



CHAPTER xcvi.iii.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act 1870 relating to Fort William Gas and Laindon Gas and Water. [20th July 1896.]

A.D. 1896.

WHEREAS under the authority of the Gas and Water Works Facilities Act 1870 the Board of Trade have made the several Provisional Orders set out in the schedule to this Act annexed :

33 & 34 Vict.
c. 70.

And whereas a Provisional Order made by the Board of Trade under the authority of the Gas and Water Works Facilities Act 1870 is not of any validity or force whatever until the confirmation thereof by Act of Parliament :

And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the authority of the said Act and set out in the schedule to this Act annexed be confirmed by Act of Parliament :

Be it therefore enacted by the Queen'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 :—

1. This Act may be cited as the Gas and Water Orders Confirmation Act 1896. Short title.

2. The several Orders as amended and set out in the schedule to this Act annexed shall be and the same are hereby confirmed and all the provisions thereof in manner and form as they are set out in the said schedule shall from and after the passing of this Act have full validity and effect. Confirmation of Orders in schedule.

3. The Undertakers mentioned in the said Orders shall not under the powers of this Act or of the said Orders purchase or acquire in any city borough or urban district or in any parish or part of a parish not being within an urban district ten or more houses Special provisions as to houses of the labouring class.

[Ch. xcvi.] *Gas and Water Orders Confirmation* [59 & 60 VICT.]
Act, 1896.

A.D. 1896. — which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

For the purposes of this section the expression "labouring class" includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

SCHEDULE OF ORDERS.

FORT WILLIAM GAS.—Order authorising the maintenance and continuance of Gasworks and the manufacture and supply of Gas in the Burgh of Fort William in the County of Inverness.

LAINDON GAS AND WATER.—Order empowering the Laindon Gas and Water Company Limited to construct and maintain Gasworks and Waterworks to supply water and to make and supply gas within the Parishes of Laindon and Little Burstead in the County of Essex.

[59 & 60 VICT.] *Gas and Water Orders Confirmation* [Ch. xcvi.]
Act, 1896.

FORT WILLIAM GAS.

A.D. 1896.

Order authorising the maintenance and continuance of Gasworks and the Manufacture and Supply of Gas in the Burgh of Fort William in the County of Inverness.

Fort William.

1. This Order may be cited as the Fort William Gas Order 1896. Short title.
2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order." Commencement of Order.
3. The provisions of the Lands Clauses Acts (except 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) of the Gasworks Clauses Act 1847 and of the Gasworks Clauses Act 1871 are hereby incorporated with this Order except where the same are expressly varied by this Order and the said provisions of the said Gasworks Clauses Acts shall apply as well to the mains pipes and works of the Undertakers laid down or constructed before the commencement of this Order and situate within the limits of supply as defined by this Order as to any mains pipes or works which may be laid down or constructed under the authority of this Order. Incorporation of Acts.
4. In this Order the expression "the prescribed rates" means the rates of dividend authorised by this Order on the capital of the Undertakers or such rates as reduced or increased in accordance with the provisions of this Order and the several words terms and expressions to which by any Act in whole or in part incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have the same respective meanings and in the construction of this Order or of any such Act for the purposes of this Order the expression "the undertaking" shall include the gasworks and works connected therewith by this Order authorised to be maintained and continued. Interpretation.
5. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the burgh of Fort William in the county of Inverness. Limits of Order.

Undertakers.

6. Hugh Mayberry of No. 128 Hope Street Glasgow in the city and county of Glasgow his executors administrators or assigns shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers" Provided that if the undertaking is at any time assigned to any other body company or person such body company or person shall from

[Ch. xcvi.] *Gas and Water Orders Confirmation* [59 & 60 VICT.]
Act, 1896.

A.D. 1896. the date of such assignment be the Undertakers for the purposes of this Order in lieu of the person or persons above mentioned but no such assignment shall have any validity or effect until after the approval of the Board of Trade to such assignment has been signified in writing signed by a secretary or an assistant secretary of the said Board Provided that nothing in this Order contained shall prevent the Undertakers borrowing money on the security of mortgages of the undertaking not exceeding the amount by this Order prescribed or shall make the consent or approval of the Board of Trade necessary to the validity or effect of any such mortgage.

*Fort
William.*

Capital.

Capital.

7. The capital of the Undertakers shall not for the purposes of the undertaking exceed ten thousand pounds consisting of the original capital of three thousand pounds already expended upon the undertaking and of additional capital not exceeding seven thousand pounds unless any increase thereto be hereafter authorised for such purposes by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

Limits of dividend on capital.

8. The Undertakers shall not in any year make out of their profits any larger dividend on the said original and additional capital than the standard rates of dividend herein-after mentioned namely ten pounds in respect of every one hundred pounds of such original capital and six pounds in respect of every one hundred pounds of such additional capital as is actually paid up Provided that if and so long as the undertaking is carried on by an individual or individuals as Undertakers and not by a duly constituted company in the construction of this section the expression "actually paid up" shall be deemed to mean actually expended on or actually being used for the purposes of the undertaking.

Limit of borrowing powers.

9. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the undertaking shall not at any time exceed in the whole two thousand five hundred pounds and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers after the commencement of this Order and secured as aforesaid.

Purchase of Lands.

Power to purchase lands by agreement.

10. The Undertakers may for the purposes of the undertaking from time to time purchase or take on lease (by agreement but not otherwise) and hold in addition to the lands shown on the map deposited for the purposes of this Order and described in Schedule A. to this Order annexed any lands which they may require Provided that they shall not create or permit a nuisance on any such lands and that they shall not at any time hold for such purposes more than three acres of land in the whole in addition to the lands described in the said schedule and that no lands shall be used by the Undertakers for the purpose of manufacturing gas or residual products or of storing gas except the lands described in the said schedule.

[59 & 60 VICT.] *Gas and Water Orders Confirmation* [Ch. xcvi.]
Act, 1896.

Maintenance and Continuance of Gasworks Manufacture and Sale of Gas A.D. 1896.
Coke and Residual Products.

Fort William.

Undertakers may maintain and continue gasworks on lands described in Schedule A. and may make and sell gas &c.

11. The Undertakers may on the lands shown on the map deposited for the purposes of this Order and described in Schedule A. to this Order annexed while they are possessed of the same maintain and continue and from time to time alter and enlarge renew or discontinue their existing gasworks and works connected therewith and may construct erect make and maintain and from time to time alter and enlarge retorts gasholders receivers purifiers meters apparatus and works for the manufacture and storing of gas and of coke and other residual products obtained in the manufacture of gas and matters producible therefrom and they may subject to the provisions of this Order make and store gas on such lands and supply and sell the same within the limits of supply and may on the same lands manufacture and store coke asphaltum pitch tar ammoniacal liquor oil and all such other residual products as aforesaid and may sell and dispose of the same at their works and elsewhere and they may also construct and maintain and from time to time alter enlarge renew or discontinue houses offices buildings and other works connected with the undertaking.

12. The Undertakers shall if required by the Commissioners of the Burgh of Fort William by notice in writing under their Common Seal served on the Undertakers at their office in Fort William on or before the thirty-first day in July 1896 or 1897 in the then next ensuing session of Parliament apply to Parliament for an Act or to the Board of Trade for a Provisional Order under the Gas and Water Works Facilities Act 1870 to authorise the Undertakers to make and maintain gasworks and to manufacture and store gas and coke and other residual products obtained in the manufacture of gas and matters producible therefrom on a new site in lieu of the existing site If the Undertakers fail to comply with such requisition and to make application for and to obtain the necessary powers the powers conferred on them by this Order shall on the expiry of two years from the date of the service of such requisition cease and determine.

Commissioners of Burgh of Fort William may require Undertakers to provide a new site for gasworks.

13. The Undertakers may at the works or elsewhere manufacture purchase hire supply sell or let on hire gas meters fittings gas stoves and cooking and other apparatus and may also manufacture purchase hire sell let deal in and contract for doing work in connexion with fittings tubes meters pipes apparatus stoves ranges and apparatus for heating for domestic and other purposes by means of gas and all articles and things in any way connected with gasworks or with the supply use or consumption of gas and may take charges and remuneration in respect thereof.

Power to deal in gas meters gas stoves &c.

14. The Undertakers may subject to the provisions of this Order (but only for the purposes of the undertaking within the limits of supply and not so as to acquire any exclusive right therein) contract for take and use any leave licence or authority to work use exercise and put in practice any invention under Letters Patent heretofore made or hereafter to be made granting any right or privilege of working using or vending any invention in relation to the

Power to take licences for patents.

[Ch. xcvi.] *Gas and Water Order's Confirmation* [59 & 60 VICT.]
Act, 1896.

A.D. 1896.

*Fort
William.*

Power to con-
tract for sale
of gas in bulk.

manufacture supply or distribution of gas or the conversion manufacture or utilisation of any product obtainable in or arising from such manufacture or production or from the materials used therein.

15. The Undertakers may from time to time enter into and carry into effect and alter or rescind contracts and agreements with respect to the supply of gas in bulk beyond the limits of supply to any local authority or any company authorised to supply gas at such price and upon such terms and conditions as may from time to time be agreed on Provided that nothing herein contained shall be construed as conferring any powers on the Undertakers in relation to the laying down or placing of any pipe or the breaking up of any road or street or the execution of any work beyond the limits of supply in any district without the consent of the local and road authorities of such district.

For the pro-
tection of the
West Highland
Railway Com-
pany.

16. In laying down repairing altering or enlarging the mains pipes or other works in the exercise of the powers conferred by this Order on or in any way affecting any railway belonging to the West Highland Railway Company or any of the bridges or works thereof or any lands or property belonging to that Company the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer for the time being of that Company and according to plans (when necessary in the opinion of such engineer) to be reasonably approved by him provided that if the said engineer does not express his approval or disapproval of the said plans within ten days after the same shall have been submitted to him he shall be deemed to have approved thereof and in all things at the expense of the Undertakers and so as to cause no injury to any such railway bridges works lands or property or interruption to the passage or conduct of traffic over any such railway and if in consequence of the laying of any such mains or pipes or the construction or execution of any such works by the Undertakers any injury shall arise to any such railway bridges works lands or property or interruption to such traffic the Undertakers shall make full compensation to that Company in respect of such injury or interruption.

Differences
with railway
and other
companies.

17. If any difference arise between the Undertakers and any local or road authority railway canal or other company whose lands or works the Undertakers have power to cross under the authority of this Order as to the mode of laying down repairing altering or enlarging their mains pipes or other works in over or upon such lands or works or the facilities to be afforded for the same such difference shall be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party.

Quality of Gas.

Quality of gas.

18. The quality of the gas supplied by the Undertakers shall with respect to its illuminating power be such as to produce a light equal in intensity to the light produced by fifteen sperm candles and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act 1871.

[59 & 60 VICT.] *Gas and Water Orders Confirmation* [Ch. xcvi.]
Act, 1896.

19. The price to be charged by the Undertakers for gas supplied by them shall not exceed seven shillings per thousand cubic feet and so on in proportion for any less quantity supplied. Provided that at any time after the expiration of three years from the commencement of this Order the Board of Trade may if they think fit by order in writing signed by a Secretary or an Assistant Secretary of the said Board alter the said maximum price either by substituting any other sum for the said sum of seven shillings or by fixing a standard price with sliding scale as to profits and as from the date specified in such Order (herein-after referred to as "the specified date") the price to be charged by the Undertakers for gas supplied by them shall be in accordance with such Order. Provided further that in case such Order shall prescribe a standard price with a sliding scale as to profits then as from the specified date the provisions set forth in Schedule B. to this Order annexed shall be in force and have effect and this Order shall be read and construed accordingly. A copy of any such Order made by the Board of Trade shall be published in the "Edinburgh Gazette" and a copy of the said Gazette containing such Order shall be conclusive evidence of the due making and validity of the same and of the contents thereof.

A.D. 1896.

*Fort
William.*

Price of gas.

Pressure of Gas.

20. All gas supplied by the Undertakers to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than six tenths of an inch in height and to balance from sunset to midnight a column of water not less than eight tenths of an inch in height at the main as near as may be to the junction therewith of the service pipe supplying such consumer.

Pressure of gas.

Testing of Gas.

21. The Undertakers shall within six months after the commencement of this Order cause to be provided at their works a testing place with apparatus therein according to the provisions of the Gasworks Clauses Act 1871 and the burner to be used for testing gas shall be a Sugg's London Argand No. 1 with a six inch by one and three-quarter inch glass chimney and if at any time the gas flame tails over the top of the glass a six inch by two inch chimney shall be used. Provided that any other description of burner may be used which may from time to time be approved for the purpose by the Board of Trade and any gas examiner appointed under the Gasworks Clauses Act 1871 for the purposes of this Order may from time to time subject to the terms of his appointment at such testing place or elsewhere as and when he thinks fit test the pressure at which the gas is supplied and for that purpose may open any street road passage or place (not being the immediate approach to any railway or canal bridge or railway station) vested in or under the control of any local or road authority.

Testing of gas.

Miscellaneous.

22. No penalty shall be incurred by the Undertakers for insufficiency of pressure defect of illuminating power or for excess of impurity in the gas

Exemptions from penalties in certain cases.

[Ch. xcvi.] *Gas and Water Orders Confirmation* [59 & 60 VICT.]
Act, 1896.

A.D. 1896.

*Fort
William.*

Undertakers
to pay interest
on deposits.

supplied by them in any case in which it is proved that such insufficiency defect or excess was produced by an unavoidable cause or accident.

23. Where any money is deposited by any person by way of security with the Undertakers for the payment to them of any moneys which may become due to them by such person in respect of any supply of gas or of the purchase or hire of any meter the Undertakers shall pay interest at the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

8 Vict. c. 17.
s. 142. incor-
porated.

24. Section one hundred and forty-two of the Companies Clauses Consolidation (Scotland) Act 1845 shall be and is hereby incorporated with this Order Provided that for the purpose of such incorporation the expression "the Company" in the said section shall be construed to mean the Undertakers.

Commis-
sioners of
Burgh of Fort
William may
purchase
undertaking.

25. If the Police Commissioners of the Burgh of Fort William (herein-after called "the Commissioners") desire to purchase the undertaking at any time within five years from the commencement of this Order but not afterwards and of such desire give to the Undertakers six months previous notice in writing under their Common Seal the Undertakers shall at the expiration of the said period of six months sell and transfer their undertaking to the Commissioners and the Commissioners may and shall purchase the same for such price and upon such terms and conditions as may be mutually agreed upon or failing agreement as may be determined by arbitration under the Lands Clauses Acts and from and after such sale of the undertaking to the Commissioners all the property real and personal and all rights powers authorities duties obligations and liabilities of the Undertakers in respect of their undertaking held enjoyed exerciseable or to be performed by the Undertakers at the time of such sale other than and excepting powers relating to share and loan capital shall subject to all liabilities then affecting the same be transferred to and vested in and may and shall be enjoyed and exercised and performed by the Commissioners as though the same had been acquired by and conferred upon the Commissioners instead of the Undertakers Provided that if the Commissioners shall within three months after the commencement of this Order give such notice as afore-said to the Undertakers of their desire to purchase the undertaking the arbitrators or umpire in determining the price to be paid by the Commissioners to the Undertakers shall not have regard to the fact that the Undertakers are authorised by the Act confirming this Order to supply gas but shall add to the amount of the award the actual costs of obtaining this Order and its confirmation by Parliament.

Costs of Order.

26. All the costs charges and expenses of and incidental to the applying for preparing obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Undertakers.

SCHEDULE A.

A.D. 1896.

Gas Lands.

*Fort
William.*

Lands belonging or reputed to belong to and occupied by the Undertakers containing one hundred and thirty decimal or one thousandth parts of an acre or thereabouts situate in the burgh of Fort William parish of Kilmallie and county of Inverness bounded on the north by ground belonging or reputed to belong to the West Highland Railway Company on the east partly by ground belonging or reputed to belong to the said West Highland Railway Company partly by ground belonging or reputed to belong to John Johnstone Morton Baker Fort William partly by a house belonging or reputed to belong to Allan Rankin of Buenos Ayres South America and partly by a lane leading from the High Street to the Low Street of Fort William on the south partly by the said house partly by the said lane and partly by the said High Street and on the west partly by another lane leading from the said High Street to ground belonging or reputed to belong to the West Highland Railway Company and partly by ground belonging or reputed to belong to the West Highland Railway Company.

SCHEDULE B.

The foregoing Order shall after the making by the Board of Trade of an order in pursuance of the provisions in that behalf therein contained prescribing a standard price for gas supplied by the Undertakers with sliding scale as to profits and as from the specified date be read and construed subject to the modifications following:—

(i.) Sections thirty to thirty-four (both inclusive) of the Gasworks Clauses Act 1847 shall not continue to be incorporated with or to form part of the foregoing Order and in construing the said Act for the purposes of the foregoing Order section thirty-five of the said Act shall be read and construed as though the words from “in case the whole” down to “have been paid” all inclusive had been omitted therefrom and as though the expression “the prescribed rate” included the prescribed rates as defined by the foregoing Order together with any sum which under the provisions of this schedule might lawfully be carried to the insurance fund:

Sections thirty to thirty-four of Gasworks Clauses Act 1847 to cease to be incorporated.

(ii.) Notwithstanding anything contained in the foregoing Order the standard price to be charged by the Undertakers for gas supplied by them to private consumers by meter shall be the price prescribed by such order of the Board of Trade as aforesaid per thousand cubic feet:

Price of gas with sliding scale as to dividend.

Provided that the Undertakers may increase or reduce the price so charged by them for gas above or below the standard price subject to a reduction or

[Ch. xcvi.] *Gas and Water Orders Confirmation* [59 & 60 VICT.]
Act, 1896.

A.D. 1896. increase in the dividends which the Undertakers may make out of their profits as follows:—

Fort
William.

In respect of any year during any part of which the price so charged by the Undertakers shall have been one penny or part of a penny above the standard price such dividends shall in respect of each penny or part of a penny by which the price shall have been increased be reduced below the standard rates of dividend by five shillings on every hundred pounds of ordinary paid up capital with a ten per centum standard rate of dividend and three shillings on every one hundred pounds of such capital with a six per centum standard rate of dividend and so in proportion for any fraction of one hundred pounds:

And in respect of any year during the whole of which the price so charged by the Undertakers shall have been one penny or more below the standard price such dividends may in respect of each penny by which the standard price shall have been reduced be increased above the standard rates of dividend by five shillings on every hundred pounds of ordinary paid up capital with a ten per centum standard rate of dividend and three shillings on every hundred pounds of such capital with a six per centum standard rate of dividend and so in proportion for any fraction of one hundred pounds:

If profits exceed amount limited excess may be invested and form an insurance fund.

(iii.) If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates the excess beyond the sum necessary for that purpose may from time to time to the extent of one per centum per annum upon such capital of the Undertakers as is actually paid up be invested in Government or other securities and the dividends and interest arising from such securities shall also be invested in the same or like securities in order that the same may accumulate at compound interest until the fund so formed amounts to a sum equal to one-twentieth part of such capital as aforesaid which fund shall form an insurance fund to meet any extraordinary claim demand or charge which may at any time arise against or fall upon the Undertakers from accident strike or other circumstance which in the opinion of the sheriff due care and management could not have prevented and if such fund be at any time reduced it may thereafter be again made up to the said sum and so from time to time as often as such reduction happens Provided that when and so often as the said fund reaches the said limit of one-twentieth part of such capital as aforesaid the interest thereon shall be carried to the credit of the fund available for dividend Provided also that resort may from time to time be had to the insurance fund to meet any such extraordinary claim demand or charge as aforesaid although such fund may not at the time have reached or may have been reduced below the full amount of one-twentieth part of such capital as aforesaid:

Application of further excess of profits over prescribed rates.

(iv.) If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates the excess or such portion of it as is not carried to the insurance fund shall be carried to the credit of the divisible profits of the undertaking for the next following year:

(v.) When in any year the prescribed rates exceed the standard rates by reason of the price charged by the Undertakers for gas in such year being below the standard price then out of the amount of the profits which the Undertakers may make in excess of the standard rates they may in such year set apart such sums as they think fit by way of a reserve fund and all sums (if any) so set apart by the Undertakers and any reserve or other fund of a similar character of the Undertakers existing at the specified date in relation to the undertaking may be invested in Government or other securities and the dividends and interest arising from such securities may also be invested in the same or like securities in order that the same may accumulate at compound interest and the fund so formed shall be called "the reserve fund" and shall be applicable to the payment of dividend in any year in which the clear profits of the Undertakers are insufficient to enable the Undertakers in such year to pay the prescribed rates and save as by this schedule specially provided no sum shall in respect of the undertaking in any year be carried by the Undertakers to any reserve fund:

A.D. 1896.

*Fort
William.*

Power to create
a reserve fund
and application
thereof.

(vi.) Nothing in this schedule contained shall alter vary or affect any contract or agreement duly made or any liability incurred or notice given before the specified date with respect to the gasworks of or the supply of gas by the Undertakers.

Saving of
existing
contracts.

LAINDON GAS AND WATER.

Order empowering the Laindon Gas and Water Company Limited to construct and maintain Gasworks and Waterworks to supply Water and to make and supply Gas within the Parishes of Laindon and Little Burstead in the County of Essex.

Laindon.

1. This Order shall consist of four parts:—

Order to
consist of
four parts.

Part I.—Preliminary relating both to the Gas Undertaking and to the Water Undertaking.

Part II.—Relating to the Gas Undertaking.

Part III.—Relating to the Water Undertaking.

Part IV.—General Provisions relating both to the Gas Undertaking and to the Water Undertaking.

[Ch. xcvi.] *Gas and Water Orders Confirmation* [59 & 60 VICT.]
Act, 1896.

A.D. 1896. PART I.—PRELIMINARY RELATING BOTH TO THE GAS UNDERTAKING AND
Laindon. TO THE WATER UNDERTAKING.

Short title. 2. This Order may be cited as the Laindon Gas and Water Order 1896.

Commence-
ment of Order. 3. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order."

Incorporation
of Lands
Clauses Acts. 4. The provisions of the Lands Clauses Acts (except 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) are hereby incorporated with this Order except where the same are expressly varied by this Order.

Interpretation. 5. The several words terms and expressions to which by any Act in whole or in part incorporated with this Order or with any part of this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have in this Order or in such part of this Order the same respective meanings.

In this Order—

The expressions "deposited map" "deposited plans" and "deposited sections" used in relation to the gas undertaking or the water undertaking by this Order authorised shall mean respectively the map plans and sections relating to such undertakings deposited for the purposes of this Order.

Limits of
Order. 6. Subject to any provisions in that respect herein-after contained the limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the parishes of Laindon and Little Burstead in the county of Essex:

Provided always that nothing in the provisions of section thirty-five of the Waterworks Clauses Act 1847 or section fifty-two of the Public Health Act 1875 or this Order shall prevent the Billericay Rural District Council from exercising any of the powers conferred upon them in relation to the supply of water within their district by the said Public Health Act 1875 or the Public Health (Water) Act 1878 or any other Act or authority as fully and to the same extent as they might have done before the commencement of this Order.

Undertakers. 7. The Laindon Gas and Water Company (Limited) shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

PART II.—RELATING TO THE GAS UNDERTAKING.

Incorporation
of Gasworks
Clauses Acts. 8. The provisions of the Gasworks Clauses Act 1847 and of the Gasworks Clauses Act 1871 are hereby incorporated with this part of this Order except where the same are expressly varied by this part of this Order.

[59 & 60 VICT.] *Gas and Water Orders Confirmation* [Ch. xcvi.]
Act, 1896.

9. In this part of this Order the expression "the prescribed rates" means the rates of dividend authorised by this part of this Order on the gas capital of the Undertakers or such rates as reduced or increased in accordance with the provisions of this Order.

A.D. 1896.
London.
 Interpretation.

Capital.

10. The share capital of the Undertakers shall not for the purposes of the undertaking authorised by this part of this Order (in this part of this Order referred to as "gas capital") exceed four thousand pounds unless the Undertakers are hereafter authorised to raise for such purposes additional share capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

Gas capital.

11. Except as by this Order expressly provided the Undertakers shall not in any year make out of their profits in respect of the gas undertaking authorised by this part of this Order any larger dividends on their said gas capital than the standard rates of dividends herein-after mentioned namely ten pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as ordinary capital or six pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as preference capital.

Limits of dividend on gas capital.

12. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the gas undertaking authorised by this part of this Order shall not at any time exceed in the whole one thousand pounds and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers after the commencement of this Order and secured as aforesaid.

Limit of borrowing powers in respect of gas undertaking.

Acquisition of Land for Gas Purposes.

13. The Undertakers may for the purposes of the gas undertaking authorised by this part of this Order (by agreement but not otherwise) purchase or take on lease and hold such of the lands shown on the deposited map and described in Schedule A. to this Order annexed as they may require for the purposes of the said undertaking.

Power to acquire lands.

14. The Undertakers may for the purposes of the gas undertaking authorised by this part of this Order (by agreement but not otherwise) purchase or take on lease and hold in addition to the lands shown on the deposited map and described in Schedule A. to this Order annexed any lands which they may require. Provided that they shall not at any time hold for such purposes more than three acres of land in the whole including the lands described in the said schedule and that they shall not create or permit a nuisance on any such lands and that no lands shall be used by the Undertakers for the purpose of manufacturing gas or residual products or of storing gas except the lands described in the said schedule.

Additional lands.

[Ch. xcvi.] *Gas and Water Orders Confirmation* [59 & 60 VICT.]
Act, 1896.

A.D. 1896.

Laindon.

Construction and maintenance of gasworks and sale of gas and residual products.

Construction and Maintenance of Gasworks Manufacture and Sale of Gas Coke and Residual Products.

15. The Undertakers on the lands shown on the deposited map and described in Schedule A. to this Order annexed when they have acquired and while they are possessed of the same may construct and maintain and from time to time alter and enlarge renew or discontinue retorts gasholders receivers purifiers meters apparatus and works for the manufacture and storing of gas and of coke and other residual products obtained in the manufacture of gas and matters producible therefrom and they may subject to the provisions of this part of this Order make and store gas and supply and sell the same within the limits of supply and may manufacture and store coke tar pitch asphaltum ammoniacal liquor oil and other residual products obtained in the manufacture of gas and matters producible therefrom and may sell and dispose of the same at the gasworks and elsewhere and they may also subject to the provisions of this Order construct and maintain and from time to time alter and enlarge renew or discontinue houses offices buildings and other works connected with the undertaking.

Power in relation to gas meters &c.

16. The Undertakers may at their works or elsewhere manufacture purchase hire and supply sell or let on hire gas meters fittings gas stoves and cooking and other apparatus and may also manufacture purchase hire sell let or deal in and contract for doing work in connexion with fittings tubes meters pipes apparatus stoves ranges and apparatus for heating for domestic and other purposes by means of gas and all articles and things in any way connected with gasworks or with the supply of gas and may take charges and remuneration in respect thereof.

Power to take licences for patents.

17. The Undertakers may subject to the provisions of this part of this Order (but only for the purposes of the gas undertaking within the limits of supply and not so as to acquire any exclusive right therein) contract for take and use any leave licence or authority to work use exercise and put in practice any invention under Letters Patent heretofore made or hereafter to be made granting any right or privilege of working using or vending any invention in relation to the manufacture or distribution of gas or the conversion manufacture or utilisation of any products obtainable in or arising from such manufacture or from materials used therein.

Quality of Gas.

Quality of gas.

18. The quality of the gas supplied by the Undertakers shall with respect to its illuminating power be such as to produce a light equal in intensity to the light produced by fifteen sperm candles and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act 1871.

Price of Gas.

Price of gas.]

19. The price to be charged by the Undertakers for gas supplied by them shall not exceed five shillings per thousand cubic feet and so in proportion for any less quantity supplied Provided that at any time after the expiration of

[59 & 60 VICT.] *Gas and Water Orders Confirmation* [Ch. xcvi.]
Act, 1896.

three years from the commencement of this Order the Board of Trade may if they think fit by order in writing to be signed by a Secretary or Assistant Secretary of the said Board alter the said maximum price either by substituting any other sum for the said sum of five shillings or by giving a standard price with sliding scale as to profits and as from the date specified in such order (herein-after referred to as "the specified date") the price to be charged by the Undertakers for gas supplied by them shall be in accordance with such order Provided further that in case such order shall prescribe a standard price with sliding scale as to profits then as from the specified date the provisions set forth in Schedule B. to this Order annexed shall be in force and have effect and this Order shall be read and construed accordingly A copy of such order made by the Board of Trade shall be published in the "London Gazette" and a copy of the said Gazette containing such order shall be conclusive evidence of the due making and validity of the same and of the contents thereof.

A.D. 1896.

London.

Pressure of Gas.

20. All gas supplied by the Undertakers to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than six tenths of an inch in height and to balance from sunset to midnight a column of water not less than eight tenths of an inch in height at the main as near as may be to the junction therewith of the service-pipe supplying such consumer.

Pressure of gas.

Testing of Gas.

21. The Undertakers shall within six months after the commencement of this Order cause to be provided at their works a testing place with apparatus therein according to the provisions of the Gasworks Clauses Act 1871 and the burner to be used for testing gas shall be a Sugg's London Argand No. 1 with a six inch by one and three-quarter inch glass chimney and if at any time the gas flame tails over the top of the glass a six inch by two inch chimney shall be used Provided that any other description of burner may be used which may from time to time be approved for the purpose by the Board of Trade and any gas examiner appointed under the Gasworks Clauses Act 1871 for the purposes of this part of this Order may from time to time subject to the terms of his appointment at such testing place or elsewhere as and when he thinks fit test the pressure at which the gas is supplied and for that purpose may open any street road passage or place not being the immediate approach to any railway or canal bridge or railway station vested in or under the control of any local or road authority.

Testing.

Miscellaneous.

22. No penalty shall be incurred by the Undertakers for insufficiency of pressure defect of illuminating power or for 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 unavoidable cause or accident.

No penalty in case of unavoidable cause.

[Ch. xcvi.] *Gas and Water Orders Confirmation* [59 & 60 VICT.]
Act, 1896.

A.D. 1896.

Laindon.

Separate
accounts to be
kept in respect
of gas under-
taking.

Undertakers
to pay
interest on
deposit.

23. The Undertakers shall keep separate annual accounts in respect of their gas undertaking authorised by this part of this Order showing the amount of their paid-up capital in relation to such undertaking and such accounts shall in all respects be in accordance with the provisions of the Gasworks Clauses Act 1871.

24. Where any money is deposited by any person by way of security with the Undertakers for the payment to them of any moneys which may become due to them by such person in respect of any supply of gas or of the purchase or hire of any meter the Undertakers shall pay interest at the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

PART III.—RELATING TO THE WATER UNDERTAKING

Incorporation
of Water-
works Clauses
Acts.

25. The provisions of the Waterworks Clauses Acts 1847 and 1863 are hereby incorporated with and form part of this part of this Order except where the same are expressly varied by this part of this Order.

Interpretation.

26. The expression "superior court" or "court of competent jurisdiction" in any Act wholly or partially incorporated with this part of this Order shall be read and have effect as if the debt or demand in respect of which the expression is used were an ordinary simple contract debt and not a debt or demand created by statute.

Where Under-
takers not
furnishing suf-
ficient supply
local authority
or company
may supply.

27. If at any time after the expiration of five years from the commencement of this Order the Undertakers are not furnishing a sufficient supply of water in accordance with the provisions of this Order in any part of the district of any local authority included within the limits of supply such local authority may provide a supply in the whole or any part of their district within the limits of supply in accordance with the provisions of the Public Health Act 1875 or any company body or person may apply for an Act of Parliament or Provisional Order for the purpose of supplying water in any part of such district not sufficiently supplied by the Undertakers as if in either case there were no company or person authorised by this Order to supply water therein.

If any difference shall arise between the Undertakers and any such local authority company body or person as to the sufficiency of the supply of water in any part of such district such difference shall be settled on the application of either party by the Board of Trade.

Capital.

Capital.

28. The share capital of the Undertakers shall not for the purposes of their water undertaking authorised by this part of this Order exceed eight thousand pounds unless the Undertakers are hereafter authorised to raise for such purposes additional share capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

[59 & 60 VICT.] *Gas and Water Orders Confirmation* [Ch. xcviij.]
Act, 1896.

29. The amount of all moneys borrowed by the Undertakers and secured by mortgage of their water undertaking authorised by this part of this Order shall not at any time exceed in the whole two thousand pounds and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers after the commencement of this Order and secured as aforesaid.

A.D. 1896.

Laindon.

Limit of borrowing powers.

Acquisition of Lands for Water Purposes.

30. The Undertakers may by agreement purchase take on lease acquire and use such of the lands shown on the deposited plans as they may require for the purposes of the water undertaking authorised by this part of this Order and they may by agreement from time to time purchase or take on lease and use any other lands and any easements rights or privileges (not being easements rights or privileges to take water in which persons other than the parties to the agreements have an interest) in over or affecting any lands which they may require for such purposes Provided always that they shall not create or permit a nuisance on any lands held by them and that they shall not at any time hold for such purposes more than three acres of land in the whole and that no building shall be erected on such lands except such as are required for the purposes of the water undertaking.

Power to acquire lands.

31. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of the said Acts grant to the Undertakers any easement right or privilege (not being an easement right or privilege of water in which persons other than the parties to the agreement have an interest) in over or affecting any such lands and the provisions of the said Acts with respect to lands and rent charges so far as the same are applicable in this behalf shall extend and apply to such grants or to such easements rights or privileges as aforesaid.

Persons under disability may grant easements &c. to Undertakers.

Construction of Waterworks.

32. Subject to the provisions of this Order the Undertakers may on the lands shown on the deposited plans when they have acquired and while they are possessed of the same make and maintain in the lines and according to the levels shown on the deposited plans and deposited sections the works hereinafter described with all necessary approaches embankments roads filtering beds wells dams sluices culverts mains pipes engines and all works and conveniences connected therewith and they may subject to the provisions of this part of this Order supply and sell water within the limits of supply.

Power to construct waterworks and to supply water.

The works authorised by this part of this Order are as follows :—

A well and pumping station with pumping engines engine and boiler houses tanks and other works buildings and conveniences to be situate in and upon a piece or parcel of land situate in the parish of Laindon containing

[Ch. xcvi.] *Gas and Water Orders Confirmation* [59 & 60 VICT.]
Act, 1896.

A.D. 1896.

Laindon.

by admeasurement fifteen perches or thereabouts and belonging or reputed to belong to Thomas William Tarbet.

A service reservoir to be situate in and upon a piece or parcel of land containing by admeasurement 2 acres 1 rood 20 poles or thereabouts and belonging or reputed to belong to Thomas William Tarbet and forming part of a piece of land known as Well Wood in the parish of Laindon Hills.

A conduit or line of pipes commencing in the parish of Laindon at the well and pumping station herein-before described thence passing into Gladstone Road along and under the same in a southerly direction and terminating in the parish of Laindon Hills at the service reservoir herein-before described.

All of which works will be situate wholly in the county of Essex.

Limits of deviation.

33. In constructing the works authorised by this part of this Order the Undertakers may deviate laterally to any extent within the limits of lateral deviation shown on the deposited plans but in no case beyond the width of any road shown on the deposited plans and the Undertakers may deviate vertically from the levels shown on the deposited sections to any extent not exceeding three feet upwards or seven feet downwards.

Period for completion of works.

34. The works authorised by this part of this Order shall be commenced constructed and completed within the time and subject to the conditions prescribed by section eleven of the Gas and Water Works Facilities Act 1870 Provided that subject to the restrictions and provisions of this part of this Order the Undertakers may from time to time alter enlarge and extend their engines machinery tanks wells pipes and other works in such way and manner as may be requisite or advisable for supplying water subject to the provisions of this Order within the limits of supply.

Supply.

Limits of pressure.

35. The water supplied by the Undertakers need not at any time be delivered at a greater height than can be reached by gravitation from the service reservoir authorised by this Order.

Rates for supply for domestic purposes.

36. The Undertakers shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of this part of this Order to demand a supply of water for domestic purposes (which shall include one watercloset) furnish to such owner or occupier a sufficient supply of water for such domestic purposes at rates not exceeding the rates per annum herein-after specified (that is to say):—

Where the rateable value of the premises so supplied with water does not exceed five pounds the sum of eight shillings and eightpence :

Where such rateable value exceeds five pounds and does not exceed ten pounds at a rate per centum not exceeding eight pounds :

Where such rateable value exceeds ten pounds and does not exceed twenty pounds at a rate per centum not exceeding seven pounds ten shillings :

[59 & 60 VICT.] *Gas and Water Orders Confirmation* [Ch. xcvi.]
Act, 1896.

A.D. 1896.

London.

Where such rateable value exceeds twenty pounds and does not exceed forty pounds at a rate per centum not exceeding seven pounds :

Where such rateable value exceeds forty pounds and does not exceed sixty pounds at a rate per centum not exceeding six pounds ten shillings :

Where such rateable value exceeds sixty pounds at a rate per centum not exceeding six pounds.

And so in proportion for any shorter period in each case.

Provided that in the case of any inn or hotel (public or private) so supplied with water the rateable value of which exceeds fifteen pounds the Undertakers shall be entitled to demand and take in respect of such supply at a rate not exceeding the rate of seven pounds ten shillings per centum per annum upon such rateable value and so in proportion for any shorter period. Provided also that the Undertakers shall not be compellable to furnish any such supply as aforesaid for any less sum than eight shillings and eightpence in any one year nor for a less period than twelve months and that the Undertakers shall not be entitled in any case to demand a higher water rate for any house or part of a house included in any division of the above scale of rates than they would be entitled to demand if such house or part of a house were of just sufficient rateable value to bring it within the next higher division of the said scale.

The rateable value of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement of the quarter for which the rate accrues or if there is none then by the last rate made for the relief of the poor.

Provided that where the water rate is chargeable on the rateable value of a part only of any hereditament entered in the valuation list such rateable value shall be a fairly apportioned part of the rateable value of the whole tenement ascertained as aforesaid the apportionment in case of dispute to be ascertained by two justices.

37. The Undertakers may charge for and in respect of every watercloset beyond the first (for which no additional charge shall be made) in any premises within the limits of supply an additional sum not exceeding five shillings per annum and for every bath an additional sum not exceeding ten shillings per annum. Provided that for baths containing as usually filled for use a greater quantity of water than fifty gallons the Undertakers may charge an additional sum in excess of the said sum of ten shillings increased in proportion to the size of such bath but the Undertakers shall not be compelled to supply water for any bath so constructed as to contain when filled for use more than fifty gallons of water and such additional sums are to be paid quarterly in advance and to be recoverable in all respects with and as the water rate.

Rates for
waterclosets
&c.

38. For preventing waste misuse undue consumption or contamination of the water of the Undertakers the following provisions shall be in force and have effect but only within the district in which the Undertakers are bound to afford

Power or
Undertakers
to make
regulations.

[Ch. xcvi.] *Gas and Water Orders Confirmation* [59 & 60 VICT.]
Act, 1896.

A.D. 1896. and do in fact afford or are prepared on demand to afford a constant supply
London. The said provisions are as follows:—

- (1.) The Undertakers may from time to time make regulations for the purpose of preventing the waste undue consumption or misuse or contamination of water and may by such regulations prescribe the size make nature materials workmanship and strength and the mode of arrangement connexion disconnexion alteration and repair of the pipes meters cocks ferrules valves soil-pans waterclosets baths tanks cisterns and other apparatus fittings means contrivances receptacles or appliances whatsoever to be used and forbid any arrangements and the use of the several things before mentioned or any or either of them which may allow or tend to waste or undue consumption misuse erroneous measurement or contamination.
- (2.) No such regulations shall be of any force or effect unless and until the same shall have been submitted to and confirmed by the Local Government Board who are hereby empowered to confirm the same.
- (3.) No such regulations shall be confirmed until after the expiration of one month after notice in writing to submit the same for confirmation together with a copy of the proposed regulations shall have been given by or on behalf of the Undertakers to the local authorities within the limits of supply who may within the said period of one month make such representations to the Local Government Board as they see fit.
- (4.) A copy of all such regulations in force for the time being shall be kept at the office of the Undertakers and all persons may at all reasonable times inspect such copy without payment and the Undertakers shall cause to be delivered a printed copy of all regulations for the time being in force to every person applying for the same on payment of a sum not exceeding twopence for each copy.
- (5.) A printed copy of any such regulations dated and purporting to have been made as aforesaid and to be sealed with the seal of the Undertakers and to have been confirmed by the Local Government Board shall be evidence until the contrary be proved in all legal proceedings of the due making confirmation publication and existence of such regulations without further or other proof.
- (6.) In case of failure of any person to observe such regulations as are for the time being in force the Undertakers may if they think fit after twenty-four hours notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any pipe meter valve cock ferrule tank cistern bath soil-pan watercloset or other apparatus means contrivance or receptacle fittings or appliances belonging to or used by such person and not being in accordance with the requirements of such regulations and the expense of every such repair replacement or alteration shall be repaid to the Undertakers by the person on whose credit the water is supplied and may be recovered by them as water rates are recoverable.

[59 & 60 VICT.] *Gas and Water Orders Confirmation* [Ch. xcvi.]
Act, 1896.

(7.) Any person who shall offend against any such regulations shall (without prejudice to any other right or remedy for the protection of the Undertakers or punishment of the offender) be liable to a penalty not exceeding five pounds for each offence and to a further daily penalty not exceeding forty shillings for each day or part of a day whereon such offence shall occur after conviction thereof and the Undertakers may in addition thereto recover the amount of any damages sustained by them.

A.D. 1896.
London.

39. The Undertakers shall when required supply any road authority within the meaning of section two of the Gas and Water Works Facilities Act 1870 and every sewer authority within the limits of supply with water for watering roads and streets and for flushing sewers and drains or other public purposes at a rate not exceeding one shilling for every thousand gallons but no such authority shall be entitled to such a supply whenever and so long as the Undertakers are of opinion that the same would interfere with the proper supply of water for domestic purposes.

Undertakers to supply water to road and sewer authorities.

40. The Undertakers may from time to time by agreement supply any local authority or any company authorised to supply water outside the limits of supply with water in bulk upon such terms and conditions and for such remuneration as may from time to time be agreed upon between the Undertakers and such body or person but notwithstanding any such agreement no such body or person shall be entitled to such a supply whenever and as long as the Undertakers are of opinion that the same would interfere with the proper supply of water for domestic purposes under the provisions of this part of this Order and every such agreement shall be by virtue of this part of this Order determinable by the Undertakers on one month's notice in writing Provided that nothing herein contained shall be construed as conferring any powers on the Undertakers in relation to the laying down or the placing of any pipe or conduit or the breaking up of any road or street or the execution of any work in any district beyond the limits of supply within the meaning of section fifty-two of the Public Health Act 1875 or any similar provision.

Power to supply water in bulk within or without limits of supply.

41. The Undertakers may if they think fit enter into agreements for the supply of water by measure to any person within the limits of supply and may charge a rent for each meter or other instrument for measuring water provided by them at a rate per annum not exceeding fifteen per centum of the price of such meter or instrument such rent to be paid quarterly in advance and to be recoverable in all respects with and as the water rate.

Supply of water by measure.

42. The Undertakers shall at all times at their own expense keep all meters or other instruments for measuring water let by them for hire to any person in proper order for correctly registering the supply of water and in default of their so doing such person shall not be liable to pay rent for the same during such time as such default continues The Undertakers shall for the purposes aforesaid have access to and be at liberty to remove test inspect and replace any such meter or other instrument at all reasonable times.

Undertakers to keep meters &c. in repair.

43. Where water is supplied by measure the register of the meter or other instrument for measuring water shall be primâ facie evidence of the quantity of water consumed and in respect of which any water rate is charged and sought

Register of meters &c. to be evidence.

[Ch. xcvi.] *Gas and Water Orders Confirmation* [59 & 60 VICT.]
Act, 1896.

A.D. 1896.

Laindon.

to be recovered by the Undertakers. Provided that if the Undertakers and the person to whom the water is supplied differ as to the quantity consumed such difference shall be determined upon the application of either party by a court of summary jurisdiction who may also order by which of the parties any costs of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties.

Amendment of
10 & 11 Vict.
c. 17. s. 44.

44. Section forty-four of the Waterworks Clauses Act 1847 shall for the purposes of this part of this Order have effect as if the words "with the consent" "in writing of the owner or reputed owner of any such house or of the agent" "of such owner" were omitted therefrom. Provided that any rent paid by an occupier in pursuance of the provisions of the said section may be deducted by such occupier from any rent from time to time due by him to such owner.

When several
houses sup-
plied by one
pipe each to
pay.

45. When several houses or parts of houses in the occupation of several persons are supplied by one common pipe the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rates for the supply of water as they would have been liable to if each of such several houses or parts of houses had been separately supplied with water from the waterworks of the Undertakers by a distinct pipe. Provided that the Undertakers shall not be compelled to supply water to the occupier of any part of a dwelling-house unless the water rate is paid for the whole of such dwelling-house.

Supply of
water to
tenants in
a row.

46. Where there are several tenements in a row no tenant or occupier of any one of the tenements nor any person on his behalf shall take or use the water laid on by the Undertakers to any other of such tenements unless the tenant or occupier be in respect of the tenement so occupied by him rated under this part of this Order for a supply of water.

Penalties.

Injuring
meters &c.

47. Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Undertakers or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Undertakers or commits any breach of any authorised regulations against waste misuse or contamination of the water supplied by the Undertakers shall without prejudice to any other right or remedy for the protection of the Undertakers or the punishment of the offender for every such offence forfeit and pay to the Undertakers a sum not exceeding five pounds and the Undertakers may in addition thereto recover the amount of any damage by them sustained. The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Undertakers when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be *prima facie* evidence that such injury alteration prevention abstraction consumption or user as the case may

[59 & 60 VICT.] *Gas and Water Orders Confirmation* [Ch. xcvi.]
Act, 1896.

be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

A.D. 1896.

Laindon.

48. Any tenant or occupier of one or part of one of several houses or tenements supplied by a common pipe who takes or uses the water laid on by the Undertakers to any other such house or tenement or allows the same to be taken or used contrary to the provisions of this part of this Order shall for every such offence be liable to a penalty not exceeding five pounds.

Misuser where supply to several houses is by a pipe common to all.

Miscellaneous.

49. In case any person supplied with water by the Undertakers leave the premises where such water has been supplied to him without paying to them the water rate or meter rent due from him the Undertakers shall not be entitled to require from the next tenant of such premises the payment of the arrears left unpaid by the former tenant unless such incoming tenant has undertaken with the former tenant to pay or exonerate him from the payment of such arrears.

Incoming tenant not liable to pay arrears.

50. The Undertakers shall keep separate annual accounts with respect to their water undertaking authorised by this part of this Order showing the amount of their paid-up capital in relation to such undertaking and such account shall in all respects be in accordance with the provisions of the Waterworks Clauses Act 1847.

Separate accounts to be kept in respect to water undertaking.

PART IV.—GENERAL PROVISIONS APPLYING TO GAS AND WATER UNDERTAKINGS.

51. Any summons or warrant issued for any of the purposes of this part of this Order may contain in the body thereof or in the schedule thereto several sums.

Several sums in one summons.

52. Any justice who issues a warrant of distress in pursuance of the provisions of this part of this Order may order that the costs of the proceedings for the recovery of the money to be levied shall be paid by the person liable to pay such money and such costs shall be ascertained by such justice and shall be included in the warrant of distress for the recovery of such money.

Warrant of distress to include costs.

53. No justice or judge of any county court or quarter sessions shall be disqualified from acting in the execution of this part of this Order by reason of his being liable to the payment of any water rate or other charge under this part of this Order.

Liability to water rate not to disqualify justices from acting.

54. All works to be constructed by the Undertakers in the exercise of any powers conferred by this Order in any way affecting the railway of the Great Eastern Railway Company (in this section referred to as "the Company") or any of the bridges or works thereof or any lands or property belonging to the Company shall be constructed under the superintendence and to the reasonable satisfaction of the principal engineer for the time being of the Company and according to plans to be reasonably approved by him but in all things at the

For the protection of the Great Eastern Railway Company.

[Ch. xcvi.] *Gas and Water Orders Confirmation* [59 & 60 VICT.]
Act, 1896.

A.D. 1896. expense of the Undertakers and so as to cause no injury to such railway
Laindon. bridges works lands or property or interruption to the passage or conduct of
traffic over such railway and if in consequence of the construction of such
works any injury be caused to such railway bridges works lands or property or
any interruption be caused to such traffic the Undertakers shall make full
compensation to the Company in respect of such injury or interruption the
amount of such compensation failing agreement to be settled by arbitration in
the manner provided for settling cases of disputed compensation by the Lands
Clauses Consolidation Act 1845 with respect to the purchase and taking of
lands otherwise than by agreement.

For the pro-
tection of the
London
Tilbury and
Southend
Railway
Company.

55. All works to be constructed by the Undertakers in the exercise of any
powers conferred by this Order in any way affecting the railway of the London
Tilbury and Southend Railway Company (in this section referred to as "the
Company") or any of the bridges or works thereof or any lands or property
belonging to the Company shall be constructed under the superintendence
and to the reasonable satisfaction of the principal engineer for the time being
of the Company and according to plans to be reasonably approved by him
but in all things at the expense of the Undertakers and so as to cause no
injury to such railway bridges works lands or property or interruption to
the passage or conduct of traffic over such railway and if in consequence of
the construction of such works any injury be caused to such railway bridges
works lands or property or any interruption be caused to such traffic the
Undertakers shall make full compensation to the Company in respect to such
injury or interruption the amount of such compensation failing agreement to
be settled by arbitration in the manner provided for settling cases of disputed
compensation by the Lands Clauses Consolidation Act 1845 with respect to
the purchase and taking of lands otherwise than by agreement.

Nothing in this Order shall authorise the Undertakers to interfere with any
part of the railway of the Company or to lay pipes along over or across the
same other than the pipe across the railway shown on the deposited plans at
the point marked D thereon in the parish of Laindon.

For pro-
tection of the
Essex County
Council.

56. For the protection of the Essex County Council (herein-after called "the
Council") the following provisions shall have effect:—

(1.) Before disturbing the surface of any road the Undertakers shall give at
least twenty-four hours notice of their intentions with respect thereto
to the Council except where the Undertakers propose to substitute new
mains for old mains in which case they shall give at least one month's
notice of such intention to the Council.

(2.) The manner in which all gas and water mains shall be laid across any
bridge carrying a main road shall be determined by and be in the reason-
able discretion of the Council's chief surveyor of main roads.

As to pipes
crossing
the works of
a railway or
other
company.

57. If any difference arise between the Undertakers and any road authority
railway canal or other company whose land or works the Undertakers have
power to cross under the authority of this Order or any part of this Order for

[59 & 60 VICT.] *Gas and Water Orders Confirmation* [Ch. xcvi.]
Act, 1896.

the purpose of meeting the demands for gas or water within the limits of supply as to the mode of laying down repairing altering or enlarging their mains pipes or works or as to the facilities to be afforded for the same such difference shall be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party.

A.D. 1896.

Laindon.

58. Section one hundred and forty of the Companies Clauses Consolidation Act 1845 shall be and is hereby incorporated with this Order Provided that for the purpose of such incorporation the expression "the company" in the said section shall be construed to mean the Undertakers.

8 Vict. c. 16.
s. 140. incor-
porated.

59. All the costs charges and expenses of and incidental to the application for preparing obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Undertakers.

Costs of Order.

SCHEDULE A.

Gas Lands.

A piece or parcel of land containing by admeasurement 2 acres 30 poles or thereabouts situate in the parish of Laindon and distant 700 yards or thereabouts measured in an easterly direction from the Laindon Station of the London Tilbury and Southend Railway Company which said piece or parcel of land was formerly part of the Laindon Station Estate and now belonging or reputed to belong to Thomas William Tarbet and George Davis bounded on the north by the railway of the London Tilbury and Southend Railway Company and by other lands forming a portion of the Laindon Station Estate on the west by the road called Marlborough Road on the south by other land forming part of the Laindon Station Estate and by lands belonging or reputed to belong to and in the occupation of Alfred Markham and on the east by lands belonging or reputed to belong to and in the occupation of the said Alfred Markham which said piece or parcel of land forms part of the field numbered 27 on the 25 inch Ordnance map for the said parish.

SCHEDULE B.

The foregoing Order shall after the making by the Board of Trade of an order in pursuance of the provisions in that behalf therein contained prescribing a standard price for gas supplied by the Undertakers with sliding scale as to profits and as from the specified date be read and construed subject to the modifications following:—

(i.) Sections thirty to thirty-four (both inclusive) of the Gasworks Clauses Act 1847 shall not continue to be incorporated with or to form part of the foregoing Order and in construing the said Act for the purposes of the foregoing Order section thirty-five of the said Act shall be read and construed

Sections
thirty to
thirty-four
of Gasworks
Clauses Act
1847 to
cease to be
incorporated.

[Ch. xcviij.] *Gas and Water Orders Confirmation* [59 & 60 Vict.]
Act, 1896.

A.D. 1896.
London.

as though the words from "in case the whole" down to "have been paid" all inclusive had been omitted therefrom and as though the expression "the prescribed rate" included the prescribed rates as defined by the foregoing Order together with any sum which under the provisions of this schedule might lawfully be carried to the insurance fund.

Price of gas
with sliding
scale as to
dividend.

(ii.) Notwithstanding anything contained in the foregoing Order the standard price to be charged by the Undertakers for gas supplied by them to private consumers by meter shall be the price prescribed by such Order of the Board of Trade as aforesaid per thousand cubic feet.

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

In respect of any year during any part of which the price charged by the Undertakers shall have been one penny or part of a penny above the standard price the dividend payable by the Undertakers shall in respect of each penny or part of a penny by which the price shall have been increased be reduced below the standard rate of dividend by five shillings on every hundred pounds of ordinary paid up capital and so in proportion for any fraction of one hundred pounds.

And in respect of any year during the whole of which the price charged by the Undertakers shall have been one penny or more below the standard price the dividend payable by the Undertakers may in respect of each penny by which the standard price has been reduced be increased above the standard rate by five shillings on every hundred pounds of ordinary paid-up capital and so in proportion for any fraction of one hundred pounds.

If profits exceed amount limited excess may be invested and form an insurance fund.

(iii.) If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates the excess beyond the sum necessary for that purpose may from time to time to the extent of one per centum per annum upon the paid-up capital of the Undertakers be invested in Government or other securities and the dividends and interest arising from such securities shall also be invested in the same or like securities in order that the same may accumulate at compound interest until the funds so formed amount to a sum equal to one-twentieth part of the paid-up capital of the Undertakers which sum shall form an insurance fund to meet any extraordinary claim demand or charge which may at any time arise against or fall upon the Undertakers from accident strike or other circumstance which in the opinion of a court of summary jurisdiction due care and management could not have prevented and if such fund be at any time reduced it may thereafter be again made up to the said limit and so from time to time as often as such reduction happens. Provided that when and so often as the said fund reaches the said limit of one-twentieth part of the paid-up capital the interest thereon shall be carried to the credit of the fund available for dividend. Provided also that resort may from time to time be had to the insurance fund to meet any

[59 & 60 VICT.] *Gas and Water Orders Confirmation* [Ch. xcvi.]
Act, 1896.

such extraordinary claim demand or charge as aforesaid although such fund may not at the time have reached or may have been reduced below the full amount of one twentieth as aforesaid.

A.D. 1896.
London.

(iv.) If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates the excess or such portion of it as is not carried to the insurance fund shall be carried to the credit of the divisible profits of the undertaking for the next following year.

Application of further excess of profits over prescribed rates.

(v.) Where in any year the prescribed rates on the ordinary share capital or stock of the Undertakers exceed the standard rates by reason of the price charged by the Undertakers for gas in such year being below the standard price then out of the amount of the divisible profits of the Undertakers applicable to the payment of such excess of dividend the Undertakers may in such year set apart such sum as they think fit by way of a reserve fund and all sums (if any) so set apart by the Undertakers and any reserve or other fund of a similar character of the Undertakers existing at the specified date in relation to the undertaking may be invested in Government or other securities and the dividends and interest arising from such securities may also be invested in the same or the like securities in order that the same may accumulate at compound interest and the fund so formed shall be called "the reserve fund" and shall be applicable to the payment of dividend in any year in which the clear profits of the Undertakers shall be insufficient to enable the Undertakers in such year to pay the prescribed rates and save as by this schedule specially provided no sum shall in respect of the undertaking in any year be carried by the Undertakers to any reserve fund.

Power to create a reserve fund and application thereof.

(vi.) Nothing in this schedule contained shall alter vary or affect any contract or agreement duly made or any liability incurred or notice given before the specified date with respect to the gasworks of or the supply of gas by the Undertakers.

Printed by EYRE and SPOTTISWOODE,
FOR

T. DIGBY PIGOTT, Esq., C.B., the Queen's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C.; or
JOHN MENZIES & Co., 12, HANOVER STREET, EDINBURGH, and
90, WEST NILE STREET, GLASGOW; or
HODGES FIGGIS, & Co., LIMITED, 104, GRAFTON STREET, DUBLIN.

