

**CHAPTER xiv.**

An Act to dissolve and reincorporate the Porthcawl Gas Light and Coke Company Limited to enable the Company to supply gas to and within the urban district of Porthcawl and other parishes and places in the county of Glamorgan and for other purposes.

A.D. 1913.

[4th July 1913.]

WHEREAS in the year one thousand eight hundred and sixty-seven the Porthcawl Gas Light and Coke Company Limited (hereinafter referred to as "the Limited Company") were formed for the purpose of manufacturing supplying and selling gas coke and other refuse materials to the urban district of Porthcawl in the county of Glamorgan and to carry on the business usually carried on by gas companies with a nominal capital of two thousand five hundred pounds:

And whereas the present nominal capital of the Limited Company is ten thousand pounds divided into one thousand shares of ten pounds each of which eight thousand nine hundred and seventy pounds has been issued and fully paid up and premiums have been received thereon of two hundred and seventy-five pounds:

And whereas the Limited Company have borrowed upon the security of their undertaking the sum of two thousand eight hundred pounds:

And whereas the Limited Company have caused a structural valuation to be made of the land and works of manufacture storage distribution and all chattels as fixed belonging to the Limited Company and which valuation including one thousand pounds for working capital amounted at the thirty-first

A.D. 1913. December one thousand nine hundred and eleven to fifteen thousand two hundred and twenty-eight pounds :

And whereas it is reasonable that shares or stock representing the amount of the sums so expended on plant out of profits and in the working of the undertaking should be distributed among the present shareholders of the Limited Company :

And whereas the demand for gas in the district supplied by the Limited Company has increased and is increasing and other parishes and places adjacent thereto are entirely without a supply of gas :

And whereas it is expedient that the Limited Company be dissolved and reincorporated with further powers and that the Company so reincorporated should be authorised to improve and extend their works and to extend their mains and to supply gas not only to the urban district of Porthcawl but to certain other adjacent parishes and places within the limits defined by this Act and that additional capital should be provided for such purposes :

And whereas the Limited Company have acquired the lands described in Part I. of the Schedule to this Act and have constructed gasworks thereon and it is expedient that the purchase of such lands and the works constructed thereon be confirmed and that the Company be authorised to acquire the further lands described in Part II. of the Schedule to this Act and thereon to extend and improve the existing works to meet the increasing demand for gas as by this Act provided :

And whereas the parish of Newton Nottage is within the area at present supplied with gas by the Limited Company and such parish is also within the statutory limits of supply of the Llynvi Valley Gas Company who are unable to afford a supply of gas to that parish and it is therefore expedient to repeal so much of section 4 of the Llynvi Valley Gas Act 1868 as authorises the supply of gas by the Llynvi Valley Gas Company to and within such parish :

And whereas it is expedient that such other powers as are contained in this Act be conferred upon the Company :

And whereas plans of the additional lands to be acquired compulsorily for gas purposes with a book of reference to such plans containing the names of the owners or reputed owners lessees or reputed lessees and occupiers of such lands such plans also showing the lands the purchase of which is confirmed by

this Act and upon which the present gasworks are constructed have been deposited with the clerk of the peace for the county of Glamorgan and are in this Act referred to as the deposited plans and deposited book of reference: A.D. 1913.

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 (that is to say):—

PRELIMINARY.

1. This Act may be cited as the Porthcawl and District Gas Act 1913. Short title.

2. The following Acts and parts of Acts are (subject to the provisions of and so far as applicable to the purposes of this Act) hereby incorporated with and form part of this Act (namely):— Incorporation of general Acts.

The Companies Clauses Consolidation Act 1845 (except the provisions relating to the conversion of borrowed money into capital);

Part I. (relating to cancellation and surrender of shares)
Part II. (relating to additional capital) and Part III.
(relation to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts;

The Lands Clauses Acts;

The Gasworks Clauses Acts 1847 and 1871 Provided that section 13 of the former Act shall be read as if the words "or any premises" were inserted after the words "private building" and as if the words "Provided also
" that every such contract entered into by the Company
" shall be alike in terms and amount under like circumstances to all consumers " were added at the end of that section.

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

A.D. 1913. something in the subject or context repugnant to such construction And in this Act—

The expression "the Company" means the Porthcawl and District Gas Company incorporated by this Act;

The expression "the gas undertaking" means and includes the gasworks and works connected therewith by this Act vested in or authorised to be continued and maintained by the Company and any improvement and extension thereof which they may make or construct under the powers of this Act and the lands buildings estate right title property privileges and effects and the undertaking of the Company for the supply of gas as authorised by this Act;

The expression "the undertaking" includes the gas undertaking.

REINCORPORATION.

Reincorporation of Company.

4. On the passing of this Act the Limited Company shall be dissolved and the several persons who immediately before the passing of this Act were members of that company and all other persons who have already subscribed to or who shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a company for the purposes hereinafter mentioned and shall be and are hereby reincorporated by the name of "The Porthcawl and District Gas Company" and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act and of the undertaking.

General purposes of Company.

5. The Company shall be established for the purpose of manufacturing storing and supplying gas for lighting heating motive power and other purposes within the limits of supply and may provide produce sell dispose of and deal in gas coke tar and all other residual products resulting from the manufacture of gas and generally may carry on the business usually carried on by gas companies.

Present property of Limited Company.

6. Subject to the provisions of this Act all the lands gasworks erections buildings rights and easements which immediately

before the passing of this Act were vested in the Limited Company or any person in trust for them or to which the Limited Company were in anywise entitled and all mains and pipes plant apparatus stock effects matters and things which have been by them purchased provided laid down erected or placed in any place or house within the limits of supply or which immediately before the passing of this Act were the property of the Limited Company and all moneys securities credits effects and other property whatsoever which immediately before the passing of this Act belonged to the Limited Company or to any trustee on their behalf and the benefit of all contracts and engagements entered into by or on behalf of the Limited Company and immediately before the passing of this Act in force shall be and the same are hereby transferred to and vested in the Company to the same extent and for the same estate and interest as the same were immediately before the passing of this Act vested in the Limited Company or any trustee on their behalf and may according to the provisions of this Act be held and enjoyed sued for and recovered maintained altered discontinued removed dealt with and disposed of by the Company as they think fit.

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 pany vested
 in Company.

7. Subject to the provisions of this Act the memorandum of association and the regulations for the management of the Limited Company shall as to any prospective operation thereof be wholly void and the Company and the shareholders shall be exempted from all the provisions restrictions and requirements of any Act which applied to the Limited Company and the members thereof as such but nothing in this Act contained shall release or discharge any person from any liability or obligation in respect of any breach of the provisions of the said memorandum of association and regulations incurred before the passing of this Act but such liability or obligation in respect of any such breach shall continue and save as in this Act otherwise provided may be enforced by or on behalf of the Company as nearly as may be in like manner as the same might have been enforced by or on behalf of the Limited Company if this Act had not been passed.

Memoran-
 dum of asso-
 ciation and
 regulations
 of Limited
 Company to
 be void.

8. Except as is by this Act otherwise expressly provided everything before the passing of this Act done or suffered by or with reference to the Limited Company or the members

Saving of
 existing
 rights and
 liabilities.

A.D. 1913. thereof as such shall be as valid as if the Company had not been incorporated and the memorandum of association and regulations had not been avoided by this Act and such incorporation and avoidance and this Act respectively shall accordingly be subject and without prejudice to everything so done or suffered and to all rights liabilities claims and demands both present and future which if the Company were not incorporated and the said memorandum of association and regulations were not avoided by this Act and this Act were not passed would be incident to or consequent on any and every thing so done or suffered and with respect to all such rights liabilities claims and demands the Company and its shareholders and property shall to all intents and purposes represent the Limited Company and the members thereof as such and the property of the Limited Company as the case may be and the generality of this enactment shall not be restricted by any of the other sections and provisions of this Act.

Contracts
prior to Act
to be bind-
ing.

9. Except as is by this Act otherwise specially provided all purchases sales conveyances grants assurances deeds contracts bonds and agreements entered into or made before the passing of this Act by to or with the Limited Company or any trustees or persons acting on behalf of the Limited Company or by to or with any other persons to whose rights and liabilities they have succeeded and in force at the passing of this Act shall be as binding and of as full force and effect in every respect against or in favour of the Company and may be enforced as fully and effectually as if instead of the Limited Company or any trustees or persons acting on behalf of the Limited Company the Company had been a party thereto.

Actions &c.
not to abate.

10. Nothing in this Act contained shall release discharge or suspend any action or other proceeding which was pending by or against the Limited Company or any member thereof in relation to the affairs of the Limited Company or to which the Limited Company or any member thereof in relation to such affairs were parties immediately before the passing of this Act but such action or other proceeding may be maintained prosecuted or continued by or in favour of or against the Company (as the case may be) in the same manner and as effectually and advantageously as the same might have been maintained prosecuted or continued by or in favour of or against the Limited Company or any member thereof if this Act had

not been passed the Company and the shareholders therein being in reference to the matters aforesaid in all respects substituted for the Limited Company and its members respectively. A.D. 1913.

11. Every trustee or other person in whom or in whose name any lands works buildings easements rights property or effects belonging to the Limited Company were vested immediately before the passing of this Act and who (being authorised so to do) before the passing of this Act entered into any bond covenant contract or engagement on behalf of the Limited Company shall be indemnified out of the funds and property of the Company against all liability (including costs charges and expenses) which he may sustain or incur or be put unto by reason of his having entered into such bond covenant contract or engagement. Indemnity.

12. From and after the passing of this Act and except as is by this Act otherwise expressly provided the Company shall in all respects be subject to and shall discharge all obligations and liabilities to which the Limited Company immediately before the passing of this Act were subject and shall indemnify the members directors officers and servants of the Limited Company and their respective representatives from all such obligations and liabilities and from all expenses and costs in that behalf. Company to satisfy liabilities of Limited Company.

13. All gas rents and sums of money which immediately before the passing of this Act were due or accruing to the Limited Company shall be payable to and may be collected and recovered by the Company in like manner as if they had become payable for the like matters supplied or done under this Act. Recovery of gas rents &c.

14. All persons who immediately before the passing of this Act owed any money to the Limited Company or to any person on their behalf shall pay the same with all interest (if any) due or accruing upon the same to the Company and all debts and moneys which immediately before the passing of this Act were due or recoverable from the Limited Company or for the payment of which the Limited Company were or but for this Act would be liable shall be paid with all interest (if any) due or accruing upon the same by or be recoverable from the Company. As to payment of debts owing before passing of Act.

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Certificates
&c. to re-
main in
force.

15. Notwithstanding the avoidance of the said memorandum of association and regulations all certificates (until cancelled under the powers of this Act) and all sales transfers and dispositions heretofore made or executed under them before the passing of this Act for and with respect to any shares in the Limited Company shall remain in full force and continue and be available in all respects as if the said memorandum of association and regulations had not been avoided.

Books &c.
continued
evidence.

16. All documents books and writings which if the said dissolution and avoidance had not taken place would have been receivable in evidence shall be admitted as evidence in all courts and elsewhere notwithstanding such dissolution and avoidance.

Officers of
Limited
Company to
continue.

17. All officers and servants of the Limited Company who were in office immediately before the passing of this Act shall hold and enjoy their respective offices and employments together with the salaries and emoluments thereunto attaching until they shall resign the same or be removed therefrom by the Company and shall be subject and liable to the like conditions obligations pains and penalties and to the like powers of removal and to the like rules restrictions and regulations in all respects whatsoever as if they had been appointed under this Act.

Present
registers of
members to
be continued.

18. The books kept by the Limited Company for entering the names and designations of the members thereof shall continue to be kept for similar purposes by the Company and shall be taken and considered as a register of shareholders required to be kept by the Companies Clauses Consolidation Act 1845 until a new register is provided by the Company.

CAPITAL.

Capital.

19. The capital of the Company shall be sixty-three thousand pounds whereof the sum of seventeen thousand nine hundred and forty pounds divided into one thousand seven hundred and ninety-four ordinary shares of ten pounds each is in this Act called "the original capital" and the remaining forty-five thousand and sixty pounds is in this Act called "the additional capital" and shall be raised in manner hereinafter mentioned and the Company may convert into stock the whole

or part of the original capital or the additional capital when A.D. 1913.
fully paid up.

20.—(1) One thousand seven hundred and ninety-four ordinary shares in the original capital of the Company shall by virtue of this Act be appropriated to and vested in the several persons who immediately before the passing of this Act were registered as members of the Limited Company in proportion to their respective holdings in and in substitution for their shares in the Limited Company and on the basis of two ordinary shares of the Company for one ordinary share of the Limited Company so held by them. Vesting of capital.

(2) Every share so vested shall be deemed to be fully paid up and shall be held with the same rights on the same trusts and shall be subject and liable to the same powers provisions declarations agreements charges liens incumbrances and liabilities as immediately before the passing of this Act affected the share or shares as the case may be for which the same is substituted and so as to give effect to and not revoke any agreement deed or other instrument or any testamentary disposition disposing of or affecting the same and every such agreement deed or other instrument or testamentary disposition shall take effect with reference to the whole or a proportionate part as the case may be of the shares substituted therefor and trustees executors or administrators and all other holders in any representative or fiduciary capacity of any share or shares are hereby expressly authorised and required to accept any shares vested in them pursuant to the provisions of this Act and to hold dispose of or otherwise deal with the same as they might have held disposed of or otherwise dealt with such share or shares in the capital of the Limited Company and are hereby indemnified in respect of all acts bonâ fide done by them in pursuance of the provisions of this Act.

21.—(1) The Company shall call in the existing certificates of shares in the Limited Company and issue in exchange for those certificates to the respective proprietors thereof free of charge certificates for the shares to which those proprietors are by this Act respectively entitled. Certificates of shares to be called in and others issued.

(2) No shareholder of the Limited Company shall be entitled to a new certificate until he shall have delivered up to the Company to be cancelled the existing certificate for which such

A.D. 1913. — new certificate is to be substituted or shall have proved to the reasonable satisfaction of the directors of the Company the loss or destruction thereof and shall have given such guarantee or indemnity as the Company may require.

(3) If any holder of shares in the capital of the Limited Company neglects or omits to send or deliver to the Company his existing certificate or certificates for the period of one year after notice in writing sent by post to the address appearing in the shareholders' address book of the Limited Company the Company may suspend the payment of any dividend declared or made payable upon or in respect of the shares substituted under the provisions of this Act for the shares so held by him until such existing certificate or certificates is or are sent or delivered to the Company or is or are proved to the reasonable satisfaction of the directors of the Company to have been lost or destroyed.

(4) On the issue of any certificate of shares in the Company the certificate or certificates for which it is substituted shall be cancelled.

Transfers of
shares
although by
present
name to be
valid.

22. All transfers or other dispositions of shares in the capital of the Limited Company shall after the substitution therefor of shares in the Company and notwithstanding this Act be valid and have due effect given to them respectively as transfers for the respective amounts of new shares which the shares thereby expressed to be transferred or disposed of represent or which are or may be substituted for the same under the provisions of this Act although the instrument transferring or disposing thereof shall describe the same by the name or denomination which the shares transferred or disposed of had before such substitution and the bequest of or any covenant or provision of any deed or agreement relating to any such shares shall be held to apply to the nominal amount of new shares issued in substitution for such shares under the provisions of this Act.

Power to
raise addi-
tional capi-
tal.

23. The Company may from time to time raise additional capital not exceeding in the whole forty-five thousand and sixty pounds by the creation and issue at their option of new ordinary shares or new preference shares or ordinary or preference stock or partially by one or other of those modes respectively but the Company shall not issue any share of less nominal value than ten pounds. Provided that it shall not be lawful for the Company to create and issue under the powers of this Act any greater

nominal amount of additional capital than shall be sufficient to produce including any premium which may be obtained on the sale thereof the sum of forty-five thousand and sixty pounds. Provided also that the Company shall not raise by the issue of preference shares or stock a greater amount of such additional capital than twenty thousand pounds. A.D. 1913.

24.—(1) All shares or stock created under the powers of the section of this Act of which the marginal note is “Power to raise additional capital” shall be issued in accordance with the provisions of this section. New shares or stock to be sold by auction or tender.

(2) All shares or 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 clerk of every district council whose district is wholly or partially within the limits of supply and to the secretary of the London Stock Exchange at least twenty-eight 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 shares or 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 and in the case of a sale by auction a bid shall not be recognised unless it is in advance of the last preceding bid:

(E) 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.

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(3) Any shares or stock which have been so offered for sale and are not sold may be offered at the reserve price to the holders of shares or 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 supplied by the Company in such proportions as the Company may think fit or to one or more of these classes of persons only Provided that in the case of an offer to holders of shares or stock if the aggregate amount of shares or stock applied for shall exceed the aggregate amount so offered 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 shares or stock which have been offered in accordance with subsection (2) or with subsections (2) and (3) and are not sold shall be again offered for sale by public auction or by tender in accordance with the provisions of this section and any such shares or stock then remaining unsold may be otherwise disposed of at such price and in such manner as the directors may determine for the purpose of realising the best price obtainable.

(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 shares or stock sold the total amount obtained as premium (if any) and the highest and lowest prices obtained for the respective shares or stock.

Application
of moneys.

25. All moneys raised under this Act including premiums shall be applied only to purposes to which capital is properly applicable and any sum of money which may arise by way of premium from the issue of shares or stock under the provisions of this Act shall not be considered as part of the capital of the Company entitled to dividend.

BORROWING POWERS.

Power to
borrow.

26. The Company may subject to the provisions of this Act borrow on mortgage of the undertaking any sum or sums not exceeding in the whole (inclusive of the sum of two thousand eight hundred pounds already borrowed by the Limited Company) one-third part of the amount of the capital of the Company which at the time of borrowing has been created or raised under

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the powers of this Act but no sum shall be borrowed in respect of any capital so created or 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 shares or stock at the time issued together with the premium (if any) realised on the sale thereof has been fully paid up.

Debenture
stock.

27. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest on all debenture stock and on all mortgages at any time after the passing of this Act created and issued or granted by the Company under this or any subsequent Act and affecting the undertaking shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Priority of
mortgages
and debenture
stock
over other
debts &c.

28. All money raised by the Company on mortgage or by the issue of 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 the Company after the passing of this Act but this priority shall not affect any claim against the Company or their property in respect of any rentcharge 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 or vested in the Company which is entitled to rank in priority to or *pari passu* with the interest on their mortgages or debenture stock.

For appoint-
ment of a
receiver.

29. The mortgagees of the undertaking 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 receiver is made shall not be less than one tenth of the amount for the time being owing by the Company upon mortgage.

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DIVIDENDS &C.

Limitation
of profits.

30. Except as is by this Act provided the profits of the Company to be divided among the holders of shares or stock of the Company in any year shall not exceed the following rate (in this Act referred to as "the standard rate of dividend") (that is to say) On the original and on the additional capital the rate of six pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital and the rate of six pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as preference capital.

Interim
dividend.

31. The directors may in any year without calling a meeting of holders of shares or stock for the purpose declare and pay an interim half-yearly dividend out of the then ascertained profits of the Company Provided that no such interim dividend shall exceed one half of the amount of the authorised rate of dividend.

Closing of
transfer
books pre-
vious to
declaring
interim divi-
dend.

32. The directors may close the register of transfers for a period not exceeding fourteen days previous to a declaration of any interim dividend and they may fix a day for closing the same of which seven days' notice shall be given by advertisement in some newspaper published or circulating in the district within which the Company's principal place of business is situate and any transfer made during the time when the transfer books are so closed shall as between the Company and the person claiming under the same but not otherwise be considered as made subsequently to the declaration of any such dividend.

SPECIAL PURPOSES AND RESERVE FUNDS.

Power to
create a
special pur-
poses fund.

33.—(1) The directors of the Company may if they think fit in any year appropriate out of the revenue of the Company as part of the expenditure on revenue account any sum not exceeding an amount equal to one per centum of the paid-up capital of the Company including premiums to a fund to be called "the special purposes fund."

(2) The special purposes fund shall be applicable only to meet such charges as a chartered accountant or incorporated

accountant being the auditor of the Company or appointed for the purpose by the Board of Trade shall approve as being — A.D. 1913.

(A) Expenses incurred by reason of accidents strikes or circumstances which due care and management could not have prevented; or

(B) Expenses incurred in the replacement or removal of plant or works other than expenses requisite for the maintenance and renewal of plant and works.

(3) The maximum amount standing to the credit of the special purposes fund shall not at any time exceed an amount equal to one-tenth part of the paid-up capital of the Company including premiums.

(4) The moneys forming the special purposes fund or any portion thereof may be invested in securities in which trustees are authorised by law to invest or may be applied for the general purposes of the Company to which capital is properly applicable or may be used partly in the one way or partly in the other.

(5) Resort may from time to time be had to the special purposes fund notwithstanding that the sum standing to the credit of the fund is for the time being less than the maximum allowed by this section.

34. If the clear profits of the undertaking of the Company in any year amount to a larger sum than is sufficient to pay the dividend on the preference capital and the dividend at the authorised rates on the ordinary capital of the Company the excess shall be carried to the credit of the divisible profits of such undertaking for the next following year Provided that the sum standing to the credit of such divisible profits shall not at any time exceed the amount required to pay one year's dividends at the authorised rates.

Application of excess of profits over authorised rates of dividend.

35. When in any year the dividends of the Company on the ordinary capital of the Company shall exceed the standard rate by reason of the price charged by the Company for gas in such year being below the standard price then out of the amount of the divisible profits of the Company applicable to the payment of such excess of dividend the Company may in such year set apart such sum as they shall think fit and all sums (if any) so set apart by the Company and any reserve or other fund of the Limited Company existing at the passing of this Act may be

Power to create a reserve fund.

A.D. 1913. invested in Government or other securities and the dividends and interest arising from such securities may also be invested in the same or the like securities in order that the same may accumulate at compound interest and the fund so formed shall be called "the reserve fund" and shall be applicable to the payment of dividend in any year in which the clear profits of the Company shall be insufficient to enable the Company in such year to pay the dividends at the authorised rates on the ordinary capital of the Company and save as in this Act provided no sum shall in any year be carried by the Company to any reserve fund.

MEETINGS.

First
ordinary
meeting.

36. The first ordinary meeting of the Company shall be held within six months after the passing of this Act and the subsequent ordinary meetings shall be held in the month of February or March in each year at the Company's principal office or at such other place and at such other time as shall be appointed for that purpose by an order of the directors.

Quorum for
general
meetings.

37. The quorum for all general meetings of the Company shall be five holders of shares or stock present in person or by proxy holding in the aggregate not less than one-tenth of the issued capital of the Company for the time being issued and entitling the holders to vote in respect thereof.

Scale of
voting.

38. Every holder of ordinary shares or stock shall be entitled to one vote in respect of each share or each ten pounds of stock held by him.

Votes in
respect of
preference
shares or
stock.

39. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned.

DIRECTORS AND AUDITORS.

Number of
directors.

40. The number of directors shall be five but the Company may vary the number provided that the number be not at any time more than seven nor less than three.

Qualification
of directors.

41.—(1) The qualification of a director shall be the possession in his own right of shares or stock of the Company to the

nominal amount of not less than two hundred pounds in the aggregate. A.D. 1913.

(2) If any director shall be made bankrupt or shall become lunatic or of unsound mind or shall neglect to attend the meetings of directors for six months (unless such neglect to attend be occasioned by illness or any other reasonable cause allowed by the directors) then in any of the cases aforesaid the office of such director shall become vacant and thenceforth he shall cease from voting or acting as a director.

(3) The continuing directors may act notwithstanding any vacancy in the number of directors.

42. The quorum of a meeting of directors shall be three.

Quorum of directors.

43. 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 a director of the Company in place either of a director retiring by rotation or of a director dying refusing to act or ceasing to be qualified or being disqualified to act 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 of the Company or left at the office of the Company fourteen days at least before the day of election.

Notice of candidature for office of director.

44.—(1) The directors of the Company may appoint one or more of their body to be managing director or managing directors of the Company either for a fixed term or without any limitation as to time and may remove or dismiss him or them from office and appoint another or others in his or their place or places.

As to appointment of managing director.

(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 or 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 any managing director such of the powers exerciseable by the directors

A.D. 1913. 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 Provided that the directors shall be responsible for the acts of any managing director acting under the powers of this section.

First and subsequent directors.

45. Jenkin Henry William Thomas John Elias Thomas Henry and Jabez Henry Dyer shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act At that meeting the holders of shares or stock present in person or by proxy may either continue in office the directors appointed by this Act or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act being (if they continue qualified) eligible for election and at the ordinary meeting to be held in every year after the first ordinary meeting the holders of shares or stock present in person or by proxy shall (subject to the power hereinbefore contained for varying the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are duly elected in their stead.

Auditors.

46.—(1) The prescribed number of auditors shall be one unless the number be increased to two by an order of a general meeting and such auditor or auditors shall be a member or members of the Institute of Chartered Accountants or of the Society of Incorporated Accountants and Auditors.

(2) It shall not be necessary for any auditor to hold shares or stock in the Company.

SUPPLY OF GAS WORKS &c.

Limits for supply of gas.

47. The limits within which the Company may supply gas under this Act (in this Act called "the limits of supply") shall be the urban district of Porthcawl and the parishes and places of Sker Kenfig Pyle Tythegston Higher and Tythegston Lower all in the county of Glamorgan.

Powers as to construction and main-

48. Subject to the provisions of this Act the Company may upon the land described in Part I. of the Schedule to this Act

maintain and continue the existing gasworks of the limited company and may acquire compulsorily or by agreement the additional lands described in Part II. of the Schedule to this Act and upon those lands respectively or any part thereof erect make maintain alter improve enlarge extend and renew or discontinue additional and other gasworks retorts gasholders drains sewers mains pipes machinery and other works and apparatus and conveniences and may do all such acts as they may think proper for making and storing gas and for supplying gas for public or private purposes in bulk or otherwise for lighting heating motive power or other purposes within the limits of supply and may on the said lands manufacture any residual products or refuse of any materials employed in or resulting from the manufacture of gas Provided that no lands to the south of the existing gasworks shall be used by the Company for the manufacture of gas and any gasholders erected on such lands shall not exceed forty-five feet in height.

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 ———
 tenance of
 gasworks
 &c.

49. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Period for
 compulsory
 purchase of
 lands.

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

Power to
 purchase
 lands by
 agreement.

51. The Company may lay down place repair alter remove and renew mains pipes culverts and other apparatus within the limits of supply for the purpose of procuring conducting or disposing of any oil or other material used by them in or resulting from the manufacture of gas or any residual products thereof or for any other purpose connected with their business and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when so laid so far as applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof.

Power to
 lay pipes &c.
 for purposes
 ancillary to
 business of
 Company.

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Dividend
dependent
on price
charged.

52. The standard price to be charged by the Company for gas supplied by them by ordinary meter shall be four shillings per one thousand cubic feet:

Provided that the Company may increase or reduce the price charged by them for gas above or below the standard price subject to a reduction or increase in the dividend payable by the Company on the ordinary shares or stock in the capital of the Company as follows:—

In respect of any half-year during any part of which the price charged by the Company shall have been one penny or part of a penny above the standard price the dividend payable by the Company shall in respect of each penny or part of a penny by which the standard price shall have been increased be reduced below the standard rate of dividend by one shilling and six pence on every one hundred pounds of such capital and so in proportion for any fraction of one hundred pounds;

And in respect of any half-year during the whole of which the price charged by the Company shall have been one penny or more below the standard price the dividend payable by the Company may in respect of each penny by which the standard price shall have been reduced be increased above the standard rate of dividend by one shilling and six pence on every one hundred pounds of such capital and so in proportion for any fraction of one hundred pounds.

Charge for
gas supplied
by means of
prepayment
meters.

53.—(1) The Company may demand for any gas supplied through a prepayment meter any charge not exceeding the charge for gas supplied to private consumers within the limits of supply through any other kind of meter or by any other method of supply.

(2) The Company shall not charge for the hire of any prepayment meter and fittings to be used therewith any sum other than a sum of money calculated according to the quantity of gas supplied through such prepayment meter and the maximum sum to be so charged shall be at the rate of ten pence per one thousand cubic feet supplied in manner aforesaid such sum to include the hire of meter and the fittings used therewith or at the rate of one shilling per one thousand cubic feet if such fittings include a cooking stove:

The said charge shall include the providing letting fixing repairing and maintenance of the meter and fittings and the cost of collection and other costs incurred by the Company in connection with the meter and fittings. A.D. 1913.

(3) The Company shall not charge for the hire of any prepayment meter without fittings any sum other than a sum of money calculated according to the quantity of gas supplied through such prepayment meter and the maximum sum to be so charged shall be at the rate of six pence per one thousand cubic feet supplied in manner aforesaid such sum to include the hire of the meter :

The said charge shall include the providing letting fixing repairing and maintenance of the meter and the cost of collection and other costs incurred by the Company in connection with the meter.

(4) For the purpose of this section the expression "prepayment meter" means any meter or appliance by which the quantity of gas supplied is regulated according to the amount of money prepaid therefor through or by means of such meter or appliance.

54. For the purposes of the Gasworks Clauses Act 1871 as varied by this Act the prescribed testing place shall be provided by the Company within three months after the passing of this Act on the lands described in the Schedule to this Act. Testing place.

55. Within six months from the passing of this Act the Company shall provide at the prescribed testing place apparatus for testing the calorific value of the gas supplied by them at such testing place similar to the apparatus for the time being prescribed by the Metropolitan gas referees for testing the calorific value of the gas supplied by the companies referred to in the London Gas Act 1905. Company to provide apparatus for testing calorific value.

56. The gas supplied by the Company within the limits of supply shall when tested in the mode and under the conditions for the time being prescribed by the Metropolitan gas referees for testing the calorific value of gas be of a standard calorific value of five hundred and forty British thermal units gross per cubic foot (the expression "British thermal units" being used in this Part of this Act as meaning British thermal units gross per cubic foot) Provided that the Company shall not be liable Calorific value.

A.D. 1913. — to any penalty or proceedings for or in respect of deficient calorific value of the gas so supplied by them except in accordance with the provisions hereinafter contained.

Provisions as
to testing
for calorific
value.

57. The following provisions shall apply with respect to the testing for calorific value of the gas supplied by the Company within the limits of supply:—

- (1) Not more than one testing for calorific value shall be made on any one day (reckoned from midnight to midnight) except that in the event of the calorific value being on any testing ascertained to be below four hundred and forty-seven British thermal units a second testing shall be made on the same day but at an interval of not less than one hour from the time of making the first testing and the average of the two testings shall be deemed to be the calorific value of the gas on that day:
- (2) If on any one day the gas supplied by the Company is of less calorific value than four hundred and seventy-five British thermal units to an extent not exceeding twenty-eight British thermal units the gas examiner shall make a testing of the calorific value of such gas on each of the two following days and the average of the three testings so made shall be deemed to represent the calorific value of the gas on such one day:
- (3) The gas examiner shall forthwith give notice to the Company at their office of any defect of calorific value ascertained by him on any testing made under this section:
- (4) The provisions of section 12 of the Gasworks Clauses Act 1871 with reference to the testing for illuminating power shall not apply to the Company and sections 28 29 30 31 32 and 33 of the said Act in its application to the Company shall be construed as if calorific value were therein referred to in lieu of illuminating power.

Penalties for
deficient
calorific
value.

58. Where the calorific value on any day of the gas supplied by the Company at the testing place is less than four hundred and seventy-five British thermal units they shall be

liable to the following penalties in respect of such deficiency (that is to say):— A.D. 1913.

Where the deficiency does not exceed fourteen British thermal units ten shillings;

Where the deficiency exceeds fourteen British thermal units but does not amount to twenty-eight British thermal units a sum not exceeding one pound;

For each complete twenty-eight British thermal units of defective value a sum not exceeding two pounds:

Provided that the Company shall not be liable to any penalty in any case in respect to which it is proved before the justices that the defect of calorific value was occasioned by unavoidable cause or accident.

59.—(1) All gas supplied by the Company to any consumer of gas shall be supplied at such pressure as to balance a column of water not less than eight-tenths of one inch in height at the main or as near as may be to the junction therewith of the service pipe supplying the consumer. Pressure of gas.

(2) Any gas examiner appointed under the Gasworks Clauses Act 1871 may for the purposes of this Act subject to the terms of his appointment at the testing place or at any public lamp as and when he thinks fit test the pressure at which the gas is supplied. The Company shall afford to the examiner all reasonable facilities for making the test.

60. No penalty shall be incurred by the Company for insufficiency of pressure defect of calorific value or excess of impurity in the gas supplied by them in any case in respect of which it is proved that such insufficiency defect or excess was produced by any circumstance beyond the control of the Company. Provided that the want of sufficient funds shall not be held to be a circumstance beyond the control of the Company. Saving as to penalties.

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

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

A.D. 1913.

- (2) The Company may if they think fit make different specifications for different classes of premises having regard to the probable maximum consumption of gas thereon at any one time:
- (3) The specification shall be published twice in some newspaper circulating within the limits of supply and a copy of such specification shall be kept exhibited in the office of the Company:
- (4) Every meter to be used in a new building or a building not previously supplied with gas or in connection with a new or substituted pipe laid by the consumer between the main and the consumer's meter shall be placed as near as reasonably practicable to the Company's main but within the outside wall of the building:
- (5) When any such pipes or meters have been laid or placed notice thereof shall be given to the Company and the pipes shall not be covered over until after the expiration of twenty-four hours from the service of such notice on the Company. Any officer of the Company duly appointed may between nine o'clock in the morning and five o'clock in the afternoon attend and inspect such pipes (with their fittings) and meter and if the officer is not permitted to make the inspection or if the pipes or fittings are not according to the Company's specification or 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:
- (6) Any person to whom the Company refuses a supply of gas under the provisions of this section may appeal to a petty sessional court against such refusal and the court may after hearing the parties and considering any questions as to the reasonableness of the Company's specification make such order as seems to them proper in the circumstances and may order by which of the parties the costs of and incident to the appeal shall be paid.

Power to
supply fit-
tings &c. for

62.—(1) The Company may purchase sell let for hire fix repair and remove but shall not manufacture engines stoves

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

A.D. 1913.
heating and
other pur-
poses.

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

63. 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.

Consumers
to give
notice to
Company
before re-
moving.

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

Period of
error in de-
fective gas
meters.

A.D. 1913. the case may be and shall be recoverable in the like manner as gas charges are recoverable by the Company.

Anti-fluctuators for gas engines.

65. Every consumer of gas supplied by the Company who uses a gas engine shall if required to do so by the Company use an effective anti-fluctuator together with an effective non-return valve and shall at all times and at his own expense keep such anti-fluctuator and valve in proper repair and in default of his so using or keeping such anti-fluctuator and valve in proper repair the Company may cease to supply gas to such consumer. The Company shall have access to and be at liberty to take off remove test inspect and replace any such anti-fluctuator and valve at all reasonable times such taking off removal testing inspecting and replacing to be done at the expense of the Company if the anti-fluctuator and valve be found in proper order but otherwise at the expense of the consumer.

Power to enter premises and remove fittings.

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

Minimum charge for gas laid on to premises having a supply of electricity or power gas.

67. Where any person has for the purposes of a stand-by only a supply of gas laid on by the Company to any premises for which he has at the same time a separate supply of electricity or gas for power or other purposes (not being domestic purposes) the Company shall be entitled to charge and receive from him in respect of the supply of gas so laid on such minimum sum as shall be fixed by them not exceeding twenty-five shillings for any one quarter of a year notwithstanding that the ordinary charge for the gas actually consumed in such quarter would amount to a lower sum. Provided that in fixing the amount of such minimum charge the Company shall have regard to the probable maximum supply of gas which might at any time be required for such premises. Provided also that in respect of any premises for which the whole supply of gas afforded by the Company is taken through a meter having a

nominal capacity of less than ten lights the amount of the minimum charge shall not exceed five shillings for any one quarter of a year. A.D. 1913.

68. The Company may acquire take and use any leave licence or authority to work use exercise and put in practice any invention under letters patent made or to be made granting any right or privilege of working using exercising or vending any invention in relation to the production manufacture utilisation or distribution of gas or materials employed in or resulting from the manufacture of gas or any residual products thereof but not so as to acquire any exclusive right to the working using exercising or putting in practice of any such invention. Power to take licences for use of patents.

69. The Company may contract with any local authority company or person authorised to supply gas under parliamentary powers in any district adjacent to the limits of supply for the supply to them respectively of gas in bulk upon such terms and conditions and for such periods not exceeding in any case seven years from the making of the contract as may be agreed upon but nothing in this section shall authorise the Company to lay any mains or interfere with any street beyond the limits of supply. Company may contract with local authority &c. for supply in bulk.

70. So much of section 4 of the Llynvi Valley Gas Act 1868 as authorises the Llynvi Valley Gas Company to supply gas within the parish of Newton Nottage in the county of Glamorgan is hereby repealed and from and after the passing of this Act all the powers and obligations of the Llynvi Valley Gas Company with reference to the supply of gas within any portion of the parish of Newton Nottage aforesaid shall cease and determine. Repeal of power of Llynvi Valley Gas Company to supply gas within limits of this Act.

MISCELLANEOUS.

71. If any money is payable to a holder of shares or stock or to a mortgagee or debenture stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company. Receipt in case of persons not sui juris.

72. If any person is required by the Company to give to them security for any supply of gas or for the payment of the price or rent of a meter and such security is made by way of Company to pay interest on money depo-

A.D. 1913. deposit the Company shall pay interest at the rate of four pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands as security.

sited as security for gas meter &c.

Dwelling-houses for workmen.

73. The Company may purchase or take on lease houses cottages and buildings for persons in their employ and offices show-rooms and other buildings for the purposes of their undertaking and may erect fit up maintain and let any of such buildings upon any lands for the time being belonging or leased to the Company.

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

74. If a person requiring a supply of gas from the Company for any premises occupies or has previously occupied other premises at which gas is being or has been supplied to him by the Company and has not paid 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.

Recovery of demands.

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

Power to sell and lease lands.

76. Subject to the provisions of the Lands Clauses Consolidation Act 1845 the Company may sell and dispose of or may let on lease for such periods as they may think fit any lands for the time being belonging to them and which may not at the time be required for the purposes of the undertaking and may retain and hold sell and dispose of any interest in or reversion to any lands so let and any such sale disposal or lease may be for such consideration and subject to such reservations stipulations restrictions and provisions and generally upon such terms and conditions as the Company may think fit.

Power to lay pipes in streets not dedicated to public use.

77. The Company may on the application of the owner or occupier of any premises within the limits of this Act abutting on or being erected in any street laid out but not dedicated to public use supply those premises with gas and for that purpose the Gasworks Clauses Act 1847 shall apply.

Notice to discontinue supply of gas.

78. A notice to the Company from a consumer for the discontinuance of a supply of gas shall not be of any effect

unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the Company or be given by the consumer personally at the office of the Company.

A.D. 1913.

79. Any notice to be served by the Company on a person supplied with gas shall be sufficiently authenticated by the signature of the secretary of the Company or other officer of the Company for the time being authorised in writing by the directors being affixed thereto in writing or by a stamp or if it be a notice to pay any charge in respect of a supply of gas or of gas fittings or appliances by the name either of the secretary or such other officer as aforesaid being affixed thereto in print or by a stamp and any such notice may be served on such person either personally or by sending the same through the post by a prepaid letter addressed to him by name at his last known or usual place of abode or business or by delivering the same to some inmate at his last known or usual place of abode or business or to any inmate of the premises supplied or if such premises be unoccupied and the place of abode of the person to be served is after proper inquiry unknown it shall in the case of any notice not being a notice to pay any charge be sufficient to affix such notice or a copy thereof upon some conspicuous part of such premises.

Authentica-
tion and
service of
notices by
Company.

80. Where the payment of more than one sum by any person is due under this Act any summons or warrant issued for the purposes of this Act in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

Several sums
in one sum-
mons.

81. Penalties imposed on the Company for one and the same offence by several Acts of Parliament shall not be cumulative and for such purpose this Act and the Acts incorporated herewith shall be deemed several Acts.

Penalties not
cumulative.

82. Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs and expenses imposed or recoverable under this Act or any 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.

A.D. 1913.

For pro-
tection of
Great West-
ern Railway
Company.

83. For the protection of the Great Western Railway Company (hereinafter referred to as "the Great Western Company") the following provisions shall apply:—

- (1) In laying down altering improving enlarging extending maintaining or renewing or in executing or effecting the repairs or renewals of any mains pipes or other works in the exercise of the powers contained in this Act upon across under or adjoining or in any way affecting the railways lands and property now or hereafter belonging to or used or occupied by the Great Western Company or the bridges approaches viaducts stations or other works or any level crossing over the railways of the Great Western Company the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the Great Western Company and only according to such plans and in such manner as shall be submitted to and as shall be previously reasonably approved by him in writing:
- (2) All such works shall be done by and at the expense of the Company who shall also restore and make good to the reasonable satisfaction of the said engineer the roads over or under any bridge or over any level crossing of the railway of the Great Western Company or over the approaches to any such bridge or level crossing so far as the same may be disturbed or interfered with by or owing to any operations of the Company. Provided always that should the Great Western Company elect so to do where any mains or pipes require to be laid under or across any level crossing of their railway they may themselves lay the same at the costs charges and expenses of the Company:
- (3) All such works and operations and all matters incidental thereto shall be constructed executed and done so as to cause as little injury as may be to such railways bridges level crossings approaches viaducts stations works lands or property and so as to cause no interruption to the passage or conduct of traffic over such railways or at to or from any station thereon:

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- (4) If any injury or interruption as aforesaid shall arise from or in any way be owing to any of the acts works operations and matters aforesaid or the leakage or failure of any such mains pipes or works in under or near to any railway bridge level crossing embankment cutting approach viaduct station land works or property of the Great Western Company the Company shall make compensation to the Great Western Company in respect thereof the amount of such compensation unless agreed upon to be determined by arbitration in the manner hereinafter provided :
- (5) Any additional expense which the Great Western Company may reasonably and properly incur in widening altering or maintaining their railways bridges or works by reason of the existence of any mains or pipes of the Company across or under the same shall be paid by the Company :
- (6) If the Great Western Company at any time or times hereafter require of which they shall be the sole judges to construct any additional or other works upon their lands or railways or to alter or repair their railways bridges viaducts or works upon across over or under which any of the works of the Company may have been constructed or laid the Great Western Company may on giving to the Company fourteen days' notice in writing under the hand of their secretary or general manager and in case of emergency of which their engineer shall be the sole judge without notice divert support or carry the said works of the Company across over or under their lands railways bridges or works at any other point or otherwise deal with the same in as convenient a manner as circumstances will admit and doing as little damage as may be without being liable to pay compensation in respect of such diversion supporting carrying or dealing with such works Provided that the Great Western Company shall not from any cause whatever stop or restrict the supply of gas by the Company consequent upon any alterations or temporary work which it may be necessary for the Great

A.D. 1913.

Western Company to carry out under the foregoing provisions of this section:

- (7) Any dispute or difference which may arise between the Great Western Company and the Company with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer or other fit person to be appointed by the Board of Trade on the application of the Great Western Company and the Company or either of them and subject as aforesaid in accordance with the provisions of the Arbitration Act 1889.

For protection of
Porthcawl
Urban District Council.

84. For the protection of the urban district council of Porthcawl (in this section called "the council") the following provisions shall unless otherwise agreed between the Company and the council have effect (that is to say):—

- (1) Whenever it shall be found necessary by the Company to break up any street within the urban district of Porthcawl not dedicated to public use in which is laid any pipe drain sewer tunnel or other work vested in the council the like notice and plan as are respectively required by sections 8 and 9 of the Gasworks Clauses Act 1847 to be sent to a road authority shall be given to the council and if the council notify in writing to the Company that any such pipe drain sewer tunnel or other work will or may be affected by the operations proposed to be carried out by the Company in such street the provisions of the said Act shall apply for the protection of such pipe drain sewer tunnel or other work and of the council in reference thereto as though the council were the person having the control and management of such street within the meaning of the said Act and in particular the Company shall cause danger lights to be placed at night at the end and by the side of any breaches which may be dug and temporarily left open in or across any such street so that all such lights are kept burning from one hour after sunset to one hour before sunrise whilst the said breaches remain open so as to effectually warn the traffic passing in the said street:

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- (2) All pipes to be laid in along or across any street or bridge shall be laid in such position in or at the side thereof as the council in writing under the hand of their surveyor may reasonably direct:
- (3) The Company shall not open a greater continuous length of street than one hundred yards nor shall they leave a less space than fifty yards between any two consecutive openings and they shall not open a greater length than fifty yards at any place where such opening would leave insufficient space for the passage of two vehicles abreast:
- (4) In the application of the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes the notice required by section 8 of that Act shall (except in cases of emergency in which cases the earliest possible notice shall be given) be not less than seven days instead of three days:
- (5) The plan required by section 9 of the last-mentioned Act shall be accompanied by a section of the proposed works and shall be delivered by the Company to the council or their surveyor not less than seven days before they commence to open or break up any road or interfere with any bridge:
- (6) Nothing in this Act contained shall interfere with the right of the council to alter the line or level of or improve in any manner they think fit any street in or along which any pipes of the Company shall have been laid and the Company shall on the expiration of fourteen days after receiving notice in writing under the hand of the clerk or surveyor to the council so to do proceed to alter the position of any such pipes in the manner and to the extent prescribed by such notice or in case of difference determined by arbitration in the manner hereinafter prescribed and the expenses of any such alteration shall be paid to the Company by the council:
- (7) All works of the Company so far as they affect any streets and bridges shall be so executed by the Company as not so far as reasonably practicable in any

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way to impede or interfere with the traffic on any road or over any bridge or the approaches thereto:

- (8) Any difference by this section required to be determined by arbitration shall be determined by an engineer to be appointed by agreement between the Company and the council or failing such agreement by the President of the Institution of Civil Engineers on the application of either party and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

Company
not to oppose
application
by Porth-
cawl Urban
District
Council to
purchase.

85.—(1) If the Porthcawl Urban District Council (in this section called “the council”) shall introduce a Bill into Parliament and bonâ fide promote the same in the next session of Parliament for an Act to empower them to purchase the undertaking of the Company the Company shall not oppose such Bill except in so far as they may deem necessary in order to secure the insertion therein of provisions to protect their interests with respect to such purchase and for that purpose the Company shall be at liberty to petition either or both Houses of Parliament and to appear on such petition by counsel agents and witnesses if they think fit.

(2) If the council obtain an Act authorising such purchase they shall give notice of their intention to purchase within three months after the passing of such Act and thereupon the Company shall sell and transfer and the council shall purchase the undertaking of the Company freed from their then existing debentures mortgages obligations and liabilities.

(3) Any such sale and purchase shall be for such price or consideration and on and subject to such terms and conditions as may be agreed upon between the Company and the council or as failing such agreement shall be determined by arbitration in accordance with the provisions of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement and in the construction of the said provisions the expression “the promoters of the undertaking” shall mean the council and the expression “lands” shall mean the undertaking of the Company. Provided that the arbitrators or umpire shall not in settling the amount to be paid by the council to the Company have regard to the fact that the Company have obtained this Act.

(4) In addition to the sum to be paid by the council to the Company under the foregoing provisions of this section the council shall pay to the Company the actual costs charges and expenses of obtaining this Act. A.D. 1913.

(5) The expression "the undertaking of the Company" includes all the gasworks engines mains pipes and machinery lands and buildings plant fixed and movable and all other the real and personal property assets and effects of whatever nature and all the rights powers and privileges vested in or belonging to or had or enjoyed by the Company at the date of the transfer of the undertaking of the Company to the council except cash in hand or with their bankers book debts received or due on credit or revenue account and except any profits then to be divided and except the books and papers relating exclusively to the shareholders in and the constitution of the Company and also except moveable stock in trade gas coal and other stores which shall be taken over by valuation at the date of the transfer.

86. The Company shall deliver to the Registrar of Joint Stock Companies a printed copy of this Act and he shall retain and register the same and if such copy is not so delivered within one month from the passing of this Act the Company shall incur a penalty not exceeding two pounds for every day after the expiration of that month during which the default continues and any director or manager of the Company who knowingly and wilfully authorises such default shall incur the like penalty Every penalty under this section shall be recoverable summarily.

Copy of Act
to be regis-
tered.

There shall be paid to the registrar by the Company on such copy being registered the like fee as is for the time being payable under the Companies (Consolidation) Act 1908 on registration of any document other than the memorandum or the abstract required to be filed with the registrar by a receiver or manager or the statement required to be sent to the registrar by the liquidator in a winding up in England.

87. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company and may in whole or in part be charged against revenue.

Costs of Act.

A.D. 1913.

The SCHEDULE referred to in the foregoing Act.

PART I.

GAS LANDS.

A piece of land belonging to and in the possession of the Limited Company containing by admeasurement three roods and twelve perches or thereabouts situate in the parish of Porthcawl and urban district of Porthcawl in the county of Glamorgan bounded on or towards the north by property belonging or reputed to belong partly to Caroline Brogden and partly to the trustees of the Independent Chapel on or towards the east by property belonging or reputed to belong to Henry Evans and numbered 616 on the $\frac{1}{2500}$ Ordnance map of Glamorganshire sheet XXXIX. 16 (2nd edition 1899) on or towards the south by property belonging or reputed to belong partly to the Great Western Railway Company and partly to the trustees of the late Edwin Charles Pole and numbered 617 on the said Ordnance map and on or towards the west by property belonging or reputed to belong partly to the Great Western Railway Company and partly to the rector and allotment wardens of the parish of Newton Nottage and numbered 617 on the said Ordnance map and by allotment gardens numbered 615 on the said Ordnance map.

PART II.

ADDITIONAL GAS LANDS.

(1) A piece of land (containing by admeasurement ten perches or thereabouts) in the parish of Porthcawl in the urban district of Porthcawl in the county of Glamorgan belonging or reputed to belong to Caroline Brogden bounded on the north-west by the public main road called New Road leading from Porthcawl to Bridgend on the south-west by an occupation road leading to the existing gasworks on the south-east by land belonging to and in the occupation of the Company and on the north-east by the yard adjoining and belonging or reputed to belong to the trustees of the Independent Chapel Porthcawl.

(2) A piece of land (containing by admeasurement one rood four perches or thereabouts) in the parish of Porthcawl in the urban

district of Porthcawl in the same county belonging or reputed to belong to Henry Evans bounded on the north-east by a road known as Beach Road on the north-west by land belonging or reputed to belong to Henry Evans on the south-west by lands owned and occupied by the Company and on the south-east wholly or partly by lands belonging or reputed to belong to the trustees of the late Edwin Charles Pole and wholly or partly by land belonging or reputed to belong to the Great Western Railway Company and being part of the plot numbered 616 on the $25\frac{1}{100}$ Ordnance map of Glamorganshire sheet XXXIX. 16 (2nd edition 1899). A.D. 1913.

(3) Certain lands (containing by admeasurement half an acre or thereabouts) in the parish of Porthcawl in the urban district of Porthcawl in the county of Glamorgan adjoining the Company's existing lands upon which their present gasworks are constructed bounded on the north by the said gasworks and on the south east and west by property belonging or reputed to belong to Henry Evans being part of the land known as "Newton Burrows" and numbered 617 on the said Ordnance map.

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