



CHAPTER Iv.

An Act to extend the limits of supply of the Tynemouth Gas Company and for other purposes.

A.D. 1913.

[15th August 1913.]

WHEREAS by the Tynemouth Gas Act 1867 (herein-after referred to as "the Act of 1867") the Borough of Tynemouth Gas Company who were registered under the Joint Stock Companies Act 1862 and prior to the passing of the Act of 1867 were regulated by a deed of settlement in such last-mentioned Act recited were dissolved and re-incorporated by the name of the Tynemouth Gas Company (herein-after referred to as "the Company") and were authorised to supply gas to the whole of the parish of Tynemouth in the county of Northumberland:

And whereas further powers were conferred upon the Company by the Tynemouth Gas Act 1897 (herein-after referred to as "the Act of 1897") the Tynemouth Gas Act 1904 (herein-after referred to as "the Act of 1904") and the Gas Companies (Removal of Sulphur Restrictions) Act 1907:

And whereas since the passing of the Act of 1867 various changes have taken place in the constitution of local areas and the parish of Tynemouth being the area in which the Company are authorised to supply gas as defined by the Act of 1867 now comprises the district of the county borough of Tynemouth and the urban district of Whitley and Monkseaton (except that portion of the said urban district which was formerly part of the parish of Hartley) and it is expedient that the existing limits of supply of the Company should be better defined:

And whereas the urban district of Earsdon and the urban district of Seaton Delaval both in the county of Northumberland are at present without a statutory supply of gas and it is expedient that the Company should be authorised to supply gas thereto and

A.D. 1913. — that the limits of supply of the Company should be extended so as to include the said districts and also so much of the former parish of Hartley as is now included in the said urban district of Whitley and Monkseaton :

And whereas it is expedient that such further powers should be conferred upon the Company and such further provisions enacted as are contained in this Act :

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) :—

PART I.

PRELIMINARY.

Short and
collective
titles.

1. This Act may be cited as the Tynemouth Gas Act 1913 and this Act and the Tynemouth Gas Acts 1867 to 1904 may be cited together as the Tynemouth Gas Acts 1867 to 1913.

Division of
Act into
Parts.

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

Part I.—Preliminary.

Part II.—Extension of Limits.

Part III.—Provisions relating to Co-partnership Scheme.

Part IV.—Miscellaneous.

Incorporation and
application
of general
Acts.

3. The Gasworks Clauses Act 1847 (as amended by section 2 of the Act of 1904) is except where expressly varied by this Act incorporated with and forms part of this Act and shall apply to the whole undertaking of the Company Provided that section 13 thereof shall be read 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.

The provisions of the Gasworks Clauses Act 1871 except where expressly varied by this Act shall extend and apply to the undertaking of the Company with the exception of the following provisions (that is to say) section 11 (Undertakers to furnish sufficient supply of gas to owners and occupiers within the

limits of the special Act) section 12 (Quality of gas) sections 24 to 27 (Supply of gas to local authorities) sections 29 to 34 (Testing of gas) section 36 (Penalty for failure to supply gas) and section 37 (Cost of experiment to be paid according to event). A.D. 1913.

4. The following provisions of the Act of 1867 and the Act 1897 are hereby repealed (that is to say):—

Repeal of certain sections of Acts of 1867 and 1897.

Of the Act of 1867—

Section 38 (Consumers may be required to consume by meter);

Section 39 (Consumer to keep his own meter in order);

Section 42 (Fraudulently injuring meters &c.);

Section 45 (Incoming tenant not liable to pay arrears of gas rate);

Section 59 (Liability to gas rate not to disqualify justices);

Section 60 (Recovery of charges for gas);

Section 61 (Contents of warrants);

Section 62 (Warrants shall include costs);

Section 63 (Recovery of sums due to the Company);

Section 64 (Rent for gas and fittings under 20%).

Of the Act of 1897—

Section 24 (Receipt in case of persons not sui juris).

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

Interpretation.

“The Act of 1867” means the Tynemouth Gas Act 1867;

“The Act of 1897” means the Tynemouth Gas Act 1897;

“The Act of 1904” means the Tynemouth Gas Act 1904.

6. The provisions of the Companies Clauses Consolidation Act 1845 with respect to the conversion of borrowed money into capital shall cease to apply to the Company.

As to conversion of borrowed money into capital.

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PART II.

EXTENSION OF LIMITS.

Definition
and exten-
sion of exist-
ing limits
of supply.

7.—(1) From and after the passing of this Act section 4 (Limits of Act) of the Act of 1867 shall be read and construed as if the words “the county borough of Tynemouth and the urban district of Whitley and Monkseaton in the county of Northumberland (except that portion of the said urban district which was formerly part of the parish of Hartley)” were substituted for the words “the parish of Tynemouth in the county of Northumberland.”

(2) From and after the passing of this Act the limits of the Company for the supply of gas shall extend to and include in addition to their existing limits the following area (that is to say):—

The urban district of Earsdon the urban district of Seaton Delaval and so much of the former parish of Hartley as is now included in the urban district of Whitley and Monkseaton all in the county of Northumberland.

(3) Subject to the provisions of this Act the Company shall have and may exercise within the limits of supply as extended by this Act all the powers privileges and authorities for and in relation to the supply of gas and shall be subject to all the duties liabilities and obligations in respect thereof which they now have and may exercise and are subject to within the limits of supply of the Company as defined by the Act of 1867.

As to supply
of gas in
added part
of Whitley
and Monk-
seaton.

8. From and after the passing of this Act the proviso to section 3 (Incorporation of general Acts) and section 40 (As to supply of gas to public lamps in Whitley and Monkseaton) of the Act of 1897 and section 29 (Price to be charged for gas within Whitley and Monkseaton) and section 30 (Altering maximum price of gas) of the Act of 1904 shall extend and apply to so much of the former parish of Hartley as is now included in the urban district of Whitley and Monkseaton.

Price of gas
in added
area.

9. Notwithstanding anything in section 31 of the Act of 1897 or in section 30 of the Act of 1904 contained the Company may charge for gas supplied by them to persons who shall burn the same by meter any price not exceeding in the urban district of Earsdon by more than sixpence per one thousand cubic feet the price charged within the county borough of Tynemouth and the urban district of Whitley and Monkseaton

and not exceeding in the urban district of Seaton Delaval by more than one shilling per one thousand cubic feet the price charged within the said county borough of Tynemouth and urban district of Whitley and Monkseaton. A.D. 1913.

PART III.

PROVISIONS RELATING TO CO-PARTNERSHIP SCHEME.

10. In this Part of this Act “the directors” and “the secretary” respectively mean the directors and the secretary of the Company “the co-partnership scheme” means the scheme herein-after referred to by which employees of the Company participate in the profits of the undertaking “employees” means workmen servants and employees of the Company “the trustees” means the trustees under the co-partnership scheme “co-partner” means any person who is a co-partner under such scheme “stock” means and includes stock of the Company “deposits” means any bonus accumulation of dividend and savings of a co-partner credited to his account under such scheme “nominee” means any person or persons named in a nomination made under this Part of this Act and “beneficiary” means and includes any nominee entitled under a nomination made under this Part of this Act and any person entitled under the section of this Act of which the marginal note is “Disposal in case of intestacy” to be registered as holder of any stock or to be paid any deposits. Definitions.

11.—(1) The directors may with the sanction of a majority of the shareholders present and voting at an extraordinary general meeting of the Company prepare put in force and from time to time modify or alter a scheme enabling employees or any class or classes of such employees as may be defined in the co-partnership scheme to participate in the profits of the undertaking as part of the terms of remuneration for the services of any such employee. Profit sharing.

(2) Before any co-partnership scheme under this Act or any modification or alteration thereof shall come into force the Company shall deliver a copy thereof to the town clerk of the borough of Tynemouth and the respective clerks to the urban district councils of Whitley and Monkseaton Earsdon and Seaton Delaval and the same shall not become operative until the expiration of one month after such delivery or the determination of any difference within the meaning of this section whichever

A.D. 1913. shall last happen. If within one month from the receipt of such copy any such authority shall send to the Company objections thereto in the interests of consumers of gas a difference shall be deemed to have arisen between the Company and such authority and in default of agreement such difference shall be determined by an arbitrator to be appointed by the Board of Trade on the application of either party and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

(3) Any agreement as to service with any employee in pursuance of any such co-partnership scheme may be entered into with any employee who has attained the age of sixteen 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 on that behalf by resolution of the board of directors.

Issue of
stock to
trustees and
co-partners.

12. The Company may from time to time issue to the trustees such an amount of stock created or authorised to be created under any Act relating to the Company as the Trustees may from time to time require to purchase for the purposes and under the provisions of the co-partnership scheme or to any co-partner at the request of the trustees such amount of stock as the trustees may specify without having previously offered such stock for sale by public auction or tender or to the holders of shares or stock of the Company. Provided that any stock issued under the provisions of this section shall be issued at the value of stock of the same class or description at the date of issue such value to be determined as herein-after mentioned.

Disposal of
stock and
deposits by
nomination.

13. Subject to and in accordance with the regulations set forth in the schedule to this Act any co-partner may nominate any person or persons who on the death of the co-partner shall subject to the provisions of this Part of this Act and to the extent of a total value of not exceeding one hundred pounds be entitled to be registered as holder of any stock and to be paid any deposits standing in the name or to the credit of the co-partner at his death.

Proceedings
on death of
nominator.

14.—(1) After the expiration of one month from the death of a co-partner who has made a nomination in force at his death the directors and the trustees shall subject to the provisions of this Part of this Act give effect to the nomination to the

extent of a total value not exceeding one hundred pounds and shall respectively in accordance with the directions of the nomination but subject to the extent aforesaid register the nominee as holder of the stock and pay to the nominee the deposits standing in the name or to the credit 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 directors or trustees receive notice of any claim of a creditor of the deceased co-partner before the expiration of one month from the death of the co-partner they shall not give effect to the nomination until such claim has been satisfied disproved or withdrawn. A.D. 1913.

(2) Notwithstanding anything in this section if the total value of the stock and deposits standing in the name or to the credit of the co-partner at his death exceeds ninety pounds the directors and the trustees shall before giving effect to the nomination to a greater extent than seventy-five pounds require the production of a duly stamped receipt for the succession duty 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 that no duty is payable as the case may be.

15. Where the directors or trustees have registered stock in the name of or paid deposits to a nominee in ignorance of a marriage of the deceased co-partner 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. Legality of acts done in ignorance of marriage of nominator.

16. In the event of the directors or trustees being restricted under the provisions of this Part of this Act 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. Nominations to take effect as regards stock in priority to deposits.

17.—(1) If any co-partner dies without having made any nomination under this Part of this Act in force at his death and the total value of the stock and deposits standing in his name or to his credit at his death does not exceed one hundred pounds and probate of the will of the co-partner or letters of administration to his estate are not produced within one month Disposal in case of intestacy.

A.D. 1913. after his death then at the expiration of such month the directors and the trustees shall respectively subject to the provisions of this Part of this Act register the stock in the names of and pay the deposits to—

(a) The widow (if any) of the deceased co-partner:

(b) If there be no widow the persons entitled to his effects according to the statutes for the distribution of the effects of intestates in the respective shares in which they are entitled under those statutes:

Provided that in every case where the deceased co-partner has left no widow and the persons entitled under the aforesaid statutes are more than two the directors may if they think fit sell the stock and distribute the proceeds among such persons in the shares in which they are entitled under the said statutes 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:

Provided also that if the directors or trustees receive notice of any claim of a creditor of the deceased co-partner before the expiration of one month from the death of the co-partner they shall not deal with the stock or deposits under this section until such claim has been satisfied disproved or withdrawn.

(2) The provisions of this section shall also apply in the case of the death of any co-partner having at his death in his name or to his credit stock or deposits of a total value not exceeding one hundred pounds who has made a nomination in force at his death where such nomination relates to a portion only of the stock and deposits standing in his name or to his credit at his death but in such case the provisions of this section shall extend only to the portion of the stock or deposits to which the nomination does not relate.

(3) Notwithstanding anything in this section if the total value of the stock and deposits standing in the name or to the credit of the deceased co-partner exceeds ninety pounds the directors and the trustees shall before dealing with the stock or deposits under this section to a greater extent than seventy-five pounds require the production of a duly stamped receipt from the Commissioners of Inland Revenue for the legacy duty payable on such stock and 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 payment of the duty or satisfactory proof that no duty is payable as the case may be. A.D. 1913.

(4) Any registration of stock in the name of or payment of deposits or the proceeds of a sale to any person who at the time appears to the directors to be entitled to such stock proceeds or deposits or any person on behalf of or for the benefit of or as trustee for any person who at the time appears to the directors to be entitled under the foregoing provisions of this section to such stock proceeds or deposits under either of the sections of this Act of which the marginal notes are "Provisions as to infant beneficiaries" and "Directors may appoint trustee for infant beneficiary" and any sale of stock to a bonâ fide purchaser made by the directors or the trustees under the provisions of this section shall be valid and effectual against any demand made upon the Company the directors or the trustees by any other person Provided nevertheless that the next of kin or lawful representative of the deceased co-partner shall have remedy for recovery of such stock proceeds or deposits against the person in whose name the same has been registered or to whom the same has been paid but nothing in this proviso shall confer upon any person any right of action or other remedy for recovery of stock proceeds of sale or deposits or otherwise against a bonâ fide purchaser of such stock or against the widow of a deceased co-partner or shall confer upon any person in trust for whom or on behalf or for the benefit of whom the stock proceeds or deposits have been so registered or paid any such right of action or remedy against the person in whose name or to whom the same have been registered or paid.

18. In every case where under the provisions of this Part of this Act any beneficiary would be entitled to be registered as the holder of any fractional part of one pound of stock either alone or together with an integral number of pounds of stock it shall be lawful for the directors in lieu of registering such beneficiary as holder of such fractional part of one pound of stock to pay to him a sum in cash equal to the value of such fractional part on the date of the death of the co-partner in whose name the stock was previously registered and the trustees shall forthwith repay such sum to the directors out of any moneys in their hands requiring to be invested under the

Provisions as to fractional parts of one pound of stock.

A.D. 1913. co-partnership scheme and such fractional part of stock shall forthwith be registered in the names of the trustees.

Provisions as to infant beneficiaries.

19. Where any beneficiary is an infant under the age of sixteen years and it is proved to the satisfaction of the directors that funds are needed for the maintenance education or benefit of such infant the directors and the trustees may respectively notwithstanding any other provisions of this Part of this Act register the stock and pay the deposits to which the infant beneficiary is entitled or any part thereof in the name of or to any person who may satisfy the directors that he will apply any money so paid to him or received by him from 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 directors and trustees for any sums so paid.

Directors may appoint trustee for infant beneficiary.

20. Where any beneficiary is an infant under the age of sixteen years it shall be lawful for the directors by a resolution to appoint any person whom they think fit to act as a trustee for such infant beneficiary and thereupon the directors and the trustees shall respectively notwithstanding any other provisions of this Part of this Act register the stock and pay the deposits to which the infant beneficiary is entitled to such person and such person shall apply the deposits and the dividends on the stock or shall sell the stock or any part thereof and apply the proceeds of such sale for the maintenance education or benefit of the infant beneficiary and the receipt of such person shall be a good discharge to the directors and trustees for any sums so paid. Provided always that if and when the infant beneficiary attains the age of sixteen years the person so appointed shall transfer or pay to the beneficiary any stock deposits or proceeds of sale then held by such person on behalf of the beneficiary.

Power to infant beneficiary over sixteen to sell stock.

21. Where any beneficiary is an infant but over the age of sixteen years it shall be lawful for the infant to sell and transfer any stock registered in his name to the trustees at the value thereof to be determined in manner herein-after appearing and the trustees if so required by the beneficiary shall apply any moneys in their hands requiring to be invested under the co-partnership scheme in the purchase of such stock.

Estate duty payable in certain cases.

22. When the principal value of the estate for the purpose of estate duty of any deceased co-partner exceeds one hundred

pounds any stock registered or deposits standing in his name or to his credit at his death shall be deemed for the purpose of estate duty to be property passing on the death of the co-partner but neither the directors nor the trustees shall be accountable for the payment of the estate duty in respect of any stock or deposits which they have registered paid over distributed or otherwise disposed of in accordance with the provisions of this Part of this Act.

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23. The directors and trustees before dealing with any stock or paying to any person any deposits standing in the name or to the credit of a deceased co-partner shall satisfy themselves that the principal value of the estate for the purpose of estate duty of the deceased co-partner does not 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 or some beneficiary to that effect and if such principal value exceeds one hundred pounds they shall before dealing with the stock or paying the deposits to any person other than the legal personal representative of the deceased co-partner to an extent greater than three-fourths of the total value of such stock and deposits require production of a certificate from the Commissioners of Inland Revenue of the payment of the estate duty.

Power to
require de-
claration of
value of
estate.

24. For the purposes of this Part of this Act the value of any stock shall be deemed to be the average price at which according to the Company's books sales of stock of the same class or description were effected within the period of six months immediately preceding the date on which the value of the stock is required to be determined after making due allowance for any enhancement in price by reason of any accrued dividend and such average price shall be certified by the secretary.

Value of
stock.

25. This Part of this Act shall have no force or effect unless a co-partnership scheme under this Act shall have become operative under the provisions of the section of this Act whereof the marginal note is "Profit sharing."

This Part of
Act not to
be put in
force unless
co-partner-
ship scheme
becomes
operative.

PART IV.

MISCELLANEOUS.

26. From and after the passing of this Act section 31 of the Act of 1867 shall be read and construed as if the word "seven" were substituted for the word "five" and the word "five" were substituted for the word "four."

Alteration of
number of
directors.

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Notice to be given of any person desirous to be elected as director or auditor of Company.

27. From and after the passing of this Act no person not being a retiring director or auditor of the Company shall be eligible to be elected at any general meeting a director or auditor of the Company unless notice in writing be given to the secretary or left at the principal office of the Company fourteen days at least before the day of election that such person will be proposed for election as a director or auditor of the Company and the secretary of the Company shall during such fourteen days and on the day of election fix a copy of every such notice so delivered in some conspicuous place in such office Any such person must have been the holder of the qualifying amount of stock for at least three months prior to his election.

Appointment remuneration &c. of officers.

28. The directors of the Company may at their discretion appoint suspend remove or dismiss such managers treasurers secretaries engineers collectors clerks agents and servants (hereinafter referred to collectively as "officials") as they from time to time may think proper for the better carrying on of the business of the Company and may determine their respective salaries wages commissions or other emoluments and may require security from all or any of such officers clerks or servants to such amount as they may think fit The provisions of sections 110 to 114 inclusive of the Companies Clauses Consolidation Act 1845 shall apply to all such officials as aforesaid and to their duties and accounts.

Power to make superannuation and other allowances.

29. It shall be lawful for the directors of the Company to make superannuation and other allowances and to pay pensions to any officers servants or employees of the Company who may be temporarily or permanently disabled by sickness infirmity or age and for that purpose to apply the funds and revenues of the Company.

Power to directors to subscribe to hospitals &c.

30. The directors of the Company may subscribe or make donations to infirmaries and hospitals within the limits of supply for the time being of the Company and to convalescent homes and to other institutions and objects or to any exhibition and to the benevolent and sick funds of the employees of the Company and may for that purpose apply the funds and revenues of the Company.

Company may enter into contracts for supply of gas.

31. The Company may enter into any contract with any local authority company or person for a supply of gas for different purposes to any premises within the limits of supply and such supply may be given for such purposes and subject to such terms and conditions as to price varying according to the purposes

for which the gas is to be supplied and otherwise as may be agreed upon between the Company and the person taking such supply. Provided that the Company shall not under the powers of this section give any preferential price as between any consumers who shall take a supply of gas for similar purposes from the Company under similar conditions and circumstances.

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32. In any case in which in consequence of any default on the part of the occupier of any premises the Company shall have cut off the supply of gas to such premises (under the existing powers of the Company) and the occupier so in default shall desire to resume such supply he shall pay to the Company the expenses of re-connecting the supply and the Company shall not be under any obligation to supply gas to such occupier until he shall have paid such expenses.

Occupier to pay expenses of re-connecting discontinued supply.

33. Subject as herein-after provided all engines fittings apparatus and appliances (in this section referred to as "fittings") let by the Company on hire or under hire-purchase agreements 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 owners thereof. Provided also that nothing in this section shall affect the amount of the assessment for rating of any premises upon which any such fittings are or shall be fixed.

Engines &c. though fixed to premises to remain property of Company.

34. Notwithstanding anything contained in the Gasworks Clauses Act 1871 or any other Act a person shall not be entitled to demand from the Company a supply or the continuance of a supply of gas for premises having a separate supply (that is to say a supply of gas from an installation other than that of the Company) unless he shall have previously agreed to pay the Company such minimum annual sum as will give to them a reasonable return on the capital expenditure and standing charges incurred by them to meet the possible maximum demand for those premises and the minimum annual sum to be so paid shall be determined in default of agreement by arbitration in manner provided by the Arbitration Act 1889.

Supply of gas where consumer has separate supply.

35.—(1) The Company may demand for any gas supplied through a prepayment meter a not greater charge than for gas

Charge for gas supplied by means of

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prepayment
meters.

supplied to private consumers within their limits of supply through any other kind of meter or by any other method of supply.

(2) The charge for the hire of any prepayment meter, and fittings to be used therewith shall be a sum of money calculated according to the quantity of gas supplied through the prepayment meter and the maximum charge shall be at the rate of tenpence 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.

(3) The charge for the hire of any prepayment meter without fittings shall be a sum of money calculated according to the quantity of gas supplied through the prepayment meter and the maximum charge shall be at the rate of sixpence per one thousand cubic feet supplied in manner aforesaid or at the rate of ten per centum per annum on the cost of the meter whichever shall be the higher.

(4) The said charges shall include the providing letting fixing repairing and maintenance of the meters and fittings or of the meters (as the case may be) and the cost of collection and other costs incurred by the Company in connexion therewith.

(5) 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.

Power to sell
and lease
lands.

36. The Company may sell and dispose of or may let on lease for such period as they think fit any lands for the time being belonging to them and which may not at the time be required for the purposes of their undertaking and any such disposal or lease may be for such consideration and subject to such reservations stipulations and conditions as the Company think fit. And notwithstanding anything in the Gasworks Clauses Act 1871 contained the provisions of sections 128 to 132 (both inclusive) of the Lands Clauses Consolidation Act 1845 shall not apply to any lands sold or disposed of by the Company under the powers of this section which at the passing of this Act formed part of the lands of the Company in the parish of Tynemouth in the county of Northumberland upon which the Company have erected or are empowered to erect gasworks.

37. Notwithstanding anything contained in any enactment to the contrary the Company shall not be obliged to give from any main a supply of gas for any purpose other than lighting or domestic use in any case where the capacity of such main is insufficient for such purpose or if and so long as any such supply would in the opinion of the Company interfere with the sufficiency of the gas required to be supplied by means of such main for lighting purposes.

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Amending
obligations
as to supply
of gas.

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

Dwelling-
houses for
persons in
Company's
employ.

39. The following provisions for the protection of the North Eastern Railway Company (herein-after called "the railway company") shall unless with the previous consent of the railway company in writing under their common seal apply and have effect:—

For protec-
tion of North
Eastern
Railway
Company.

(1) All mains and pipes laid or proposed to be laid by the Company under the powers of this Act over or under any bridge of the railway company shall be carried over or under the same in such a way as not to interfere with the structure of any such bridge and all other mains and pipes laid or proposed to be laid or maintained by the Company under the powers of this Act which shall cross any railway of the railway company shall be laid under the same so as to cause as little interference as may be with such railway and so as to cause no interruption to the passage or conduct of the traffic thereon:

(2) In laying and maintaining any mains pipes or other works over upon or across or under any work or property of the railway company the Company shall with all reasonable despatch execute and maintain their works under the direction and superintendence and to the reasonable satisfaction of the engineer of the railway company and except in cases of emergency in accordance with plans drawings and specifications previously submitted to and approved by him and

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shall pay and make good to the railway company all loss damage and expense which the railway company shall sustain or be put to by or in consequence of the laying maintenance or user of the said mains pipes and other works or by or in consequence of the bursting of or any other accident to any main or pipe of the Company not due to the act or default of the railway company :

Provided that if for a period of twenty-one days after the delivery thereof the engineer of the railway company neglects or refuses to approve or signify his disapproval of the said plans drawings and specifications he shall be deemed to have approved thereof Provided also that if the said engineer fails to superintend the works as aforesaid the Company may proceed without such superintendence :

- (3) If at any time it is found necessary in order to enable the railway company to carry out any alterations or extensions of their railway or works that the position of such mains pipes or other works shall be altered the Company shall on receiving twenty-one days' notice in writing from the railway company so to do at their own cost with all reasonable despatch alter the position of the same so far as may be necessary to enable the railway company to carry out such alterations or extensions and the provisions of this section shall apply to the said mains pipes or other works in their altered position :
- (4) If the railway company give to the Company reasonable notice in writing that they themselves desire to construct so much of the works or to carry out so much of the alterations of such mains pipes or other works as will affect any railway or work belonging to them the railway company may themselves execute such works and alterations and recover the reasonable cost thereof from the Company Provided that the railway company shall not in any way interfere with any works of the Company until they shall have made all such arrangements as the Company may reasonably require for preventing any loss or interruption in the supply of gas :

- (5) Any difference arising between the Company and the railway company under this section shall be determined by an engineer to be appointed failing agreement by the Board of Trade. A.D. 1913.

40. All the 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. Costs of Act.

A.D. 1913.

SCHEDULE referred to in the foregoing Act.**REGULATIONS AS TO NOMINATIONS BY CO-PARTNERS.**

1. In these regulations the respective expressions "the directors" "the secretary" "stock" "deposits" and "nominee" have the same respective meanings as are given thereto in Part III. of the Tynemouth Gas Act 1913 and the expression "appointor" means any person who makes a nomination under the provisions of Part III. of that Act.

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

3. A nomination when received by the secretary shall be registered by him and the receipt thereof shall be acknowledged but the secretary may refuse to register a nomination which does not comply with these regulations.

4. A nomination which does not comply with these regulations or has not been received by the secretary shall not have any validity or effect.

5. A nomination may be revoked by the appointor by a subsequent nomination registered in accordance with these regulations or 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.

6. 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.

7. A revocation which does not comply with these regulations or has not been received by the secretary shall not have any validity or effect.

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

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

10. 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 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. A.D. 1913.

11. A nomination may be in favour of one person or of several persons and in the latter case may subject as herein-after mentioned direct that on the death of the appointor the stock shall be registered in the name of and 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 take the deposits or any of them respectively in specified shares or may give directions to both effects Provided that it shall not be lawful for a nomination to direct that stock shall be registered in the names of more than two persons as joint holders.

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

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