



CHAPTER xxii.

An Act for empowering the mayor aldermen and burgesses of the borough of Stoke-on-Trent to acquire the Staffordshire Potteries Undertaking of the British Gas Light Company Limited to amalgamate that undertaking and the existing gas undertakings of the mayor aldermen and burgesses aforesaid and to consolidate the special Acts and Orders relating thereto and for other purposes. A.D. 1922

[31st May 1922.]

WHEREAS under or by virtue of the unrepealed provisions of the Acts and Orders specified in Part I. of the First Schedule to this Act the mayor aldermen and burgesses of the borough of Stoke-on-Trent (hereinafter referred to as "the Corporation" and "the borough" respectively) are the owners of four gas undertakings (hereinafter referred to as "the Longton Undertaking" "the Stoke-upon-Trent Undertaking" "the Fenton Undertaking" and "the Burslem Undertaking") and thereby supply or are authorised to supply gas within those portions of the borough which immediately before the commencement of the Stoke-on-Trent Order 1908 (confirmed by the Local Government Board's Provisional Order Confirmation (No. 3) Act 1908) constituted the borough of Longton the borough of Stoke-upon-Trent the urban district of Fenton and the borough of Burslem and within the areas which then constituted the parishes of Caverswall and Forsbrook in the rural district of Cheadle and the parishes of Fulford Barlaston and Trentham in the rural district of Stone and within so much of the parish

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A.D. 1922. of Stone Rural in the last-mentioned rural district as then constituted as was not situate within a radius of three miles of Stone Town Hall (which parishes or some parts thereof are in the said Acts and Orders or some of them described as the townships or hamlets of Normacote Blyth Bridge Blyth Marsh and Forsbrook) and within the area which then constituted such part of the parish of Stoke-upon-Trent as was then in the rural district of Stoke-upon-Trent :

And whereas under or by virtue of the unrepealed provisions of the Acts and Orders specified in Part II. of the First Schedule to this Act the British Gas Light Company Limited (hereinafter referred to as "the company") are the owners of the gas undertaking known as "the Staffordshire Potteries Station" (hereinafter referred to as "the Staffordshire Potteries Undertaking") and thereby supply or are authorised to supply gas within those portions of the borough which immediately before the commencement of the borough of Stoke-on-Trent Order 1908 aforesaid constituted the borough of Hanley and the urban district of Tunstall and within the areas which then constituted the parish of Newchapel in the urban district of Kidsgrove the urban district of Smallthorne and the parish of Norton-in-the-Moors in the rural district of Leek :

And whereas at the thirty-first day of December one thousand nine hundred and twenty the company had in exercise of the powers conferred upon them by the Acts and Orders specified in Part II. of the First Schedule to this Act or some of them expended upon the Staffordshire Potteries Undertaking capital stock amounting in the aggregate to the sum of two hundred and seven thousand six hundred and ten pounds some of which is entitled to dividend at the rate of ten per centum per annum some at the rate of seven and a half per centum per annum and some at the rate of five per centum per annum and loan capital amounting in the aggregate to the sum of sixty-five thousand pounds upon which interest was payable in part at the rate of three per centum per annum in part at the rate of three and a half per centum per annum and in other part at the rate of four per centum per annum and had expended upon that undertaking a further sum of thirty-six thousand six hundred and ninety-three pounds eight shillings and five pence which has since been authorised ;

And whereas by the borough of Stoke-on-Trent Order 1908 the boroughs of Longton Stoke-upon-Trent Burslem and Hanley and the urban districts of Fenton and Tunstall were amalgamated and constituted the borough of Stoke-on-Trent and by the Stoke-on-Trent (Extension) Order 1921 which was confirmed by the Ministry of Health Provisional Order Confirmation (Stoke-on-Trent Extension) Act 1921 and came into effect on the first day of April 1922 the boundary of the borough was extended and changes were made in the areas of local government adjacent thereto and the area within which the Corporation or the company from their Staffordshire Potteries station now supply or are authorised to supply gas comprises the borough of Stoke-on-Trent the parishes of Caverswall and Forsbrook in the rural district of Cheadle the parishes of Fulford Barlaston and Trentham and so much of the parish of Stone Rural as aforesaid in the rural district of Stone the parish of Newchapel in the urban district of Kidsgrove and the parish of Norton-in-the-Moors in the rural district of Leek in each case as constituted immediately after the commencement of the Stoke-on-Trent (Extension) Order 1921 : A.D. 1922.

And whereas under the Acts and Orders by which the said undertakings are regulated the areas of supply in several cases overlap and many of the provisions of those Acts and Orders have been superseded by subsequent legislation and ought to be repealed and it would be of local and public advantage if the Corporation were empowered to acquire the Staffordshire Potteries Undertaking and if that undertaking and the Longton Undertaking the Stoke-upon-Trent Undertaking the Fenton Undertaking and the Burslem Undertaking were amalgamated and if such of the provisions of the said Acts and Orders as it is deemed expedient to retain were consolidated with amendments and additions into one Act :

And whereas under or by virtue of the Stone Gas and Electricity Acts 1881 and 1914 the Stone Gas Light and Coke Company Limited are authorised to supply but do not supply gas within that portion of the parish of Stone Rural which is within the limits of supply of the Corporation and it is expedient that the powers of the Stone Gas Light and Coke Company Limited to supply gas in that area be repealed :

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And whereas it is expedient that further provisions in respect of or in connection with the manufacture or supply of gas by the Corporation and the use of such gas should be enacted as in this Act contained:

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

And whereas in relation to the promotion of the Bill for this Act the requirements contained in 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 (that is to say):—

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the Stoke-on-Trent (Gas Consolidation) Act 1922.

Division of Act into Parts.

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

Part I.—Preliminary.

Part II.—Repeal and saving of Corporation Acts and powers.

Part III.—Transfer of Staffordshire Potteries Undertaking of company to Corporation.

Part IV.—Works and supply of gas.

Part V.—Transitory provisions respecting quality testing pressure and price of gas.

Part VI.—Finance.

Part VII.—Miscellaneous provisions.

Incorporation of Acts.

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 and form part of this Act (namely):—

The Lands Clauses Acts (except the provisions thereof with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters

of the undertaking and except section 127 of the Lands Clauses Consolidation Act 1845); A.D. 1922.

The Gasworks Clauses Act 1847 (except the provisions thereof with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for their benefit and with respect to the yearly receipts and expenditure of the undertakers);

Provided also 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 that every such contract entered into by the Corporation shall be alike in terms and amount under like circumstances to all consumers" were added at the end of that section; and

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

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

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

"The borough" means the county borough of Stoke-on-Trent as extended by the Stoke-on-Trent (Extension) Order 1921;

"The Corporation" means the mayor aldermen and burgesses of the borough;

"The council" means the council of the borough;

"The town clerk" and "the treasurer" respectively mean the town clerk and the treasurer of the borough;

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

"The company" means the British Gas Light Company Limited;

"The Staffordshire Potteries Undertaking" means the Staffordshire Potteries Station undertaking of the company as carried on by them at the passing of this Act at Hanley and Tunstall in the borough and in other districts adjoining or

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adjacent thereto including therein by way of further description and not of limitation all and singular the mains pipes machinery plant (fixed and movable) lands buildings stock-in-trade rights powers authorities easements and privileges of and exerciseable by and all other the estate real and personal held by the company in pursuance of the powers of the Acts of the company on the thirty-first day of December one thousand nine hundred and twenty and certain lands at Etruria in the borough owned by the company but excluding the directors' minute books and any books and papers relating exclusively to the shareholders in and the constitution of the company;

"The debentures of the company" means:—

(A) The 100 debentures of £100 each numbered 1 to 100 issued by the company on the first day of September one thousand eight hundred and ninety-one and carrying interest at the rate of three pounds ten shillings per centum per annum;

(B) The 150 debentures of £100 each numbered 101 to 250 issued by the company on the first day of August one thousand eight hundred and ninety-five and carrying interest at the rate of three pounds per centum per annum; and

(C) The 150 debentures of £100 each numbered 251 to 400 issued by the company on the thirteenth day of April one thousand nine hundred and four and carrying interest at the rate of four pounds per centum per annum each of which debentures is charged upon the Staffordshire Potteries Undertaking and is subject to the conditions endorsed thereon;

"The scheduled agreement" means the agreement made on the eighth day of March one thousand nine hundred and twenty-two between the company and the Corporation as set out in the Fourth Schedule to this Act;

"The day of transfer" means the usual quarter day next following the passing of this Act or

such earlier date as may be agreed upon between the Corporation and the company; A.D. 1922.

“The day of actual transfer” means the day on which the Staffordshire Potteries Undertaking shall be transferred to the Corporation under the provisions of the section of this Act of which the marginal note is “Transfer and vesting of undertaking of company to and in Corporation”;

“The Corporation Acts” means the Acts and Orders specified in Part I. of the First Schedule hereto;

“The Acts of the company” means the Acts and Orders relating to the Staffordshire Potteries Undertaking and specified in Part II. of the First Schedule hereto;

“The Longton Undertaking” “the Stoke-upon-Trent Undertaking” “the Burslem Undertaking” and “the Fenton Undertaking” mean respectively the gas undertakings of the mayor aldermen and burgesses of the boroughs of Longton Stoke-upon-Trent and Burslem respectively and the gas undertaking of the Fenton Urban District Council which were vested in the Corporation by the Borough of Stoke-on-Trent Order 1908 confirmed by the Local Government Board’s Provisional Order Confirmation (No. 3) Act 1908 and all mains pipes machinery plant (fixed and movable) lands buildings easements and other real and personal estate rights powers and privileges held and enjoyed or exerciseable by the Corporation in connection with those respective undertakings immediately before the passing of this Act;

“The gas undertaking” means until the day of transfer the Longton Undertaking the Stoke-upon-Trent Undertaking the Fenton Undertaking and the Burslem Undertaking and thereafter means those undertakings and the Staffordshire Potteries Undertaking;

“The calorific value of gas” means for the purposes of this Act the number of British thermal units (gross) produced by the combustion of one cubic foot of the gas measured at sixty degrees Fahrenheit under a pressure of thirty inches of mercury and saturated with water vapour;

A.D. 1922. “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.

PART II.

REPEAL AND SAVING OF CORPORATION ACTS AND POWERS.

Repeal of Corporation Acts.

5. Subject to the provisions of this Act the unrepealed provisions of the Acts and Orders specified in Part I. of the First Schedule to this Act (in this part of this Act referred to as “the repealed Acts”) are hereby repealed to the extent indicated in the third column of that schedule.

Savings from effect of repeal.

6. Notwithstanding the repeal of the repealed Acts as aforesaid—

- (A) All existing bonds mortgages annuities stock or other securities granted payable or created by the Corporation under any of the repealed Acts shall be and continue valid and available for all purposes and for and against all parties :
- (B) All property vested in the Corporation at the commencement of this Act shall continue vested in the Corporation and all acts works matters and things before the commencement of this Act done or commenced under the powers of the repealed Acts or any of them and which were at the commencement of this Act valid and available or in progress and all existing agreements awards conveyances contracts deeds instruments leases obligations restrictions conditions rights and remedies shall be and continue

valid and available for and against all parties and may be continued enforced and completed as if this Act had not been passed :

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- (c) All actions arbitrations prosecutions and proceedings by with or against the Corporation by reason of any matter or thing accruing or done before the commencement of this Act under or in execution of or in relation to the provisions of the repealed Acts or any of them may be continued commenced taken made or prosecuted by or against the Corporation as if this Act had not been passed :
- (d) All existing rules regulations orders and licences shall continue in force until repealed altered or revoked under the provisions of this Act or until their expiration and may be enforced in like manner and with the same penalties as if made for like purposes respectively under the provisions of this Act :
- (e) All rates rents tolls and other sums at the commencement of this Act due or accruing due to the Corporation may be collected and recovered by the Corporation as if this Act had not been passed :
- (f) All books and documents which under any of the repealed Acts or otherwise would have been receivable in evidence shall be receivable in evidence as if this Act had not been passed :
- (g) Any agreement or document relating to the provisions of any of the repealed Acts which are re-enacted in this Act shall be of full force and effect and shall be deemed to refer to the provisions in that behalf contained in this Act.

7. As from the passing of this Act the rights powers and authorities of the Stone Gas Light and Coke Company Limited to supply gas in so much of the parish of Stone Rural as does not lie within three miles of the town hall of Stone shall cease and determine and so much of the Stone Gas Order 1881 (confirmed by the Gas Orders Confirmation Act 1881) and the Stone Gas and Electricity Act 1914 as authorises that company to supply gas in that portion of parish is hereby repealed.

Repeal
of powers
of Stone
Gas Light
and Coke
Company
Limited to
supply gas
in Corpora-
tion's limits
of supply.

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PART III.

TRANSFER OF STAFFORDSHIRE POTTERIES UNDERTAKING
OF COMPANY TO CORPORATION.

Confirma-
tion of
agreement
with British
Gas Light
Company
Limited.

8. The scheduled agreement is hereby confirmed and made binding upon the parties thereto and effect may and shall be given thereto accordingly subject to such modifications (if any) as may be agreed between the said parties in writing under their respective common seals.

Transfer
and vesting
of under-
taking of
company to
and in Cor-
poration.

9.—(1) On payment by the Corporation to the company of the sum of three hundred and forty-five thousand pounds in accordance with the provisions of the scheduled agreement the Staffordshire Potteries Undertaking shall by virtue of this Act and without further assurance or other authority become and shall henceforth stand transferred to and vested in and belong to the Corporation subject to the debentures of the company.

(2) The production of a King's Printer's copy of this Act duly stamped together with a receipt for the purchase consideration purporting to be signed by three directors of the company or by the cashier of the Bank of England shall (unless it be proved that such purchase consideration has not been paid or issued) be conclusive evidence in all courts and proceedings of the transfer to and vesting in the Corporation of the Staffordshire Potteries Undertaking.

As to com-
pany's
debentures.

10.—(1) The debentures of the company and the interest accrued and accruing thereon at and after the day of transfer shall thereafter continue to be a charge on the Staffordshire Potteries Undertaking in the hands of the Corporation to the same extent and with the same incidents as if this Act had not been passed but with the substitution of the Corporation for the company in respect of such debentures and the Corporation shall indemnify and hold harmless the company against any claims in respect thereof.

(2)—(A) The Corporation may by agreement with the holder of any of the debentures of the company at any time substitute for the security so held by him any stock mortgage or other security of the Corporation or pay off the amount secured by his debenture or debentures and redeem the security with moneys raised under the powers

of this Act and the holder of any such debenture or debentures whether or not he is a trustee or under any disability may agree with the Corporation to accept any stock mortgage or other security of the Corporation in lieu of money in consideration for his debenture or debentures. A.D. 1922.

(B) In any such case the Corporation may make such reasonable payment as they may think fit to the holder of any debenture for his consent or for otherwise compensating him for the substitution or the payment off or redemption of his security and any such payment may be either by money or by stock mortgage or other security of the Corporation or partly by one and partly by the other.

11. Any stock mortgage or other security of the Corporation substituted for any debenture of the company in pursuance of this Act shall be held in the same rights on the same trusts and subject to the same powers provisions charges and liabilities as those in on or subject to which the debenture was held immediately before such substitution and so as to give effect to and not to revoke any deed will or other instrument or testamentary or other disposition disposing of or affecting the debenture and every such deed will instrument or disposition shall take effect with reference to the whole or a proportionate part (as the case may be) of the substituted security. Substituted securities to be held in same rights.

12. The receipt in writing of three directors of the company for money paid to the company by the Corporation shall effectually discharge the Corporation from the sum which in such receipt shall be acknowledged to have been received and from being bound to see to the application thereof and from being answerable or accountable for the loss misapplication or non-application thereof. Provided that if from any cause the Corporation are unable to obtain such receipt they may pay the money into the Bank of England in the name of the Paymaster General for and on behalf of the Supreme Court to an account to be opened in the matter of this Act and a receipt shall be given to the Corporation by the cashier of the said bank for the money which shall have the same effect as the receipt of three directors of the company. Receipt for consideration and other moneys.

13. The Corporation shall forthwith after the day of actual transfer pay and discharge (so far as the same Corporation to pay debts and to be

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entitled to
rents up to
transfer.

shall not have been previously discharged by the company) the debts (other than the debentures of the company) outgoings and liabilities properly chargeable including pensions being at the day of transfer paid by the company and charged against and shall be entitled to all rates rents profits and other receipts receivable in respect of the Staffordshire Potteries Undertaking and shall indemnify the company from all claims in respect thereof.

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

14.—(1) Subject as between the Corporation and the company to the provisions of paragraph 5 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 penalties incurred by reason of any offence against any of the provisions of the Acts of the company previously to the day of transfer may be sued for and all offences committed against such provisions 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 in respect of the Staffordshire Potteries Undertaking 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 accrued due thereon up to the day of transfer.

Contracts
with com-
pany to be
binding on
Corporation.

15. All agreements conveyances contracts deeds and other instruments entered into or made with or by the company in respect of the Staffordshire Potteries Under-

taking and in force at the day of transfer shall be as binding and of as full force and effect in every respect against or in favour of the Corporation and may be enforced as fully and effectually as if instead of the company the Corporation had been a party thereto. A.D. 1922.
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16. 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 in respect of the Staffordshire Potteries Undertaking shall be admitted in evidence in respect of the same or the like matter for or against the Corporation. Books &c. to remain evidence.

17. As from the day of actual transfer and subject to the provisions of this Act the unrepealed provisions of the Acts of the company specified in Part II. of the First Schedule to this Act are hereby repealed to the extent indicated in the third column of that schedule : Repeal of Acts of company.

Provided that notwithstanding such repeal all gas rates meter and other rents and other sums of money which may be due or accruing due to the company at the day of transfer under the provisions of the Acts of the company or any of them or otherwise in respect of the Staffordshire Potteries Undertaking shall be payable to and may be collected and recovered by the Corporation in the name of the company as if this Act had not been passed :

Provided also that the provisions of the Acts of the company excepted from repeal as set forth at length in the Second Schedule to this Act shall form part of this Act and shall have and continue to have the same effect in respect of the Staffordshire Potteries Undertaking in the hands of the Corporation as if this Act had not been passed and as if the Corporation were named therein instead of the company.

18. The company may hold and may apply in or towards any of the purposes authorised by their memorandum of association any part of the consideration for the sale of the Staffordshire Potteries Undertaking payable under the provisions of this Act. Application of purchase money by company.

19. The Corporation shall deliver to the Registrar of Joint Stock Companies a printed copy of this Act and he shall retain and register the same and if such copy is not so delivered within three months from the Copy of Act to be registered.

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A.D. 1922. — 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 default continues. Every penalty under this section shall be recoverable summarily.

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 or the abstract required to be filed with the Registrar by a receiver or manager or the statement required to be sent to the Registrar by the liquidator in a winding up in England.

PART IV.

WORKS AND SUPPLY OF GAS.

Gas undertakings to continue vested in Corporation.

20. The Longton Undertaking the Stoke-upon-Trent Undertaking the Fenton Undertaking and the Burslem Undertaking as the same exist and are used and enjoyed by the Corporation at the commencement of this Act shall subject to the provisions of this Act be and continue vested in the Corporation and be held used and enjoyed by them.

Power to maintain and amalgamate gas undertakings and supply gas.

21.—(1) Subject to the provisions of this Act and the obligations arising thereunder the Corporation may from time to time maintain renew alter and discontinue the gas undertaking or any part thereof and may erect lay down provide and maintain additional and other mains pipes meters buildings works and apparatus and manufacture and supply gas for lighting heating motive power and other purposes within the limits of this Act and work up and convert residual products arising from the manufacture of gas.

(2) At any time after the day of actual transfer the Corporation may without any further or other authority connect the Longton Undertaking the Stoke-upon-Trent Undertaking the Fenton Undertaking the Burslem Undertaking and the Staffordshire Potteries Undertaking with one another and may amalgamate those undertakings or any two or more of them into and subject to the provisions of this Act carry on the same or such of the same as may be amalgamated as one undertaking. Provided

that so long as any of the debentures of the company are subsisting the Corporation shall maintain and continue the manufacture of gas at the gasworks of the company at Etruria in the borough.

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22. The limits of this Act shall be—

Limits of Act.

The parish and county borough of Stoke-on-Trent;
The parish of Newchapel in the urban district of Kids Grove;

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;

The parishes of Fulford Barlaston and Trentham in the rural district of Stone and so much of the parish of Stone in the last-mentioned rural district as does not lie within three miles of the town hall of Stone;

all in the county of Stafford The parishes and districts above referred to are the parishes and districts as constituted immediately after the commencement of the Stoke-on-Trent (Extension) Order 1921 confirmed by the Ministry of Health Provisional Order Confirmation (Stoke-on-Trent Extension) Act 1921.

23.—(1) Subject to the provisions of this Act the Corporation may upon the lands described in the Third Schedule to this Act maintain and continue their existing gasworks and the gasworks of the company by this Act vested in them and erect maintain alter improve and renew additional and other 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 limits of this Act 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.

Power to maintain gasworks and convert residual products and amalgamate undertakings.

(2) The Corporation may also—

(A) Purchase the residual products arising from the manufacture of gas by other gas undertakers and therewith manufacture other products of the same kind as the Corporation are manufacturing from their own residual products Provided that the quantity of any

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residual product so purchased by the Corporation in any year shall not exceed one-third of the quantity of the like residual product which shall in that year arise directly or indirectly from the manufacture of gas by them; and

- (B) Purchase from other gas undertakers and elsewhere and use the materials required to work up and convert the residual products so arising from their own manufacture of gas or purchased as aforesaid:

But the Corporation shall not manufacture chemicals exclusively from raw materials purchased from sources other than gas undertakings or in the manufacture of which the use of residual products produced by the Corporation or purchased from other gas undertakings is merely subsidiary.

Power to purchase lands by agreement.

24. The Corporation may for the purposes of the gas undertaking purchase take and hold (by agreement but not otherwise) in addition to the lands described in the Third Schedule to this Act any lands and hereditaments not exceeding in the whole twenty acres which the Corporation may require for the purposes of their works and gas undertaking but the Corporation shall not create or permit a nuisance on any such lands and no lands shall be used by the Corporation for the purpose of manufacturing gas or residual products except the lands described in the Third Schedule to this Act.

Power to retain sell &c. lands.

25. Notwithstanding anything in the Lands Clauses Acts or in any other Act or Acts to the contrary the Corporation may retain hold and use for such time as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and in case of sale either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein held or acquired by them under any of the Corporation Acts or this Act and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interests therein and may make do and execute any deed act or thing proper

for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange. A.D. 1922.

26. The proceeds of the sale of any lands or other property of the Corporation under the powers of this Act and the fines and premiums on any leases granted by the Corporation under this Act shall be distinguished as capital in the accounts of the Corporation and shall be applied in discharge of any moneys borrowed by the Corporation under any of the Corporation Acts or this Act to which such capital moneys would be properly applicable or if there shall be no moneys owing under any of the Corporation Acts or this Act such proceeds shall be applied in or towards paying off any other moneys for the time being owing by the Corporation but shall not be applied to the payments of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Ministry of Health and borrowed money discharged by the application of such sums shall not be reborrowed. Proceeds of sale of surplus lands.

27. The Corporation may lay down take up alter or relay or renew mains pipes and culverts within the limits of this Act 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 the gas 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. Power to lay pipes &c. for ancillary purposes.

28. The Corporation may on the application of the owner or occupier of any premises within the limits of this Act abutting on any street laid out but not dedicated to public use supply those premises with gas and for that purpose the Gasworks Clauses Act 1847 shall apply as if section 7 of that Act were excepted from incorporation in this Act. Power to lay pipes in private streets.

29.—(1) The Corporation may purchase sell let for hire fix repair and remove but shall not manufacture engines stoves ranges pipes and other gas fittings for Power to supply gas fittings &c.

A.D. 1922. lighting motive heating ventilating cooking or any other purposes and may provide all materials and work necessary or proper in that behalf and with respect thereto may demand and take such remuneration or rents and charges and make such terms and conditions as may be agreed upon.

(2) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under process of any court or proceedings in bankruptcy against the person in whose possession the same may be. Provided that such fittings are marked or impressed with a sufficient mark or brand indicating the Corporation as the actual owners thereof.

(3) Provided as follows :—

(A) The Corporation shall so adjust the charges to be made by them for any such fittings or for the fixing repairing or removal thereof as to meet any expenditure by them under the powers of this section in connection therewith (including interest upon moneys borrowed for those purposes and all sums applied to sinking fund for repayment of moneys so borrowed) :

(B) Every sum charged by the Corporation in respect of the provision of such fittings or the fixing repairing or removal thereof shall be separately stated on every demand note delivered by the Corporation to the consumer :

(C) The total sums expended and received by the Corporation in connection with the purposes in this section mentioned in each year (including interest and sinking fund) shall be separately shown in the published accounts of the gas undertaking of the Corporation for that year.

Fittings let for hire to belong to Corporation.

30. All engines stoves ranges pipes and other gas fittings let by the Corporation for hire under this Act shall notwithstanding that they be fixed or fastened to any part of any premises in which they may be situate or to the soil under any such premises at all times continue to be the property of and removable by the Corporation. Provided that nothing in this section shall affect the

amount of assessment for rating of any premises upon which any such fittings are or shall be fixed. Provided also that the Corporation shall only be entitled to the privileges and exemptions conferred by this section in respect of such fittings as shall be marked or impressed with a sufficient mark or brand indicating the Corporation as the actual owners thereof. A.D. 1922.

31. Any owner or occupier having or requesting to have a supply of gas from the Corporation shall if and when so required in writing by them and before he is entitled to have any service pipes or meter provided and fixed or to have a supply of gas give to the Corporation such security for the payment to them of the rate for the gas to be supplied to him as he and the Corporation may agree on or not exceeding one half-year's calculated supply and the Corporation shall be liable to a penalty not exceeding twenty pounds if they shall discontinue the supply of gas to any person then having a supply unless such person shall have failed to give to them such security for seven days after the same shall have been demanded by the Corporation or there are any arrears due in respect of gas supplied or any security hereinbefore provided for has run out or ceased to remain in force. Security for payment of rate.

32. 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 made by way of deposit the Corporation shall pay interest after the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands. Corporation to pay interest on money deposited as security for gas meter &c.

33. At least twenty-four hours' notice shall be given to the Corporation by every gas consumer either personally or in writing at the principal gas office of the Corporation 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 Gas consumers to give notice to Corporation before removing.

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premises whichever shall first occur Notice of the effect of this enactment shall be endorsed upon every demand note for gas charges payable to the Corporation.

Notice to discontinue supply of gas.

34. 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 principal gas office of the Corporation or be given by the consumer personally at that office.

As to mode of cutting off supplies.

35.—(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 reconnect 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 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 of the Gasworks Clauses Act 1871 :

(2) For the purposes of this section the Corporation shall (subject to the conditions specified in section 22 of the Gasworks Clauses Act 1871) have and may exercise the like powers of entry as are exerciseable under the said section 22 for the purposes of that section.

Removal of fittings &c. where gas supply discontinued.

36. The power to enter premises and remove pipes meters and fittings or apparatus conferred upon the Corporation by section 22 of the Gasworks Clauses Act 1871 shall extend to all cases in which any person entering into occupation of any premises previously supplied with gas by the Corporation shall not require to take a supply of gas from the Corporation or to hire all or any of the pipes meters fittings or apparatus belonging to the Corporation.

Expenses of recon-

37. In any case in which in consequence of any default on the part of the occupier of any premises the

Corporation 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 reconnecting the supply and the Corporation shall not be under any obligation to supply gas to such occupier until he shall have paid such expenses.

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—
necting dis-
continued
supply.

38. If a person requiring a supply of gas from the Corporation has previously quitted premises at which gas was supplied to him by the Corporation without paying to them all gas charges and meter rent due from him to the Corporation they may refuse to furnish to him a supply of gas until he pays the same.

Power to
refuse to
supply per-
sons in debt
for other
premises.

39. In the event of any meter used by a consumer of gas being tested in manner provided by the Sale of Gas Act 1859 and being proved to register erroneously within the meaning of the said Act such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter. The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the 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.

Period of
error in
defective
meters.

40.—(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.

Anti-fluctu-
ators to be
used with
gas engines.

(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

A.D. 1922. 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 and repair 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.

Supply of gas where consumer has separate supply.

41. Notwithstanding anything contained in the Gasworks Clauses Act 1871 or any other Act a person shall not be entitled to demand or continue to receive from the Corporation a supply of gas for any premises for which he has at the same time a supply of gas from any installation other than that of the Corporation or a supply of electricity unless he shall have agreed to pay to the Corporation such minimum annual sum as will give to them a reasonable return on the capital expenditure and will cover charges incurred by them in order to meet the possible maximum demand for those premises and the sum to be so paid shall be determined in default of agreement by arbitration in manner provided by the Arbitration Act 1889.

Corporation may contract for supply and purchase in bulk.

42. The Corporation may contract with any local authority company or persons 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 limits of this Act.

For protection of Staffordshire County Council.

43. The following provisions for the protection of the county council of the administrative county of Stafford (in this section referred to as "the county council") shall notwithstanding anything in this Act contained and unless otherwise agreed between the Corporation and the county council apply and have effect with respect to the exercise by the Corporation under or by virtue of this Act of any powers affecting any main road or any county or main road bridge or approaches thereto in

the limits of supply vested in the county council (that is to say) :— A.D. 1922.

- (1) All new mains pipes and works (not being replacements of existing mains pipes and works) to be laid in or along any such road or in or upon or across any such bridge or approach shall be laid in such position in or at the side thereof as the county council in writing under the hand of their surveyor may reasonably direct :
- (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 bridge or approach be not less than seven days instead of three days :
- (3) Nothing in this Act contained shall interfere with the right of the county council at any time to remove alter rebuild widen or repair any county or main road bridge or the roadway over the same over or near or attached to which any mains pipes or works of the Corporation are carried in the same manner as they might have removed altered rebuilt widened or repaired such bridge or the roadway over the same if this Act had not been passed and such mains pipes or works had not been laid over or near or attached to such bridge and the county council shall not make any compensation to the Corporation for any expense or loss to which the Corporation may be put by reason or in consequence of any such removal alteration rebuilding widening or reparation and in the event of any such bridge or the roadway over the same over or near or attached to which any such mains pipes or works are laid being removed altered rebuilt widened or repaired as aforesaid the Corporation shall at their own cost in all things alter the position of any works by which such mains or pipes are carried over or near or attached to such bridge or the roadway over the same Provided that during the removal alteration rebuilding widening or reparation of such bridge or the roadway over the same as aforesaid the county council shall afford all reasonable facilities to enable the Corporation temporarily to carry such mains

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and pipes across any stream or brook so as not to interrupt the continuous supply of gas or to diminish the pressure of such supply through such mains or pipes :

- (4) All 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 or over any such bridge or approach and the Corporation shall not break up at any one time a greater consecutive length than one hundred yards of any such road bridge or approach :
- (5) If any difference arises at any time between the county 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 county council under the Gasworks Clauses Act 1847.

For protection of North Staffordshire Railway Company.

44. For the protection of the North Staffordshire Railway Company (hereinafter in this section referred to as "the company") the following provisions shall unless otherwise agreed in writing between the Corporation and the company apply and have effect (that is to say) :—

- (1) Nothing in this Act contained shall in any way limit or affect the powers of the company to rebuild alter widen or repair the structure of any bridge over the railways or canals of the company in on or under which any gas main pipe or work of the Corporation may be laid or attached thereto or impose upon the company any liability which was not by law imposed upon them prior to the commencement of this Act :
- (2) If by reason of subsidence it shall be necessary in the opinion of the engineer of the company to carry out in exercise of their existing powers works for rebuilding altering or repairing any bridge over any of the railways or canals of the company which involves interference with any gas main pipe or work belonging to the Corporation and laid constructed or maintained by

them under the powers of this Act in on or under any such bridge the company shall seven days prior to the commencement of any such work as aforesaid give notice in writing under the hand of their secretary of their intention to carry out the said work and in the event of the Corporation not themselves removing and relaying any such main pipe or work they shall pay to the company the reasonable costs charges and expenses of removing any such gas main pipe or work and of providing a temporary main pipe or work for use during the alteration reconstruction or rebuilding of any such bridge as aforesaid and of replacing the said main pipe or work in on or under the bridge as altered reconstructed or rebuilt :

- (3) The Corporation shall indemnify the company against all losses damages claims costs and expenses which they may suffer or incur owing to the existence of any main or pipe of the Corporation in an area liable to subsidence and the amount of such losses damages claims costs and expenses shall be repaid to the company by the Corporation on demand :
- (4) In the event of any dispute or difference arising between the company and the Corporation under this section the same shall be referred to an arbitrator to be agreed upon between the company and the Corporation and failing such agreement to be nominated by the President of the Institute of Civil Engineers and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

PART V.

PROVISIONS RESPECTING QUALITY TESTING PRESSURE AND PRICE OF GAS.

45.—(1) This Part of this Act shall not come into force until the day of transfer and until that date the provisions of the Acts and Orders specified in the First Part of the First Schedule to this Act with respect to quality testing pressure and price of gas shall continue to apply notwithstanding the repeal thereof effected by Part II. of this Act.

Commence-
ment of this
Part of this
Act.

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(2) Public notice of the effect of this Part of this Act shall be given forthwith after the passing of this Act by advertisement in two newspapers published or circulating in the borough and by a notice affixed outside the town hall. Copies of the newspapers containing the advertisements shall be sufficient evidence that the provisions of this subsection have been complied with.

Quality of gas.

46. Subject as hereinafter provided the gas supplied by the Corporation shall when tested in accordance with the provisions of the Gas Regulation Act 1920 be of a calorific value of not less than four hundred and seventy British thermal units and such value unless and until altered in accordance with the provisions of the next following section of this Act and thereafter such altered value (or each of such altered values if the Corporation shall declare (as they are hereby empowered to do) a different calorific value of the gas to be supplied in any area or areas within the limits of this Act) shall for the purposes of the Gas Regulation Act 1920 be deemed to be and is hereinafter referred to as "the declared calorific value."

Variation of declared calorific value.

47. If at any time the Corporation intend to alter the declared calorific value of the gas supplied by them either throughout the limits of this Act or in any area or areas therein they shall give notice of their intention to supply either throughout such limits or in such area or areas therein as shall be specified in such notice and as from a date to be therein specified and being not less than three months from the date of such notice gas of such calorific value as may be declared in the notice and the calorific value so declared shall as from the date so specified be the declared calorific value for the purposes of this Part of this Act and of the Gas Regulation Act 1920 in respect of the area specified in the notice. Any notice given under this section shall be published by advertisement in the London Gazette and a copy thereof shall be sent to the Board of Trade and to each local authority (if any) other than the Corporation and to every consumer within the area specified in the notice.

Consumers' burners.

48. If and so often as the Corporation shall alter the declared calorific value of the gas they shall at their own expense effect such alteration adjustment or replacement of the burners in consumers' appliances as may be

necessary to secure that the gas can be burned with A.D. 1922.
safety and efficiency except in the case of any consumer
who objects to such alteration adjustment or replacement
as aforesaid.

49. If the declared calorific value shall be less than Pressure.
three hundred and fifty British thermal units the mini-
mum permissible pressure at which the gas may be
supplied shall be as follows :—

Where the declared calorific value is below three
hundred and fifty British thermal units and not
below three hundred British thermal units the
minimum permissible pressure shall be two and
a half inches; and

Where the declared calorific value is below three
hundred British thermal units the minimum
permissible pressure shall be such pressure (not
being less than three inches) as shall be prescribed
by the gas referees appointed under section 4 of
the Gas Regulation Act 1920.

50. The price to be charged by the Corporation for Limit of
gas supplied by them to persons who shall burn the price.
same by meter—

- (A) Within the borough or within so much as is
situate outside the borough of the area which im-
mediately before the passing of this Act formed
the area for the supply of gas by the company
under the Acts of the company shall not at any
time exceed thirteen pence per therm; or
- (B) Within the parish of Caverswall Forsbrook
Fulford Barlaston Trentham or Stone Rural
shall not at any time exceed fourteen decimal
two eight pence per therm:

Provided that if at any time it is shown to the satis-
faction of the Board of Trade that the costs and charges
of and incidental to the production and supply of gas by
the Corporation have substantially altered from circum-
stances beyond the control of or which could not reason-
ably have been avoided by the Corporation the Board may
if they think fit on the application of the Corporation
or of the local authority or of twenty consumers by order
in writing signed by a secretary or assistant secretary

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A.D. 1922. of the said Board correspondingly revise the maximum price authorised by this Act.

Measure
of therms
supplied.

51. The number of therms supplied to any consumer shall be ascertained by multiplying the number of cubic feet of gas registered by the consumers meter by the number of British thermal units comprised in the declared calorific value and dividing the product by one thousand.

Application
of Gas
Regulation
Act.

52. The following sections or parts of sections of the Gas Regulation Act 1920 shall apply to the Corporation and the Staffordshire Potteries Undertaking in the hands of the Corporation as if the provisions of this Part of this Act were an Order made under section 1 of that Act in relation to the Corporation in respect of that undertaking namely :—

Subsections (1) and (2) of section 2 (Composition and pressure of gas to be supplied);

Section 4 (Appointment of gas referees and examiners);

Section 5 (Power to prescribe tests);

Section 6 (Appeals to chief gas examiner);

Subsections (3) and (4) of section 7 (Remuneration and expenses of gas referees);

Section 8 (Penalties for failure to comply with prescription of gas referees);

Section 9 (Forfeiture for deficient calorific value &c.);

Section 18 (Definitions).

PART VI.

FINANCE.

Power to
borrow.

53.—(1) 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 district fund and general district rate and shall be repaid within the respective periods (each of which is in this Act referred

to as "the prescribed period") mentioned in the third column thereof (that is to say):— A.D. 1922.

Purpose.	Amount.	Period for Repayment.
(1) For the purchase consideration payable to the company.	£345,000	40 years from the day of transfer.
(2) For paying any sums payable by the Corporation to the company or to any of their officers or servants and defraying the costs and expenses incident to the acquisition of the Staffordshire Potteries Undertaking (other than the costs and expenses of this Act as hereinafter defined).	The sums requisite.	20 years from the day of transfer.
(3) For paying the costs and expenses of this Act as hereinafter defined.	The sum requisite.	5 years from the passing of this Act.

(2) In addition to the moneys which the Corporation are by the foregoing provisions of this section authorised to borrow they may borrow such sums of money for the purposes of the gas undertaking as the Minister of Health may sanction and any moneys borrowed under such sanction shall be charged on the revenue of the gas undertaking and the district fund and general district rate and shall be repaid by the Corporation within such period (in this Act referred to as "the prescribed period") as may be prescribed by the Minister of Health.

54. The sums borrowed by the Corporation under any enactment repealed by this Act which have not yet been repaid shall notwithstanding such repeal be repaid within the respective periods (if any) (in this Act referred to as "the prescribed period") within which they are required to be repaid by or under those enactments but subject as aforesaid the provisions of this Act shall apply to such sums as if they were borrowed under this Act. Repayment of authorised loans.

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

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Mode of
raising
money.

56. The Corporation may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of debentures under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another Provided that the Corporation shall not invest any moneys standing to the credit of any sinking fund in their own securities or in securities transferable by delivery and the provisions of this Act in regard to the formation of sinking funds shall apply in substitution for the like provisions of the Local Loans Act 1875.

Provisions
of Public
Health Act
as to mort-
gages to
apply.

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

Section 236 (Form of mortgage);
Section 237 (Register of mortgages);
Section 238 (Transfer of mortgages).

Method of
payment off
of money
borrowed.

58. The Corporation shall pay off all moneys borrowed by them on mortgage under any enactment repealed by this Act or under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by such instalments and partly by a sinking fund and the payment of the first instalment or the first payment to the sinking fund shall be made within twelve months if by yearly repayments or within six months if by half-yearly repayments from the time of borrowing the sum in respect of which the payment is made.

Sinking
fund.

59.—(1) If the Corporation determine to repay by means of a sinking fund any moneys borrowed by virtue of any enactment repealed by this Act or by virtue of this Act such sinking fund shall be formed and maintained either—

- (A) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed A sinking fund so formed is hereinafter called a “non-accumulating sinking fund”; or
- (B) By payment to the fund throughout the prescribed period of such equal annual sums as

with accumulations at a rate not exceeding three pounds ten shillings per centum per annum or such other rate as may from time to time be allowed by the Ministry of Health will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed. A sinking fund so formed is hereinafter called an "accumulating sinking fund."

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(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in statutory securities the Corporation being at liberty from time to time to vary and transpose such investments.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Corporation towards the equal annual payments to the fund.

(4) The Corporation may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed. Provided that in the case of an accumulating sinking fund the Corporation shall pay in to the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5)—(A) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the equal annual payments to the fund are based any deficiency shall be made good by the Corporation.

(B) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the equal annual payments to the fund are based any such excess may be applied towards such equal annual payments.

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(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Act shall be paid by the Corporation in addition to the payments provided for by this Act.

(7) If it appears to the Corporation at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating sinking fund) will probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Corporation to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose. Provided that when it appears to the Ministry of Health that any such increase is necessary the Corporation shall increase the payments to such extent as the Ministry may direct.

(8) If the Corporation desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Ministry of Health be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Corporation may reduce the payments to be made to the sinking fund either temporarily or permanently to such an extent as the Ministry of Health shall approve.

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Ministry of Health be sufficient to repay the loan in respect of which it is formed within the prescribed period the Corporation may with the consent of that Ministry discontinue the equal annual payments to such sinking fund until the Ministry of Health shall otherwise direct.

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose as the Corporation with the consent of the Ministry of Health may determine. A.D. 1922.

60. A person lending money to the Corporation under this Act shall not be bound to inquire as to the observance by them of any of the provisions of this Act 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.

61. The Corporation shall not be bound to see to the execution of any trust whether express implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages of the Corporation shall be sufficient discharge to the Corporation in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Corporation have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or any interest thereon not entered in their register. Corporation not to regard trusts.

62. Any mortgagee of the Corporation by virtue of this Act or any enactment repealed by this Act may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver. The amount of arrears of principal due to such mortgagee or in the case of a joint application by two or more mortgagees to such mortgagees collectively to authorise the appointment of a receiver shall not be less than one thousand pounds in the whole. Appointment of receiver.

63.—(1) The Corporation shall have power— Power to re-borrow.
(A) To borrow for the purpose of paying off any moneys previously borrowed under this Act or under any Act repealed by this Act which are intended to be forthwith repaid; or
(B) To borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Corporation in repaying moneys previously

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borrowed under this Act or under any Act repealed by this Act and which at the time of such repayment it was intended to replace by borrowed moneys.

(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the prescribed period which remains unexpired and the provisions which are for the time being applicable to the original loan shall subject to the provisions of this section apply to the moneys borrowed under this section.

(3) The Corporation shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

(4) The Corporation shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid—

- (A) By instalments or annual payments; or
- (B) By means of a sinking fund; or
- (C) Out of moneys derived from the sale of land; or
- (D) Out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

Sinking
fund for
debentures
of Company.

64.—(1) The Corporation shall make provision for the extinction of the debentures of the company and of any stock or other security substituted for such debentures by means of a sinking fund so as to purchase and extinguish or to be in a position to purchase and extinguish the said stock or other security within a period of fifty years from the day of transfer and if at the end of that period the said stock or other security is not wholly extinguished then the Corporation shall so long as they are liable to pay interest thereon apply in or towards payment thereof the annual income arising from the sinking fund provided under this section.

(2) The foregoing provisions of this Act with reference to sinking funds shall extend and apply with any necessary modifications to the sinking fund to be provided under this section and for the purposes thereof the

prescribed period shall be the period of fifty years from the day of transfer. A.D. 1922.

(3) The Corporation may at any time apply the whole or any part of the sinking fund to be provided under this section in or towards the purchase of the debentures of the company or any part thereof or in or towards paying off any stock or other security substituted for such debentures. Provided that if such fund be an accumulating sinking fund the Corporation shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund or part thereof so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(4)—(A) At any time before the expiration of the prescribed period the Corporation may borrow at interest such money as they may require for the purchase of the debentures of the company or any part thereof;

(B) The provisions of this Act with reference to the borrowing of money and the reborrowing and repayment thereof shall extend and apply to all money borrowed under this subsection and for the purposes of those provisions the prescribed period shall be the period of fifty years from the day of transfer.

65.—(1) The treasurer shall within twenty-one days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Act or in respect of any money raised thereunder and at any other time when the Minister of Health may require such a return to be made transmit to the Minister of Health a return in such form as may be prescribed by him and if required by him verified by statutory declaration of the treasurer showing for the year next preceding the making of such return or for such other period as the Minister may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund

Return to
Minister of
Health as to
repayment
of debt.

A.D. 1922. — and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of his failing to make such return the treasurer shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court 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 of Health out of the High Court.

(2) If it appears to the Minister of Health by that return 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 this Act or by the Minister of Health in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised the Minister of Health may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of mandamus to be obtained by the Minister of Health out of the High Court.

Application
of money
borrowed.

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

Application
of revenue
of gas under-
taking.

67. The Corporation shall apply all moneys received by them in respect of the gas undertaking except money borrowed and money received from the sale of lands or other moneys received on capital account as follows (that is to say):—

First In payment of the working and establishment expenses and cost of maintenance of the gas undertaking;

Secondly In payment of the interest on the debentures of the company and moneys borrowed by the Corporation for the purposes of the gas undertaking; A.D. 1922.

Thirdly In providing the required appropriations instalments or sinking fund payments in respect of the debentures of the company and moneys borrowed by the Corporation for the purposes of the gas undertaking;

Fourthly In extending improving and constructing (if the Corporation think fit) any works for the purposes of the gas undertaking;

Fifthly In providing a reserve fund (if the Corporation think fit) by setting aside such money as they think reasonable and investing the same and the resulting income thereof in statutory securities and accumulating the same at compound interest until the fund so formed amounts to one-fifth of the aggregate capital expenditure for the time being upon the gas undertaking which fund shall be applicable to answer any deficiency at any time happening in the income of the Corporation from the gas undertaking or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of the gas undertaking and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed limit and so from time to time as often as such reduction happens Provided that resort may be had to the reserve fund under the foregoing provisions although such fund may not at the time have reached or may have been reduced below the full amount of one-fifth of the said aggregate capital expenditure;

And any balance remaining in any year of the income of the gas undertaking (including the interest on the reserve fund when such fund amounts to one-fifth of the said aggregate capital expenditure) shall after making reasonable provision for working capital be carried forward to the revenue account of the gas undertaking for the next succeeding year and shall be applicable to the reduction of the price of gas supplied within the borough from such undertaking.

A.D. 1922.

As to
deficiency
in receipts.

68. Any deficiency in the revenues or receipts of the Corporation on account of the gas undertaking in any year shall be made good in the first instance out of the reserve fund (if any) in connection with such undertaking and if there be no such reserve fund or if such reserve fund shall be insufficient for the purpose then out of the district fund but in that case any deficiency shall be a debt due from and shall be repaid to the district fund out of any future revenue of the gas undertaking.

PART VII.

MISCELLANEOUS PROVISIONS.

Power to
hold licences
under letters
patent.

69. The Corporation may take hold and use patent rights and licences or authorities (not being exclusive) under any letters patent for the use of any invention relative to the manufacture of gas or of the residual products hereinbefore mentioned.

Dwelling
houses for
employees.

70. The Corporation may purchase or take on lease and maintain houses and buildings for persons in their employment in connection with the gas undertaking and offices show rooms and other buildings for the purposes of that undertaking and they may also erect maintain and let any such buildings upon any lands for the time being belonging or leased to them for those purposes.

Evidence of
appoint-
ments
authority
&c.

71. Where in any legal proceedings taken by or on behalf of or against the Corporation or any officer servant solicitor or agent of the Corporation or of any committee of the council under this Act it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Corporation or of any committee of the council or to prove any resolution or order of the Corporation or any resolution order or report of any committee of the council a certificate of such appointment authority resolution order or report purporting to be authenticated by the signature of the town clerk shall be *primâ facie* evidence of such appointment authority resolution order or report without further proof of the holding of any meeting or the production of any minute book or other record or document.

72. Save as otherwise by this Act expressly provided all informations and complaints under or in respect of the breach of any of the provisions of this Act or of any bye-law made thereunder may be laid and made by any officer of the Corporation authorised in that behalf or by the town clerk. A.D. 1922.
Informations by whom to be laid.

73.—(1) Where any notice or demand under this Act requires authentication by the Corporation the signature of the town clerk or other duly authorised officer of the Corporation shall be sufficient authentication. Authentication and service of notices &c.

(2) Notices demands orders and other documents required or authorised to be served under this Act may be served in the same manner as notices under the Public Health Act 1875 are by section 267 of that Act authorised to be served. Provided that in the case of any company any such notice demand order or document shall be delivered or sent by post addressed to the secretary of the company at their principal office or place of business.

74. No matter or thing done or contract entered into by the Corporation nor any matter or thing done by the town clerk or by any member or officer of the Corporation or any person whomsoever acting under the direction of the Corporation shall if the matter or thing be done or the contract entered into bonâ fide for the purpose of executing this Act subject them or any of them personally to any action liability claim or demand whatsoever and any expense incurred by the Corporation or town clerk member officer or person acting as last aforesaid shall be borne and repaid out of any of the funds at the disposal of the Corporation. Persons acting in execution of Act not to be personally liable.

75. Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs and expenses imposed or recoverable under this Act or any bye-law made in pursuance thereof may be prosecuted and recovered in a summary manner. Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts. Recovery of penalties &c.

A.D. 1922.

Recovery of demands.

76. Proceedings for the recovery of any demand made under the authority of this Act whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

Power to Ministry of Health to direct inquiries.

77.—(1) The Ministry of Health may direct any inquiries to be held by their inspectors which they may deem necessary for giving effect to any of the provisions of this Act and the inspectors of the Ministry shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by the Ministry under the Public Health Act 1875.

(2) The Corporation shall pay to the Ministry any expenses incurred by the Ministry 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 Ministry for the services of such inspector.

Powers of Act cumulative.

78. All powers rights and remedies given to the Corporation by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers rights or remedies conferred upon them or on any committee appointed by the council by Act of Parliament charter law or custom and the Corporation or such committee (as the case may be) may exercise such other powers and be entitled to such other rights and remedies as if this Act had not been passed. Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence.

Judges not disqualified.

79. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate.

Saving the right of His Majesty in right of His Duchy of Lancaster.

80. 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 or 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

before the passing of the British Gaslight Company Limited (Staffordshire Potteries) Act 1858. A.D. 1922.
—

81. The costs charges and expenses preliminary to and of and incidental to obtaining this Act or otherwise in relation thereto shall be taxed by the taxing officer of the House of Lords or of the House of Commons and shall be paid by the Corporation in the first instance out of the district fund and general district rate and ultimately may be paid out of moneys borrowed by the Corporation for that purpose under the authority of this Act. Expenses of Act.

[Ch. xxii.] *Stoke-on-Trent (Gas [12 & 13 Geo. 5.] Consolidation) Act, 1922.*

A.D. 1922. The SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

LOCAL ACTS AND ORDERS REPEALED.

PART I.—RELATING TO THE EXISTING GAS UNDERTAKINGS OF THE CORPORATION.

Session and Chapter or No. of Order.	Title or Short Title.	Extent of Repeal.
THE LONGTON GAS UNDERTAKING.		
29 & 30 Vict. c. cxxv. -	The Longton Gas Act 1866 -	} The whole of Act.
38 Vict. c. xxii. -	The Longton Gas Act 1875 -	
40 Vict. c. xxix. -	The Longton Corporation Gas Act 1877.	
48 & 49 Vict. c. lxix. -	Longton Corporation Act 1885	} The whole of Order.
S.R. & O. 1919 No. 496	The Stoke-on-Trent Gas (Temporary Increase of Charges) Order 1919.	
THE STOKE-UPON-TRENT AND FENTON GAS UNDERTAKING.		
21 Vict. c. xl. -	The Stoke Fenton and Long- ton Gas Act 1858.	} The whole of Act.
41 & 42 Vict. c. cxxxi. -	Stoke-upon-Trent and Fen- ton Gas Act 1878.	
46 & 47 Vict. c. cxlix. -	Stoke-upon-Trent and Fen- ton Gas Act 1883.	} The whole of Act except sections 14 to 18 inclu- sive.
51 & 52 Vict. c. cxxxiv. -	Provisional Order for altering certain local Acts relating to the borough of Stoke-upon- Trent confirmed by the Local Government Board's Provisional Orders Con- firmation (No. 10) Act 1888.	
56 & 57 Vict. c. cix. -	Provisional Order for altering Confirmation Act relating to the borough of Stoke-upon- Trent confirmed by the Local Government Board's Provisional Orders Con- firmation (No. 2) Act 1893.	} The whole of Order and so much of Act as re- lates there- to.
S.R. & O. 1921 No. 1335	Stoke-on-Trent Gas Order 1921 made by the Board of Trade under section 10 of the Gas Regulation Act 1920.	

[12 & 13 GEO. 5.] *Stoke-on-Trent (Gas Consolidation) Act, 1922.*

[Ch. xxii.]

A.D. 1922.

Session and Chapter or No. of Order.	Title or Short Title.	Extent of Repeal.
59 Vict. c. ix. -	Fenton Order 1895 confirmed by the Local Government Board's Provisional Orders Confirmation (No. 15) Act 1895 Session 2.	
63 & 64 Vict. c. liv. -	Fenton Order 1900 confirmed by the Local Government Board's Provisional Orders Confirmation (No. 3) Act 1900.	
THE BURSLEM GAS UNDERTAKING.		
40 & 41 Vict. c. ccviii. -	Burslem Local Board Gas Act 1877.	The whole of Act. The whole of Order and so much of Act as re- lates there- to.
50 Vict. c. viii. -	Burslem Order 1886 confirmed by the Local Government Board's Provisional Orders Confirmation (No. 6) Act 1886.	
63 & 64 Vict. c. liv. -	Burslem Order 1900 confirmed by the Local Government Board's Provisional Orders Confirmation (No. 3) Act 1900.	
5 Edw. 7. c. ii. -	Burslem Order 1905 confirmed by the Local Government Board's Provisional Orders Confirmation (No. 1) Act 1905.	
S.R. & O. 1919 No. 496	The Stoke-on-Trent Gas (Temporary Increase of Charges) Order 1919.	The whole of Order.
ALL THE ABOVE UNDERTAKINGS.		
8. Edw. 7. c. clxiv. -	Borough of Stoke-on-Trent Order 1908 confirmed by the Local Government Board's Provisional Orders Confirmation (No. 3) Act 1908.	Art. XVIII. of Order and so much of Act as relates thereto.
11 & 12 Geo. 5. c. ciii. -	Stoke-on-Trent (Extension) Order 1921 confirmed by the Ministry of Health Pro- visional Order Confirmation (Stoke-on-Trent Exten- sion) Act 1921.	So much of Art 20. as re- lates to the gas under- takings of the Corpora- tion and Art. 21 of Order and so much of Act as re- lates thereto.

[Ch. xxii.] *Stoke-on-Trent (Gas [12 & 13 Geo. 5.]
Consolidation) Act, 1922.*

A.D. 1922. PART II.—RELATING TO THE BRITISH GAS LIGHT COMPANY
LIMITED (STAFFORDSHIRE POTTERIES) UNDERTAKING.

Session and Chapter or No. of Order.	Title or Short Title.	Extent of Repeal.
21 Vict. c. xxxiii. -	The British Gaslight Com- pany Limited (Stafford- shire Potteries) Act 1858.	The whole of Act except the proviso to section VII. and sec- tions X. and XI.
29 & 30 Vict. c. cxix. -	The British Gaslight Com- pany Limited (Stafford- shire Potteries) Act 1866.	The whole of Acts.
43 & 44 Vict. c. cxx. -	British Gaslight Company Limited (Staffordshire Pot- teries) Act 1880.	
58 Vict. c. xviii. -	British Gas Light Company Limited (Staffordshire Pot- teries) Act 1895.	
63 & 64 Vict. c. lxxxi. -	British Gas Light Company Limited (Staffordshire Pot- teries) Act 1900.	
10 Edw. 7 & 1 Geo. 5. c. cxlii.	Gas Companies (Standard- Burner) (No. 2) Act 1910.	So much of Act as re- lates to the British Gas Light Com- pany Limi- ted in res- pect of their Stafford- shire Pot- teries Sta- tion.
S.R. & O. 1917 No. 237	British Gas Light Company Limited (Staffordshire Pot- teries) Gas (Standard of Calorific Power) Order 1917.	So far as the same is now in force.
S.R. & O. 1921 No. 1334	Staffordshire Potteries Gas Order 1921 made by the Board of Trade under Sec- tion 10 of the Gas Regula- tion Act 1920.	The whole of Orders.
S.R. & O. 1921 No. 1431	British Gas Light Company Limited (Staffordshire Pot- teries) Gas (Charges) Order 1921.	

SECOND SCHEDULE.

A.D. 1922.

PROVISIONS OF ACTS OF PARLIAMENT
EXCEPTED FROM REPEAL.

THE BRITISH GASLIGHT COMPANY LIMITED (STAFFORDSHIRE
POTTERIES) ACT 1858.

- VII.....

Provided always that nothing in this Act or the Act incorporated herewith contained shall release or exonerate the company from any liability to the North Staffordshire Railway Company under or by virtue of any agreement with that company.
- X.

Provided also that if at any time the North Staffordshire Railway Company in consequence of any removal alteration repair or rebuilding of any of their bridges over the Trent and Mersey or Cauldon and Leek Canals through or upon which the mains or pipes of the company are laid shall deem it expedient or necessary or shall be desirous that the site or course of all or any of the mains and pipes placed or laid by the company through or upon any of the said bridges should be varied or that such mains or pipes or any of them should be transferred to any new or substituted bridge it shall in any or either of such cases be lawful for the said railway company to give to the company notice so to vary or transfer the said mains or pipes as the case may be and if the company shall refuse or neglect to vary or transfer the said mains and pipes within six months after the receipt of such notice as aforesaid it shall be lawful for the said railway company to vary and transfer the said mains and pipes or any of them without being liable or responsible to the company for so doing or for any damage or injury which may be occasioned thereby and all costs charges and expenses of or consequent upon such varying or transfer shall whether the works in relation thereto shall have been executed by the railway company or the company be defrayed by the company.
- XI.

All works to be executed by the company for laying down repairing or renewing any of the mains or pipes now or hereafter placed or laid down by in upon or over any of the said bridges or the before-mentioned towing path shall (except in case of urgent need arising from the escape of gas therefrom) be executed (if so required by the railway company) under the superintendence and to the reasonable satisfaction of the engineer for the time being of that company.
- Company to maintain pipes &c.
- Mains &c. laid down on certain bridges over canals to be removed on request of North Staffordshire Railway Company.
- Penalty of neglect.
- Works in connexion with canals to be under superintendence of railway company's engineer.

A.D. 1922.

THIRD SCHEDULE.

GAS LANDS.

All that piece or parcel of land being the existing gas lands for the Longton Undertaking situate at Longton in the county borough of Stoke-on-Trent bounded on or towards the east by Old Tramway Road on or towards the south in part by Back Arthur Street East and in other part by a passage leading from Back Arthur Street East to Edward Street on or towards the west by Edward Street and on or towards the north-west and north-east in part by other property belonging to the Corporation and in other part by the site of a proposed road from Market Place to Foley Road together with the manufactory gasholders purifiers offices and other erections and fixtures thereon.

All those three pieces or parcels of land being the existing gas lands for the Stoke-upon-Trent Undertaking situate at Stoke-upon-Trent in the county borough of Stoke-on-Trent as follows :—

- (A) The piece of land bounded on or towards the east by the towing path of the Trent and Mersey Canal on or towards the south by the River Trent on or towards the west by Wharf Street and on or towards the north by Gas Street together with the messuages gas manufactory offices and other erections and fixtures thereon.
- (B) The piece of land adjacent to the piece of land (A) last described and bounded on or towards the west by the Trent and Mersey Canal on or towards the north by a yard in the occupation of the Anderton Company Limited on or towards the east by Lytton Street and on or towards the south by the River Trent together with the bridge over the canal connecting the same with the piece of land (A) and the gas purifier and other buildings and fixtures thereon.
- (C) The triangular piece of land also adjacent to the piece of land (A) above described and bounded on or towards the west by Lytton Street on or towards the north-east by the North Staffordshire Railway and on or towards the south by Neil Street together with the gasholders and other erections and fixtures thereon.

All those two pieces or parcels of land being the existing gas lands for the Fenton Undertaking situate at Fenton in the county borough of Stoke-on-Trent as follows :—

- (D) The piece of land bounded on or towards the north-west by the River Trent on or towards the south by land

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—

belonging to John Henry Peard Simpkin and on or towards the east by Whieldon Road and being the enclosures numbered 97 and 281 on the 1/2500 Ordnance map Staffordshire sheet XVIII. 5 second edition 1900 together with the manufactory gasholders purifier offices and other erections and fixtures thereon; and

- (E) All that strip of land adjacent to the piece of land (D) last described and bounded on or towards the west and south by Whieldon Road and on or towards the east by the towing path of the Trent and Mersey Canal and being the enclosure numbered 95 on the same Ordnance map.

All that piece or parcel of land being the existing gas lands for the Burslem Undertaking situate at Longport in the county borough of Stoke-on-Trent and bounded on or towards the east in part by premises known as Flint Mill and in other part by the towing path of the Trent and Mersey Canal on or towards the south in part by premises known as Nos. 2 to 24 (even numbers inclusive) and 28 and 30 Bradwell Street in other part by that street and in other part by lands belonging to the North Staffordshire Railway Company on or towards the west by lands belonging to that company and on or towards the north in part by an occupation road leading from Longbridge Hayes in the urban district of Wolstanton to Trubshawe Cross Longport in the borough and in other part by the premises known as Flint Mill together with the manufactory gasholders purifiers offices and other erection and buildings thereon.

All those pieces of land being the existing gas lands for the undertaking of the company situate in the borough as follows :—

- (F) The two pieces of land near Brownhills Tunstall abutting on the eastern bank of the Trent and Mersey Canal and numbered 155 and 157 on the 1/2500 Ordnance map Staffordshire sheet XI. 8 second edition 1899 together with the buildings thereon :
- (G) The five pieces of land at Etruria numbered 184 183b 183 180 and 181 on the 1/2500 Ordnance map Staffordshire sheet XVIII. 1 special edition 1913 and the piece of land adjoining those lands and numbered 79 on that map and on the 1/2500 Ordnance map Staffordshire sheet XII. 13 second edition 1900 and the two small pieces of land now belonging to the company and adjoining the last-mentioned piece of land at the northern end of the eastern side thereof and unnumbered on the last-mentioned Ordnance map together with the manufactory gasholders purifier offices and other erections and buildings thereon.

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FOURTH SCHEDULE.

Stamp.

Ten
Shillings.

AN AGREEMENT made the eighth day of March one thousand nine hundred and twenty-two between the BRITISH GAS LIGHT COMPANY LIMITED (hereinafter called "the company") of the one part and the MAYOR ALDERMEN AND BURGESSES OF THE COUNTY BOROUGH OF STOKE-ON-TRENT (hereinafter called "the Corporation") of the other part.

WHEREAS under or by virtue of the British Gas Light Company Limited (Staffordshire Potteries) Acts 1858 1866 1880 1895 and 1900 and the British Gas Light Company Limited (Staffordshire Potteries) Gas (Standard of Calorific Power) Order 1917 the Staffordshire Potteries Gas Order 1921 and the British Gas Light Company Limited (Staffordshire Potteries) Gas (Charges) Order 1921 the company carry on a gas undertaking known as and hereinafter called the "Staffordshire Potteries Undertaking" and supply gas within the limits in the said Acts mentioned which limits include a part of the said county borough :

And whereas the company have agreed to sell and the Corporation have agreed to purchase the Staffordshire Potteries Undertaking upon the terms and conditions herein set forth :

Now it is hereby agreed by and between the parties hereto as follows :—

1. Subject to the Corporation obtaining the necessary statutory authority as hereinafter provided the company shall sell and the Corporation shall purchase as a going concern the Staffordshire Potteries Undertaking as now carried on by the company at Hanley and Tunstall in the county borough of Stoke-on-Trent and in other districts adjoining or adjacent thereto including therein by way of further description and not of limitation all and singular the mains pipes machinery plant (fixed and movable) lands buildings stock in trade rights powers authorities easements and privileges of and exerciseable by and all other the estate real and personal held by the company in pursuance of the powers of the said Acts and Orders on the thirty-first day of December one thousand nine hundred and twenty and certain lands at Etruria Stoke-on-Trent owned by the company but excluding the directors' minute books and any books and papers relating exclusively to the shareholders in and the constitution of the company.

2. The consideration for such purchase shall be—

- (a) The payment by the Corporation to the company on the day of transfer of the sum of three hundred and forty-five thousand pounds in cash :
- (b) The assumption by the Corporation of liability for the following mortgage debentures of the company

and the interest accruing and to accrue thereon A.D. 1922.
namely :—

Ten thousand pounds three and a half per cent. mortgage debentures issued under the British Gas Light Company Limited (Staffordshire Potteries) Act 1880 on the first day of September one thousand eight hundred and ninety-one;

Fifteen thousand pounds three per cent. mortgage debentures issued under the British Gas Light Company Limited (Staffordshire Potteries) Act 1895 on the first day of August one thousand eight hundred and ninety-five;

Fifteen thousand pounds four per cent. mortgage debentures issued under the British Gas Light Company Limited (Staffordshire Potteries) Act 1895 on the thirteenth day of April one thousand nine hundred and four :

- (c) The payment by the Corporation to the company in cash within thirty days from the delivery by the company to the Corporation of the accounts hereinafter mentioned of an amount equal to the difference between the amount of capital (including working capital) shown by the accounts of the company as made up to the day of transfer to have been then expended on or employed as to working capital in the Staffordshire Potteries Undertaking and the amount of capital (including working capital) shown by the accounts of the company to have been expended on or employed as to working capital in that undertaking up to the thirty-first day of December one thousand nine hundred and twenty :
- (d) The payment by the Corporation to the company in cash within thirty days from the delivery by the company to the Corporation of the accounts hereinafter mentioned of such an amount as will ensure that the company shall receive for the period from the thirty-first day of December one thousand nine hundred and twenty to the day of transfer inclusive a return on the capital (including working capital) expended on or employed in the Staffordshire Potteries Undertaking at the maximum rates authorised by the said Acts and for the purpose of this provision the said Acts shall be deemed to allow of a return at such rates on any such capital (including working capital) for the said period or any part thereof and that notwithstanding that such period or any part thereof is or may be less than a complete year or complete half year :
- (e) The payment by the Corporation to the company so soon as practicable after and in any case within six

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months after the day of transfer of the reasonable costs (legal and parliamentary) of the company of and incidental to the transfer of the Staffordshire Potteries Undertaking to the Corporation including the costs of the company incurred in obtaining any amendments to give effect to this agreement in and in approving and appearing in support of the Bill to be promoted by the Corporation as hereinafter provided which costs shall be taxed if so desired by the Corporation.

3. For the purposes of this agreement "the day of transfer" means as the case may require the usual quarter day next following the passing of the Bill which the Corporation are promoting as hereinafter provided or such earlier day as may be agreed between the Corporation and the company.

4. The company shall as soon as possible after the day of transfer make up the accounts of the Staffordshire Potteries Undertaking from the first day of January one thousand nine hundred and twenty-one to the day of transfer as near as may be in the form and containing the particulars specified in Schedule B to the Gasworks Clauses Act 1871 or in the said form as altered by the Board of Trade and have the same audited by the auditors of the company and shall deliver copies of such accounts to the Corporation. Such accounts when so audited shall be accepted by the company and the Corporation as evidence of all matters of account stated therein.

5. So soon as the said sum of three hundred and forty-five thousand pounds has been paid by the Corporation to the company the Staffordshire Potteries Undertaking shall be deemed to be transferred to the Corporation and such transfer shall be deemed to have taken effect as from the first day of January one thousand nine hundred and twenty-one and the business of the Staffordshire Potteries Undertaking shall as from that date be deemed to have been and shall be managed and carried on by the company as agents for and on behalf of the Corporation up to the day of actual transfer thereof to the Corporation in the ordinary course of business and the company shall be entitled to be indemnified accordingly.

6. If the moneys to be paid to the company by the Corporation on the day of transfer as hereinbefore provided are not so paid on that day the Corporation shall pay to the company interest at the rate of six pounds per centum per annum on such moneys until the day or days of the actual payment of such moneys to the company. The Corporation shall also pay to the company interest at the rate of six pounds per centum per annum on the sums payable by the Corporation to the company as mentioned in sub-paragraphs (c) (d) and (e) of paragraph 2 of this agreement from the day of transfer to the day or days of the actual payment of such sums respectively to the company.

A.D. 1922.

7. The Corporation shall pay satisfy and discharge all debts and liabilities of and claims against the company (including pensions being paid by the company and subsisting at the day of transfer) in respect of the Staffordshire Potteries Undertaking and shall at all times keep the company indemnified against the same.

8. The Staffordshire Potteries Undertaking shall be transferred to the Corporation subject to all leases tenancy agreements easements liabilities covenants and obligations affecting any lands or buildings or any other part of the said undertaking The Corporation shall accept the title of the company to the said undertaking but the Corporation shall be entitled if they so desire at their own expense to have an abstract of the title of the company to any lands forming any part of the undertaking hereby agreed to be sold.

9. The company shall have access at all reasonable times to the deeds books and documents handed over by the company to the Corporation under the provisions of this agreement for the purpose of making up the accounts of the company and for all other reasonable purposes.

10. The Corporation shall pay compensation to any officer or servant employed by the company solely in connection with the Staffordshire Potteries Undertaking who shall not be retained by the Corporation for a period of at least five years in the same or similar office or employment and on the terms and conditions in at and on which they were respectively employed by the company on the twenty-seventh day of May one thousand nine hundred and twenty-one and such compensation shall in default of agreement between the Corporation and the officer or servant claiming the same be settled by a single arbitrator to be appointed by the Minister of Health and otherwise in accordance with the provisions of the Local Government Act 1888 with regard to compensation to existing officers Provided that Cecil Rhodes Armitage the local resident engineer of the Staffordshire Potteries Undertaking shall be entitled to retire on the day of actual transfer or on giving one month's previous notice in writing to the Corporation at any time after that day and on so retiring to receive the sum of six thousand pounds as compensation from the Corporation for loss of office.

11. The Corporation shall use their best endeavours to obtain an Act of Parliament to confirm this agreement and to enable the Corporation and the company to carry the same into effect and the company shall at the request and cost of the Corporation aid and assist the Corporation in seeking to obtain such an Act and so far as the Corporation may reasonably require shall by its officers and servants but at the cost of the Corporation support such application by evidence or as the circumstances may require but nothing in this paragraph shall debar the company from opposing the Bill for such an Act so far as may be necessary to secure clauses and

[Ch. xxii.] *Stoke-on-Trent (Gas [12 & 13 GEO. 5.] Consolidation) Act, 1922.*

A.D. 1922. — amendments for the protection of the company in conformity with this agreement.

12. This agreement is subject to such an Act as aforesaid being obtained and is subject to such alterations as Parliament may think fit to make therein. In the event of any material alteration being so made it shall be in the option of either party hereto by notice in writing to the other of them to withdraw from this agreement and in such event or in the event of the said Act not having been obtained during the current or the next following session this agreement shall have no effect save that the Corporation shall pay to the company the reasonable costs of the company provided for under paragraph 2 hereof unless the proprietors of the company shall have failed to give any approval which may be required by the Standing Orders of Parliament to the Bill for the said Act.

13. If any question difference or dispute shall arise with reference to this agreement or anything herein contained the same shall be referred to a single arbitrator to be agreed upon between the Corporation and the company or in default of such agreement to be appointed on the request of either party after 21 days' notice in writing to the other of them by the President of the Institute of Chartered Accountants in England and Wales and subject thereto any such reference shall be deemed a reference to arbitration within the meaning of the Arbitration Act 1889.

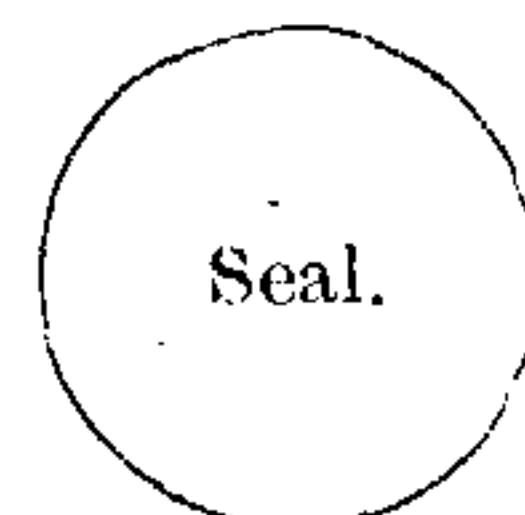
In witness whereof the company and the Corporation have caused their respective common seals to be hereunto affixed the day and year first above written.

The seal of the British Gas Light Company }
Limited was affixed hereto in the presence of }



HENRY PULLMAN }
L. R. ABBEY-WILLIAMS } Directors.
A. W. BROOKES Secretary.

The common seal of the mayor aldermen and }
burgesses of the county borough of Stoke-on- }
Trent was hereunto affixed in the presence of }



S. SPROSTON Mayor.
E. B. SHARPLEY Town Clerk.

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