



### CHAPTER xxxix.

An Act to authorise the Newark Gas Company to raise additional capital to confer further powers upon the Company in connexion with their undertaking and for other purposes. A.D. 1919.  
[15th August 1919.]

**W**HEREAS by the Newark Gas Act 1866 (in this Act referred to as "the Act of 1866") the Newark Gas Company (in this Act called "the Company") were empowered to supply gas within certain limits of supply comprising the borough of Newark and the liberties precincts suburbs and neighbourhood thereof within the several parishes or places of Hawton Farndon and East Stoke all in the county of Nottingham:

And whereas by the Act of 1866 the capital of the Company was defined to be twenty-five thousand pounds divided into two thousand five hundred shares of ten pounds each and comprised five hundred shares to be known as and hereinafter referred to as "A shares" entitled to a dividend of ten pounds in respect of every one hundred pounds five hundred shares to be known as and hereinafter referred to as "B shares" entitled to bear a perpetual fixed dividend of five pounds per centum per annum both of which classes of shares were deemed to be fully paid up and fifteen hundred ordinary and preference shares entitled to dividends of seven pounds in respect of every one hundred pounds actually paid of such capital on ordinary shares and six pounds in respect of every one hundred pounds actually paid of such capital on preference shares:

And whereas in or about the year one thousand eight hundred and ninety-one the Company converted borrowed money amounting to five thousand eight hundred pounds into capital and issued ordinary shares in respect thereof to that amount:

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And whereas by the Newark Gas Order 1895 (in this Act referred to as "the Order of 1895") the limits of supply of the Company were extended so as to include the parishes of Balderton Barnby Farndon Hawton Kelham West Newark and Winthorpe all in the county of Nottingham and in addition to the capital declared and authorised by the Act of 1866 the Company were authorised to raise ten thousand pounds additional capital by the issue of ordinary shares or stock or preference shares or stock entitled to dividends of seven pounds in respect of every one hundred pounds actually paid up as ordinary capital or six pounds in respect of every one hundred pounds actually paid up as preference capital and it was provided that in case in any year the net revenues applicable to dividends were insufficient to pay the full amount of the prescribed rates on each class of ordinary shares or stock in the existing and additional capital the same should be equally and rateably divided among the holders of each class of ordinary shares or ordinary stock until the prescribed rates had been paid on the "B shares" and thereafter among the holders of the "A shares" ordinary shares and additional capital until the prescribed rates had been paid on the ordinary shares and the additional capital and thereafter among the holders of the "A shares":

And whereas the Company were by the Order of 1895 empowered to raise by borrowing in respect of the then existing capital the sum of seven thousand five hundred pounds and in respect of the additional capital authorised to be raised by the Order of 1895 two thousand five hundred pounds entitled to interest at the rate of five pounds per centum and the Company have borrowed on mortgage the sum of seven thousand five hundred pounds leaving unexercised powers of borrowing to the amount of two thousand five hundred pounds:

And whereas the share capital of the Company now consists of:—

5,000*l.* "A shares" consisting of 500 shares of ten pounds each entitled to a dividend of ten per centum per annum;

5,000*l.* "B shares" consisting of 500 shares of ten pounds each entitled to a dividend of five per centum per annum;

30,800*l.* ordinary shares consisting of 3,080 shares of ten pounds each entitled to a dividend of seven per centum per annum of which 2,630 have been issued;

And whereas the Company have also received from the issue of shares premiums to the amount of four thousand and seventy-seven pounds six shillings and sixpence: A.D. 1919.

And whereas the Company have not created or issued any debenture stock:

And whereas the demand for gas within the Company's limits of supply is increasing and in order to meet such increased demand it is expedient to authorise the Company to erect and maintain additional gasworks as hereinafter provided and to raise additional capital:

And whereas it is expedient that the Company's existing limits of supply should be extended so as to include therein the parishes or townships of Coddington North Collingham South Collingham North Muskham South Muskham Holme Langford and Thorpe and part of the parish of Averham all in the county of Nottingham:

And whereas it is expedient that new provisions should be made with reference to the quality and testing of gas supplied by the Company and that the other provisions contained in this Act should be made:

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 Newark Gas Act 1919 and the Newark Gas Act 1866 the Newark Gas Order 1895 and this Act may be cited together as the Newark Gas Acts and Order 1866 to 1919. Short and collective titles.

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 Gasworks Clauses Acts 1847 and 1871 Provided that section 13 of the said Act of 1847 shall be read as if the words "or any premises" were inserted after the

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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:

The provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say):—

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions and the means of enforcing the payment of calls;

The forfeiture of shares for non-payment of calls;

The remedies of creditors of the Company against the shareholders;

The borrowing of money by the Company on mortgage or bond;

The consolidation of the shares into stock;

The general meetings of the Company and the exercise of the right of voting by the shareholders;

The making of dividends;

The giving of notices; and

The provision to be made for affording access to the special Act by all parties interested:

Part I. (relating to cancellation and surrender of shares)

Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts:

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

Interpreta-  
tion.

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

"The limits of supply" means the limits for the time being for the supply of gas by the Company;

“The directors” means the directors of the Company; and A.D. 1919.

“British thermal units” means British thermal units total heat per cubic foot of gas.

#### LANDS AND WORKS.

4. The Company may for the purposes of the undertaking purchase take and hold (by agreement but not otherwise) in addition to the other lands which they are by the Act of 1866 or the Order of 1895 authorised to acquire any lands and hereditaments not exceeding in the whole three acres which the Company may require for the purposes of their works and undertaking but the Company shall not create or permit a nuisance on any such lands. Power to purchase lands by agreement.

5. The Company may purchase or take on lease houses and cottages for any of their employees and offices and showrooms for the purposes of their undertaking and may erect fit up maintain and let any such building upon any lands for the time being belonging or leased to the Company. Dwelling-houses for employees offices &c.

6. The Company may sell or let on lease for such period as they think fit or otherwise dispose of any lands or property for the time being belonging to them and which may not at the time be required for the purposes of their undertaking or any easements or rights in or under any lands for the time being belonging to them and may retain and hold or sell and dispose of any interests in or reversion to any lands or property so let and any such sale disposal or lease may be for such consideration and subject to such reservations restrictions and provisions and generally upon such terms and conditions as the Company think fit. Power to sell and lease lands.

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

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Power to  
maintain  
gasworks  
and convert  
residual  
products.

8.—(1) Subject to the provisions of this Act the Company may upon the lands described in the schedule to this Act erect maintain alter improve extend and renew gasworks with all necessary machinery and apparatus and do all such acts as may be proper for making and storing gas and for supplying gas within the limits of supply.

(2) The Company may also upon the said lands—

(A) Work up and convert the residual products arising directly or indirectly from the manufacture of gas by them;

(B) Purchase the residual products arising from the manufacture of gas by other gas undertakers and therewith manufacture other products of the same kind as the Company are manufacturing from their own residual products Provided that the quantity of any residual products so purchased by the Company in any year shall not exceed one-third of the quantity of the like residual product which shall in that year arise directly or indirectly from the manufacture of gas by them;

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

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

#### EXTENSION OF LIMITS OF SUPPLY.

Extension of  
limits of  
supply.

9. From and after the passing of this Act the limits of the Company for the supply of gas shall include in addition to their existing limits of supply the parishes or townships of Coddington North Collingham South Collingham North Muskham South Muskham Holme Langford and Thorpe and so much of the parish of Averham as lies on the eastern side of the River Trent all in the county of Nottingham and the Company shall have and may exercise within the limits of supply as so extended all and the like powers privileges and authorities and shall be subject to all and the like duties liabilities and obligations as

they may have and are subject to within the said existing limits of supply of the Company. A.D. 1919.

10. Notwithstanding anything in section 35 of the Order of 1895 contained the Company may charge for gas supplied by them in any part of the limits as extended by this Act to persons who shall burn the same by meter a price not exceeding by more than sixpence per thousand cubic feet the price for the time being charged within the borough of Newark. Price of gas in extended limits.

#### POWER GAS.

11.—(1) The Company may by agreement supply to any company local authority body or person within the limits of supply at such price as may be agreed between the Company and such company local authority body or person gas (hereinafter called "power gas") which shall not be required to comply with the provisions of the Acts relating to the Company with respect to the calorific power purity or pressure of the gas supplied by them and notwithstanding anything contained in any such Act the provisions of sections 11 12 24 to 34 36 and 37 of the Gasworks Clauses Act 1871 shall not apply to the Company in respect of power gas nor shall the provisions of the said Acts with respect to such calorific power purity or pressure as aforesaid and the testing thereof or with respect to the price of gas be applicable (A) in respect of power gas supplied by the Company or (B) to the Company in respect of power gas. Supply of power gas.

(2) Power gas shall be deemed to be gas within the meaning and for the purposes of section 31 (Company may enter into contracts for supply of gas in bulk) of the Order of 1895 and may subject to the provisions of the sections of this Act of which the marginal notes are respectively "Conditions as to quality of power gas supplied" "Restrictions on supply and use of power gas" "Home Secretary may make regulations as to supply of power gas" and "Provision as to general Acts relating to power gas" be supplied for utilisation for any purpose other than lighting.

(3) The price charged by the Company for power gas shall not be taken into account in construing section 35 (Fixing price of gas with sliding scale as to dividend) of the Order of 1895.

(4) Nothing in this section shall deprive any person within the limits of supply of any right which he may possess under the Acts relating to the Company of requiring a supply of gas

A.D. 1919. of the calorific power purity and pressure prescribed by those Acts or any enactment incorporated therewith.

Conditions  
as to quality  
of power gas  
supplied.

**12.**—(1) It shall not be lawful for the Company at any time to supply power gas which does not possess a distinctive and readily perceptible smell.

(2) For every contravention of this section the Company shall be liable to a fine not exceeding fifty pounds.

(3) It shall be the duty of the inspectors of factories and the inspectors of mines to enforce the provisions of this section within their district so far as respects factories workshops and mines inspected by them respectively and such inspectors shall for this purpose have all powers and authorities conferred by section 119 of the Factory and Workshop Act 1901 and by section 98 of the Coal Mines Act 1911 and section 17 of the Metalliferous Mines Regulation Act 1872 respectively :

Provided that no proceedings shall be taken against the Company by any such inspector in respect of any contravention of the provisions of this section discovered by him on any inspection of a factory workshop or mine unless he shall have given notice in writing to the Company at their principal office of such contravention and of the nature of the contravention as soon as possible after he discovers the same.

Restrictions  
on supply  
and use of  
power gas.

**13.**—(1) The Company shall not supply power gas for the purpose of illumination and no power gas supplied by the Company shall be used for that purpose.

(2) The Company shall not supply power gas to any dwelling-house or office or any outbuilding appurtenant to a dwelling-house or office (whether attached thereto or not) or any shop used for the sale therein of goods or any other like building but power gas may be supplied by the Company to and used by any company local authority body or person for industrial or manufacturing purposes on any premises other than premises of the description above mentioned.

(3) If any person supplied by the Company with power gas shall use the same in contravention of the provisions of this section the Company shall forthwith upon becoming aware thereof discontinue the supply.

(4) If the Company act in contravention of the provisions of this section they shall for every such offence be liable to a



penalty not exceeding twenty pounds and to a penalty not exceeding five pounds for each day during which such offence shall continue after conviction thereof. A.D. 1919.

14.—(1) The Secretary of State for the Home Department may at any time either before or after the Company shall have commenced to give a supply of power gas to consumers (after holding such inquiries as he may think fit and considering any representations made to him by the Company) make or impose in the interests of the safety or health of persons regulations terms and conditions with respect to such supply. Home Secretary may make regulations as to supply of power gas.

(2) The Company shall not under the powers of this Act supply or continue to supply power gas otherwise than in accordance with any regulations and upon and subject to any terms and conditions which shall have been so made or imposed and shall for the time being be in force.

(3) If in the opinion of the Company compliance with any such regulations terms and conditions would render the supply or continued supply of power gas by them unremunerative or impracticable it shall be lawful for the Company upon giving to all consumers of power gas supplied by them not less than three months' notice of their intention so to do to discontinue such supply and in that event the Company shall not be under any obligation to supply or to continue to supply power gas to any person.

(4) For every contravention of this section the Company shall be liable to a fine not exceeding fifty pounds.

(5) For the purpose of enforcing this section or for the purpose of any inquiry by the said Secretary of State thereunder inspectors of factories and inspectors of mines shall have such and the like powers and authorities as are conferred by the enactments referred to in the section of this Act the marginal note whereof is "Conditions as to quality of power gas supplied."

15. Nothing in this Act contained shall exempt the Company from the provisions of any general Act relating to the manufacture or supply of power gas passed before or after the passing of this Act or from any regulations which may be made under any such general Act. Provision as to general Acts relating to power gas.

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## CALORIFIC POWER AND TESTING.

Testing  
place.

**16.** For the purposes of the Gasworks Clauses Act 1871 the prescribed testing place shall be a testing place which shall be provided by the Company within three months after the passing of this Act on some part of the lands described in the schedule to this Act.

Testing for  
calorific  
power.

**17.—(1)** Within six months after the passing of this Act the Company shall provide and thereafter maintain at the prescribed testing place apparatus for testing the calorific power of the gas supplied by them similar to the apparatus from time to time prescribed by the Metropolitan Gas Referees for testing the calorific power of the gas supplied by the Companies referred to in the London Gas Act 1905 and shall be used in the mode and under the conditions for the time being prescribed by the Metropolitan Gas Referees.

(2) The gas supplied by the Company shall when tested in accordance with the provisions of this Act be of a calorific power of not less than five hundred British thermal units and that power is in this Act referred to as "the standard calorific power."

(3) The provisions of section 12 of the Gasworks Clauses Act 1871 with reference to the testing for the illuminating power shall cease to apply to the Company and sections 28 to 33 of that Act shall in their application to the Company be construed as if calorific power were therein mentioned in lieu of illuminating power.

Provisions  
as to testing  
for calorific  
power.

**18.** Not more than one testing for calorific power shall be made on any one day. Provided that if on any occasion of testing the calorific power is found to be below the standard calorific power a second testing shall be made on the same day after an interval of not less than one hour and the average of the two testings shall be deemed to be the calorific power of the gas on that day.

The gas examiner shall forthwith deliver a report of the result of his testing to the Company and that report shall be receivable in evidence.

Penalties for  
deficient  
calorific  
power.

**19.** If the calorific power on any day of the gas supplied by the Company is less than five hundred British thermal units

the Company shall be liable to the following penalties in respect of such deficiency (that is to say):— A.D. 1919.

If the deficiency does not exceed fourteen British thermal units two pounds;

If the deficiency exceeds fourteen British thermal units but does not amount to twenty-eight British thermal units a sum not exceeding five pounds;

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

Provided that the Company shall not be liable to more than one penalty in respect of a deficiency of the calorific power of the gas supplied on any one day.

**20.**—(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 fifteen-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.

Provided that from and after the installation by the Great Northern Railway Company or the Midland Railway Company as the case may be of a system of inverted burners on their premises in the limits of supply and so long as such burners shall remain in use all gas supplied by the Company to the Great Northern Railway Company or the Midland Railway Company as the case may be shall be supplied at such pressure as to balance a column of water not less than twenty-tenths of an inch in height at the inlet of the primary meter or meters registering the supply to such companies respectively.

(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 and the Company shall afford to the examiner all reasonable facilities for making the test.

(3) Sections 34 and 36 to 39 (inclusive) of the Order of 1895 are hereby repealed.

**21.** No penalty shall be incurred by the Company for insufficiency of pressure defect of calorific power 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 Saving as to penalties.

A D. 1919. Company Provided that the want of sufficient funds shall not be held to be a circumstance beyond the control of the Company.

Suitable  
burners to be  
provided in  
lieu of those  
now in use.

**22.** The Company if and when required at any time within two years after the passing of this Act by any consumer of gas supplied by the Company shall supply to such consumer and fix free of charge flat flame burners suitable in all respects for consumption of gas of the standard calorific power prescribed by this Act in substitution for any burners (not being incandescent burners) in use by the consumer before the passing of this Act Notice of this condition shall be given on each demand note of the Company during the period of two years hereinbefore mentioned.

Board of  
Trade may  
vary stand-  
ard calorific  
power.

**23.** If after the expiration of five years from the passing of this Act the Company or the corporation of Newark or any body or person who may appear to the Board of Trade to have a substantial interest in the matter apply to the Board of Trade to reduce or increase the standard calorific power or the pressure prescribed by this Act the Board of Trade after hearing the parties and any other persons who appear to them to be interested may make such reduction or increase of the standard calorific power or of the prescribed pressure as they think fit.

#### ADDITIONAL CAPITAL.

Additional  
capital.

**24.** The Company may from time to time raise additional capital not exceeding in the whole fifty thousand pounds by the creation and issue of new ordinary shares or stock or new preference shares or stock or wholly 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 section 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 fifty thousand pounds Provided also that the Company shall not except with the sanction of three-fifths of the votes of the holders of preference shares or stock present (personally or by proxy) at a meeting of such holders specially convened for the purpose raise by the issue of preference shares or stock a greater amount of such additional capital than twenty-five thousand pounds.

25.—(1) All shares or stock created under the powers of this Act shall be issued in accordance with the provisions of this section. A.D. 1919.

(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: New shares  
or stock to  
be sold by  
auction or  
tender.

Provided as follows:—

- (A) Notice of the intended sale shall be given in writing to the town clerk of Newark and to the clerk of each urban district and rural district any part of which is 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 or 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 one month after the date of the auction or of the acceptance of the tender as the case may be.

(3) Any shares or stock which have or has been so offered for sale and are or is 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 Com-

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pany 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 or has been offered for sale in accordance with subsection (2) or with subsections (2) and (3) and are or is 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 each class of the respective shares or stock sold the total amount obtained as premium (if any) and the highest and lowest prices obtained for each such class.

Privileges  
&c. of  
holders of  
additional  
capital.

**26.** Except as is otherwise by this Act provided the additional capital created by the Company under this Act shall be part of the general capital of the Company and the new shares or stock therein and the holders thereof respectively shall in proportion to the amount of their share or stock be entitled to the like rights of voting and any other rights qualifications and privileges and be subject to the like provisions and liabilities as the other holders of shares or stock of the same class or description.

Division of  
profits of  
Company.

**27.** The profits of the Company shall be divisible among the different classes of shareholders as prescribed by sections 18 and 19 of the Order of 1895 and the additional capital by this Act authorised to be raised by shares or stock and actually paid up shall for the purposes of such division rank with and be deemed to form part of the additional capital authorised to be raised by the Order of 1895.

Application  
of premium  
arising on  
issue of

**28.** All moneys raised under this Act including any 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 any shares or stock under A.D. 1919. the provisions of this Act after deducting therefrom the expenses shares or of and incident to such issue shall not be considered as part of stock. the capital of the Company entitled to dividend.

**29.** If the clear profits of the undertaking of the Company in any year (after appropriating and setting apart such sum or sums (if any) as may be determined upon under the powers of the Order of 1895 and this Act to any fund or funds thereby authorised) amount to a larger sum than is sufficient to pay the dividends on the preference capital and the dividends at the authorised rates on the ordinary capital of the Company the excess shall be carried to the credit of the profit and loss (net revenue) account of the undertaking for the next following year. Provided that the sum standing to the credit of such profit and loss (net revenue) account to be carried forward to the next following year shall not at any time exceed the amount required to pay one year's dividends at the authorised rates on the ordinary and preference capital of the Company. Application of excess of profits.

#### SPECIAL PURPOSES FUND.

**30.**—(1) The directors 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." Power to create a special purposes fund.

(2) The special purposes fund shall be applicable only to meet such charges as an accountant appointed for the purpose by the Board of Trade shall approve as being—

(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 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

A.D. 1919. 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.

(6) The money or securities (if any) standing to the credit of the insurance fund of the Company at the passing of this Act shall be credited to the special purposes fund and section 24 of the Order of 1895 is hereby repealed.

#### BORROWING POWERS.

Additional  
borrowing  
powers.

**31.** The Company may from time to time subject to the provisions of this Act borrow on mortgage of the undertaking (in addition to the amount already borrowed under the Order of 1895) any sum or sums as will not exceed in the whole one-third part of the total amount of the capital by this Act and the Order of 1895 authorised to be raised and at the time actually issued by ordinary shares or stock but no sum shall be borrowed in respect of any capital so raised until the Company have proved to a justice of the peace before he gives his certificate under the fortieth section of the Companies Clauses Consolidation Act 1845 that the whole of the shares or stock at the time of issue together with the premium (if any) realised on the sale thereof has been fully paid up.

Company  
not to  
convert  
borrowed  
money into  
capital.

**32.** Notwithstanding anything contained in the Act of 1866 or the Order of 1895 the Company shall not exercise in respect of any money borrowed by them the powers of the Companies Clauses Consolidation Act 1845 with respect to the conversion of borrowed money into capital.

Debenture  
stock.

**33.** The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 and section 20 of the Order of 1895 Notice of the effect of that enactment shall be endorsed on all mortgages and certificates of debenture stock.

Priority of  
mortgages  
and debenture  
stock

**34.** All money raised or to be raised by the Company on mortgage or debenture stock under the provisions of the Act of 1866 the Order of 1895 or this Act shall have priority against



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

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over other  
debts.

**35.** The principal moneys secured by all mortgages granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages have priority over the principal moneys secured by any mortgages granted by virtue of this Act.

Priority of  
principal  
moneys  
secured by  
existing  
mortgages.

**36.** Section 22 of the Order of 1895 shall be read and have effect as if the words "five pounds ten shillings per centum per annum" were inserted therein instead of the words "five pounds per centum per annum."

Limit of  
interest on  
moneys  
borrowed.

**37.** As from the passing of this Act section 23 (Appointment of a receiver) of the Order of 1895 is hereby repealed but without prejudice to any appointment heretofore made or to the continuance of any proceedings which may have been commenced under any such provision before the commencement of this Act and 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 the 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 total amount for the time being owing by the Company on mortgage.

For appoint-  
ment of a  
receiver.

**38.—**(1) If the Company desire to raise by the issue of preference shares or stock any capital which they are by the Order of 1895 or this Act authorised to raise or to issue any

Issue of  
redeemable  
preference  
capital and

A.D. 1919. debenture stock they may create and issue such preference shares or stock or debenture stock so as to be redeemable on such terms and conditions as may be specified in a resolution of the Company passed by a special meeting convened for the purpose.

debenture  
stock.

(2) If it is so provided in the resolution the Company may—

(A) Call in and pay off the shares or stock or any part thereof at any time before the fixed date of redemption; and

(B) Redeem the shares or stock or any part thereof either by paying off the shares or stock or by issuing to any shareholder or stockholder subject to his consent other shares or stock in substitution therefor and may for the purpose of providing money for paying off the shares or stock or of providing substituted shares or stock create and issue new shares or stock (either redeemable or irredeemable) or re-issue shares or stock originally created and issued under this section Provided that the creation and issue of any preference capital under this section does not make the total nominal amount of preference and ordinary capital issued under the Order of 1895 and this Act exceed the amount of such capital which the Company are by the Order of 1895 and this Act authorised to issue Provided also that the creation and issue of debenture stock under this section is not in excess of the amount of debenture stock which the Company are for the time being authorised to create and issue under the powers of the Order of 1895 and this Act.

(3) The Company shall not redeem out of revenue any shares or stock created under this section.

Receipt  
in case of  
persons not  
sui juris.

**39.** If any money is payable to a holder of shares or stock or 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.

#### DIRECTORS MEETINGS VOTING &C.

Qualification  
of directors.

**40.**—(1) If any director shall be made bankrupt or shall go to reside abroad or shall become lunatic or of unsound mind

or shall neglect to attend a meeting of directors for six months (unless such neglect be occasioned by illness or 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. A.D. 1919.

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

41. As from the passing of this Act section 29 of the Act of 1866 relating to the fixing of meetings is hereby repealed and the ordinary general meeting of the Company shall be held at the general offices of the Company or at such other place within the limits of supply as the directors shall decide and give notice of in the notices convening such meeting. The ordinary general meeting shall be held yearly in the month of February or at such other time as shall be appointed for the purpose by an order of a general meeting. Annual meeting.

42. The quorum of all general meetings of the Company shall be ten shareholders or stockholders present in person or by proxy holding in the aggregate not less than one-twentieth part of the issued capital of the Company. Quorum of general meeting.

43. As from the first day of January one thousand nine hundred and twenty every holder of ordinary shares or stock shall be entitled to one vote and an additional vote in respect of every fifty pounds of such shares or stock held by him beyond the first ten pounds. Scale of voting.

44. In addition to the powers which the directors may exercise under the Companies Clauses Acts 1845 to 1889 they may from time to time determine the remuneration of the secretary of the Company. Remuneration of secretary.

45. The directors may in any year without calling a meeting of shareholders 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 maximum rate of dividend. Interim dividends.

46. 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 advertise- Closing of register of transfers.

A.D. 1919: ment in some newspaper published in the county of Nottingham 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.

Auditors.

47.—(1) The prescribed number of auditors shall be one but the number may be increased to two by a resolution of the proprietors of the Company passed at 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 or an accountant or accountants to be approved by the Board of Trade.

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

#### MISCELLANEOUS POWERS AND PROVISIONS.

Power to lay pipes &c. for ancillary purposes.

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

Charge for gas supplied by means of prepayment meters.

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

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(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.

50. Notwithstanding anything contained in the Order of 1895 or any Act relating to the Company the price to be charged by the Company for a supply of gas may vary according to the purposes for which the gas is supplied 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 the same purposes under like circumstances.

Power to vary price according to purpose for which gas is supplied.

51. 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 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 when consumer has separate supply.

52. 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

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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:

- (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 thereof shall be kept exhibited in the works office of the Company:
- (4) Every meter to be used in a new building or a building not previously supplied with gas or in connexion 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 outer wall of the building:
- (5) When any such pipe or meter as aforesaid has been laid or placed notice thereof shall be given to the Company and the pipe shall not except with the consent of the Company 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. A.D. 1919.

**53.** 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. Power to enter premises and remove fittings.

**54.**—(1) In any case in which the Company are by virtue of any enactment relating to the undertaking authorised to cut off and discontinue the supply of gas to any premises in consequence of any default on the part of the occupier of the premises it shall be lawful for the Company without prejudice to any other remedy which may be lawfully available to them to disconnect at the meter the service pipe (whether belonging to the consumer or to the Company) and any person who shall reconnect such service pipe with the meter without the consent of the Company shall be deemed to commit an offence within the meaning of section 18 of the Gasworks Clauses Act 1847: As to mode of cutting off supplies.

Provided that if and so soon as the matter complained of shall have been remedied nothing in this section shall prejudice or interfere with any rights vested in any person by virtue of section 11 of the Gasworks Clauses Act 1871.

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

**55.** 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 (whether under the existing powers of the Company or under the powers conferred by this Act) and the occupier so in default shall desire to resume such supply he shall pay to the Company the expenses of reconnecting the supply and the Company shall not Occupiers to pay expenses of reconnecting disconnected supply.

A.D. 1919. be under any obligation to supply gas to such occupier until he shall have paid such expenses.

Power to require use of anti-fluctuators for gas engines.

**56.** 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 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 removing 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 such consumer.

Fittings not to be subject to distress and though fixed to premises to remain property of Company.

**57.**—(1) Subject as hereinafter provided any meters burners tubes pipes stoves ranges engines machinery fittings and other materials (in this section called "fittings") let by the Company on hire 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.

(2) Subject as hereinafter provided all fittings let by the Company on 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 nothing in this subsection shall affect the amount of the assessment for rating of any premises upon which any such fittings are or shall be fixed.

(3) The Company shall only be entitled to the privileges and exemptions conferred by this section in respect of such fittings as shall have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Company as the actual owners thereof.

Gas consumers to give notice to Company

**58.** 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 on every demand note for gas charges payable to the Company.

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before re-  
moving.

**59.**—(1) The Company may enter into and carry into effect agreements with the Great Northern Railway Company for and with respect to the construction of a siding from the railway company's sidings at or near Cross Street to the eastern side of Barnby Gate near to the Company's existing gasworks for the conveyance of coal and other material to and from the said gasworks from and to the sidings of the Great Northern Railway Company and the Company may acquire by agreement (but not otherwise) the necessary lands and wayleaves for that purpose.

Agreements  
for construc-  
tion of siding  
to gasworks.

(2) The Company with the consent of the corporation of Newark (which consent the said corporation are hereby authorised to give) and upon and subject to such terms and conditions as may be imposed by the said corporation in giving any such consent may lay down maintain and use a single line of rails from the said siding into the said gasworks across and on the level of Barnby Gate. Provided that the terms and conditions upon and subject to which any such consent as aforesaid may have been or may be given may from time to time be varied by agreement between the Company and the said corporation.

**60.** Any notice to be served by the Company on a person supplied with gas shall be sufficiently authenticated by the signature of the secretary 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 gas fittings or appliances by the name either of the secretary or such other officer as aforesaid being affixed thereto in writing or 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 of business or by delivering the same to some inmate at his last known or usual place of abode or business or

Authentica-  
tion and  
service of  
notices by  
Company.

A.D. 1919. 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.

Recovery of penalties &c.

**61.** Save as otherwise by this Act expressly provided all offences against the Act of 1866 the Order of 1895 or this Act and all penalties forfeitures costs and expenses imposed or recoverable under the said Acts 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 demands.

**62.** Proceedings for the recovery of any demand made under the authority of the Act of 1866 the Order of 1895 or 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.

For protection of Nottinghamshire County Council.

**63.** For the protection of the county council of the administrative county of Nottingham (in this section called "the county council") the following provisions shall unless otherwise agreed between the county council and the Company apply and have effect with reference to the execution of the works and the exercise of the powers by this Act conferred upon the Company as far as they affect main roads or county or main road bridges in the said county (that is to say):—

- (1) All pipes to be laid in or along any main road or in upon or across any county or main road bridge shall be laid in such position and if under the metalled portion thereof at such depth as the county council may reasonably require and in the case of any main or pipe which it is necessary to lay otherwise than in the roadway over any county or main road bridge the same shall be carried either on or alongside such bridge in such manner as the county council may in writing under the hand of their surveyor reasonably direct and except as aforesaid the Company shall not interfere with the structural part of any such county or main road bridge:

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- (2) The surplus paving metalling or materials removed during the laying of pipes or other works shall not be placed on the metalled portion of the road without the written consent of the surveyor of the county council and subject to such conditions and directions as he may require or give :
- (3) All surplus paving metalling or materials removed during the laying of the pipes or works on any main road and not required by the Company for the purpose of reinstating and making good the road may be used by the county council for the maintenance and repair of any main or other road in the district and may be removed by the county council for that purpose :
- (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 for the laying connecting or repairing of consumers' service pipes as to which three days' notice shall be given and except in cases of accidental leakage or burst) be not less than seven days instead of three days :
- (5) The plan required by section 9 of the said Act of 1847 shall be accompanied by a description of the proposed works in the case of any main road and by a section in the case of any county or main road bridge :
- (6) For the purposes of section 10 of the said Act of 1847 the reinstatement and making good of any road required by that section shall be deemed as regards any such main road or road over any county or main road bridge as aforesaid to include the application of a sufficient layer of surface metalling of the same specification as that employed by the county council for the particular carriageway or footway to be reinstated and made good :
- (7) If the Company shall after notice from the county council under the hand of their surveyor neglect to do or complete any work or act required by this section to be done by the Company then and in any such case the county council may do such work or act themselves under the superintendence (if given) of the Company causing as little damage or inconveni-

A.D. 1919.

ence to the Company as the circumstances may admit and the Company shall repay to the county council all expenses reasonably incurred by the county council in connexion with any such work or act:

- (8) Nothing in this Act contained shall interfere with the right of the county council to alter the level of deviate or improve in any manner they think fit any main road in or along which any pipes or other works 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 of the county 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 as in case of difference shall be determined by arbitration in the manner hereinafter prescribed and the expenses of any such alteration shall be paid to the Company by the county council:
- 9) Nothing in this Act contained shall interfere with the right of the county council at any time or times to remove alter repair or rebuild any county or main road bridge or the approaches thereto over near or attached to which any pipes or other works of the Company are carried in the same manner as they might have removed altered repaired or rebuilt such bridge or the approaches thereto if this Act had not been passed and such pipes or other works had not been laid over or near or attached to such bridge and in the event of any such bridge or the approaches thereto over or near or attached to which any such pipes or other works are laid being removed altered repaired or rebuilt as aforesaid the Company shall on being required by notice from the county council with all due expedition at their own cost in all things alter the position of or support such pipes and works in the manner and to the extent required by such notice Provided that the county council shall afford all reasonable facilities to the Company for such alteration and that during the removal alteration repair or rebuilding of such bridge or the approaches thereto the county council shall at their own expense afford all reasonable facilities to enable the Company to temporarily carry such pipes or other

works across the stream river or other place over which such bridge is carried so as not to interrupt the continual supply of gas or to diminish the pressure of such supply through such pipes or other works : A.D. 1919.

- (10) All works of the Company so far as they affect any main roads and county or main road bridges shall be so executed by the Company as not to stop the traffic and so far as reasonably practicable as not in any way to impede or interfere with the traffic on any main road or over any county or main road bridge or the approaches thereto and the Company shall not open or break up at any one time a greater length than one hundred and fifty yards of any main road :
- (11) The Company shall pay to the county council the reasonable costs which the county council may incur in the repair and reinstatement of so much of any main road or of the road over any county bridge or the approaches thereto in which the pipes of the Company are or may be laid as may be damaged by reason of the traffic being concentrated thereon during the laying alteration renewal or repair of the said pipes :
- (12) The county council shall not be liable for or in respect of any damage or injury to any pipes or other works of the Company in or upon the metalled portion of any main road or bridge arising from the ordinary use by the county council of a steam or other roller not exceeding fifteen tons in weight or of a traction engine :
- (13) If any difference arises at any time between the county council and the Company touching this section or anything to be done or not to be done thereunder or the giving or withholding of any consent or the conditions of giving the same or any direction such difference shall be settled by an engineer to be agreed on between the county council and the Company or failing agreement to be appointed by the President of the Institution of Civil Engineers on the application of either party.

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For protec-  
tion of Great  
Northern  
Railway  
Company.

64. The following provisions for the protection of the Great Northern Railway Company (in this section referred to as "the railway company") shall unless otherwise agreed between the Company and the railway company be observed and have effect in relation to the exercise by the Company of the powers of this Act (that is to say):—

- (A) Whenever the Company shall require to construct lay down place repair alter remove or renew any mains pipes culverts or apparatus upon across under or so as to affect any railway for the time being belonging to or worked by the railway company or the stations bridges roads approaches or other works thereof they shall give to the engineer of the railway company twenty-eight days' notice in writing of their intention to carry out any such works except in cases of emergency when as long a notice as possible shall be given:
- (B) Such works including the making good and repairing of any roads over any such railway and over any bridges and approaches which the railway company may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Company shall be constructed and executed with all reasonable despatch at the expense of the Company under the superintendence (if given) and to the reasonable satisfaction of the said engineer and at such times as he shall reasonably direct and (except in cases of emergency) according to plans and sections to be previously submitted to and reasonably approved by him and so as not to interfere with the structure of any such bridge or to injure any such railway station approach or other work or to cause any interruption to the passage or conduct of the traffic over or at any such railway or station Any mains and pipes which shall cross any railway of the railway company otherwise than by means of a bridge shall be carried under such railway in a pipe or culvert of sufficient dimensions to admit of such mains and pipes being relaid or repaired wherever practicable without interference with such railway and the top of any such pipe or culvert shall in no

case be nearer the bottom of the rails of the said railway than three feet: A.D. 1919.

- (c) When the Company open break up or interfere with any road or the pavement or other work thereof belonging to or repairable by the railway company they shall reinstate and make good such road pavement or work and shall keep the same in good repair for three months after reinstatement and for such further time if any as there may be any subsidence of such road or pavement:
- (D) If the Company make delay in completing any of such works as aforesaid including the reinstatement and making good of any road pavement or work or neglect to keep the same in repair as aforesaid the railway company after giving notice in writing to the Company may cause the work so delayed or omitted to be executed and the reasonable expense of executing the same shall be repaid to them by the Company:
- (E) The Company shall repay to the railway company the expense of any temporary works or watching which the railway company may reasonably consider necessary to provide for the protection of any such railway or road or the traffic thereon during the carrying out of the works aforesaid:
- (F) If at any time it is found necessary in order to enable the railway company to carry out any alterations widenings or extensions of their railway or works or any road diversions in connexion therewith that the position of such mains pipes or culverts shall be altered or that such mains pipes or culverts shall be extended the Company shall on receiving reasonable notice from the railway company so to do at their own cost with all despatch alter the position of or extend the same so far as may be necessary to enable the railway company to carry out such alterations widenings extensions or diversions and the provisions of this section shall apply to the said mains pipes or culverts as altered or extended:
- (G) If the railway company give to the Company notice that they themselves desire to construct or carry out

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so much of the works hereinbefore mentioned or so much of the said alterations or extensions of such mains pipes or culverts as will affect any railway or work belonging to them except the actual laying and the jointing of any mains or pipes of the Company which shall be executed by the Company if the Company's engineer so desires the railway company may themselves execute such works alterations and extensions and recover the reasonable cost thereof from the Company:

(H) If owing to or by reason of any of the matters aforesaid any injury shall arise to any such railway station bridge road approach or other work thereof or interruption shall be caused to the traffic on the said railway or if by reason of any of the works of the Company extra expense shall be incurred by the railway company on account of the maintenance of any such railway station bridge road approach or other work the Company shall make full compensation in respect thereof to the railway company and in the event of any dispute as to the amount of such compensation the same shall be determined by arbitration in manner hereinafter provided:

(I) Any difference which may arise between the Company and the railway company under the provisions of this section shall unless otherwise agreed be settled by arbitration under the provisions of the Arbitration Act 1889 by an engineer to be appointed by the President of the Institution of Civil Engineers at the request of either party.

For protection of  
Midland  
Railway  
Company.

**65.**—(1) In executing and maintaining the works authorised by this Act where the same will cross over or under or otherwise affect any railway or any part of the works or property of the Midland Railway Company (hereinafter referred to as "the Midland Company") the Company shall (except so far as it may be otherwise agreed between the Midland Company and the Company) be subject to the following conditions:—

(A) All such works shall be executed and maintained under the superintendence (if the same be given) and to the reasonable satisfaction of the principal engineer for the time being of the Midland Company and



(except in case of emergency) according to plans and drawings to be previously submitted to and reasonably approved by him or in case of difference by an arbitrator appointed in pursuance of this section. Provided that if for fourteen days after such plans and drawings shall have been submitted to the said engineer he shall fail to give notice to the Company of his objections thereto he shall be deemed to have approved thereof:

- (B) If within fourteen days after the receipt of any such plans and drawings the Midland Company give to the Company notice that they themselves desire to execute any part of the work (other than the actual laying down of the mains which shall be done by the Company) which will cross over or under any railway or work belonging to them the Midland Company may themselves execute such part of the work under the superintendence and to the reasonable satisfaction of the Company's engineer and recover the reasonable costs thereof from the Company:
- (c) All works which the Company may execute under this subsection shall so far as reasonably practicable be so constructed as to cause no injury to the railways works and property of the Midland Company or interruption to the passage or conduct of traffic over the same and if in consequence of the execution maintenance or failure of such works any injury be caused to the said railways works and property or any interruption be caused to the traffic the Company shall make full compensation to the Midland Company in respect of such injury or interruption the amount of such compensation unless agreed upon to be determined by arbitration as hereinafter provided:
- (D) The Company shall bear and on demand pay to the Midland Company the reasonable expense of the employment by the Midland Company during the execution of any work of laying renewing or repairing gas mains which affect their railways of a sufficient number of inspectors watchmen and signalmen to be appointed by the Midland Company for watching and signalling the same with reference to and during the

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execution of such works of the Company and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Company or their contractors.

(2) Any additional expense which the Midland Company may reasonably and properly incur in maintaining their bridges and works by reason of the existence of any mains or pipes of the Company laid under the powers of this Act across over or under such bridges or works shall be paid by the Company.

(3) Any dispute or difference which may arise between the Midland 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 (in default of agreement) by the President of the Institution of Civil Engineers on the application of the Midland Company or the Company and the provisions of the Arbitration Act 1889 shall apply to such arbitration.

Repeal of  
certain pro-  
visions of  
Act of 1866.

**66.** The following sections of the Act of 1866 are hereby repealed (that is to say):—

Section 40. Company to supply gas on request of owner or occupier.

Section 41. Company may require payment for gas for two years.

Section 42. Security for payment of gas and meter rents.

Section 43. Justice may determine nature of security.

Section 44. Penalty for failure by Company to furnish a supply.

Section 47. Testing meters.

Section 48. Consumers may be required to consume by meter.

Section 49. Consumers to keep meters in proper order &c.

Section 50. Register of gas meter to be prima facie evidence.

Section 52. Incoming tenant not liable to pay arrears of gas or meter rent.

- |            |  |            |
|------------|--|------------|
| Section 53 | Power to remove meters and fittings.               | A.D. 1919. |
| Section 54 | Fraudulently injuring meters &c.                   |            |
| Section 55 | Recovery of charges for gas &c.                    |            |
| Section 56 | Contents of warrant.                               |            |
| Section 57 | Warrant shall include costs.                       |            |
| Section 58 | Recovery of sums due to Company.                   |            |
| Section 59 | Penalties not cumulative.                          |            |
| Section 60 | Liability to gas rate not to disqualify justices.  |            |
| Section 64 | Power to test the illuminating power of the gas.   |            |
| Section 65 | Costs of experiment to be paid according to event. |            |

**67.** The proviso to section 7 of the Order of 1895 and the proviso to section 29 of the Order of 1895 are hereby repealed.

Amendment of sections 7 and 29 of Order of 1895.

**68.** 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.

Costs of Act

A.D. 1919.

The SCHEDULE referred to in the foregoing Act.

(A) Land belonging to the Company and occupied by their existing gasworks and offices situate in the parish and borough of Newark in the county of Nottingham containing by admeasurement 8,974 superficial square yards or thereabouts and bounded on the north-eastern side thereof by Barnby Gate and having a frontage thereto of 206 feet or thereabouts on the north-western side thereof by Parker Street and having a frontage thereto of 340 feet or thereabouts on the south-western side in part by lands and premises fronting on and numbered 9 to 35 Smith Street and in part by land and premises fronting on and numbered 2 Parker Street and on the south-eastern side thereof in part by lands and premises fronting on and numbered 7 Smith Street in part by land and premises fronting on and numbered 4 to 36 Harcourt Street and in part by land and premises fronting on and numbered 146 Barnby Gate.

(B) Land in the said parish and borough of Newark belonging to the Company lying to the west of the existing works of the Company containing by admeasurement 5,979 superficial square yards or thereabouts and bounded on the south-eastern side thereof by Parker Street and having a frontage thereto of 226 feet or thereabouts on the north-western side thereof by Whitfield Street and having a frontage thereto of 189 feet or thereabouts on the south-western side thereof in part by lands and premises belonging or reputed to belong to Messrs. J. R. & E. H. Nicholson and in part by land and premises fronting on to and numbered 15 Whitfield Street and on the north-eastern side by land and malthouse belonging or reputed to belong to C. I. Long & Co. Limited.

(C) Land in the said parish and borough of Newark adjoining and lying to the east of the existing works of the Company containing by admeasurement 5,000 superficial square yards or thereabouts and bounded on the north-western side thereof by the existing works of the Company on the north-eastern side thereof by Barnby Gate and having a frontage thereto of 147 feet or thereabouts on the south-eastern side thereof in part by Harcourt Street and having a frontage thereto of 217 feet or thereabouts and in part by premises numbered 168 Barnby Gate and 2 Harcourt Street and on the south-western side thereof by premises fronting on and numbered 36 Harcourt Street.

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