by the authorised work or the failure or defect thereof the Corporation shall at their own cost execute and do all such works as may be necessary to restore the damage or injury and remove such interference or the company at their option and for any of such purposes may execute all such works and do all such things as may be necessary in that behalf and the Corporation shall on demand repay to the company all reasonable costs and expenses incurred by them in connection therewith :
- (7) The Corporation shall make reasonable compensation to the company for all loss or damage caused by the failure of the authorised work or the acts or defaults of the Corporation in the exercise of the powers of this Act and shall indemnify the company from all claims and demands in respect thereof or of any interruption of the traffic on the said railways occasioned thereby :
- (8) If it should be necessary in constructing or repairing the authorised work to alter or remove any telegraph posts wires or other telegraphic or telephonic or signalling apparatus belonging to or maintained by the company the Corporation shall pay to and reimburse the company in all expense reasonably incurred by them in connection with such alteration or removal and the erection of other posts wires or apparatus in substitution for those so altered or removed :
- (9) Nothing in this Act contained shall prevent the company from repairing reconstructing altering or widening under their powers existing at the passing of this Act any of the lines of railway or other works or property belonging to them Provided that any extra expense which the

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company may incur in such repair reconstruction alteration or widening under such powers by reason of the existence of the authorised work shall be paid by the Corporation and that the company shall execute their said works in such manner as to cause as little damage and interference as practicable to and with the authorised work. Provided further that the company before and during any such repairs reconstruction alteration or widening shall if required afford to the Corporation free of cost all reasonable facilities for enabling the Corporation to carry temporarily over the said railways works and property of the company other pipes to ensure the continuance of the free passage of gas through the authorised work and the company shall give (except in case of emergency in which case such notice as is reasonably practicable shall be given) twenty-eight days' previous notice in writing to the Corporation before commencing any such operations as may affect the authorised work :

- (10) Any difference arising between the Corporation and the company under this section shall be referred to the arbitration of an engineer to be agreed upon between the Corporation and the company or failing agreement to be appointed by the President of the Institution of Civil Engineers on the application of either party after notice in writing to the other and subject thereto the Arbitration Act 1889 shall apply to such arbitration.

**13.** Subject to the provisions of this Act the works by this Act authorised shall for all purposes be deemed part of the gas undertaking as if they had been authorised by or included or referred to in the Act of 1922.

Works to form part of gas undertaking.

**14.—(1)** Every consumer of gas supplied by the Corporation who uses for or in connection with the consumption of such gas air at high pressure or any gas not supplied by the Corporation (in this section referred to as "high-pressure air or other gas") 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 or other gas into the service pipe or any main through which gas is

Provision of valve where high-pressure air or other gas is used.

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

(3) Every such consumer 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 or other gas 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 or other gas unless before such expiration he shall have complied with the requirement.

(4) If any consumer shall fail to comply with any requirement or 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

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or upon which high-pressure air or other gas is used or the Corporation have reason to believe that high-pressure air or other gas is or may at the time be used in order to ascertain 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 to be in proper order but otherwise at the expense of the consumer.

**15.** The Corporation may levy and recover such charges as they think fit for taking the reading of any meter fixed in any premises at the request of and for the convenience of the consumer at a time other than that of the usual periodical reading :

Charges for special reading of meters.

Provided that such charge shall not exceed the sum of one shilling for each such special reading.

**16.**—(1) If the Corporation shall at any time serve notice upon any consumer of gas supplied by them to the effect that an officer or servant of the Corporation has reported after inspection of any internal piping or gas-consuming appliance or fitting on such consumer's premises that he is of opinion that any such internal piping or gas-consuming appliance or fitting is in such a condition as to be dangerous to the occupiers of the premises such consumer shall forthwith carry out such works as may be necessary to remove the cause of danger If the consumer shall fail to carry out forthwith such works as aforesaid the Corporation may stop the gas from entering the premises of such consumer by cutting off the service pipe or by such other means as the Corporation shall think fit Any expenses reasonably incurred by the Corporation in cutting off and subsequently reconnecting the gas from such premises may be recovered by the Corporation summarily as a civil debt.

Power to compel repairs in case of danger.

(2) For the purposes of this section the Corporation shall subject to the provisions of section 21 of the Gasworks Clauses Act 1871 have and may exercise the like powers of entry as are exerciseable under that section.

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(3) Nothing in this section shall apply to any internal piping gas-consuming appliance or fitting on the premises other than a dwelling-house of the London Midland and Scottish Railway Company.

Power to borrow.

17. The Corporation may 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 all moneys so borrowed shall be charged upon the revenues of the gas undertaking and the borough fund and consolidated rate of the city and shall be repaid within the respective periods (each of which is for the purposes of section 59 (Sinking fund) of the Act of 1922 incorporated with this Act "the prescribed period") mentioned in the third column thereof (that is to say):—

Purpose.	Amount.	Period for Repayment.
(1) For the works by this Act authorised.	£ 14,500	Twenty years from the date or dates of borrowing.
(2) For paying the costs charges and expenses of this Act as hereinafter defined.	The sum requisite.	Five years from the passing of this Act.

The provisions of this section shall not limit the powers conferred upon the Corporation by Section 130 (Power to use one form of mortgage for all purposes) of the Stoke-on-Trent Corporation Act 1923.

Application of sections of Act of 1922 as to borrowing.

18. The following sections of the Act of 1922 shall (with any necessary modifications) extend and apply mutatis mutandis to the moneys borrowed under and to the purposes of this Act (namely):—

Section 55' Section 234 of Public Health Act not to apply.

Section 56 Mode of raising money.

Section 58 Method of payment off of money borrowed.

Section 59 Sinking fund.

Section 60 Protection of lender from inquiry.

Section 61 Corporation not to regard trusts.



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Section 62	Appointment of receiver.	A.D. 1927.
Section 63	Power to reborrow.	—
Section 66	Application of money borrowed.	
Section 71	Evidence of appointments authority &c.	
Section 72	Informations by whom to be laid.	
Section 73	Authentication and service of notices &c.	
Section 75	Recovery of penalties &c.	
Section 76	Recovery of demands.	

**19.** Section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 shall with any necessary modifications extend and apply to the purposes of this Act as if the same were re-enacted therein. Application of section 265 of Public Health Act 1875.

**20.** Nothing contained in this Act or in any Act or part of an Act incorporated or to be construed as one with this Act shall extend or operate to take away prejudice or diminish any estate right privilege power or authority vested in or enjoyed or exerciseable by His Majesty His heirs or successors in right of His Duchy of Lancaster. Saving right of His Majesty in right of His Duchy of Lancaster.

**21.** All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the revenue of the gas undertaking or out of the borough fund and consolidated rate of the city or out of moneys to be borrowed under this Act for that purpose. Costs of Act.

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