



**CHAPTER cxc.**

An Act to authorise the Hartlepool Gas and Water Company to construct waterworks to confer further powers upon that Company and for other purposes. A.D. 1930.  
[1st August 1930.]

**W**HEREAS the Hartlepool Gas and Water Company (in this Act referred to as "the Company") are a company incorporated by statute and authorised to supply gas and water within an area comprising the towns of Hartlepool and West Hartlepool and certain neighbouring places in the county of Durham :

And whereas the affairs of the Company are regulated by the several Acts and the Orders specified in the First Schedule to this Act (which Acts and Orders are in this Act together referred to as "the recited Acts" each Act being separately referred to as the Act of the year in which the same was passed) :

And whereas the stock and loan capital of the Company are as set forth in the Second Schedule to this Act :

And whereas it is expedient that the Company should be empowered to construct the new waterworks in this Act described and to impound waters and that the existing powers of the Company with respect to borrowing should be amended as in this Act provided :

And whereas the Dalton reservoir included in the said new waterworks is intended to be in substitution

A.D. 1930. — for the Dalton reservoir (Work No. 1) by the Act of 1919 authorised the powers for constructing which have expired by effluxion of time :

And whereas it is expedient that further powers should be conferred upon the Company with respect to the management of their water and gas undertakings and matters connected therewith and that such other provisions should be enacted as are in this Act contained :

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

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

## PART I.

### PRELIMINARY.

Short and collective titles.

1. This Act may be cited as the Hartlepool Gas and Water Act 1930 and this Act and the recited Acts may be cited together as the Hartlepool Gas and Water Acts and Orders 1867 to 1930.

Act divided into Parts.

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

Part I.—Preliminary.

Part II.—Water.

Part III.—Gas.

Part IV.—Financial.

Part V.—Administrative.

Part VI.—Miscellaneous.

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

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Incorporation of Acts.

The Lands Clauses Acts;

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof (but for the purpose only of constructing the Dalton reservoir by this Act authorised and the works immediately connected therewith);

The Companies Clauses Consolidation Act 1845 except the provisions thereof with respect to conversion of borrowed money into capital;

The Companies Clauses Act 1863 as amended by subsequent Acts except Part IV (Change of name);

The Gasworks Clauses Act 1847 provided that section 13 thereof shall be read and have effect as if the words "or any premises" were inserted after the words "private building" and as if the words "Provided also that every such contract entered into by the Company shall be alike in terms and amount to all consumers of gas supplied in like circumstances and for the same purposes" were added at the end of that section;

The Gasworks Clauses Act 1871;

The Waterworks Clauses Act 1847 except the words "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner" in section 44 thereof;

The Waterworks Clauses Act 1863.

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

Interpretation.

"The Company" means the Hartlepool Gas and Water Company;

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“ The Act of 1867 ” “ the Act of 1878 ” “ the Act of 1898 ” “ the Act of 1900 ” and “ the Act of 1919 ” respectively mean the Hartlepool Gas and Water Acts 1867 1878 1898 1900 and 1919 ;

“ The recited Acts ” means the Acts and Orders specified in the First Schedule to this Act ;

“ The limits of supply ” means the limits within which the Company are for the time being authorised to supply gas and water ;

“ The gas undertaking ” and “ the water undertaking ” respectively mean the gas undertaking and the water undertaking of the Company as for the time being authorised ;

“ The undertaking ” includes the gas undertaking and the water undertaking and when construing the provisions of the Gasworks Clauses Acts 1847 and 1871 and the Waterworks Clauses Acts 1847 and 1863 means the gas undertaking and the water undertaking respectively ;

“ The new waterworks ” means the works described in the section of this Act of which the marginal note is “ Power to make and maintain waterworks ” ;

“ The directors ” means the directors of the Company ;

“ Employee ” means any workman servant or officer of the Company other than a director ; and

For the purposes of this Act in the provisions of the Railways Clauses Consolidation Act 1845 incorporated with this Act the expressions “ the railway ” “ the work ” and “ the centre of the railway ” respectively mean the Dalton reservoir hereby authorised and the centre line of the Dalton reservoir.

## PART II.

## WATER.

Power to  
make and  
maintain  
waterworks.

5. Subject to the provisions of this Act the Company may make and maintain in the county of Durham the following works in the lines and situations delineated on

the deposited plans and upon the lands shown on those plans and described in the deposited book of reference and according to the levels shown upon the deposited sections (that is to say) :—

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Work No. 1 (Dalton reservoir) A reservoir on Dalton Beck Char Beck Bogle Beck and Cradock Beck to collect the waters of those becks and their tributaries at "The Howls" partly in the parish of Dalton Piercy and partly in the parish of Elwick all in the Hartlepool Rural District to be formed by means of an embankment to be placed across the Dalton Beck;

Work No. 2 A conduit or line of pipes wholly in the parish of Dalton Piercy in the Hartlepool Rural District commencing in Dalton Piercy Lane by a junction with an existing main belonging to the Company and terminating in the intended Dalton reservoir;

Work No. 3 A conduit or line of pipes wholly in the said parish and rural district commencing in the intended Dalton reservoir and terminating by a junction with the said existing main at a point on the north side of the public road bridge over Dalton Beck near where the said existing main crosses over the said beck;

and the Company may in so far as they are not already possessed of the same enter upon take and use such of the lands shown on the deposited plans and described in the deposited book of reference as may be required for the purposes of this Act.

6. The Company in addition to the foregoing works may within the limits of deviation shown upon the deposited plans make alter maintain and renew all proper and necessary cuts channels aqueducts culverts tunnels drains banks walls approaches engines machinery and appliances in connection with the works hereinbefore described and authorised by this Act but nothing in this section shall exonerate the Company from any action indictment or other proceeding in the event of any nuisance being caused or permitted by them.

Power to  
make sub-  
sidiary  
works.

7. In making the works by this Act authorised or any of them the Company may deviate laterally from the lines thereof shown on the deposited plans to any extent

Lateral and  
vertical  
deviation.

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within the limits of deviation shown or defined thereon and where on any road or any part of any road no such limits are shown the boundaries of such road shall be deemed to be such limits and the Company may also deviate vertically from the levels of any such works shown on the deposited sections to any extent not exceeding three feet upwards and ten feet downwards. Provided that if it be found necessary or expedient in the construction of the Dalton reservoir by this Act authorised to alter the situation of the embankment thereof the Company shall not construct such embankment of a greater height above the general surface of the ground than three feet above that shown on the deposited sections. Provided also that no part of any aqueduct conduit or line of pipes shall be constructed or laid so as to be above the general surface of the ground unless it be so shown on the deposited sections nor to a greater height than is so shown.

Power for  
Company  
to take  
waters.

8. Subject to the provisions of this Act the Company may for the purposes of the water undertaking collect impound take and divert by and in the works by this Act authorised and use and appropriate the waters of all such streams and all such waters as will or may be intercepted by the works by this Act authorised or as may be found in upon or under any lands for the time being belonging to the Company or which or easements over or in respect of which they may acquire under the powers of this Act and especially the waters of Dalton Beck Char Beck Bogle Beck Cradock Beck and the tributaries sources and springs thereof respectively.

Construc-  
tion and  
amendment  
of existing  
enactment  
as to com-  
pensation  
water.

9.—(1) Section 10 (Provisions as to compensation water) of the Act of 1898 shall be read and construed mutatis mutandis as if the Dalton reservoir therein referred to were the Dalton reservoir by this Act authorised.

(2) For the purposes of the said section the Tees Fishery Board shall be deemed to be parties or persons interested in the streams or waters referred to in subsection (6) of the said section and in the compensation water provided for under the said section and subsection (5) of the said section shall be read and construed as if the words "or the Tees Fishery Board" were added at the end of that subsection.

(3) The measuring gauges referred to in subsection (3) of the said section shall if and when the Tees Fishery Board reasonably so require be automatically recording gauges. Provided that if the Company object to any such requirement by the said Board as being unreasonable they may appeal to the Minister of Agriculture and Fisheries against such requirement and the decision of the said Minister in the matter shall be final and binding on all parties interested or concerned.

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10. The Company shall not at any time supply water for domestic purposes from the Dalton reservoir by this Act authorised.

Dalton  
reservoir not  
to be used for  
domestic  
purposes.

11.—(1) The Company may in lieu of acquiring any lands for the purposes of the new waterworks acquire such easements only in such lands as they may require for such purposes and may give notice to treat in respect of such easements describing the nature thereof and the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such easements as fully as if the same were lands within the meaning of those Acts.

Power to  
acquire  
easements  
in certain  
cases.

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

(3) Nothing in this section contained shall authorise the Company to acquire by compulsion any such easement in any case in which the owner in his particulars of claim shall require them to acquire the lands in respect of which they have given notice to treat for the acquisition of an easement only and every notice to treat for the acquisition of an easement shall be endorsed with notice of this provision.

12. The Company may with the consent of the road authority during the execution and for the purposes of any work authorised by this Act stop up any street and prevent all persons other than those bona fide proceeding to or returning from any house in the street from passing

Temporary  
stoppage of  
streets.

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along and using the same for any reasonable time and the Company shall provide reasonable access for all persons so bona fide proceeding to or returning from any such house.

Persons  
under dis-  
ability may  
grant ease-  
ments  
&c.

**13.** Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Private  
rights of  
way over  
lands taken  
compul-  
sarily.

**14.** All private rights of way over any lands which may be acquired compulsorily under the powers of this Act shall as from the date of the acquisition of such lands be extinguished provided that the Company shall make full compensation to all parties interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts as incorporated with this Act with reference to the taking of lands otherwise than by agreement.

Period for  
compulsory  
purchase of  
lands.

**15.** The powers of the Company for the compulsory purchase of lands and easements for the purposes of this Act shall cease on the thirty-first day of December nineteen hundred and thirty-three.

Period for  
completion  
of works.

**16.** If the waterworks by this Act authorised and shown on the deposited plans are not completed within ten years from the passing of this Act the powers by this Act granted for the making thereof or otherwise in relation thereto shall cease except as to so much thereof as is then completed provided always that subject to the restrictions and provisions of this Act the Company may at any time after the expiration of the said period lay down additional lines of pipes and alter enlarge extend and renew their mains pipes and other works as they may think expedient to provide for the requirements of their water supply.



17. Subject to the provisions of this Act the waterworks authorised by this Act shall for all purposes whatsoever form part of and be comprised in the water undertaking.

Works to form part of water undertaking.

18.—(1) For the purpose of protecting any of their waters and waterworks against pollution nuisance encroachment or injury the Company may by agreement purchase take on lease and acquire any lands in or over which any waters which the Company are for the time being authorised to collect impound take use divert or appropriate arise or flow and may hold such lands so long as they shall deem it necessary or expedient for those purposes Provided that the Company shall not create or permit the creation or continuance of any nuisance on any lands acquired under this section nor erect any buildings thereon except such as are required for or connected with or incident to the purposes of the undertaking.

Powers for protection of waters and waterworks.

(2) The Company may in and upon any lands so acquired by them construct and lay down drains sewers watercourses and other works and conveniences necessary or proper for the purpose of intercepting or taking any foul waters arising or flowing upon such lands or necessary or proper for preventing the water which the Company are empowered to take from being polluted and the Company may for the purposes aforesaid carry any such drain sewer or watercourse under across or along any street or road within any area in or through which any waters which may be taken by the Company arise or flow subject and according to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes.

(3) The powers conferred by this section shall not authorise the grant or enclosure of common without the consent of the Minister of Agriculture and Fisheries.

19.—The Company may on all or any of the lands for the time being held by them execute for the purposes of or in connection with the water undertaking any of the works mentioned in section 12 of the Waterworks Clauses Act 1847 (other than wells and works for the taking and intercepting of water) Provided that the Company shall not under the powers of this section create or permit the creation or continuance of any nuisance on any such lands.

As to exercise of powers of section 12 of Waterworks Clauses Act 1847.

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Limiting  
powers of  
Company to  
abstract  
water.

**20.** The Company shall not construct any works for taking or intercepting water from any lands acquired by them unless the works are authorised by and the lands upon which the same are to be constructed are specified in this or some other Act of Parliament.

Discharge  
of water  
into  
streams.

**21.**—(1) For the purpose of executing constructing laying down enlarging extending repairing cleansing emptying or examining any waterwork of the Company the Company may cause the water in any such work to be discharged into any available stream ditch or watercourse Provided that any water so discharged shall so far as may be reasonably practicable be free from mud solid or offensive matter or matter injurious to fish or spawn or spawning beds or food of fish.

(2) In the exercise of the power conferred by this section the Company shall do as little damage as may be and shall make full compensation to all persons interested for all damage sustained by them by reason or in consequence of the exercise of such power the amount of compensation to be settled in case of difference by arbitration under and pursuant to the provisions of the Arbitration Act 1889.

(3) The powers of this section shall not be exercised so as to damage or injuriously to affect the railways or works of any railway company.

Power to  
agree as to  
drainage of  
lands &c.

**22.** The Company may make and carry into effect agreements with the owners lessees or occupiers of any lands within the drainage area of any of their waterworks with reference to the execution by the Company or such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters authorised to be diverted collected and appropriated by the Company flowing to upon or from such lands directly or derivatively into any of such works.

Amendment  
of section 35  
of Water-  
works  
Clauses Act  
1847.

**23.** The provisions of section 35 of the Waterworks Clauses Act 1847 shall in their application to the Company be read and construed as if the words "one-eighth part" were substituted therein for the words "one-tenth part."

**24.** The Company may agree with the owner or occupier of any premises within the limits of supply who is not entitled to demand a supply of water from the Company to extend their mains to or over the property of such owner or occupier or to supply such premises with water in either case upon such terms as may be agreed and may recover from such owner or occupier any sum or sums of money agreed to be paid in respect of such supply in the same manner as water rates or rents are recoverable by them.

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Agreements as to supply of water in certain cases.

**25.** Notwithstanding anything contained in any Act relating to the Company the Company shall have the exclusive right of executing any works on any of the water mains of the Company for connecting any communication or service pipe therewith and the Company shall on the request of the owner or occupier of any premises who is entitled to be supplied with water by the Company execute on any such main any work which shall be necessary to connect the communication or service pipe of such owner or occupier therewith but subject to any obligations of such owner or occupier in relation to the execution of such work and any reasonable expenses incurred by the Company in so doing shall be repaid by the owner or occupier so requesting and shall be recoverable summarily as a civil debt.

Company to connect communication pipes with mains.

**26.**—(1) The Company shall not be bound to supply more than one house by means of the same communication pipe and they may if they think fit require that a separate pipe be laid from the main pipe into each house supplied by them with water.

Separate communication pipes may be required.

(2) If the owner of any house supplied with water by the Company when so required in pursuance of the preceding subsection fails within a period of one month after the receipt of such requirement to provide a separate pipe from the main pipe into such house the Company may themselves do the work necessary in that behalf and may recover from such owner the reasonable cost incurred by them in so doing.

**27.** If in the opinion of the Company any waste of water or injury or risk of injury to person or property is caused or likely to be caused by reason of any injury to or defect in any communication pipe which the Company are not under obligation to maintain it shall be lawful for the

Power to Company to repair communication pipes.

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Company to execute such repairs to the communication pipe as they may think necessary or expedient in the circumstances without being requested so to do and if any injury to or defect in the communication pipe shall have been found the expense incurred by the Company for the purposes of ascertaining the injury or defect and executing the repairs (including the expenses of breaking up filling in reinstating and making good any road pavement or soil for those purposes) shall be recoverable by the Company from the owner of the premises supplied or in cases where the communication pipe is repairable by the occupier of such premises from the occupier in like manner as the water rates in respect of the premises are recoverable. Provided that (a) except in case of emergency the Company shall not under the powers of this section enter into any house or private premises unless they shall have given to the occupier of such house or premises and if the water rates in respect of the house or premises are payable by the owner thereof to such owner not less than twenty-four hours' previous notice of their intention so to enter (b) except in case of emergency the Company shall not without the previous consent of a railway company exercise the powers of this section in respect of any property belonging to such railway company and used for the purposes of their undertaking but such consent shall not be unreasonably withheld.

Stop-cocks to be fitted in communication pipes.

**28.** In the case of all buildings within the limits of supply first connected with the mains of the Company after the passing of this Act the Company may in cases where the communication pipes are laid by the owner or by the Company at his request require the owner at the time when the pipes are laid to insert or to have inserted a stop-cock in the communication or service pipe from the said premises in some position as near as is reasonably possible to the main of the Company from which the supply is given to the said premises and if such owner make default the Company may insert a stop-cock in such communication or service pipe and recover the reasonable expense from the owner summarily as a civil debt.

Penalty for closing valves and apparatus.

**29.** Every person who shall wilfully (without the consent of the Company) or negligently close or shut off any valve cock or other work or apparatus belonging to the Company whereby the supply of water shall be interfered with shall (without prejudice to any other right or

remedy of the Company) be liable on conviction to a penalty not exceeding five pounds and the Company may in addition thereto recover the amount of any damage by them sustained. Provided that this section shall not apply to a consumer closing the valve fixed on his communication pipe.

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**30.** Any person being the owner or occupier of any house or building or part of a house or building or premises to or in respect of which he is not for the time being entitled to a supply or the continuance of a supply of water by the Company who shall without the authority of the Company turn on any valve cock or other work or apparatus attached to any service main or pipe connected with any main of the Company and provided or available for the purposes of affording such supply shall be deemed to commit an offence under section 60 of the Waterworks Clauses Act 1847 and the said section shall extend and apply accordingly.

Penalty for  
opening  
valves &c.

**31.** In addition to the powers conferred by section 57 of the Waterworks Clauses Act 1847 any officer of the Company may at all reasonable times between the hour of four o'clock in the afternoon and one hour after sunset enter into any house or premises supplied with water by the Company in order to examine if there be any waste or misuse of such water and if any person hinder any such officer from entering or making such examination as aforesaid he shall for every such offence be liable to a penalty not exceeding five pounds.

Extension  
of power to  
inspect  
premises.

**32.—(1)** For the purposes of complying with any obligation under the Waterworks Clauses Acts 1847 and 1863 to maintain any pipe or apparatus the person liable to maintain the same shall have the like power to open the ground as is conferred upon him by and subject to the conditions of sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes.

Opening of  
ground by  
persons  
liable to  
maintain  
pipes &c.

(2) The Company may by agreement with any owner or occupier entitled or required to lay maintain repair or remove any communication pipe and for that purpose to open or break up any street in the limits of supply execute such works on behalf of such owner or occupier and any expenses incurred by the Company shall be repaid by the owner or occupier with whom the agreement is made.

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Detection of  
waste.

**33.** Subject to the provisions of the Waterworks Clauses Act 1847 the Company may for the purpose of preventing and detecting waste affix and maintain meters and similar apparatus on the service pipes and mains of the Company and stop-cocks in the pipes supplying houses with water and may insert in the roads or footways the necessary covers or boxes for giving access and protection thereto and may for that purpose stop up break up and interfere temporarily with public and private streets roads lanes footways sewers courts passages tramways gas or water pipes electric lines wires and apparatus Provided that (a) the Company shall not interfere with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the said Act (b) the Company shall not without the previous consent of a railway company exercise the powers of this section in respect of any street road footway or property belonging to such railway company but such consent shall not be unreasonably withheld.

Mainten-  
ance of  
common  
pipe.

**34.** Where several houses or parts of houses in the occupation of several persons are supplied with water by one common pipe belonging to the several owners or occupiers of such houses or parts of houses the said several owners or occupiers shall be liable to contribute the amount of any expenses from time to time incurred by the Company in the maintenance and repair of such pipe and their respective proportions of contributions shall be settled by the engineer of the Company.

Injuring  
water  
meters &c.

**35.**—(1) Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any water fittings belonging to the Company or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Company shall (without prejudice to any other right or remedy for the protection of the Company) be liable to a fine not exceeding five pounds and the Company may in addition thereto recover the amount of any damage by them sustained.

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(2) In any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Company or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Company the Company may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for insuring the proper registering by such meter or other instrument of the quantity of water supplied by means thereof and the expense of such repair and of all such works matters and things shall be repaid to the Company by the person so offending and may be recovered by them as water rates are recoverable.

(3) The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Company when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be prima facie evidence that such injury alteration prevention abstraction consumption or use as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

**36.** Where the Company supply water by measure the register of the meter or other instrument for measuring water shall be prima facie evidence of the quantity of water consumed and in respect of which any water rate or rent is charged and sought to be recovered by the Company Provided that if the Company and the person to whom the water is supplied differ as to the quantity consumed such difference shall be determined upon the application of either party by a court of summary jurisdiction who may also order by which of the parties any costs of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties.

Register of  
water meter  
to be prima  
facie  
evidence.

**37.** Before any person connects or disconnects any meter by means of which any of the water of the Company is intended to be or has been registered he shall give not less than twenty-four hours' notice in writing to the Company of his intention to do so and all alterations or

Notice to  
Company of  
connecting  
or discon-  
necting  
water  
meters.

A.D. 1930. — repairs and the connecting and disconnecting of meters shall be done at his cost and under due superintendence of any officer of or person authorised by the Company and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Charges for water used in garages and refrigerators &c.

**38.**—(1) When water supplied for domestic purposes is used for washing horses carriages or motor-cars or for other purposes in premises where horses carriages or motor-cars are kept the Company may if a hose-pipe or other similar apparatus is used either (a) charge any additional sum not exceeding twenty shillings per annum as they may prescribe and (where more motor-cars than one are kept) a further sum not exceeding ten shillings per annum for each motor-car beyond the first or (b) if they think fit require that all water so used shall be taken by meter on the conditions and paid for at the rates for the time being in force for the supply of water by the Company by meter or on such other terms as may be agreed. The additional sums chargeable under paragraph (a) of this subsection shall be paid quarterly in advance and be recoverable in all respects with and as the rate for the supply of water for domestic purposes to the premises.

(2) Where a person taking a supply of water from the Company for any purpose desires to use any water so supplied for or in connection with a refrigerating apparatus or for or in connection with any apparatus depending while in use upon a supply of continuously running water the Company may if they think fit require that all water used for or in connection with the said apparatus shall be taken by meter on the conditions and paid for at the rates for the time being in force for the supply of water by the Company by meter or on such other terms as may be agreed between him and the Company. The minimum sum per quarter which may be demanded by the Company for water used for or in connection with any such apparatus as aforesaid if taken by meter shall not exceed ten shillings.

Special terms for supplies to caravans shacks &c.

**39.**—(1) Notwithstanding anything in any Act or Order relating to the Company a person shall not be entitled to demand or continue to receive from the Company a supply of water to any caravan shack hut tent or other like structure unless he has agreed with the



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Company to take a supply of water by meter and to pay to the Company such minimum annual sum as will give them a reasonable return on the capital expenditure incurred by them in providing the supply or supplies required by him and will cover other standing charges incurred by them in order to meet the possible maximum demand for his caravan shack hut tent or structure and will yield a reasonable return on the cost of the water consumed or used by him and unless he has secured to the reasonable satisfaction of the Company by way of deposit or otherwise payment of such a sum as may be reasonable having regard to the possible maximum demand of such person for his caravan shack hut tent or structure.

(2) The sum to be so paid and the security to be so given shall be determined in default of agreement by a court of summary jurisdiction who may also order by which of the parties the costs of the proceedings before them shall be paid and the decision of the justices shall be final and binding on all parties.

**40.**—(1) The Company shall not be bound to supply with water otherwise than by meter—

- (a) any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required; or
- (b) any poor law institution hospital (whether public or private) asylum (whether public or private) sanatorium nursing home barrack school club hotel public-house restaurant inn boarding-house or common lodging-house; or
- (c) any public institution which is habitually occupied by at least twelve persons.

Supply to  
houses  
partly used  
for trade  
&c.

(2) Where a supply of water to a farmhouse is used for farming purposes the Company may require that the supply for farming purposes shall be taken by meter but nothing in this section shall authorise the Company to refuse a supply of water for domestic purposes to a farmhouse at the ordinary rate calculated on the yearly value thereof.

(3) The minimum quarterly charge for a supply of water by meter to any of the premises in this section mentioned shall be a sum equal to one-fourth of the annual

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Price of  
water  
supplied by  
meter.

**41.** The price to be charged by the Company for a supply of water by meter shall not exceed two shillings and threepence per thousand gallons Provided that except as by this Act otherwise expressly provided the Company shall be entitled to charge a minimum sum of fifteen shillings in any quarter of a year for water supplied by meter.

Rates pay-  
able by  
owners of  
small  
houses.

**42.—(1)** Where the rateable value of a house supplied with water does not exceed ten pounds or the house is let to monthly or weekly tenants or tenants holding for any other period less than a quarter of a year the owner instead of the occupier shall if the Company so determine pay the rate for the supply but the rate may be recovered from the occupier and may if the occupier be not himself liable therefor under any lease or agreement be deducted by him from the rent from time to time due from him to the owner Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to the service upon him of a notice to pay the rate.

(2) The provisions of section 73 of the Waterworks Clauses Act 1847 shall mutatis mutandis extend and apply to any payments made under the provisions of this section by the owner of any house and as if such first-mentioned provisions applied in the case of any lease or agreement whether made before or after the passing of this Act.

Supply of  
water in  
bulk.

**43.** The Company may enter into and carry into effect agreements with any local authority company body or person for the supply of water beyond the limits of supply to any such authority company body or person respectively in bulk for any purpose and for such remuneration and on such terms and conditions and for such period or in perpetuity as may be agreed upon Provided that such supply shall not be given except with the consent of any company or person supplying water under parliamentary authority within the area to

be supplied and of the local authority of the district comprising that area nor if and so long as such supply would interfere with the supply of water for domestic or other purposes within the limits of supply Provided also that nothing in this section shall authorise the Company to lay any mains or other pipes or to interfere with any street beyond the limits of supply. A.D. 1930.

## PART III.

## GAS.

44.—(1) Every consumer of gas supplied by the Company who uses for or in connection with the consumption of such gas air at high pressure or any gas not supplied by the Company (in this section referred to as “high-pressure air or other gas”) shall if required to do so by the Company provide and fix in a suitable position and use an efficient valve or other appliance for preventing the admission of such high-pressure air or other gas into the service pipe or any main through which gas is supplied by the Company and shall at all times at his own expense keep in proper order and repair any such valve or other appliance as aforesaid which shall have been provided and fixed whether upon such requirement or otherwise. Provision of valve where high-pressure air or other gas is used.

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

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

(4) If any consumer shall fail to comply with any requirement or obligation under this section the Company

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may cease to supply gas to him and shall not be under any obligation to resume such supply until the default shall have been remedied to their satisfaction.

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

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

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

(6) The Company shall have access at all reasonable times to all premises supplied by them with gas in or upon which high-pressure air or other gas is used or the Company have reason to believe that high-pressure air or other gas is or may at the time be used in order to ascertain whether any such valve or appliance as aforesaid is efficient or is in proper order and repair or whether such a valve or appliance is provided and fixed where necessary.

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

As to construction and placing of pipes &c.

**45.** In order to enable the Company to ensure a satisfactory supply of gas to their consumers the following provisions shall have effect :—

(1) The Company may if they think fit make a specification or specifications with regard to the minimum size and the material of the pipes with the fittings thereof which are to be laid by the owner or occupier of any premises on those premises either in the first instance or on the occasion of any renewal and different specifications may be made for different classes of premises or for particular premises having regard to the probable maximum consumption

of gas thereon at any one time but a specification shall have no force or effect until it has been approved by the Board of Trade who before giving such approval shall refer the matter to an independent gas engineer and may if they think fit direct such engineer to hold a public inquiry into any proposed specification and to have regard to any representations made to the Board by any persons who appear to the Board to be affected by the specification and who attend such inquiry : A.D. 1930.

(2) (a) The Company shall publish once in the London Gazette and once in each of two newspapers circulating within the limits of supply a notice of any application made by them to the Board of Trade for approval of any specification together with a copy of the proposed specification and an intimation in a form to be approved by the Board that any person affected by such proposed specification may make representations in writing to the Board within a period to be specified in the notice ;

(b) As soon as practicable after the Board of Trade have approved any specification the Company shall comply with any directions given to them by the Board as to the publication or service of copies of the specification as approved or of notice of the giving of such approval ;

(c) A copy of every specification approved by the Board of Trade under this section shall be kept for public inspection at the office of the Company and copies of every such specification shall be purchaseable by any person at the said office at the price of sixpence for each copy :

(3) When any such pipe or fittings as aforesaid is or are about to be laid or placed notice thereof shall be given to the Company accompanied by a description of the size and materials of the proposed pipe or fittings and of the purposes for which the gas to be supplied through the same is intended to be used :

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- (4) The Company shall as soon as practicable after receiving such notice (after making such inspection if any of the said pipe or fittings and of the premises in which the same is or are proposed to be laid or placed as they may deem necessary) intimate in writing to the person giving the notice their approval or disapproval of the pipe or fittings as complying or not complying with the appropriate specification :
- (5) No such pipe or fittings as aforesaid shall be laid or placed unless or until the same shall have been approved as aforesaid and when any such pipe or fittings has or have been laid or placed notice thereof shall be given to the Company and the pipe or fittings shall not be covered over until after the expiration of twenty-four hours from the service of such notice on the Company or until the pipe or fittings as laid or placed has or have been inspected and approved by the Company whichever shall first happen :
- (6) Any officer of the Company duly appointed may between nine o'clock in the morning and five o'clock in the afternoon attend for the purpose of any such inspection as aforesaid and if the officer is not permitted to make the inspection or if the pipes or fittings are not according to the appropriate specification of the Company they may refuse to supply gas to the premises until the provisions of this section have been complied with :
- (7) Every meter to be used in a new building or a building not previously supplied with gas or in connection with a new or substituted pipe laid between the main and the meter shall be placed as near as practicable to the Company's main but within the outside wall of the building and when any such meter has been placed the person placing the same shall give to the Company the like notice and the Company shall have the like rights of inspection as are respectively referred to in subsections (5) and (6) of this section and if the meter is not placed

as required by this section the Company may refuse to supply gas to the premises until the provisions of this section have been complied with :

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Provided that in the case of any building in connection with which there is provided outside the building accommodation reasonably approved by the Company for the meter or a separate meter house such meter may be placed in such accommodation or meter house instead of within the outside wall of the building :

- (8) The provisions of this section relating to pipes and the fittings thereof shall not apply to any pipes or fittings belonging to a railway company and laid or placed or intended to be laid or placed in any premises (not being a dwelling-house or premises appurtenant to a dwelling-house) of that company—

(a) elsewhere than between the main of the Company and the meter; or

(b) between such main and the meter unless and except so far as such pipes or fittings are covered over or intended to be covered over :

- (9) For the purposes of this section the expression "fittings" includes only the joints angles and connections used in placing or laying pipes.

**46.**—(1) The Company may by notice in writing require a consumer of gas supplied by the Company 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-fluc-  
tuators to  
be used  
with gas  
engines.

(2) If the consumer after any such notice as afore-said 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 Company may cease to supply him with gas.

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

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

Relief from  
obligation  
to supply.

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

- (a) a new supply of gas for the premises of any person demanding such supply at any time after the passing of this Act; or
- (b) an increased supply of gas (other than an increased supply necessitated by any reduction of the declared calorific value of the gas);

where the giving of such new or increased supply would render necessary the laying of a new main or the making (as an alternative to the laying of a new main) of any enlargement or alteration of or addition to the distribution works of the Company :

Provided that the foregoing provisions of this section shall not apply in any case in which the person demanding the new or increased supply (in this section referred to as



“ the applicant ”) shall enter into a written contract with the Company— A.D. 1930.

- (i) to receive and pay for a supply of gas of such minimum quantity and for such minimum period as the Company may reasonably require ;  
or
- (ii) to make such payment or payments to the Company (in addition to any payments to be made from time to time for gas supplied to the applicant) as the Company may reasonably require ;

(according as the Company may in their discretion determine) in consideration of or by way of contribution towards the expenses to be incurred by the Company in laying such new main or making such enlargement alteration or addition as aforesaid and shall give such security for the payment of all moneys which may become due under the contract as the Company may reasonably demand :

Provided also that if any question shall arise under the provisions of this section between the Company and the applicant as to the sufficiency of the distribution works of the Company or as to whether such new or increased supply would necessitate the laying of a new main or the making of any such enlargement alteration or addition as aforesaid or as to the reasonableness of the minimum quantity or period or of the payments (in addition to payments for gas supplied) required by the Company or as to the nature or amount of the security demanded by the Company such question shall be referred to and determined by an arbitrator to be appointed (failing agreement between the Company and the applicant) by the Board of Trade on the application of either party after notice in writing to the other of them and the decision of such arbitrator shall be final and binding :

Provided also that in determining any such question as aforesaid the arbitrator shall have regard to the following among other considerations (that is to say) :—

- (a) the total annual quantity of gas required by the applicant the maximum quantity required per hour and the hours of the day during which the Company may be called upon to supply gas to the applicant ;

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- (b) the capital expenditure which the Company would have to incur in the laying of a new main or the making of any enlargement or alteration of or addition to their distribution works as aforesaid in connection with the giving of such new or increased supply; and
- (c) how far such capital expenditure may become unproductive to the Company in the event of the cesser of the new or increased supply.

Subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any arbitration under this section.

Supply of gas where consumer has separate supply.

**48.** Notwithstanding anything in the Gasworks Clauses Act 1871 or any other Act a person shall not be entitled to demand or continue to receive for the purposes of a stand-by supply only from the Company a supply of gas for any premises having a separate supply of gas or a supply (in use or ready for use for the purposes for which the stand-by supply of gas is required) of electricity steam or other form of energy unless he has agreed to pay to the Company such minimum annual sum as will give them a reasonable return on the capital expenditure incurred by them in providing such stand-by supply and will cover other standing charges incurred by them in order to meet the possible maximum demand for those premises. The sum so to be paid shall be determined in default of agreement by arbitration in manner provided by the Arbitration Act 1889.

Power to enter premises to which a supply of gas is laid on.

**49.** The power to enter premises in order to inspect meters fittings and works for the supply of gas and for the purpose of ascertaining the quantity of gas consumed or supplied conferred upon the Company by section 21 of the Gasworks Clauses Act 1871 shall extend to all premises in which there is any service pipe connected with the gas mains of the Company except where the occupier of the premises shall have applied in writing to the Company for the disconnection of the service pipe from the mains of the Company :

Provided that nothing contained in this section shall apply to any fitting or works belonging to a railway company and laid or placed or intended to be laid or placed in any premises (not being a dwelling-house) of such company.

**50.** At least twenty-four hours' notice shall be given to the Company by every gas consumer either personally at the office of the Company or in writing before he shall quit any premises supplied with gas by meter by the Company and in default of such notice the consumer so quitting shall be liable to pay to the Company 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 Company to supply gas to such 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 Company.

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Gas consumers to give notice to Company before removing.

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

Power to refuse to supply gas to persons in debt for other premises.

**52.** If any person supplied with gas by the Company uses or deals with the same so as to interfere unduly or improperly with the efficient supply of gas by the Company to any other person or if any person supplied with gas by the Company wilfully uses the same for a purpose other than that specified in the contract under which the same is supplied the Company may if they think fit cease to supply gas to such person.

For prevention of improper use of gas.

**53.** When at the request of and for the convenience of any consumer of gas the reading of any meter fixed in any premises takes place at a time other than that of the usual periodical reading the Company may levy and recover such charges as they think fit not exceeding the sum of two shillings and sixpence for each such special reading.

Charges for special reading of meters.

**54.** The Company and any undertakers authorised to supply gas under parliamentary powers in any district adjacent to the limits of supply may with the approval of the Board of Trade to be signified in writing under the hand of the secretary or an assistant secretary of the Board enter into and carry into effect any agreement

Agreements between Company and other gas undertakers.

A.D. 1930. with each other in regard to all or any of the following purposes :—

- the use or the participation in the use or in any benefit of any premises plant organisation operations or other facilities belonging to enjoyed by carried on or provided wholly or partly by the Company in relation to the manufacture and sale of gas or products arising in such manufacture or the provision of any such facilities;
- the purchase transport landing and delivery of coal and the dispatch or disposal of residual products arising in the manufacture of gas;
- the carrying out of scientific research in relation to coal and such residual products as aforesaid;
- the extension provision maintenance or use of any laboratories and apparatus for such research and the use or benefit of any results or discoveries arising thereby;
- the provision of any buildings works or plant for the purpose of enabling either party to such agreement to give a supply of gas in bulk to the other of them;
- the provision of moneys for carrying into effect any such agreement; and
- any matters or things incidental to or connected with any of the purposes aforesaid.

The Company and any undertakers entering into any such agreement shall remain and be subject to all and the same obligations and liabilities to all persons not being parties to any such agreement as they would have been subject to if such agreement had not been entered into.

The Company and any undertakers when submitting to the Board of Trade any proposals for an agreement under this section shall furnish particulars of such proposals to every local authority having jurisdiction either within the limits of supply of the Company or the limits for the supply of gas of other undertakers who are a party to any such agreement and the said local authorities shall respectively be entitled to make representations to and be heard by the Board of Trade thereon before the agreement embodying such proposals is approved by the Board.

Nothing in this section shall empower the Company or any such undertakers as aforesaid to work up and convert residual products arising from the manufacture of gas except in accordance with the provisions of and subject to the restrictions imposed by the Acts or Orders by which the Company or such other undertakers are authorised to work up and convert residual products.

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**55.** Any agreement entered into under the last preceding section of this Act may provide that any consideration in the nature of a capital payment and payable thereunder by either of the parties thereto to the other of them may be satisfied wholly or in part by the allotment of such shares or stock or such debentures or debenture stock as shall be agreed upon between the parties or partly by the one and partly by the other of such modes as may be so agreed and thereupon it shall be lawful for either of the parties to issue such shares stock or debentures or debenture stock accordingly and all shares or stock so issued shall for all purposes be deemed fully paid up :

Securities  
may be  
taken as  
considera-  
tion.

Provided that in estimating the extent to which any such consideration is satisfied by any shares or stock issued under the provisions of this section the shares or stock shall be taken at the average price at which according to the books of the Company or the undertakers issuing the same sales of similar shares or stock were effected within the period of six months immediately preceding the issue thereof or if there has been only one sale or no sale of similar shares or stock within the said period then at the price at which the last sale of similar shares or stock was effected making due allowance in each case for any enhancement of value by reason of any accrued dividend.

The price at which such shares or stock are or is to be issued shall be determined in accordance with the provisions of this section.

**56.**—(1) The directors may at any time appoint any person being a director of any company which has entered into an agreement with the Company under the section of this Act of which the marginal note is “Agreements between Company and other gas undertakers” to be a director of the Company and for such purpose the number of the directors limited by section 45

Additional  
directors in  
certain  
cases.

A.D. 1930. (Number of directors and power to reduce the number) of the Act of 1867 may be increased by such number being not more than two as is necessary to allow of such appointment.

Any increase of directors under this section may continue so long as the person in respect of whom it is made is in office as a director by virtue of the provisions of this section but no longer and in no event shall there be at the same time more than two persons holding office as directors under those provisions and no person shall hold such office thereunder except during the continuance of such agreement.

(2) No person shall be appointed a director by virtue of the provisions of this section unless he has the qualification prescribed by section 46 of the Act of 1867.

Loans to undertakers and exchange of securities.

**57.** In any case in which the Company and any undertakers have entered into any agreement under the section of this Act of which the marginal note is "Agreements between Company and other gas undertakers" the Company may effect exchanges of stock or securities of the Company with proprietors of stock shares or securities of such undertakers and may to such extent as in the opinion of those undertakers will be of advantage for furthering the purposes of such agreement lend money to such undertakers and subscribe for purchase hold and dispose of shares stock or securities of those undertakers.

#### PART IV.

#### FINANCIAL.

New stock to be sold by auction or tender.

**58.**—(1) All stock (other than debenture stock) issued by the Company after the passing of this Act shall subject to the provisions of this Act be issued in accordance with the provisions of this section.

(2) All stock so to be issued shall be offered for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Company shall from time to time determine Provided as follows:—

(a) Notice of the intended sale shall be given in writing to the town clerks of Hartlepool and West Hartlepool and to the clerk to the council of every urban and rural district wholly or partly included within the limits of supply and to the

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secretary of the London Stock Exchange at least seven days before the day of auction or the last day for the reception of tenders as the case may be and shall also be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the limits of supply ;

- (b) A reserve price shall be fixed and notice thereof shall be sent by the Company in a sealed letter to be received by the Board of Trade not less than twenty-four hours before but not to be opened till after the day of auction or last day for the receipt of tenders as the case may be ;
- (c) No lot offered for sale shall comprise stock of greater nominal value than one hundred pounds ;
- (d) In the case of a sale by tender no preference shall be given to one of two or more persons tendering the same sum except that the offer by tender of any holder of stock of the Company may be accepted in preference to the offer of the same sum by any person not such a holder as aforesaid and preference may in like manner be given to the offer of any employee of the Company or consumer of gas or water supplied by the Company ;
- (e) In the case of a sale by auction a bid shall not be recognised unless it is in advance of the last preceding bid ;
- (f) It shall be one of the conditions of sale that the total sum payable by the purchaser shall be paid to the Company within three months after the date of the auction or of the acceptance of the tender as the case may be.

(3) Any stock which has been so offered for sale and is not sold may be offered at the reserve price to the holders of ordinary and preference stock of the Company in accordance with the provisions of sections 18 19 and 20 of the Companies Clauses Act 1863 and to the employees of the Company and to the consumers of gas and water supplied by the Company in such proportions as the Company may think fit or to one or more of those classes of persons only Provided in the case of an offer to holders of stock that if the aggregate amount of stock applied for shall exceed the aggregate amount so offered

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as aforesaid the same shall be allotted to and distributed amongst the applicants as nearly as may be in proportion to the amounts applied for by them respectively.

(4) Any stock which has been offered for sale in accordance with subsection (2) or with subsections (2) and (3) of this section and is not sold may be disposed of for the purpose of realising the best price obtainable at such price and in such manner as the directors may determine.

(5) As soon as possible after the conclusion of the sale or sales the Company shall send a report thereof to the Board of Trade stating the total amount of the respective stock sold the total amount obtained as premium (if any) and the highest and lowest prices obtained for the respective stock.

Power to offer additional capital by subscription.

**59.**—(1) Notwithstanding anything in the immediately preceding section of this Act the Company may with the consent of the Board of Trade and subject to such conditions as that Board may think fit to impose offer for subscription by the public the whole or any part of the unissued capital by the recited Acts authorised and the Company may upon any such offer pay a commission not exceeding two and a half per centum to any person other than the lenders in consideration of his procuring or agreeing to procure subscriptions whether absolute or conditional for any such capital.

(2) The payment of such commission as aforesaid and the amount or rate per centum of the commission paid or agreed to be paid shall be disclosed in every prospectus advertisement or other document of the Company inviting subscriptions for such capital.

(3) Any capital so offered as aforesaid shall unless otherwise required or allowed by the Board of Trade be issued at as near as may be (and in no case more than five per centum below) the average price at which any capital of the Company of the same class or description was sold during the six months immediately preceding the offer.

(4) Nothing in this section shall affect any power of the Company to pay brokerage.

Additional borrowing powers in respect of existing

**60.** The Company may subject to the provisions of this Act borrow on mortgage of the undertaking—

(a) at any time and from time to time after the passing of this Act and without being required



to obtain a certificate of a justice under the fortieth section of the Companies Clauses Consolidation Act 1845 any sum or sums not exceeding in the whole (together with the sums already borrowed under the powers conferred by the recited Acts and outstanding at the passing of this Act) the sum of three hundred and seventy-one thousand two hundred and twenty-six pounds and ten shillings;

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capital  
powers.

(b) from time to time any sum or sums not exceeding in the whole one-half part of the amount of any moneys (including premiums) for the time being raised after the passing of this Act by the issue of stock under the powers of the recited Acts as amended by this Act Provided that no such sum shall be borrowed under this paragraph in respect of any moneys so raised until the Company have proved to a justice of the peace before he gives his certificate under the fortieth section of the Companies Clauses Consolidation Act 1845 that the whole of the stock at the time issued together with the premium (if any) realised on the sale thereof has been fully paid up.

**61.** The Company may apply for the purposes of this Act to which capital is properly applicable any money which they have raised or are authorised to raise for the purposes of the undertaking Provided that any such money which under the recited Acts is appropriated exclusively for the purposes of the water undertaking or the gas undertaking (as the case may be) shall not be applied otherwise than in accordance with such appropriation.

Application  
of author-  
ised capital.

**62.** Section 43 (As to appointment of a receiver) of the Act of 1919 is hereby repealed but without prejudice to any appointment heretofore made or to any proceedings pending at the passing of this Act and in lieu thereof the mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a

For appoint-  
ment of  
receiver.

A.D. 1930. receiver is made shall not be less than five thousand pounds in the whole.

Debenture  
stock.

**63.** The Company may create and issue debenture stock subject to the provisions of Part III of the Companies Clauses Act 1863 and of section 21 of the Act of 1878 section 32 of the Act of 1898 section 22 of the Act of 1900 and section 45 of the Act of 1919.

Priority of  
money  
raised on  
mortgage  
or debenture  
stock.

**64.** All money to be raised by the Company on mortgage or debenture stock under the provisions of this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act. Provided always that this priority shall not affect any claim against the Company or their property in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company which is entitled to rank in priority to or *pari passu* with the interest on their mortgages or debenture stock nor shall anything in this section contained affect any claim for land taken used or occupied by the Company for the purposes of the undertaking or injuriously affected by the construction of any works of the Company or by the exercise of any powers conferred upon the Company.

Existing  
mortgages  
to have  
priority.

**65.** The principal moneys secured by all mortgages granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages and subject to the provisions of the Acts under which such mortgages were respectively granted have priority over any mortgages granted by virtue of this Act but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Redeemable  
preference  
stock and  
debenture  
stock.

**66.**—(1) The Company may create and issue all or any of the preference stock or debenture stock which they may hereafter create and issue under the powers of any of their Acts or Orders so as to be redeemable on such terms and conditions as may be specified in a resolution of the Company passed or to be passed at a special meeting convened for the purpose.

(2) If it is so provided in the resolution the Company may— A.D. 1930.

(a) call in and pay off the stock or any part thereof at any time before the date fixed for redemption; and

(b) redeem the stock or any part thereof either by paying off the stock or by issuing to the holder of any stock subject to his consent other stock in substitution therefor.

(3) For the purpose of providing money for paying off the stock or for the purpose of providing substituted stock the Company may create and issue new stock (either redeemable or irredeemable) or re-issue stock originally created and issued as aforesaid:

Provided that the creation and issue for any such purpose of any particular class of stock does not make the total nominal amount of such stock exceed the amount of that class of stock which the Company are for the time being authorised to create except (a) during the necessary interval between the creation and issue of the new stock and the redemption of the old stock and (b) when the new stock is issued in substitution for stock which was itself lawfully issued.

(4) The Company shall not redeem out of revenue any stock created and issued as aforesaid.

(5) Any stock created and issued solely in substitution for stock shall not be subject to the provisions of the section of this Act of which the marginal note is "New stock to be sold by auction or tender."

**67.**—(1) Any ordinary stock preference stock or debenture stock of the Company may be issued and be held in amounts of five pounds or of any integral number of pounds exceeding five and not otherwise and the Company shall not be under any obligation to register a transfer of any such stock which would make the holding of the transferor or transferee of stock of that class less than five pounds or other than an integral number of pounds.

Minimum amounts of holdings and transfers of stock.

(2) Notice of this enactment so far as applicable shall be stated in all certificates of ordinary stock preference stock or debenture stock to be issued by the Company after the passing of this Act.

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(3) The provisions of this section shall not apply to any stock held at the passing of this Act in amounts of less than five pounds so long as the whole of such stock is held by the present holder thereof or his legal personal representative or by a transferee direct from the present holder or his legal personal representative.

Water re-  
newal fund.

**68.**—(1) The directors may if they think fit in any year appropriate out of the revenue of the water undertaking as part of the expenditure on revenue account any sum not exceeding an amount equal to one per centum of the capital for the time being expended by the Company for the purposes of the water undertaking to a fund to be called “the water renewal fund.”

(2) The water renewal fund shall be applicable only to meet expenses in respect of the water undertaking requisite for the maintenance and renewal of plant and works (other than expenses incurred in the replacement or removal of plant and works) and shall be so applied from time to time for the purpose of equalising so far as practicable the annual charge to revenue in respect of such expenses.

(3) The maximum amount standing to the credit of the water renewal fund shall not at any time exceed an amount equal to one-twentieth part of the capital for the time being expended by the Company for the purposes of the water undertaking.

Gas renewal  
fund.

**69.**—(1) The directors may if they think fit in any year appropriate out of the revenue of the gas undertaking as part of the expenditure on revenue account any sum not exceeding an amount equal to one per centum of the capital for the time being expended by the Company for the purposes of the gas undertaking to a fund to be called “the gas renewal fund.”

(2) The gas renewal fund shall be applicable only to meet expenses in respect of the gas undertaking requisite for the maintenance and renewal of plant and works (other than expenses incurred in the replacement or removal of plant and works) and shall be so applied from time to time for the purpose of equalising so far as practicable the annual charge to revenue in respect of such expenses.

(3) The maximum amount standing to the credit of the gas renewal fund shall not at any time exceed an

amount equal to one-twentieth part of the capital for the time being expended by the Company for the purposes of the gas undertaking. A.D. 1930. —

70. Section 76 of the Waterworks Clauses Act 1847 (which provides for the formation of a reserved fund of a limited amount) and section 78 of that Act (which provides for the case where that fund amounts to the prescribed sum) shall in the case of the Company have effect as if for the references therein to a sum equal to one-tenth part of the nominal capital of the undertakers there were substituted references to a sum equal to one-tenth part of the capital for the time being expended by the Company for the purposes of the water undertaking. Water reserve fund.

71. It shall not be lawful for the Company to carry forward at the end of any year at the credit of the profit and loss (net revenue) account any sum exceeding the total of the following amounts (that is to say) :— Limitation on carry forward.

(a) The amount required by the Company for paying any dividend or interest which the Company are entitled or required to pay but have not paid in respect of the preceding year;

(b) An amount equal to the total sum which the Company require for payment of interest and which they would be entitled to distribute as dividends on their preference and ordinary capital in respect of the next following year.

72. After the passing of this Act it shall not be lawful for the Company to maintain a contingency fund under section 122 of the Companies Clauses Act 1845. As to contingency fund.

## PART V.

### ADMINISTRATIVE.

73. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 notice of all meetings of the Company whether ordinary or extraordinary may (if the directors so determine) be given by letter sent by ordinary letter post to each stockholder instead of by public advertisement: Notices of meetings.

Provided that the letters giving the notice shall be directed according to the registered address or other known address of each stockholder prepaid and posted

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not later than seven clear days before the date of the meeting. In proving that any such notice has been given it shall be sufficient to prove that the letter containing the notice was properly addressed and put into the post office as a prepaid letter not later than the time hereby prescribed.

Closing of  
transfer  
books.

**74.**—(1) The directors may close the register of transfers for a period not exceeding fourteen days previous to the declaration of any dividend and they may close the registers of transfers of mortgages and debenture stock for a period not exceeding fourteen days previous to each date at which the interest thereon shall be payable and in the case of any such register they may fix a day for closing the same of which seven days' notice shall be given either by circular to each proprietor or by advertisement in a newspaper circulating in the limits of supply.

(2) Any transfer of stock or mortgages or debenture stock made during the time when the register of transfers of that class of security is so closed shall as between the Company and the person claiming under the same but not otherwise be considered as made subsequent to the declaration of any such dividend or the payment of any such interest as the case may be.

Register of  
shareholders  
and share-  
holders'  
address  
book.

**75.** Notwithstanding anything contained in the Companies Clauses Consolidation Act 1845 it shall not be obligatory upon the Company—

(a) to keep separately a register of shareholders and a shareholders' address book but in lieu thereof the Company may if they think fit keep one register only containing such particulars as are required by the said Act to be entered in the register of shareholders and the shareholders' address book respectively; or

(b) to authenticate by the affixing of their common seal or otherwise the register of shareholders or any register which the Company may keep in lieu thereof under the powers of this section.

As to ap-  
pointment  
of proxies.

**76.** Notwithstanding anything in the Companies Clauses Consolidation Act 1845 the attorney of any stockholder duly authorised in writing may appoint a proxy to vote for and on behalf of the stockholder

and for that purpose may execute on behalf of the stockholder the necessary form of proxy provided that the instrument appointing the attorney or if it has been deposited in the Central Office of the Supreme Court of Judicature an office copy thereof shall be transmitted to the secretary of the Company at the same time as the instrument appointing the proxy.

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**77.** Notwithstanding anything in the Companies Clauses Consolidation Act 1845 where several persons are jointly entitled to and registered as holders of any stock any one of those persons may vote at any meeting either personally or by proxy in respect of the stock as if he were solely entitled thereto but if more than one of the joint holders be present at any meeting personally or by proxy that one of the said persons so present whose name stands first on the register in respect of the stock shall alone be entitled to vote in respect thereof Several executors or administrators of a deceased member in whose name any stock stands shall for the purposes of this section be deemed joint holders thereof.

Joint  
holders.

**78.** Notwithstanding anything in the Companies Clauses Consolidation Act 1845 no person shall be disqualified from being a director of the Company by reason of his holding any office or place of trust or profit under the Company or by reason of his being interested in any contract with the Company nor shall any director be required to cease from voting or acting as a director by reason of his accepting any such office or place of trust or profit or becoming interested in any such contract Provided that in the case of his being or becoming interested in any contract with the Company whether such interest shall arise before or after his appointment as a director the nature of his interest in the contract shall be disclosed by him at the meeting of the directors at which the contract is determined on if his interest then exists or in any other case at the first meeting of the directors after the acquisition of his interest or after his appointment and also in the next annual report of the Company and that no director shall as a director vote in respect of any such contract and if he do so vote his vote shall not be counted but this prohibition shall not apply to any contract by or on behalf of the Company to give to the directors or any of them any security by way of indemnity.

Directors  
holding  
office under  
or con-  
tracting  
with Com-  
pany.

A.D. 1930.

Notice of  
proposal to  
appoint  
director.

**79.** Except in the case of a director retiring by rotation and offering himself or being proposed for re-election no person shall be capable of being elected at a general meeting a director of the Company unless notice in writing that such person intends to offer himself or will be proposed for the office of director shall have been given to the secretary or left at the office of the Company seven days at least before the day of election.

As to ap-  
pointment  
of managing  
director.

**80.**—(1) The directors may appoint one of their body to be a managing director and may remove or dismiss him from office and appoint another in his place.

(2) A managing director shall not while holding that office be subject to retirement by rotation and shall not be taken into account in determining the rotation of retirement of directors but if he ceases to hold the office of director from any other cause he shall ipso facto immediately cease to be a managing director.

(3) The remuneration of a managing director shall from time to time be fixed by the directors and may be by way of salary or commission or participation in profits or by any or all of those modes.

(4) The directors may entrust to and confer upon a managing director such of the powers exercisable by the directors and subject to such conditions as they may think fit and may from time to time revoke withdraw alter or vary all or some of such powers.

Profit  
sharing.

**81.**—(1) The directors may with the sanction of a majority of the proprietors of the Company present in person or by proxy and entitled to vote and voting at a general meeting of the Company prepare put in force and from time to time modify alter or rescind a scheme or schemes enabling the employees or any class or classes of the employees as may be defined in such scheme or schemes to participate in the profits of the Company or any part of those profits as part of the terms of remuneration for the services of any such employee :

Provided that no such modification alteration or rescission of any such scheme or schemes shall have any retrospective effect so as to deprive any employee without his consent of any benefit accrued due to him



under such scheme prior to the date of such modification alteration or rescission. A.D. 1930.

(2) Any agreement as to service with any employee in pursuance of any such scheme may be entered into with any employee not being under the age of sixteen years and shall be in writing and may be made on the part of the Company under the hands of any two directors or under the hand of the secretary or of any person from time to time appointed in that behalf by resolution of the directors.

(3) Notwithstanding anything in any Act or Order relating to the Company the directors may if and whenever required by any persons being the trustees under any such scheme so to do issue to any employee such amount of ordinary stock as the trustees may specify (being in each case within the limit of the amount of ordinary stock which the Company may for the time being be authorised to issue) without first offering such stock for sale by public auction or tender :

Provided that any stock issued under the provisions of this section shall be issued at the average price at which according to the Company's books sales of ordinary stock of the same class were effected within the period of six months immediately preceding the issue or if there has been only one sale or no sale of ordinary stock of the same class within the said period then at the price at which the last sale of stock of the same class was effected making due allowance in each case for any enhancement in price by reason of any accrued dividend The price at which such stock is to be issued shall be determined by the said trustees in accordance with the provisions of this subsection.

(4) The directors may also as part of any such scheme accept on deposit on behalf of any employee any savings or other sums of money belonging to such employee and pay interest thereon out of the revenues of the Company at a rate to be agreed.

82.—(1) Subject to the provisions of this section and the regulations set forth in the Third Schedule to this Act any employee who shall have become entitled to participate in the profits of the Company under any such scheme as is referred to in the last preceding Disposal of stock and deposits of co-partners on death.

A.D. 1930. — section of this Act (in this section referred to as "the co-partner") may nominate any person (in this section referred to as "nominee") who on the death of the co-partner shall (to the extent of a total value of not exceeding one hundred pounds and so far as the stock is covered by such nomination) be entitled to be registered as holder of any ordinary stock of the Company and to be paid any bonus or other sums left on deposit (in this section called "deposits") with persons being the trustees under such co-partnership scheme (in this section referred to as "the trustees") and standing in the name of the co-partner at the time of his death.

(2) On receiving satisfactory proof of the death of a co-partner who has made a nomination in force at his death the directors and the trustees if within three months after the death of the co-partner they have no notice of the claim of any creditor shall subject to the provisions of this section and the said regulations give effect to the nomination to the extent of a total value of not exceeding one hundred pounds and shall respectively in accordance with the directions of the nomination register the nominee as holder of the stock and pay to the nominee the deposits standing in the name of the co-partner at his death or as the case may be the portion of the stock and deposits mentioned in the nomination :

Provided that if the total value of the stock and deposits standing in the name of the co-partner at his death exceeds eighty pounds the directors and the trustees shall before giving effect to the nomination to a greater extent than three-fourths of the total value of such stock and deposits require the production of a duly stamped receipt for all death duties payable on such stock or deposits or a letter or certificate from the Commissioners of Inland Revenue stating that no such duty is payable and the commissioners shall give such receipt letter or certificate on the payment of the duty or satisfactory proof of no duty being payable as the case may be.

(3) If any co-partner dies intestate without having made any nomination under this section in force at his death and the total value of the stock and deposits standing in his name does not exceed one hundred

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pounds then without letters of administration the directors and the trustees if within three months of the death of the co-partner they have no notice of the claim of any creditor shall respectively if the directors think fit register the stock in the name of or pay the deposits to any person who has paid the funeral expenses of the co-partner up to such an amount of stock or deposits not exceeding the amount of the said funeral expenses as the directors shall deem it reasonable to allow and subject to such provision (if any) as aforesaid for the said funeral expenses shall respectively register the stock in the names of and pay the deposits to—

(a) the widow (if any) of the deceased co-partner;  
or

(b) if there be no widow the person or persons entitled in distribution to the residuary estate of the co-partner in accordance with the provisions of section 46 (1) (ii) to (v) inclusive of the Administration of Estates Act 1925 and in default of any such person the solicitor for the affairs of His Majesty's Treasury :

Provided that in every case where the deceased co-partner has left no widow and the persons entitled under the Administration of Estates Act 1925 are more than two the directors may if they think fit sell the stock and distribute the proceeds (after deducting the proper expenses of such sale and distribution) among such persons in the shares in which they are entitled under the said Act and for the purposes of such sale the directors may by a resolution authorise the secretary to execute the transfer of the stock to the purchaser or the purchasers thereof :

Provided further that if the total value of the stock and deposits of the deceased co-partner exceeds eighty pounds the directors and trustees shall before dealing with the stock or deposits under this subsection to a greater extent than three-fourths of the total value of such stock and deposits obtain from the Commissioners of Inland Revenue a receipt for all death duties payable thereon or a letter or certificate stating that no such duty is payable.

(4) When the principal value of the estate in respect of which estate duty is payable of any co-partner exceeds one hundred pounds any stock registered or sum paid

A.D. 1930. — under this section without probate or letters of administration shall notwithstanding such registration or payment be liable to estate duty as part of the amount on which the duty is charged.

(5) The directors and the trustees shall respectively before registering any person as the holder of any stock or paying to any person any deposits standing in the name of a deceased co-partner satisfy themselves that the principal value of the estate of the deceased co-partner does not after deduction of debts and funeral expenses exceed one hundred pounds and in the absence of other evidence to their satisfaction shall be empowered to require a statutory declaration by such person to that effect.

(6) Any registration of stock or payment of deposits made by the directors or the trustees under the provisions of subsection (3) of this section shall be valid and effectual against any demand made upon the Company the directors or the trustees by any other person but the next-of-kin or lawful representative of the deceased co-partner shall have remedy for recovery of the stock so registered or deposits so paid as aforesaid against the person who has been registered as holder of the stock or received the deposits.

(7) For the purposes of this section the value of the stock of a deceased co-partner shall be deemed to be the value of such stock as at the date of the death of the co-partner and in the event of the directors and trustees being restricted under the provisions of this section from giving effect to any nomination made by a deceased co-partner and in force at his death to the whole extent of the nomination they shall primarily give effect thereto to the extent to which it relates to stock.

Power to  
grant  
gratuities  
&c. to  
employees  
or their  
dependants.

**83.**—(1) The directors may grant such gratuities pensions or allowances or make such other payments as they may think fit to any employees of the Company or where in their opinion adequate provision is not otherwise made to the widow or family or any dependant of any such employee.

(2) The directors may enter into and carry into effect agreements with any insurance company or other association or company for securing to any such employee widow family or dependant as aforesaid such gratuities pensions allowances or payments as are by this section

authorised to be granted or made and may for all or any of the purposes of this section apply the revenues of the Company. A.D. 1930.

**84.** The directors may subscribe or make donations to infirmaries or hospitals and to convalescent homes and similar institutions and to any industrial exhibitions and to the benevolent and sick funds of the employees of the Company and may for any of those purposes apply the revenues of the Company. Power to make donations to institutions &c.

**85.**—(1) The Company may establish and carry into effect a scheme or schemes for the provision of superannuation allowances for their employees and may by any such scheme provide for the making of contributions by the Company and by such employees to such fund and for the investment of moneys for the time being forming part of any such fund and the accumulation of interest or dividends on such investments by way of compound interest. Power to establish superannuation schemes.

(2) Any superannuation fund established by the Company under the powers of this section shall not come into operation until it has been registered under the Superannuation and other Trust Funds (Validation) Act 1927.

## PART VI.

### MISCELLANEOUS.

**86.** Notwithstanding anything in this or any other Act or any Order to the contrary the Company may retain hold and use for such time and for such purpose 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 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 acquired by them under the Hartlepool Gas and Water Acts and Orders 1867 to 1930 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. Retention and disposal of lands.

A.D. 1930. — and on any exchange may give or take any money for equality of exchange.

Power to acquire additional lands by agreement.

**87.** The Company in addition to the lands which they are otherwise authorised to purchase or hold may for any of the purposes of their undertaking by agreement purchase or take any additional quantity of land not exceeding in the whole five acres or any easement or right (not being an easement or right of water in which persons other than the grantors have an interest) in or over such additional lands or otherwise which they may think requisite for any of the purposes of the undertaking. Provided that the Company shall not on any such lands create or permit any nuisance or erect or authorise or (so long as the same are held by them) permit the erection of any buildings other than buildings connected with or necessary for the undertaking or houses cottages and buildings for their officers and servants.

Dwelling-houses for employees offices recreation grounds &c.

**88.** The Company may purchase or take on lease houses cottages and other buildings for their employees and offices showrooms and other buildings for the purpose of the undertaking and ground for the purpose of recreation of their employees and may erect fit up and maintain and let any such buildings upon any lands for the time being belonging or leased to the Company.

As to streets and roads forming boundary of limits of supply.

**89.** Where the limits of supply are bounded by or abut upon any street or road wholly or partly outside such limits the Company may for the purpose of supplying gas or water to the owner or occupier of any premises abutting upon such street or road and being within such limits exercise with respect to such street or road outside the limits of supply the like powers of breaking up the same for the purpose of laying maintaining inspecting repairing and renewing pipes as are exerciseable by them with respect to streets or roads within the limits of supply and subject to the like conditions and the owner or occupier of any such premises may for the purpose of laying any communication pipe or of complying with any obligation to maintain any pipe or apparatus which he is liable to maintain exercise the like power of opening the ground between any main or pipe of the Company and his premises and of opening or breaking up so much of the pavement of the street as shall be between such main or pipe and his premises and any sewer or drain therein

as if such street or road were within the limits of supply  
 Provided that nothing in this section shall entitle or  
 require the Company to supply gas or water to the owner  
 or occupier of any premises abutting upon any such street  
 or road as aforesaid and being outside the limits of  
 supply.

A.D. 1930.

**90.** The provisions of the Waterworks Clauses Act  
 1847 or of the Gasworks Clauses Act 1847 (as the case  
 may be) with respect to the breaking up of streets shall  
 apply with the necessary modifications to the construc-  
 tion laying down erection and maintenance in any street  
 or road within the limits of supply of any discharge pipes  
 telephone or telegraph posts wires conductors or appa-  
 ratus which the Company may and which they are hereby  
 authorised to lay down or erect for the purposes of the  
 undertaking :

Application  
 of Water-  
 works and  
 Gasworks  
 Clauses Acts  
 1847 to  
 pipes tele-  
 phones &c.

Provided that any telephone or telegraph posts  
 wires conductors or apparatus laid down or erected by the  
 Company under the provisions of this section shall not  
 be used in contravention of the exclusive privilege  
 conferred upon the Postmaster-General by the Telegraph  
 Act 1869 and shall be so constructed and maintained and  
 used as to prevent interference with any telegraphic line  
 (as defined in the Telegraph Act 1878) belonging to or  
 used by the Postmaster-General or with telegraphic  
 communication by means of any such line :

Provided also that nothing in this section shall  
 authorise the breaking up of any street or road belonging  
 to a railway company without the consent of such  
 company which consent shall not be unreasonably  
 withheld.

**91.**—(1) Any urban or rural district council whose  
 district is in whole or in part within the limits of supply  
 may give and enter into any guarantee or contract for  
 securing payment to the Company of such periodical or  
 other sum or sums at such time or times in such manner  
 and subject to such stipulations as may be agreed by and  
 between such council and the Company for the purpose  
 of or with respect to the supply of water or of gas for  
 public lighting purposes within any part of such district  
 or with respect to the providing or laying down by the  
 Company of any main or pipe or works for such supply.

Guarantees  
 by district  
 councils.

(2) The giving of such guarantee and the performance  
 of any contract in relation thereto shall be deemed to be

A.D. 1930. a purpose for which under the provisions of any general Act relating to the powers of such council they may incur expenditure and any such council may raise in like manner as money may be raised under the provisions of any such general Act any money which may become payable to the Company under this section :

Provided that such expenditure shall in the case of a rural district council be payable as special expenses.

Exemption of certain fittings from liability to distress &c.

**92.**—(1) Any gas engines or stoves and any gas or water fittings meters pipes apparatus or appliances let for hire by the Company under statutory powers or supplied by the Company under such powers in accordance with any hire-purchase agreement in the case of which any instalment of purchase money payable under such agreement remains unpaid 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 Company and 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 engines stoves meters pipes apparatus or appliances have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Company as the actual owners thereof.

(2) Nothing in this section shall affect the amount of assessment for rating of any premises upon which any such fittings engines stoves meters pipes apparatus or appliances are or shall be fixed.

Period of error in defective meter.

**93.**—(1) In the event of any meter—

- (a) used by a consumer of gas being tested in manner provided by the regulations made by the Board of Trade under the Gas Regulation Act 1920 and being proved to register erroneously within the meaning of the said regulations; or
- (b) used by a consumer of water being proved to register erroneously;



such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter. A.D. 1930. —

(2) The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Company shall be paid by or to the Company to or by the consumer as the case may be and in the case of a surcharge shall be recoverable by the Company in the like manner as gas charges and rates for water respectively are recoverable by the Company.

**94.** A patent may on the application of the Company and of the inventor of any invention relating to the business of the Company be granted to the Company and such inventor jointly and in any such case the Company and the said inventor shall respectively have all the rights and remedies of joint grantees of a patent under the Patents and Designs Acts 1907 to 1928 or any statutory modification thereof for the time being in force. Company may be patentee jointly.

**95.** A notice to the Company from a consumer for the discontinuance of a supply of gas or water shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the Company or be given by the consumer personally at the office of the Company. Notice of discontinuance.

**96.** Section 49 (Authentication and service of notices by Company) of the Act of 1919 shall have effect as if the words "or water" were inserted therein after the words "supplied with gas." Authentication and service of notices by Company.

**97.** Save as otherwise expressly provided by any Act or Order from time to time relating to the undertaking all offences against any such Act or Order and all penalties forfeitures costs and expenses imposed or recoverable thereunder or under any byelaw 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.

**98.** Proceedings for the recovery of any demand made under the authority of any Act or Order for the time being relating to the Company whether provision Recovery of demands.

A.D. 1930. — 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.

Penalties not cumulative.

**99.** Penalties imposed under any Act or Order for the time being relating to the Company for one and the same offence shall not be cumulative.

Exemption of Company's buildings from building byelaws.

**100.** Any building of the Company (not being a dwelling-house) shall be exempt from the operation of any byelaws under section 157 (Power to make byelaws respecting new buildings &c.) of the Public Health Act 1875 for the time being in force in the district of any local authority within the limits of supply.

Repeals.

**101.** The following provisions of the undermentioned Acts and Order are hereby repealed :—

The Act of 1867—

- Section 37 (Arrears may be enforced by appointment of a receiver);
- Section 63 (Reservations on disposal of lands by Company);
- Section 76 (Lighting power and purity of gas);
- Section 77 (Company to provide means for testing lighting power and purity of gas);
- Section 105 (Penalties not cumulative).

The Act of 1878—

- Section 26 (Pressure of gas);
- Section 28 (Testing place);
- Section 29 (Burner).

The Act of 1890—

- Section 8 (Power to hold and dispose of lands).

The Act of 1898—

- Section 16 (Leasing &c. of superfluous lands);
- Section 23 (Shares or stock in additional capital to be offered by auction or tender);
- Section 24 (Time for paying up shares or stock sold);

[20 & 21 GEO. 5.] *Hartlepool Gas and Water Act, 1930.* [Ch. cxci.]

- Section 25 (Notice to be given as to sale of shares or stock); A.D. 1930.  
 Section 26 (Shares or stock not sold by auction or by tender to be offered to shareholders);  
 Section 33 (Provisions as to auction &c. to apply to borrowed money);  
 Section 37 (Agreements with other bodies &c.);  
 Section 38 (Illuminating power of gas).

The Act of 1900—

- Section 13 (Additional capital to be offered by auction or tender);  
 Section 14 (Purchase money of capital sold to be paid within three months);  
 Section 15 (Notice to be given as to sale of stock);  
 Section 16 (Stock not sold by auction or by tender to be offered to stockholders).

The Hartlepool Gas (Standard of Calorific Power) Order 1918—

The whole Order.

The Act of 1919—

- Section 12 (Certain provisions of Lands Clauses Consolidation Act 1845 not to apply to lands acquired by agreement);  
 Section 20 (Exemption of certain fittings from liability to distress &c.);  
 Section 31 (New stock to be sold by auction or tender);  
 Section 32 (Reserve price on sale of stock);  
 Section 40 (Company may issue redeemable preference and debenture stock).

102. Notwithstanding anything contained in this Act the following provisions for the protection of the county council of the administrative county of Durham (in this section called "the county council") shall (unless otherwise agreed in writing between the county council

For protection of Durham County Council.

A.D. 1930. — and the Company under their respective common seals) apply and have effect (that is to say) :—

(1) In this section—

the expression “road” means a county road as defined by the Local Government Act 1929;

the expression “the county surveyor” means the surveyor for the time being of the said county;

the expression “works” means (a) any of the Works Nos. 1 to 3 inclusive authorised by this Act (b) any of the subsidiary works machinery and apparatus referred to in the section of this Act of which the marginal note is “Power to make subsidiary works” (c) any other works and appliances in connection with the said Works Nos. 1 to 3 or to be laid for the purpose of carrying into effect any agreement under the section of this Act of which the marginal note is “Supply of water in bulk” and (d) any of the mains pipes posts wires conductors and apparatus referred to in the sections of this Act of which the marginal notes are respectively “As to streets and roads forming boundary of limits of supply” and “Application of Waterworks and Gasworks Clauses Acts 1847 to pipes telephones &c.” :

(2) The provisions of the Waterworks Clauses Act 1847 or of the Gasworks Clauses Act 1847 as the case may require with respect to the breaking up of streets for the purposes of laying pipes shall subject to the provisions of this section extend and apply to any road opened and broken up or interfered with by the Company in the exercise of any of the powers of this Act Provided that—

(a) except in cases of leakage bursting or other emergency the notice required to be given under section 30 of the Waterworks Clauses Act 1847 or under section 8 of the Gasworks Clauses Act 1847 shall be not less than seven days instead of three days;

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(b) the plan required by section 31 of the Waterworks Clauses Act 1847 or by section 9 of the Gasworks Clauses Act 1847 shall clearly define the position in the road at which the works are proposed to be constructed and shall be accompanied by a section showing the depth below the surface of the ground of the works and (except in cases of leakage bursting or other emergency) shall be delivered to the county council or the county surveyor by the Company not less than seven days before the Company commence to open or break up the road to which such plan shall relate :

- (3) The county council may alter the level of or deviate or improve in any manner they think fit any road in which the works are constructed in the same manner as they might have altered deviated or improved such road in the absence of such works and in the event of such road being altered deviated or improved the Company shall at their own expense with all convenient speed on receiving fourteen days' notice in writing from the county council so to do alter the position of such works in such manner and to such extent as such notice may reasonably prescribe and to the reasonable satisfaction of the county surveyor and the county council shall repay to the Company the expense reasonably incurred by the Company in carrying out such alteration of position Provided that during the alteration of such road the county council shall afford all reasonable facilities to enable the Company temporarily to carry or maintain such works along or in such road so as not to interrupt the continuous supply of water or gas or telephonic or telegraphic communication :
- (4) All works of the Company so far as they affect any road shall be so executed by the Company as not to stop the traffic and so far as reasonably practicable as not in any way to impede or interfere with the traffic on any road :
- (5) The county council shall not except in case of their negligence be liable for or in respect of any damage or injury to the works arising from the

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ordinary use by the county council of a steam or other roller or traction engine :

- (6) The Company shall make compensation to the county council for all damage or injury loss or expenses whatsoever which the county council may sustain by reason or in consequence of the failure of any reservoir aqueduct or other work of the Company :
- (7) If any difference arises between the county council or the county surveyor and the Company under this section such difference shall be referred to and settled by an arbitrator to be agreed upon between the county council and the Company or failing such agreement to be appointed on the application of either party (after notice in writing to the other of them) by the President of the Institution of Civil Engineers and subject as aforesaid the Arbitration Act 1889 shall apply to any such reference.

Costs of  
Act.

**103.** All costs charges and expenses preliminary to and of and incident to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

The SCHEDULES in the foregoing Act  
referred to.

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FIRST SCHEDULE.

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ACTS AND ORDERS RELATING TO THE COMPANY.

The Hartlepool Gas and Water Act 1867.

The Hartlepool Gas and Water Act 1867 Amendment Act  
1874.

The Hartlepool Gas and Water Act 1878.

The Hartlepool Gas and Water Act 1890.

The Hartlepool Gas and Water Act 1898.

The Hartlepool Gas and Water Act 1900.

The Hartlepool Gas and Water Act 1919.

The Hartlepool Gas (Charges) Order 1922.

The Hartlepool Gas and Water Company (Modification of  
Charges) Order 1923.

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## SECOND SCHEDULE.

## PRESENT STOCK AND LOAN CAPITAL OF THE COMPANY.

ACTS.	AUTHORISED.		RAISED.		TO RAISE.	
	Stock.	Loan.	Stock.	Loan.	Stock.	Loan.
	£	£	£	£	£	£
1900. Issued shares consolidated and converted into -	587,000	—	587,000	—	—	—
1919. Loan capital in relation thereto—						
(a) in respect of shares - -	—	133,333	—	133,333	—	—
(b) in respect of £58,337 received as premiums on issue of shares -	—	19,446	—	13,221	—	6,225
1898 and 1900. Water capital -	112,000	—	85,038	—	26,962	—
1919. Loan capital in respect thereof -	—	37,333	—	28,346	—	8,987
1900. Gas capital -	150,000	—	70,415	—	79,585	—
1919. Loan capital in respect thereof -	—	50,000	—	23,472	—	26,528
1919. Water capital -	100,000	—	—	—	100,000	—
1919. Loan capital in respect thereof -	—	33,334	—	—	—	33,334
	949,000	273,446	742,453	198,372	206,547	75,074
	£1,222,446		£940,825		£281,621	
			£1,222,446			



THIRD SCHEDULE.

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REGULATIONS AS TO DISPOSAL OF SHARES OR STOCK  
AND DEPOSITS OF CO-PARTNERS ON DEATH.

1. In these regulations "the directors" and "the secretary" respectively mean the directors and secretary of the Hartlepool Gas and Water Company "appointor" means any person who makes a nomination under the provisions of the section of the Hartlepool Gas and Water Act 1930 of which the marginal note is "Disposal of stock and deposits of co-partners on death" and the "trustees" "deposits" and "nominee" have the same respective meanings as are given thereto in the same section.

2. A nomination shall be in writing in the form prescribed by the trustees and shall be signed by the appointor in the presence of a witness and shall be sent by post to or left at the office of the secretary during the lifetime of the appointor.

3. A nomination when received by the secretary shall be registered and the receipt thereof shall be acknowledged.

4. A nomination may be revoked by the appointor by writing under his hand signed in the presence of a witness and the revocation shall be sent by post to or left at the office of the secretary during the lifetime of the appointor.

5. A revocation when received by the secretary shall be registered in like manner as in the case of a nomination and the receipt thereof shall be acknowledged.

6. The marriage of an appointor shall operate as a revocation of any nomination theretofore made by that appointor.

7. A nomination may relate to the whole of the stock and deposits standing in the name of an appointor or to part only of such stock and deposits.

8. Except where otherwise stated a nomination shall be deemed to extend to all stock and deposits to which an appointor is entitled at the time of his decease up to a total value of not exceeding one hundred pounds but an appointor may in a nomination expressly exclude any part of such stock or deposits from the operation of such nomination.

9. A nomination may be in favour of one person or of several persons and in the latter case may direct that on the death of the appointor the stock shall be registered in the name of and that the deposits shall be paid to one or more of the nominees or that the nominees shall be registered as owners of the stock and shall

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10. No person who witnesses the signature of an appointor to a nomination shall take any benefit under the nomination.

11. The receipt of any nominee who has attained the age of sixteen years shall be a good discharge to the trustees for any sum paid to him notwithstanding that such nominee has not attained the age of twenty-one years.

12. Where the directors have registered stock in the name of or the trustees have paid deposits to a nominee in ignorance of a marriage of the appointor subsequent to the nomination the registration shall be deemed to have been lawfully made and the receipt of the nominee shall be a valid discharge for the sum so paid.

13. Where any nominee is at the death of the appointor an infant under the age of sixteen years and it is proved to the satisfaction of the trustees that funds are needed for the maintenance education or benefit of such infant the directors may register the stock in the name of and the trustees may pay the deposits mentioned in the nomination or any part thereof to any person who may satisfy the trustees that he will apply any money received by him from the trustees or by the sale of or as interest on such stock for the maintenance education or benefit of such infant and the receipt of such person shall be a good discharge to the trustees for the amount so paid.

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