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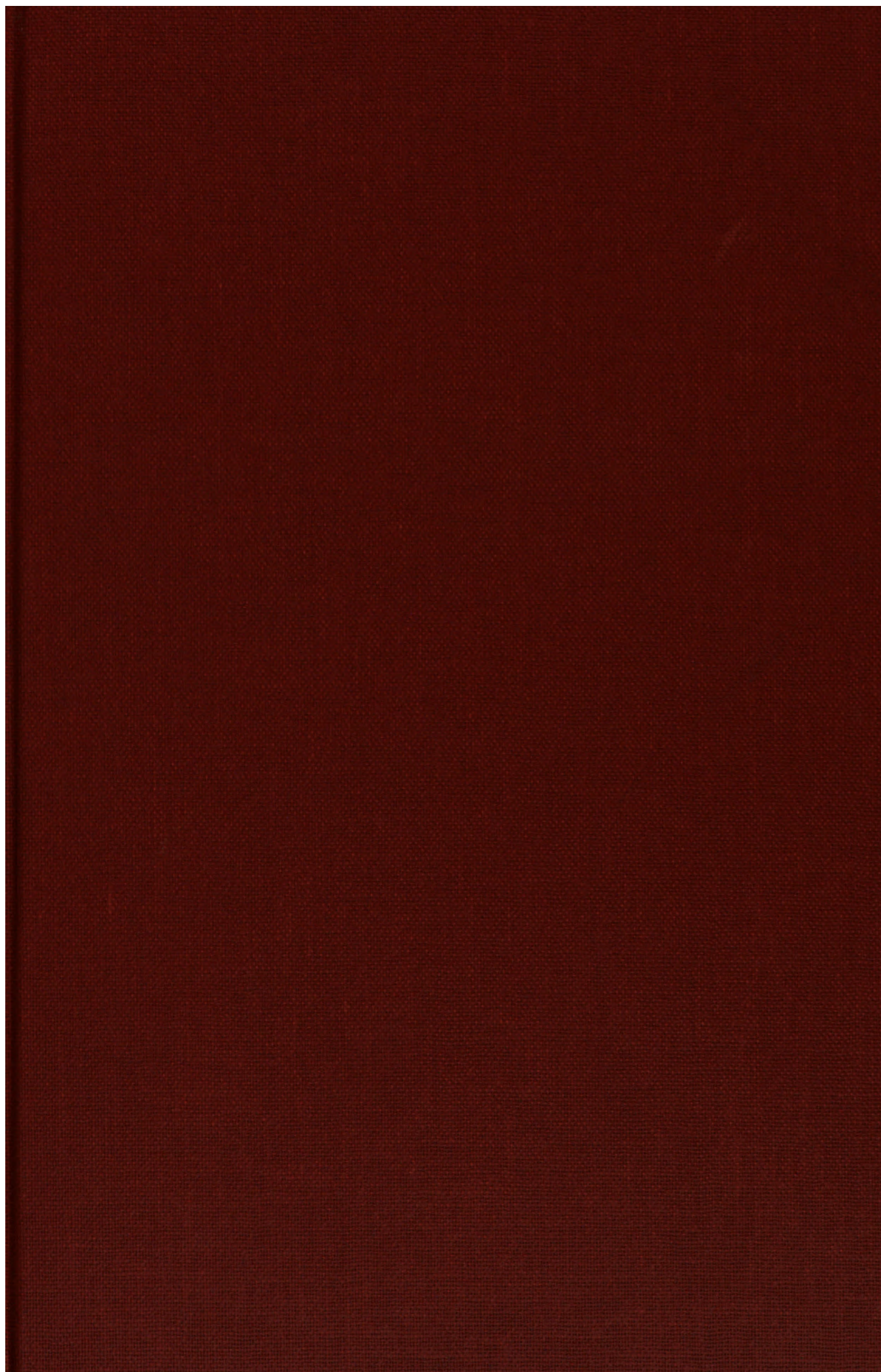
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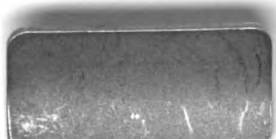
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THE
SESSIONAL PAPERS
PRINTED BY ORDER
OF
THE HOUSE OF LORDS,
OR PRESENTED BY ROYAL COMMAND,
IN THE
Session 1910,
(10 EDWARD VII.—1 GEORGE V.)
ARRANGED IN VOLUMES.

Vol. V.

PUBLIC BILLS,

(Five Volumes,)

CONTINUED.

THE SUBJECTS ALPHABETICALLY ARRANGED:

FAL - - KIR

1910.

PUBLIC BILLS, 1910.

(FIVE VOLUMES.)

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A

BILL

INTITULED

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Falkirk Corporation Gas. A.D. 1910.

WHEREAS His Majesty's Secretary for Scotland has made the Provisional Order set forth in the schedule hereunto annexed under the provisions of the Private Legislation Procedure (Scotland) Act 1899 and it is requisite that the said Order should be confirmed by Parliament:

Be it therefore 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:—

- | | | |
|------------------|--|---|
| <p>10</p> | <p>1. The Provisional Order contained in the schedule hereunto annexed shall be and the same is hereby confirmed.</p> | <p>Confirmation
of Order in
schedule.</p> |
| <p></p> | <p>2. This Act may be cited as the Falkirk Corporation Gas Order Confirmation Act 1910.</p> | <p>Short title.</p> |

A.D. 1910.

SCHEDULE.

FALKIRK CORPORATION GAS.

*Provisional Order to authorise the provost magistrates and
councillors of the burgh of Falkirk to raise further money for
their gas undertaking and to confer on them further* 5
powers in relation thereto and for other purposes.

WHEREAS by the Falkirk Corporation Gas Act 1894 (herein-
after called "the Act of 1894") the commissioners of the burgh
of Falkirk acting under the Burgh Police (Scotland) Act 1892
now the provost magistrates and councillors (herein-after referred 10
to as "the Town Council") of the burgh of Falkirk (herein-after
referred to as "the burgh") were authorised to erect construct
and maintain gasworks and to supply gas to the burgh and
districts and places adjacent thereto as defined in the said Act:

And whereas under the provisions of the Act of 1894 the 15
Town Council acquired by purchase the undertaking of the
Falkirk Joint Stock Gas Company Limited and further acquired
certain lands therein described for the erection of new gasworks:

And whereas the Town Council were authorised by the Act
of 1894 to borrow money not exceeding one hundred and twenty 20
thousand pounds for the purposes of their gas undertaking and
for the construction of new gasworks and for the purchase of
lands:

And whereas by the Falkirk Corporation Gas and Burgh
Extension Act 1900 (herein-after called "the Act of 1900") the 25
Town Council were amongst other things authorised to purchase
the lands therein described for the construction of new gasworks
and to construct gasworks thereon and to sell and dispose of the
lands acquired by them for gasworks purposes under the Act of
1894 and to discontinue remove sell and dispose of the then 30
existing gasworks and property of the Town Council:

And whereas by the Act of 1900 the Town Council were
authorised to borrow further money not exceeding eighty thousand
pounds for the construction of the new gasworks and for the
general purposes of their gas undertaking: 35

[10 EDW. 7 & *Falkirk Corporation Gas Order*
1 GEO. 5.] *Confirmation.*

3

And whereas the Town Council have constructed new gas-works on the lands acquired under the Act of 1900 and from the said works are supplying gas to the burgh and the districts and places adjacent :

A.D. 1910

5 And whereas the borrowing powers of the Town Council for and in respect of their gas undertaking are exhausted and they have incurred a capital expenditure of upwards of five thousand pounds in excess of the aggregate amount of such borrowing powers :

10 And whereas it is expedient that the Town Council should be authorised to borrow further moneys for the purposes of and in connexion with their gas undertaking :

And whereas it is expedient that the Town Council should be authorised to charge differential rates for the supply of gas
15 and to reduce the illuminating power of gas supplied by them and that further provision should be made for testing such illuminating power :

And whereas it is expedient that the Town Council should be authorised to allow discounts or abatements for prompt payment
20 of accounts and also to large consumers :

And whereas it is expedient to enlarge the powers of the Town Council with respect to the laying and maintenance of main and service pipes :

And whereas it is expedient that the further powers herein-
25 after contained should be conferred on the Town Council :

And whereas the purposes aforesaid cannot be effected without an Order of the Secretary for Scotland confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1899 :

30 Now therefore in pursuance of the powers contained in the last-mentioned Act the Secretary for Scotland orders as follows :—

1. This Order may be cited as the Falkirk Corporation Gas Order 1910 The Falkirk Corporation Gas Act 1894 and the Falkirk Corporation Gas and Burgh Extension Act 1900 and this
35 Order may be cited together as the Falkirk Corporation Gas Acts 1894 to 1910.

Short title.

2. This Order shall commence and have effect at and from the date of the passing of the Act confirming the same which
(135)

Commence-
ment of
Order.

A.D. 1910. date is herein-after referred to as the commencement of this Order.

Incorporation of Acts.

3. The following Acts or parts of Acts so far as the same are respectively applicable for the purposes of and are not inconsistent with and not expressly varied by this Order are hereby incorporated with this Order (that is to say):—

The provisions of the Commissioners Clauses Act 1847 with respect to the mortgages to be executed by the Town Council except clauses 84 86 and 87;

The Gasworks Clauses Act 1847 and the Gasworks Clauses Act 1871 with the exceptions specified in the Act of 1894.

Interpretation of terms.

4. The several words and expressions to which by the Act of 1894 as amended by the Act of 1900 and the Acts incorporated therewith meanings are respectively assigned shall when used in this Order and subject to the provisions of this Order have the same respective meanings unless there be something in the subject or context repugnant to such construction and subject to the following provisions (that is to say):—

“The Town Council” means the provost magistrates and councillors of the burgh; 20

“The Town Councils Act” means the Town Councils (Scotland) Act 1900;

“The gas undertaking” means the gas undertaking of the Town Council.

Power to borrow.

5. The Town Council may from time to time in addition to any sums they were authorised to borrow under the Act of 1894 and the Act of 1900 borrow on mortgage or otherwise any sums required for the general purposes of the gas undertaking not exceeding fifty-five thousand pounds and may make and grant mortgages or other securities of the several rates rents and charges and other revenues to be levied and received by the Town Council under the provisions of the Act of 1894 and the Act of 1900 and this Order in security of the money so borrowed and interest thereon and any sums so to be borrowed may be borrowed on terms of the repayment thereof by way of instalment annuity or otherwise Provided always:— 35

(1) That from and after the commencement of this Order the sums required to be set apart as a sinking fund for repayment of moneys borrowed under the powers

of the Act of 1894 and the Act of 1900 shall not be less than one and a half per centum per annum on the amount for the time being borrowed: A.D. 1910.

5 (2) That the sum to be set apart as a sinking fund for repayment of moneys borrowed under the powers of this Order shall be not less than two per centum per annum on the amount for the time being borrowed:

10 (3) That in the event of repayment of any moneys borrowed under the powers of the said Acts or this Order being made by way of instalment or annuity the annual amount of such instalment or annuity shall be sufficient to pay off the moneys so borrowed within a period from the date of borrowing not exceeding the period within which full repayment would be provided by way of sinking fund in terms of the said Acts and this Order.

15 6. Subject to the provisions of this Order the provisions of the Act of 1894 and the Act of 1900 with respect to the security for money borrowed and sinking fund and the forms of mortgage transfers and discharge and the repayment of money borrowed and the guarantee rate and the appointment of a judicial factor shall be and are hereby made applicable to the money to be borrowed under this Order. Application of Acts of 1894 and 1900.

20 7. In the year ending the fifteenth May one thousand nine hundred and eleven and in every subsequent year the Town Council shall for the purposes of and in connexion with the reserve fund authorised by subsection (4) of section 29 of the Act of 1894 contribute to the said fund from the revenues of the gas undertaking a sum not less than an amount calculated at the rates herein-after mentioned on every thousand cubic feet of gas sold in each year (that is to say):— Reserve fund.

25 (1) When the price of gas sold for lighting purposes does not exceed three shillings and threepence per thousand cubic feet the said contribution shall be at a rate not less than twopence: 35

(2) When the price of gas sold for lighting purposes exceeds three shillings and threepence but does not exceed three shillings and sixpence per thousand cubic feet the said contribution shall be at a rate not less than three halfpence: 40

A.D. 1910.

- (3) When the price of gas sold for lighting purposes exceeds three shillings and sixpence per thousand cubic feet the said contribution shall be at a rate not less than one penny.

The said reserve fund shall in addition to the purposes 5 mentioned in the said subsection be applicable towards defraying the cost of extensions of the undertaking but notwithstanding anything contained in the said subsection shall not be applicable towards the cost of renewals of meters and stoves.

Town Coun-
cil may re-
borrow.

8. If after having borrowed the sums of money by this 10 Order authorised or any part thereof the Town Council shall pay off the same or any part thereof otherwise than by means of instalments annuity or the sinking fund or by means of the proceeds of any lands sold by them it shall be lawful for the Town Council again to borrow the amount so paid off upon the 15 same securities as those upon which the moneys so paid off were secured and so from time to time Provided that all moneys so borrowed by the Town Council shall for the purpose of repayment be deemed part of the sum originally borrowed by them and shall be repaid within the period prescribed for the repay- 20 ment of the money in lieu of which such re-borrowing has been made.

Priority of
existing
mortgages.

9. All mortgages assignments or other securities on the rates rents charges and other revenues leviable and receivable by the Town Council granted by the Town Council in pursuance of the 25 powers and provisions of the Act of 1894 and the Act of 1900 before and subsisting at the commencement of this Order shall during the continuance of such mortgages assignments or securities have priority over any mortgages assignments or securities on the same rates rents charges and other revenues of the Town 30 Council granted after the commencement of this Order Provided that all securities hereafter granted by the Town Council for money borrowed or raised for the gas undertaking shall rank together *pari passu* without preference or priority the one over the other And all mortgages granted by the Town Council after 35 the commencement of this Order shall contain an endorsation to that effect.

Protection of
lender from
inquiry.

10. A person lending money to the Town Council shall not be bound to inquire as to the observance by them of any provision of this Order or be bound to see to the application or be answerable 40

for any loss misapplication or non-application of such money or A.D. 1910.
of any part thereof.

11. All moneys borrowed by the Town Council under this Order other than money borrowed for current annual expendi-
5 ture shall be applied only to purposes to which capital is properly applicable.

Application
of money
borrowed.

12.—(1) The prescribed number of candles shall not be less than fourteen.

Illuminating
power.

(2) The quality of the gas supplied by the Town Council
10 shall with respect to its illuminating power be such as to produce at the testing place when burned at the rate of five cubic feet per hour a light equal in intensity to the light produced by fourteen sperm candles of six to the pound each consuming one hundred and twenty grains of sperm per hour
15 and shall be in all respects in accordance with the provisions of the Gasworks Clauses Act 1871.

(3) For testing the illuminating power of the gas the burner to be used shall be that known as the Metropolitan Argand No. 2 The photometer shall be the bar photometer or
20 the table photometer the standard light shall be that supplied by Harcourt's ten-candle pentane lamp and in making the test the burner shall be so used as to obtain from the gas when burned at the rate aforesaid the greatest amount of light
25 Provided that the Board of Trade may on the application of the Town Council approve of the use of any other burner photometer or standard light which may appear to the Board to be equally or more suitable for the testing.

(4) The Town Council shall within three months after the commencement of this Order provide all the apparatus required
30 by this Order for the testing of gas and shall at all times keep the same in proper order and repair.

(5) The method of reporting periodical tests shall be such as to carry forward the average of the previous tests in the following manner namely the test made on any one occasion
35 shall be added to the tests made on the two previous occasions and the average of the three shall be reported as being the illuminating power so ascertained.

(6) All gas supplied by the Town Council to any consumer of gas shall be supplied at such pressure as to balance a column

A.D. 1910. of water not less than eighth-tenths of an inch in height at the
main or as near as may be to the junction therewith of the
service pipe supplying the consumer.

(7) Any gas examiner appointed under the Gasworks Clauses
Act 1871 may for the purposes of this Order subject to the 5
terms of his appointment at the testing place or at any public
lamp as and when he thinks fit test the pressure at which the
gas is supplied The Town Council shall afford to the examiner
all reasonable facilities for making the test.

(8) No penalty shall be incurred by the Town Council for 10
insufficiency of pressure defect of illuminating 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
Town Council Provided that the want of sufficient funds shall 15
not be held to be a circumstance beyond the control of the
Town Council.

(9) In the event of any meter used by a consumer of gas
being tested in manner provided by the Sale of Gas Act 1859
and being proved to register erroneously within the meaning of 20
the said Act such erroneous registration shall be deemed to have
first arisen during the then last preceding quarter of the year
unless it be proved to have first arisen during the then current
quarter The amount of the allowance to be made to or of the
surcharge to be made upon the consumer by the Town Council 25
shall be paid by or to the Town Council to or by the consumer
as the case may be and shall be recoverable in the like manner
as gas charges are recoverable by the Town Council.

(10) Section 21 (Pressure of gas) section 22 (Quality of
gas) and section 23 (Burner) of the Act of 1894 are hereby 30
repealed so far as inconsistent with the provisions of this Order.

Differential
charges.

13. The Town Council may notwithstanding anything to the
contrary in the Act of 1894 or the Act of 1900 or in any Act
incorporated therewith charge within any part of their limits of
gas supply differential rates as between gas supplied and used 35
for private lighting purposes and gas supplied and used for any
other purposes Provided that the rate charged for gas supplied
for such other purposes shall not in any case exceed the rate
charged for gas supplied for private lighting purposes and may
be agreed between the Town Council and any person or persons 40

[10 EDW. 7 & *Falkirk Corporation Gas Order*
1 GEO. 5.] *Confirmation.*

9

requiring such supply having regard to the times and periods of supply and the quantity used and shall be the same to all persons under like circumstances. A.D. 1910. —

14. The Town Council may if they think fit allow discounts 5 or rebates to consumers of gas in consideration of prompt payment of gas charges not exceeding in any case ten per centum and in addition thereto or irrespective thereof they may if they think fit allow discounts or rebates to large consumers not exceeding in any case fifteen per centum Provided that all discounts or 10 rebates shall be of equal amount under like circumstances to all consumers Provided also that notice of the effect of this enactment shall be endorsed on every demand note for gas charges.

Discounts.

- 15.—(1) Notwithstanding anything contained in section 11 15 of the Gasworks Clauses Act 1871 the cost of laying and maintaining so much of any service pipe as may be laid under any street (including the footway) may be defrayed by the Town Council.

As to laying and main-tenance of pipes.

- (2) Section 7 of the Gasworks Clauses Act 1847 shall for 20 the purposes of the Falkirk Corporation Gas Acts 1894 to 1910 extend to and include any main or service pipe whether laid by or belonging to the Town Council or the owners or occupiers of any lands.

16. All deeds and documents connected with the gas under- 25 taking shall be executed and signed in accordance with the provisions of the Town Councils Act.

As to signing of deeds &c.

17. All costs charges and expenses of and incident to the 30 preparing for and obtaining and confirming this Order or in relation thereto shall be paid by the Town Council out of the money authorised to be borrowed or the rates and assessments to be levied by them and the money received by them under the powers of the Acts of 1894 and 1900 or this Order or any of them and if paid out of borrowed money the same shall be repaid within five years from the commencement of this Order.

Costs of Order.

Falkirk Corporation Gas Order Confirmation.

A

B I L L

INTITULÉD

An Act to confirm a Provisional Order
under the Private Legislation Pro-
cedure (Scotland) Act 1899 relating
to Falkirk Corporation Gas.

(Brought from the Commons 26th July 1910.)

Ordered to be printed 26th July 1910.

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(135)

Finance Bill.

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(34.)

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Clause.

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A

B I L L

INTITULED

An Act to grant certain Duties of Customs and Inland Revenue (including Excise), to alter other Duties, and to amend the Law relating to Customs and Inland Revenue (including Excise), and to make other financial provisions. A.D. 1910.

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards raising the necessary
5 supplies to defray Your Majesty's public expenses, and making an addition to the public revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the several duties herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by
10 the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.

15

DUTIES ON LAND VALUES.

Increment Value Duty.

1. Subject to the provisions of this Part of this Act, there shall be charged, levied, and paid on the increment value of any land a duty, called increment value duty, at the rate of one Duty on
increment
value.
 (34.)

A.D. 1910. pound for every complete five pounds of that value accruing after the thirtieth day of April nineteen hundred and nine, and—

- (a) on the occasion of any transfer on sale of the fee simple of the land or of any interest in the land, in pursuance of any contract made after the commencement of this Act, or the grant, in pursuance of any contract made after the commencement of this Act, of any lease (not being a lease for a term of years not exceeding fourteen years) of the land; and
- (b) on the occasion of the death of any person dying after the commencement of this Act, where the fee simple of the land or any interest in the land is comprised in the property passing on the death of the deceased within the meaning of sections one and two, subsection (1) (a), (b), and (c), and subsection three, of the Finance Act, 1894, as amended by any subsequent enactment; and
- (c) where the fee simple of the land or any interest in the land is held by any body corporate or by any body unincorporate as defined by section twelve of the Customs and Inland Revenue Act, 1885, in such a manner or on such permanent trusts that the land or interest is not liable to death duties, on such periodical occasions as are provided in this Act,

57 & 58 Vict.
c. 30.

48 & 49 Vict.
c. 51.

the duty, or proportionate part of the duty, so far as it has not been paid on any previous occasion, shall be collected in accordance with the provisions of this Act.

Definition of
increment
value.

2.—(1) For the purposes of this Part of this Act the increment value of any land shall be deemed to be the amount (if any) by which the site value of the land, on the occasion on which increment value duty is to be collected as ascertained in accordance with this section, exceeds the original site value of the land as ascertained in accordance with the general provisions of this Part of this Act as to valuation.

(2) The site value of the land on the occasion on which increment value duty is to be collected shall be taken to be—

- (a) where the occasion is a transfer on sale of the fee simple of the land, the value of the consideration for the transfer; and
- (b) where the occasion is the grant of any lease of the land, or the transfer on sale of any interest in the land, the

[10 Edw. 7.]

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value of the fee simple of the land, calculated on the basis of the value of the consideration for the grant of the lease or the transfer of the interest; and

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- 5 (c) where the occasion is the death of any person, and the fee simple of the land is property passing on that death, the principal value of the land as ascertained for the purposes of Part I. of the Finance Act, 1894, and where any interest in the land is property passing on that death the value of the fee simple of the land calculated on the basis of the principal value of the interest as so ascertained; and

57 & 58 Vict.
c. 30.

- 10 (d) where the occasion is a periodical occasion on which the duty is to be collected in respect of the fee simple of any land or of any interest in any land held by a body corporate or unincorporate, the total value of the land on that occasion to be estimated in accordance with the general provisions of this Part of this Act as to valuation;

- 20 subject in each case to the like deductions as are made, under the general provisions of this Part of this Act as to valuation, for the purpose of arriving at the site value of land from the total value.

- (3) Where it is proved to the Commissioners on an application made for the purpose within the time fixed by this section that the site value of any land at the time of any transfer on sale of the fee simple of the land or of any interest in the land, which took place at any time within twenty years before the thirtieth day of April, nineteen hundred and nine, exceeded the original site value of the land as ascertained under this Act, the site value at that time shall be substituted, for the purposes of increment value duty, for the original site value as so ascertained, and the provisions of this Part of this Act shall apply accordingly.

- 35 Site value shall be estimated for the purposes of this provision by reference to the consideration given on the transfer in the same manner as it is estimated by reference to the consideration given on a transfer where increment value duty is to be collected on the occasion of such a transfer after the passing of this Act.

- 40 This provision shall apply to a mortgage of the fee simple of the land or any interest in land in the same manner as it

(34.)

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A.D. 1910. applies to a transfer, with the substitution of the amount
— secured by the mortgage for the consideration.

An application for the purpose of this section must be made within three months after the original site value of the land has been finally settled under this Part of this Act. 5

General provisions as to collection of increment value duty.

3.—(1) On each occasion on which increment value duty is collected on the increment value of any land, such an amount of duty shall be deemed to be unsatisfied as the Commissioners determine, after giving credit for the amount of duty paid on previous occasions. The Commissioners shall make such apportionments and re-apportionments of any duty paid on previous occasions as they think necessary for the purpose of giving effect to this provision. 10

(2) Where increment value duty is collected on the occasion of the transfer or passing on death of the fee simple of any land, 15 or on any periodical occasion in the case of land held in fee simple by a body corporate or unincorporate, the whole amount of the duty which is determined to be unsatisfied shall be collected by the Commissioners in accordance with rules made by them for the purpose. 20

(3) Where increment value duty is collected on the occasion of the grant of a lease, or on the transfer or passing on death of any interest in land, or on any periodical occasion in the case of an interest in land held by a body corporate or unincorporate, such proportionate part of the duty shall be collected as may be 25 determined by the Commissioners to be payable in respect of the interest in land created, transferred, passing on death, or held, in accordance with rules made by them for the purpose.

(4) Where on the occasion of the death of any person the property passing on the death comprises settled land in which 30 the deceased or any other person had an interest ceasing on the death of the deceased, then—

- (a) if the subject of the settlement at the time of the death is the fee simple of the land, increment value duty shall be collected as if the fee simple of the land 35 passed; and
- (b) if the subject of the settlement at the time of the death is any other interest in the land, increment value duty shall be collected as if that interest passed;

but that duty shall not be collected on any such occasion if 40 under the provisions of section five of the Finance Act, 1894,

[10 EDW. 7.]

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as amended by any subsequent enactment, estate duty is not payable in respect of the settled land. A.D. 1910.

(5) For the purpose of the collection of duty on the increment value of any land under this section, the increment value shall be deemed to be reduced on the first occasion for the collection of increment value duty by an amount equal to ten per cent. of the original site value of the land, and on any subsequent occasion by an amount equal to ten per cent. of the site value on the last preceding occasion for the collection of increment value duty, and the amount of duty to be collected shall be remitted in whole or in part accordingly.

Any duty which by reason of this provision is remitted on any occasion shall not be collected and shall be deemed to have been paid :

Provided that no remission shall be given under this provision on any occasion which will make the amount of the increment value on which duty has been remitted during the preceding period of five years exceed twenty-five per cent. of the site value of the land on the last occasion for the collection of increment value duty prior to the commencement of that period or of the original site value if there has then been no such occasion.

(6) Increment value duty shall be a stamp duty collected and recovered in accordance with the provisions of this Act.

4.—(1) On any transfer on sale of the fee simple of any land or of any interest in land, or on the grant of any lease of any land for a term exceeding fourteen years, increment value duty shall be assessed by the Commissioners and paid by the transferor or lessor, as the case may be.

Collection
and recovery
of duty in
cases of
transfers and
leases.

(2) It shall be the duty of the transferor or lessor, on the occasion of any transfer on sale of the fee simple of any land or of any interest in land or on the grant of any lease of any land for a term exceeding fourteen years, to present to the Commissioners, in accordance with regulations made by them, the instrument by means of which the transfer or the lease is effected or agreed to be effected or reasonable particulars thereof for the purpose of the assessment of duty thereon, and if the transferor or lessor fails to comply with this provision he shall be liable on summary conviction to a fine not exceeding ten

(34.)

B 2

A.D. 1910. pounds, and to pay interest at the rate of five per cent. per annum on any duty ultimately payable by him as from the date on which the instrument has been executed, but any person aggrieved by any conviction or order of a court of summary jurisdiction under this provision may appeal therefrom to a court of quarter sessions. 5

54 & 55 Vict. c. 39. (3) Any such instrument shall not, for the purposes of section fourteen of the Stamp Act, 1891, and notwithstanding anything in section twelve of that Act, be deemed to be duly stamped unless it is stamped— 10

- (a) either with a stamp denoting that the increment value duty has been assessed by the Commissioners and paid in accordance with the assessment; or
- (b) with a stamp denoting that all particulars have been delivered to the Commissioners, which, in their opinion, are necessary for the purpose of enabling them to assess the duty, and that security has been given for the payment of duty in any case where the Commissioners have required security; or 15
- (c) with a stamp denoting that upon the occasion in question no increment value duty was payable; 20

but where an instrument is so stamped, it shall, notwithstanding any objection relating to the increment value duty, be deemed to be duly stamped so far as respects that duty.

(4) Any duty assessed by the Commissioners under this section shall be a debt due to the Crown from the transferor or lessor, as the case may be, and for the purpose of calculating the amount of increment value duty to be collected on any subsequent occasion shall be deemed to have been paid. 25

(5) Regulations may be made by the Commissioners with respect to the mode in which any instrument is to be presented to them in order to be dealt with under this section, and for dispensing with the presentation of any instrument, or particulars thereof, in cases where arrangements are made for obtaining those particulars through any registry of lands, deeds, or title, or through a Register of Sasines, and with respect to the mode in which any application for a return of duty under this section is to be made; and for the payment of any increment value duty by instalments in the case of any lease or transfer on sale where the consideration is in the form of a periodical payment, and 30 35 40

[10 Edw. 7.]

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the Commissioners shall deal with any instrument presented to them and allow payment by instalments in accordance with those regulations. The regulations shall provide that where the duty to be collected on the grant of a lease is payable by instalments, and the lease is determined before all such instalments have fallen due, the instalments which have not fallen due shall be remitted, and that in that case the amount of duty which, under this section, is deemed to have been paid shall be reduced by the amount of the instalments so remitted.

A.D. 1910.

- 10 (6) In any case where increment value duty shall have been paid under the provisions of this section, but the transaction in respect of which the duty shall have been paid was subsequently not carried into execution, the duty shall be returned to the transferor or lessor on his making application to the Commis-
 15 sioners within two years after the payment of the duty in accordance with regulations to be made by them under this section, and in that case the duty returned shall not be deemed to have been paid for the purposes of this section.

- (7) Where any agreement for a transfer or agreement for a
 20 lease is stamped in accordance with this section, it shall not be necessary to stamp any conveyance, assignment, or lease made subsequently to and in conformity with the agreement, but the Commissioners shall, if an application is made to them for the purpose, denote on the conveyance, assignment, or lease the
 25 amount of duty paid.

5. The provisions as to the assessment, collection, and recovery of estate duty under the Finance Act, 1894, shall apply as if increment value duty to be collected on the occasion of the death of any person were estate duty; but where any
 30 interest in land in respect of which increment value duty is payable is property passing to the personal representative as such, the duty shall be payable out of that interest in land in exoneration of the rest of the deceased's estate, and shall be collected upon an account to be delivered by the personal
 35 representative, setting forth the particulars of the increment value in respect of the property:

Collection
and recovery
of duty in
case of death.
57 & 58 Vict.
c. 30.

- Provided that in respect of all property of the deceased, other than that assessed to increment value duty, the Crown shall, as a creditor in respect of such increment value duty,
 40 rank *pari passu* with the other creditors of the deceased.

A.D. 1910.
Collection
and recovery
of duty in
case of pro-
perty held
by bodies
corporate or
unincor-
porate.
48 & 49 Vict.
c. 51.

6.—(1) Where the fee simple of any land or any interest in land is held by any body corporate or by any body unincorporate, as defined by section twelve of the Customs and Inland Revenue Act, 1885, in such a manner or on such permanent trusts that the land or interest is not liable to death duties, the occasions on which increment value duty is to be collected shall be the fifth day of April in the year nineteen hundred and fourteen and in every subsequent fifteenth year.

(2) The account to be delivered under section fifteen of the Customs and Inland Revenue Act, 1885, shall, in the case of the account to be delivered in the year nineteen hundred and fourteen and in every subsequent fifteenth year, contain an account of the increment value of the land, as on the preceding fifth day of April, and that section shall, save as in this Act is hereafter provided, apply for the purpose of increment value duty, whether the body corporate or unincorporate are chargeable with duty under Part II. of the Customs and Inland Revenue Act, 1885, or not.

(3) The provisions of sections thirteen to eighteen, of subsection (1) of section nineteen, and of section twenty of the Customs and Inland Revenue Act, 1885 (with the exception of any provisions relating to appeals), shall have effect for the purpose of the assessment and recovery of increment value duty as they have effect for the purpose of the duty charged under section eleven of that Act:

Provided that increment value duty may, if the body corporate or unincorporate chargeable therewith so desire, be paid by fifteen equal yearly instalments, and the first instalment shall be due immediately after the assessment of the duty.

Any part of any duty so payable by instalments may be paid up at any time.

(4) Any increment value duty assessed by the Commissioners on an account delivered in accordance with this section shall, for the purpose of determining the amount of increment value duty to be collected on any subsequent occasion, be deemed to have been paid.

(5) Nothing in this section shall affect the collection of increment value duty on the occasion of the grant of any lease or the transfer on sale of the fee simple of any land or any interest in land by a body corporate or unincorporate, or oblige an account to be delivered of the increment value of any land

[10 EDW. 7.]

Finance.

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on any periodical occasion if under the subsequent provisions of this Part of this Act increment value duty in respect thereof is not to be collected on that occasion. A.D. 1910.

7. Increment value duty shall not be charged in respect of agricultural land while that land has no higher value than its market value at the time for agricultural purposes only : Exemption for agricultural land.

Provided that any value of the land for sporting purposes, or for other purposes dependent upon its use as agricultural land, shall be treated as value for agricultural purposes only, except where the value for any such purpose exceeds the agricultural value of the land.

8.—(1) Increment value duty shall not be charged on the increment value of any land, being the site of a dwelling-house, where immediately before the occasion on which the duty is to be collected the house was, and had been for twelve months previously, used by the owner thereof as his residence, and the annual value of the house, as adopted for the purpose of income tax under Schedule A., does not exceed— Exemption of small houses and properties in owner's occupation.

(a) in the case of a house situated in the administrative county of London, forty pounds; and

(b) in the case of a house situated in a borough or urban district with a population according to the last published Census for the time being of fifty thousand or upwards, twenty-six pounds; and

(c) in the case of a house situated elsewhere, sixteen pounds.

(2) Increment value duty shall not be charged on the increment value of any agricultural land where, immediately before the occasion on which the duty is to be collected, the land was, and had been for twelve months previously, occupied and cultivated by the owner thereof, and the total amount of that land, together with any other land belonging to the same owner, does not exceed fifty acres, and the average total value of the land does not exceed seventy-five pounds per acre :

Provided that the exemption under this provision shall not apply to any land occupied together with a dwelling-house the annual value of which, as adopted for income tax under Schedule A., exceeds thirty pounds.

(3) Where a dwelling-house is valued for the purposes of income tax under Schedule A. together with other land, and it is necessary for the purpose of this section to determine the

A.D. 1910. — annual value of the dwelling-house, the total annual value shall be divided between the dwelling-house and the other land in such manner as the Commissioners may determine.

(4) For the purposes of this section—

(a) the expression “owner” includes a person who holds 5
land under a lease which was originally granted
for a term of fifty years or more; but in such a
case nothing in this section shall prevent the
collection of increment value duty so far as it is
payable in respect of any other interest in the 10
land other than that leasehold interest; and

(b) the site of a dwelling-house shall include any offices,
courts, and yards, and gardens not exceeding one
acre in extent, occupied together with the dwelling-
house. 15

(5) Any increment value duty which would, but for this
section, be charged shall, for the purpose of the provisions of
this Act as to the collection of the duty, be deemed to have
been paid.

Special pro-
vision for
increment
value duty
in the case
of land used
for games
and recrea-
tion.

9. Increment value duty shall not be collected on any 20
periodical occasion in respect of the fee simple of or any interest
in any land which is held by any body corporate or unincorporate,
without any view to the payment of any dividend or profit out
of the revenue thereof, bonâ fide for the purpose of games or
other recreation, if the Commissioners are satisfied that the 25
land is so used under some agreement with the owner which as
originally made could not be determined for a period of at
least five years, or under other circumstances which render
it probable that the land will continue to be so used, without
prejudice, however, to the collection of the duty on any other 30
occasion.

Provision as
to Crown
lands, &c.

10.—(1) Any increment value duty in respect of the fee
simple of or any interest in any land held by or in trust for His
Majesty or any department of Government, which would have
been collected on any occasion had it been held by a private 35
person, shall for the purposes of the provisions of this Act as to
the collection of increment value duty be deemed to have been
paid.

10 Geo. 4.
c. 50.
8 Edw. 7.
c. 48.

(2) Neither section seventy-seven of the Crown Lands Act,
1829, nor section thirty-eight of the Post Office Act, 1908, nor 40

[10 Edw. 7.]

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any other enactment exempting from stamp duty any document made or executed on behalf of or for the purpose of the Crown or any Government department, shall apply so as to prevent increment value duty being collected on any instrument by which
 5 the transfer on sale of the fee simple of or any interest in any land, or the grant of any lease of any land, to the Crown or to any Government department, or to any officer on behalf of or for the purposes of the Crown or any Government department, is effected or agreed to be effected.

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10 **11.** Where a building is used for the purpose of separate tenements, flats, or dwellings, the grant of a lease of any such separate tenement, flat, or dwelling, and the transfer on sale or passing on death of any lease of any such separate tenement, flat, or dwelling, shall not be an occasion on which increment value
 15 duty is to be collected under this Act, nor shall duty be collected on any periodical occasion from a body corporate or unincorporate where the interest held by the body is only a leasehold interest in any such separate tenement, flat, or dwelling.

Special provision as to flats.

12. A person shall not be entitled to claim any deduction for
 20 the purpose of ascertaining the site value of any land on any occasion on which increment value duty becomes payable if the deduction is one which could have been, but was not, claimed for the purpose of ascertaining the original site value of the land.

Provision as to claims for deductions.

Reversion Duty.

25 **13.**—(1) On the determination of any lease of land there shall be charged, levied, and paid, subject to the provisions of this Part of this Act, on the value of the benefit accruing to the lessor by reason of the determination of the lease a duty, called reversion
 30 that value.

Reversion duty.

(2) For the purposes of this section the value of the benefit accruing to the lessor shall be deemed to be the amount (if any) by which the total value (as defined for the purpose of the general provisions of this Part of this Act relating to valuation)
 35 of the land at the time the lease determines, subject to the deduction of any part of the total value which is attributable to any works executed or expenditure of a capital nature incurred by the lessor during the term of the lease and of all compensation payable by such lessor at the determination of the lease,
 40 exceeds the total value of the land at the time of the original

(34.)

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A.D. 1910. — grant of the lease, to be ascertained on the basis of the rent reserved and payments made in consideration of the lease (including, in cases where a nominal rent only has been reserved, the value of any covenant or undertaking to erect buildings or to expend any sums upon the property), but where the lessor is himself entitled only to a leasehold interest the value of the benefit as so ascertained shall be reduced in proportion to the amount by which the value of his interest is less than the value of the fee simple.

Exemptions
from rever-
sion duty,
and allow-
ances.

14.—(1) Where, in the case of a reversion to a lease purchased before the thirtieth day of April nineteen hundred and nine, the lease on which the reversion is expectant determines within forty years of the date of the purchase, no reversion duty shall be charged under this Part of this Act on the determination of the lease. Provided that this exemption shall not apply where the lease is determined within forty years by agreement between the lessor and the lessee, whether express or implied, not contained in the lease itself, unless the lease would, apart from any such agreement, have determined within that period.

(2) No reversion duty shall be charged on the determination of the lease of any land which is at the time of the determination agricultural land, nor on the determination of a lease, the original term of which did not exceed twenty-one years, nor shall reversion duty be charged where the interest of the lessor expectant on the determination of a lease is a leasehold interest which does not exceed that number of years.

(3) Where a lease of any land is determined before the expiration of the term of the lease by agreement between the lessor and the lessee, whether express or implied, and a fresh lease of the land is then granted to the lessee the term of which extends at least twenty-one years beyond the date on which the original lease would have expired, the Commissioners shall make an allowance in respect of the reversion duty payable of two and a half per cent. of the duty for every year of the original term of the lease which is unexpired when the lease is determined, and any sum so allowed shall be treated as having been paid :

Provided that the allowance shall not exceed fifty per cent. of the whole duty payable.

(4) Where on any occasion on which increment value duty is due in respect of any increment value it is proved to the satisfaction of the Commissioners that reversion duty has been

[10 Edw. 7.]

Finance.

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paid in respect of any benefit accruing to a lessor, or part of such a benefit, which is identical with the increment value, such sums as the Commissioners determine to have been paid in respect of the benefit or part of the benefit shall be treated as being also
 5 a payment on account of increment value duty; and where on any occasion on which reversion duty is due in respect of any benefit accruing to a lessor, it is shown to the satisfaction of the Commissioners that increment value duty has been paid on any increment value which is identical with that benefit or any part
 10 of that benefit, such sums as the Commissioners determine to have been paid in respect of that value shall be treated as being also a payment on account of the reversion duty in respect of that benefit or part of a benefit.

(5) Where a reversion has been mortgaged before the thirtieth
 15 day of April nineteen hundred and nine, and the mortgagee has foreclosed before the lease on which the reversion is expectant determines the mortgagee shall not be liable to pay reversion duty in excess of the amount by which the total value of the land at the time of the determination of the lease exceeds the amount
 20 payable under the mortgage at the date of the foreclosure.

15.—(1) Reversion duty shall be recoverable from any lessor to whom any benefit accrues from the determination of a lease as a debt due to His Majesty, but shall rank *pari passu* with all other debts due from such lessor.

Recovery of
reversion
duty.

25 (2) Every lessor shall, on the determination of a lease on the determination of which reversion duty is payable under this section, deliver an account to the Commissioners setting forth the particulars of the land and the estimated value of the benefit accruing to the lessor by the determination of the lease.

30 (3) If any person who is under an obligation to deliver an account under this section knowingly fails to deliver such an account within the period of three months after the determination of the lease, he shall be liable to pay to His Majesty a sum not exceeding ten per cent. upon the amount of any duty payable
 35 under this section, and a like penalty for every three months after the first month during which the failure continues.

(4) Section seventeen of the Customs and Inland Revenue Act, 1885 (which relates to the power to assess duty according to accounts rendered, and to obtain other accounts), shall apply
 40 with respect to any account delivered under this section (with the exception of any provisions relating to appeals).

48 & 49 Vict.
c. 51.

(34.)

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A.D. 1910.

Undeveloped Land Duty.

Duty on
site value of
undeveloped
land.

16.—(1) Subject to the provisions of this Part of this Act, there shall be charged, levied, and paid for the financial year ending the thirty-first day of March nineteen hundred and ten, and every subsequent financial year in respect of the site value 5 of undeveloped land a duty, called undeveloped land duty, at the rate of one halfpenny for every twenty shillings of that site value.

(2) For the purposes of this Part of this Act land shall be deemed to be undeveloped land if it has not been developed by the erection of dwelling-houses or of buildings for the purposes 10 of any business, trade, or industry other than agriculture (but including glasshouses or greenhouses), or is not otherwise used *bonâ fide* for any business, trade, or industry other than agriculture :

Provided that—

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- (a) Where any land having been so developed or used reverts to the condition of undeveloped land owing to the buildings becoming derelict, or owing to the land ceasing to be used for any business, trade, or industry other than agriculture, it shall, on the 20 expiration of one year after the buildings have so become derelict or the land ceases to be so used, as the case may be, be treated as undeveloped land for the purposes of undeveloped land duty until it is again so developed or used ; and 25
- (b) Where the owner of any land included in any scheme of land development shows that he or his predecessors in title have with a view to the land being developed or used as aforesaid, incurred expenditure on roads (including paving, curbing, 30 metalling, and other works in connexion with roads) or sewers, that land shall, to the extent of one acre for every complete hundred pounds of that expenditure, for the purposes of this section, be treated as land so developed or used although it is not for 35 the time being actually so developed or used, but for the purposes of this provision no expenditure shall be taken into account if ten years have elapsed since the date of the expenditure, or if after the date of the expenditure the land having been 40 developed reverts to the condition of undeveloped

A.D. 1910.

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land, and in a case where the amount of the expenditure does not cover the whole of the land included in the scheme of land development, the part of the land to be treated as land developed or used as aforesaid shall be determined by the Commissioners as being the land with a view to the development or use of which as aforesaid the expenditure has been in the main incurred.

(3) For the purposes of undeveloped land duty, the site value of undeveloped land shall be taken to be the value adopted as the original site value or, where the site value has been ascertained under any subsequent periodical valuation of undeveloped land for the time being in force, the site value as so ascertained :

Provided that where increment value duty has been paid in respect of the increment value of any undeveloped land, the site value of that land shall, for the purposes of the assessment and collection of undeveloped land duty, be reduced by a sum equal to five times the amount paid as increment value duty.

(4) For the purposes of undeveloped land duty undeveloped land does not include the minerals.

17.—(1) Undeveloped land duty shall not be charged in respect of any land where the site value of the land does not exceed fifty pounds per acre.

Exemptions
from unde-
veloped land
duty, and
allowances.

(2) In the case of agricultural land of which the site value exceeds fifty pounds per acre, undeveloped land duty shall only be charged on the amount by which the site value of the land exceeds the value of the land for agricultural purposes.

(3) Undeveloped land duty shall not be charged—

(a) On the site value of any parks, gardens, or open spaces which are open to the public as of right ;
or

(b) On the site value of any woodlands, parks, gardens, or open spaces reasonable access to which is enjoyed by the public or by the inhabitants of the locality (including access regularly enjoyed by any of the naval or military forces of the Crown for the purpose of training or exercise) where, in the opinion of the Commissioners, that access is of public benefit ; or

(c) On the site value of any land where it is shown to the Commissioners that the land is being kept

A.D. 1910.

free of buildings in pursuance of any definite scheme, whether framed before or after the passing of this Act, for the development of the area of which the land forms part, and where, in the opinion of the Commissioners, it is reasonably 5 necessary in the interests of the public, or in view of the character of the surroundings or neighbourhood, that the land should be so kept free from buildings; or

- (d) On the site value of any land which is bonâ fide used 10 for the purpose of games or other recreation where the Commissioners are satisfied that the land is so used under some agreement with the owner which, as originally made, could not be determined for a period of at least five years, or where, in the 15 opinion of the Commissioners, other circumstances render it probable that the land will continue to be so used.

Where any land kept free from buildings in pursuance of any definite scheme has received the benefit of an exemption 20 from undeveloped land duty by virtue of this section, that land shall not be built upon unless the Local Government Board give their consent, on being satisfied that it is desirable in the interests of the public that the restriction on building should be removed; and any such consent may be given subject to such conditions as 25 to the mode in which the land is to be built upon as the Local Government Board think desirable under the circumstances.

The opinion of the Commissioners as to matters which are expressed to be matters for the opinion of the Commissioners under this subsection shall be final and not subject to any appeal. 30

(4) Undeveloped land duty shall not be charged on the site value of any land not exceeding an acre in extent occupied together with a dwelling-house or on the site value of any land being gardens or pleasure grounds so occupied when the site value of the gardens and pleasure grounds together with the site 35 value of the dwelling-house does not exceed twenty times the annual value of the gardens, pleasure grounds, and dwelling-house as adopted for the purpose of income tax under Schedule A.:

Provided that the exemption under this provision shall not apply so as to exempt more than five acres, and where the land, 40 gardens, or pleasure grounds occupied together with a dwelling-

[10 Edw. 7.]

Finance.

17

house exceed five acres in extent, those five acres shall be exempted which are determined by the Commissioners to be most adapted for use as gardens or pleasure grounds in connexion with the dwelling-house. A.D. 1910.

5 Where the dwelling-house, gardens, and pleasure grounds are valued for the purpose of income tax under Schedule A., together with other land, the total annual value shall be divided between the dwelling-house, gardens, and pleasure grounds and the other land in such manner as the Commissioners may determine.

10 (5) Where agricultural land is at the time of the passing of this Act held under a tenancy originally created by a lease or agreement made or entered into before the thirtieth day of April nineteen hundred and nine, undeveloped land duty shall not be charged on the site value of the land during the original term of
15 that lease or agreement while the tenancy continues thereunder. Provided that where the landlord has power to determine the tenancy of the whole or any part of the land, the tenancy of the land or that part of the land shall not be deemed for the purposes of this provision to continue after the earliest date after the
20 commencement of this Act at which it is possible to determine the tenancy under that power.

18. Undeveloped land duty shall not be charged on the site value of any agricultural land, occupied and cultivated by the owner thereof, where the total value of that land, together
25 with any other land belonging to the same owner, does not exceed five hundred pounds. Exemption of small holdings from undeveloped land duty.

For the purposes of this provision the expression "owner" includes a person who holds land under a lease which was originally granted for a term of fifty years or more.

30 19. Undeveloped land duty shall be assessed by the Commissioners and shall be payable at any time after the first day of January of the year for which the duty is charged, and any such duty for the time being unpaid shall be recoverable from the owner of the land for the time being as a debt due to His
35 Majesty, and shall be borne by that owner notwithstanding any contract to the contrary. Recovery of undeveloped land duty.

If at any time undeveloped land duty is not assessed within the year for which it is charged, owing to there being no value either shown in the provisional valuation or finally settled on
40 which the duty can be assessed, or for any other reason, the duty may be assessed at any time, and shall be payable at any time after

A.D. 1910. — the expiration of two months from the date of the assessment, so, however, that no such duty shall be assessed more than three years after the expiration of the year for which it is charged.

Mineral Rights Duty and Provisions as to Minerals.

Mineral
rights duty.

20.—(1) There shall be charged, levied, and paid for the 5 financial year ending the thirty-first day of March nineteen hundred and ten and every subsequent financial year on the rental value of all rights to work minerals and of all mineral wayleaves, a duty (in this Act referred to as a mineral rights duty) at the rate in each case of one shilling for every twenty 10 shillings of that rental value.

(2) The rental value shall be taken to be—

(a) Where the right to work the minerals is the subject of a mining lease, the amount of rent paid by the working lessee in the last working year in respect 15 of that right; and

(b) Where minerals are being worked by the proprietor thereof, the amount which is determined by the Commissioners to be the sum which would have been received as rent by the proprietor in the 20 last working year if the right to work the minerals had been leased to a working lessee for a term and at a rent and on conditions customary in the district, and the minerals had been worked to the same extent and in the same manner as they have 25 been worked by the proprietor in that year:

Provided that the Commissioners shall cause a copy of their valuation of such rent to be served on the proprietor; and

(c) In the case of a mineral wayleave, the amount of rent 30 paid by the working lessee in the last working year in respect of the wayleave:

Provided that if in any special case it is shown to the Commissioners that the rent paid by a working lessee exceeds the rent customary in the district, and partly represents a return 35 for expenditure on the part of any proprietor of the minerals which would ordinarily have been borne by the lessee, the Commissioners shall substitute as the rental value of the right to work the minerals or the mineral wayleaves, as the case may be, such rent as the Commissioners determine would have been 40 the rent customary in the district if the expenditure had been borne by the lessee.

(3) Every proprietor of any minerals and every person to whom any rent is paid in respect of any right to work minerals or of any mineral wayleave shall, upon notice being given to him by the Commissioners requiring him to give particulars as to the amount received by him in respect of the right or wayleave, as the case may be, and where the proprietor is working the minerals, particulars as to the minerals worked, make a return in the form required by the notice, and within the time, not being less than thirty days, specified in the notice, and in default shall be liable to a penalty not exceeding fifty pounds to be recovered in the High Court.

A.D. 1910.

(4) Mineral rights duty shall be assessed by the Commissioners and shall be payable at any time after the first day of January in the year for which the duty is charged, and any such duty for the time being unpaid shall be recoverable as a debt due to His Majesty from the proprietor of the minerals, where the proprietor is working the minerals, and in any other case from the immediate lessor of the working lessee. As between the immediate lessor and the working lessee, the duty shall be borne by the immediate lessor, notwithstanding any contract to the contrary, whether made before or after the passing of this Act.

(5) Mineral rights duty shall not be charged in respect of common clay, common brick clay, common brick earth, or sand, chalk, limestone, or gravel.

21.—(1) Any immediate lessor who under this Act pays any mineral rights duty, and is himself a lessee of the right to work the minerals or of the wayleave in respect of which the duty is paid, shall be entitled to deduct from the rent paid by him in respect of the right to work the minerals or the wayleave, as the case may be, to his lessor a sum equal to the mineral rights duty on a rental value of the same amount as the rent payable; and any person from whose rent any such deduction is made may make a similar deduction from any rent paid by him in respect of the right to work the minerals or in respect of the wayleave, as the case may be.

Deduction
of duty
in case of
intermediate
leases of
minerals.

(2) Any person in receipt of rent from which a deduction may be made under this section shall allow the deduction, and the person making the deduction shall be discharged from the payment of an amount of rent equal to the amount deducted, and any contract for the payment of rent without allowing such a deduction shall be void.

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(3) If any person refuses to allow a deduction which he is required to allow under this section he shall be liable to a penalty not exceeding fifty pounds to be recovered in the High Court.

(4) Where in any special case mineral rights duty has been charged on a rental value based on a rent which has been substituted under the provisions of this Act for the rent actually payable by the working lessee, or where in any special case the rental value with reference to which increment value duty is charged has been reduced under the provisions of this Act for the purposes of the collection of that duty, the Commissioners shall, on the application of any lessor from whose rent a deduction may be made in respect of mineral rights duty or increment value duty, as the case may be, make a corresponding substitution or reduction as regards that rent, if they consider that the grounds for the substitution or reduction, as the case may be, are applicable in the case of the rent with respect to which the application is made.

Special provisions as to increment value duty and reversion duty in the case of minerals worked or leased.

22.—(1) No reversion duty shall be charged on the determination of a mining lease, and no increment value duty shall be charged on the occasion of the grant of a mining lease or in respect of minerals which are comprised in a mining lease, or are being worked, except as a duty payable annually in manner provided by this Act.

(2) Increment value duty shall not be charged in the case of any minerals which were, on the thirtieth day of April nineteen hundred and nine, either comprised in a mining lease or being worked by the proprietor, so long as the minerals are for the time being either comprised in a mining lease, or being worked by the proprietor :

Provided that the exemption under this section shall continue to apply in the case of any minerals, although they cease for a temporary period to be comprised in a mining lease or to be worked, so long as the period does not exceed two years.

(3) Increment value duty in respect of the increment value of minerals which are comprised in a mining lease or are being worked shall, where that duty is chargeable, be charged annually ; and the increment value shall, instead of being estimated as a capital sum, be taken to be the sum (if any) by which, in each year during which the lease continues or the minerals are being worked, as the case may be, the rental value on which mineral rights duty is charged in respect of the right to work the

minerals exceeds the annual equivalent of the original capital value of the minerals, or the capital value of the minerals on the last preceding occasion on which increment value duty has been collected otherwise than as an annual duty, if increment value duty has been so collected before the minerals have become comprised in a mining lease or have commenced to be worked; and the annual equivalent of any such capital value of the minerals shall be taken to be two twenty-fifth parts of that capital value.

- 10 (4) If in any case it is shown to the Commissioners that the rental value on which mineral rights duty is charged represents in part a return for money expended within fifteen years by a lessor in boring or otherwise proving the minerals, the rental value shall be reduced for the purposes of the collection of
15 increment value duty by the amount which represents that return.

(5) Increment value duty payable annually under this section shall, instead of being collected as provided by this Act in other cases, be recoverable in the same manner as mineral rights duty, with the same right of deduction.

- 20 (6) Any proprietor or lessor of any minerals who pays increment value duty in pursuance of this provision shall be entitled to be relieved in any year from the payment of mineral rights duty, as such proprietor or lessor, up to the amount paid by him in that year in respect of increment value duty.

- 25 For the purposes of this provision a deduction of any amount from the rent payable to a lessor on account of mineral rights duty shall be deemed to be a payment of that duty, and the relief may be given either by allowance or repayment or both of those means, as the occasion may require.

- 30 (7) Where minerals cease to be comprised in a mining lease or to be worked within the meaning of this section, the capital value of the minerals at the time shall be specially ascertained in accordance with the provisions of this Act, and the capital value as so ascertained shall be treated as the original capital value
35 of the minerals.

(8) Nothing in this section shall apply to minerals which are exempt from mineral rights duty under this Act.

- 23.**—(1) For the purposes of this Part of this Act, the total value of minerals means the amount which the fee simple of the
40 minerals, if sold in the open market by a willing seller in their

Application of provisions as to total and site value to minerals.

A.D. 1910. — then condition, might be expected to realise, and the capital value of minerals means the total value, after allowing such deduction (if any) as the Commissioners may allow for any works executed or expenditure of a capital nature incurred bonâ fide by or on behalf of any person interested in the minerals for the purpose of bringing the minerals into working, or where the minerals have been partly worked, such deduction as is, in the opinion of the Commissioners, proportionate to the amount of minerals which have not been worked. 5

(2) For the purposes of valuation under this Part of this Act, all minerals shall be treated as a separate parcel of land; but where the minerals are not comprised in a mining lease or being worked, they shall be treated as having no value as minerals, unless the proprietor of the minerals, in his return furnished to the Commissioners, specifies the nature of the minerals and his estimate of their capital value. 10 15

Minerals which are comprised in a mining lease or are being worked shall be treated as a separate parcel of land, not only for the purposes of valuation, but also for the purpose of the assessment of duty under this Part of this Act. 20

(3) The provisions of this Part of this Act with respect to valuation shall not apply to minerals which were, on the thirtieth day of April, nineteen hundred and nine, either comprised in a mining lease or being worked by the proprietor, so long as they are for the time being either comprised in a mining lease or being worked by the proprietor, nor shall such provisions apply to any minerals which cease for a temporary period to be comprised in a mining lease or to be worked so long as the period does not exceed two years. 25

(4) Except where the context otherwise requires, any references in this Part of this Act to the site value of land shall, in cases where the land consists solely of minerals, or comprises minerals, be construed, so far as respects the minerals, as a reference to the capital value of the minerals. 30

Definitions
for purpose
of mineral
provisions.

24. For the purpose of the provisions of this Act as to minerals— 35

The expression "proprietor" means the person for the time being entitled in possession to the minerals, or to the rents and profits thereof, or any part of those rents and profits, but does not include a person entitled as lessee other than 40

a person entitled to the possession of land comprised in a lease for any long term of years to which section sixty-five of the Conveyancing and Law of Property Act, 1881, applies ;

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44 & 45 Vict.
c. 41.

- 5 The expression “rent” includes yearly or other rent, and shall in addition to the meaning assigned to it for the general purposes of this Part of this Act, be construed as including any fine, premium, or foregift, and any payment, consideration, or benefit in the nature of a fine, premium, or
10 foregift ;

Where any rent is paid or rendered otherwise than in money or money’s worth, the amount of the rent shall be taken to be such sum as the Commissioners consider to be the value thereof ;

- 15 The expression “mining lease” means a lease for mining purposes, that is, for searching for, winning, working, getting, making merchantable, carrying away, or disposing of, mines and minerals, or purposes connected therewith, and includes an agreement for such lease, or any tenancy
20 or licence, whether by deed, parol, or otherwise for mining purposes, and the expressions “lessor” and “lessee” shall in addition to the meaning assigned to them for the general purposes of this Part of this Act be construed so as to include respectively a licensor and a licensee ;

- 25 The expression “working lessee” means as respects the right to work minerals the lessee who is actually working the minerals, or who would have the right actually to work the minerals if the minerals were worked, and as respects mineral way-leaves the lessee who is in actual enjoyment
30 of the way-leave, and the expression “immediate lessor” shall be construed accordingly ;

- The expression “working year” means the year ending the thirtieth day of September, or such other day as may in any case be approved by the Commissioners ; and the
35 expression “last working year” means the working year completed immediately before the first day of January in any financial year for which the duty is paid ;

- The expression “mineral way-leave” means any way-leave, air-leave, water-leave, or right to use a shaft granted to or
40 enjoyed by a working lessee, whether above or under ground, for the purpose of access to or the conveyance

A.D. 1910.

of the minerals, or the ventilation or drainage of his mine or otherwise in connexion with the working of the minerals.

Where any minerals are at any time being worked by means of any colliery, mine, quarry, or open working, all 5 the minerals which belong to the same proprietor, if the minerals are being worked by the proprietor, or which the lessee has power to work if the minerals are being worked by a lessee, and which would, in the ordinary course of events, be worked by the same colliery, mine, 10 quarry, or open working, shall be deemed to be minerals which are being worked at that date.

Minerals which are being won for the purpose of being immediately worked shall be deemed to be minerals which 15 are being worked.

Minerals shall be deemed to be comprised in a mining lease if the right to work the minerals is the subject of a mining lease, or if the minerals are being worked under the terms of such a lease, although the lease has expired.

Where the circumstances of a district are such that in 20 the opinion of the Commissioners it is impracticable to fix any sum which satisfactorily represents a rent customary in the district, the rent which would be paid under similar circumstances and ordinary conditions elsewhere than in the district shall be substituted for the rent customary in 25 the district.

Valuation for Purposes of Duties on Land Values.

Definition of
values of
land.

25.—(1) For the purposes of this Part of this Act, the gross value of land means the amount which the fee simple of the land, if sold at the time in the open market by a willing seller 30 in its then condition, free from incumbrances, and from any burden, charge, or restriction (other than rates or taxes) might be expected to realise.

(2) The full site value of land means the amount which remains after deducting from the gross value of the land the 35 difference (if any) between that value and the value which the fee simple of the land, if sold at the time in the open market by a willing seller, might be expected to realise if the land were divested of any buildings and of any other structures (including

fixed or attached machinery) on, in, or under the surface, which are appurtenant to or used in connection with any such buildings, and of all growing timber, fruit trees, fruit bushes, and other things growing thereon. A.D. 1910.

- 5 (3) The total value of land means the gross value after deducting the amount by which the gross value would be diminished if the land were sold subject to any fixed charges and to any public rights of way or any public rights of user, and to any right of common and to any easements affecting the
10 land, and to any covenant or agreement restricting the use of the land entered into or made before the thirtieth day of April, nineteen hundred and nine, and to any covenant or agreement restricting the use of the land entered into or made on or after that date, if, in the opinion of the Commissioners, the restraint
15 imposed by the covenant or agreement so entered into or made on or after that date was when imposed desirable in the interests of the public, or in view of the character and surroundings of the neighbourhood, and the opinion of the Commissioners shall in this case be subject to an appeal to the referee, whose decision
20 shall be final.

(4) The assessable site value of land means the total value after deducting—

- (a) The same amount as is to be deducted for the purpose of arriving at full site value from gross value; and
25 (b) Any part of the total value which is proved to the Commissioners to be directly attributable to works executed, or expenditure of a capital nature (including any expenses of advertisement) incurred bonâ fide by or on behalf of or solely in the interests of any person
30 interested in the land for the purpose of improving the value of the land as building land, or for the purpose of any business, trade, or industry other than agriculture; and
(c) Any part of the total value which is proved to the Com-
35 missioners to be directly attributable to the appropriation of any land or to the gift of any land by any person interested in the land for the purpose of streets, roads, paths, squares, gardens, or other open spaces for the use of the public; and
40 (d) Any part of the total value which is proved to the Commissioners to be directly attributable to the expenditure

A.D. 1910.

of money on the redemption of any land tax, or any fixed charge, or on the enfranchisement of copyhold land or customary freeholds, or on effecting the release of any covenant or agreement restricting the use of land which may be taken into account in ascer- 5
taining the total value of the land, or to goodwill or any other matter which is personal to the owner, occupier, or other person interested for the time being in the land; and

- (e) Any sums which, in the opinion of the Commissioners, it 10
would be necessary to expend in order to divest the land of buildings, timber, trees, or other things of which it is to be taken to be divested for the purpose of arriving at the full site value from the gross value of the land and of which it would be necessary to 15
divest the land for the purpose of realising the full site value.

Where any works executed or expenditure incurred for the purpose of improving the value of the land for agriculture have actually improved the value of the land as building land, or for 20
the purpose of any business, trade, or industry other than agriculture, the works or expenditure shall, for the purpose of this provision, be treated as having been executed or incurred also for the latter purposes.

Any reference in this Act to site value (other than the 25
reference to the site value of land on an occasion on which increment duty is to be collected) shall be deemed to be a reference to the assessable site value of the land as ascertained in accordance with this section.

- (5) The provisions of this section are not applicable for the 30
purpose of the valuation of minerals.

Valuation
of land for
purposes of
Act.

26.—(1) The Commissioners shall, as soon as may be after the passing of this Act, cause a valuation to be made of all land in the United Kingdom, showing separately the total value and the site value respectively of the land, and in the case of agri- 35
cultural land the value of the land for agricultural purposes where that value is different from the site value. Each piece of land which is under separate occupation, and, if the owner so requires, any part of any land which is under separate occupation, shall be separately valued, and the value shall be estimated 40
as on the thirtieth day of April nineteen hundred and nine.

[10 Edw. 7.]

Finance.

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(2) Any owner of land and any person receiving rent in respect of any land shall, on being required by notice from the Commissioners, furnish to the Commissioners a return containing such particulars as the Commissioners may require as to the rent received by him, and as to the ownership, tenure, area, character, and use of the land, and the consideration given on any previous sale or lease of the land, and any other matters which may properly be required for the purpose of the valuation of the land, and which it is in his power to give, and if any owner of land or person receiving any rent in respect of the land is required by the Commissioners to make a return under this section, and fails to make such a return within the time, not being less than thirty days, specified in the notice requiring a return, he shall be liable to a penalty not exceeding fifty pounds to be recoverable in the High Court.

A.D. 1910.

(3) Any owner of land may, if he thinks fit, furnish to the Commissioners his estimate of the total value or site value or both of the land, and the Commissioners, in making their valuation, shall consider any estimate so furnished.

20 **27.**—(1) The Commissioners shall cause a copy of their provisional valuation of any land to be served on the owner of the land, and unless objection is taken to the provisional valuation in manner provided by this section, the values shown in the provisional valuation shall be adopted as the original total value and the original site value respectively for the purposes of this Part of this Act.

Ascertaining of the original site value of land.

(2) If the owner considers that the total or site value, as stated in any provisional valuation, is not correct, he may, with a view to an amendment of the provisional valuation, within sixty days of the date on which the copy of the provisional valuation is served, or such extended time as the Commissioners may in any special case allow, give to the Commissioners notice of objection to the provisional valuation, stating the grounds of his objection and the amendment he desires, and if the Commissioners amend the provisional valuation so as to be satisfactory to all persons making objections the total and site value as stated in the amended valuation shall be adopted as the original total and the original site value for the purposes of this Part of this Act.

40 (3) The Commissioners may amend any provisional valuation, whether objected to or not, before it is finally settled and the

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A.D. 1910. amended provisional valuation shall be deemed to be a provisional valuation for the purposes of this section.

(4) If the provisional valuation is not amended by the Commissioners so as to be satisfactory to any objector, that objector may give a notice of appeal under this Act with respect to the valuation, but if no such notice is given the total and site value as stated in the provisional valuation, subject to such amendments as may be made by the Commissioners in order to meet objections, shall be adopted as the original total and the original site value respectively for the purposes of this Part of this Act. 5 10

(5) Any person interested in the land, not being an owner, may apply to the Commissioners for a copy of the provisional valuation of the land before it is finally settled, and shall then have the same right of giving notice of objection and of appealing as the owner. 15

(6) Where the value to be adopted as the original total or the original site value of any land for the purposes of this Part of this Act has not been finally settled at the time when any duty under this Part of this Act becomes leviable, any duty under this Part of this Act shall be assessed as if the values as shown in the provisional valuation, or, if the provisional valuation has been amended by the Commissioners, as shown in the valuation as so amended, were the values adopted as the original total and site values for the purposes of this Part of this Act, and, on the values to be adopted being finally settled, if it is found that the amount which should have been paid as duty exceeds that actually paid, the excess shall be deemed to be arrears of the duty, except so far as any penalty is incurred on account of arrears, and, if it is found that the amount which should have been paid as duty is less than that actually paid, the difference shall be repaid by the Commissioners. 20 25 30

(7) Where a lessee is the owner of the land within the meaning of this Act, this section shall apply as if any person entitled to the fee simple reversion or to a leasehold reversion for a term of years exceeding twenty-one were the owner as well as the lessee. 35

Periodical
valuation of,
undeveloped
land.

28. For the purpose of obtaining a periodical valuation of undeveloped land the Commissioners shall, in the year nineteen hundred and fourteen and in every subsequent fifth year, cause a valuation to be made of undeveloped land showing the site value of the land as on the thirtieth day of April in that year, and for the purpose of ascertaining the value at that time the provisions 40

of this Act as to the ascertainment of value shall apply for the purpose of ascertaining value on any such periodical valuation as they apply for the purpose of ascertaining the original value: A.D. 1910.

Provided that if on any such periodical valuation the valuation of any undeveloped land which is liable to undeveloped land duty is for any reason begun but not completed in the year of valuation, the Commissioners may complete the valuation after the expiration of the year of valuation, subject to an appeal under this Act.

10 **29.**—(1) Any duty under this Part of this Act may be assessed on or in respect of any such pieces of land whether under separate occupation or not, as the Commissioners think fit. Assessment of duty on separate parcels of land and apportionment of valuation.

(2) The Commissioners shall make such apportionments and re-apportionments of any original site value or any site value fixed on a periodical valuation as they consider necessary for the purpose of the collection or assessment of increment value duty or undeveloped land duty, or which they may be required at any time to make on the application of any person entitled to the fee simple of any land or to an interest in any land.

20 On any such apportionment or re-apportionment for the purpose of the collection of increment value duty on the occasion of the transfer on sale of the fee simple of the land or any interest in the land, or on the occasion of the grant of any lease of the land, the consideration for the transfer, or for the grant of the lease, shall be treated as one of the matters to which regard must be had in making the apportionment or re-apportionment.

30 (3) The provisions relating to the procedure on the valuation of land for the purposes of this Part of this Act shall apply with respect to the apportionment or re-apportionment of site value under this section as they apply with reference to the ascertainment of the original site value of land.

(4) The value attributed on any such apportionment or re-apportionment to each part of the land shall for the purposes of this Part of this Act be treated as the original site value or the site value of the land, as the case may be.

40 **30.**—(1) The Commissioners shall record particulars of all valuations, apportionments, re-apportionments, and assessments made by them under this Part of this Act, and of any deductions allowed in determining any value, and of the amount of any duty paid under this Part of this Act in respect of any land. Duties of Commissioners as to keeping records and giving information.

A.D. 1910.

(2) The Commissioners shall furnish to any person interested in any land, or to any person authorised by any person so interested, on his application and on payment of such fee, not exceeding two shillings and sixpence, as the Commissioners may fix with the approval of the Treasury, copies of any 5 particulars so recorded by them relating to the land, certified, if required, by a Secretary or Assistant Secretary to the Commissioners.

Information
as to names
of owners
of land.

31.—(1) Every person who pays rent in respect of any land, and every person who as agent for another person receives any 10 rent in respect of any land, shall, on being required by the Commissioners, furnish to them within thirty days the name and address of the person to whom he pays rent or on behalf of whom he receives rent, as the case may be.

(2) For the purpose of the exercise of their powers or the 15 performance of their duties under this Part of this Act in reference to the valuation of land, the Commissioners may give any general or special authority to any person to inspect any land and report to them the value thereof, and the person having the custody or possession of that land shall permit the person so authorised, on 20 production of the authority of the Commissioners in that behalf, to inspect it at such reasonable times as the Commissioners consider necessary.

(3) If any person wilfully fails to comply with the provisions of this section he shall be liable to a penalty not exceeding fifty 25 pounds to be recoverable in the High Court.

(4) Any notice requiring a return for the purpose of valuation, any copy of a provisional valuation, and any other notice or document which is required to be given or sent to an owner or a person interested in land under this Part of this Act by 30 the Commissioners shall be sufficiently given or sent if sent by post to the address of the owner or person interested furnished to the Commissioners under the powers given by this section, or, if the address cannot be so ascertained, by leaving the notice or a copy of the document addressed to the owner 35 or person interested with some occupier of the land, or, if there is no occupier, by causing it to be put up in some conspicuous place on the land.

Determina-
tion of value
of considera-
tion.

32.—(1) Where the value of any consideration for a transfer or lease is to be determined for the purposes of this Part of 40 this Act, that value shall, so far as the consideration consists of

the payment of a capital sum, be taken to be the amount of that capital sum, and, so far as the consideration consists of a periodical money payment, be taken to be such sum as appears to the Commissioners to be the capital value of that payment. A.D. 1910.

- 5 (2) If the Commissioners are satisfied that any covenant or undertaking or liability to discharge any incumbrance, or, in cases where a nominal rent only has been reserved, any covenant or undertaking to erect buildings, or to expend any sums upon the property, has formed part of the consideration, the Commis-
 10 sioners shall allow such sum as they think just in respect thereof as an addition to the value of the consideration.

- (3) Where it is necessary to apportion any consideration for the purposes of this Part of this Act as between properties included in any transfer or lease, the consideration shall be
 15 apportioned by the Commissioners in such manner as they determine.

Appeals.

- 33.**—(1) Except as expressly provided in this Part of this Act any person aggrieved may appeal within such time and in
 20 such manner as may be provided by rules made under this section against the first or any subsequent determination by the Commissioners of the total value or site value of any land; or against the amount of any assessment of duty under this Part of this Act; or against a refusal of the Commissioners to make any
 25 allowance or to make the allowance claimed, where the Commissioners have power to make such an allowance under this Part of this Act; or against any apportionment of the value of land or of duty or any assessment or apportionment of the consideration on any transfer or lease made by the Commissioners
 30 under this Part of this Act; or against the determination of any other matter which the Commissioners are to determine or may determine under this Part of this Act:

Provided that—

- 35 (a) an appeal shall not lie against a provisional valuation made by the Commissioners of the total or site value of any land except on the part of a person who has made an objection to the provisional valuation in accordance with this Act; and
 40 (b) the original total value and the original site value and the site value as ascertained under any subsequent valuation shall be questioned only by means of an

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appeal against the determination by the Commissioners of that value where there is an appeal under this Act, and shall not be questioned in any case on an appeal against an assessment of duty.

(2) An appeal under this section shall be referred to such one of the panel of referees appointed under this Part of this Act as may be selected in manner provided by rules under this section, and the decision of the referee to whom the matter is so referred shall be given in the form provided by rules under this section and shall, subject to appeal to the Court under this section, be final. 5

(3) The referee shall determine any matter referred to him in consultation with the Commissioners and the appellant, or any persons nominated by the Commissioners and the appellant respectively for this purpose, and may, if he thinks fit, order that any expenses incurred by the appellant be paid by the Commissioners, and that any such expenses incurred by the Commissioners be paid by the appellant. 15

Any order of the referee as to expenses may be made a rule of the High Court. 20

(4) Any person aggrieved by the decision of the referee may appeal against the decision to the High Court within the time and in the manner and on the conditions directed by Rules of Court (including conditions enabling the Court to require the payment of or the giving of security for any duty claimed); and subsections two, three, and four of section ten of the Finance Act, 1894, shall apply with reference to any such appeal: 25

57 & 58 Vict.
c. 30.

Provided that where the total or site value as alleged by the Commissioners of the property in respect of which the dispute arises does not exceed five hundred pounds, the appeal under this section may be to the county court for the county or place in which the appellant resides or the property is situate, and this section shall for the purpose of the appeal apply as if such county court were the High Court, and in every such case any party shall have a right of appeal to the Court of Appeal. 35

(5) Provision shall be made by rules under this section with respect to the time within which and the manner in which an appeal may be made to a referee under this section, and with respect to the mode in which the referee to whom any reference is to be made is to be selected, and with respect to the form in 40

[10 EDW. 7.]

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33

which any decision of a referee is to be given, and with respect to any other matter for which it appears necessary or expedient to provide in order to carry this section into effect. A.D. 1910.

Those rules shall be made by the Reference Committee, 5 subject to the approval of the Treasury.

The Reference Committee for England shall consist of the Lord Chief Justice of England, the Master of the Rolls, and the President of the Surveyors' Institution.

The Reference Committee for Scotland shall consist of the 10 Lord President of the Court of Session, the Lord Justice Clerk, and the Chairman of the Scottish Committee of the Surveyors' Institution.

The Reference Committee for Ireland shall consist of the Lord Chief Justice of Ireland, the Master of the Rolls in Ireland, 15 and the President of the Surveyors' Institution.

The President of the Surveyors' Institution may, if he thinks fit, appoint any person, being a member of the council of that institution and having special knowledge of valuation in Ireland, to act in his place as a member of the Reference Committee in 20 Ireland.

34.—(1) Such number of persons, being persons who have been admitted Fellows of the Surveyors' Institution, or other persons having experience in the valuation of land as may be appointed for England, Scotland, and Ireland, respectively, by 25 the Reference Committee, shall form a panel of persons to act as referees for the purposes of this Part of this Act in England, Scotland, and Ireland, respectively, and persons having experience in the valuation of minerals shall be included in each panel. Appointment of referees to hear appeals.

(2) There shall be paid out of moneys provided by Parliament to every referee appointed under this section such fees or 30 remuneration as the Treasury direct.

Supplemental.

35.—(1) No duty under this Part of this Act shall be charged in respect of any land or interest in land held by or on behalf 35 of a rating authority, or any statutory combination representative of two or more local or rating authorities, and any increment value duty in respect of any such land which would have been collected from the authority (whether on the occasion of the transfer on sale of the land, or any interest in the land, or the 40 grant of a lease of the land or on the periodical occasions provided in this Act) shall, for the purposes of the provisions of Exemption for land held by rating authorities.

A.D. 1910.* this Act as to the collection of increment value duty, be deemed to have been paid.

(2) For the purposes of this section the expression "rating authority" means any body who have power to raise a rate or administer money raised by a rate, and the expression "rate" means a rate the proceeds of which are applicable to public local purposes, and which is leviable on the basis of an assessment in respect of the yearly value of property, and includes any sum which, though obtained in the first instance by a precept, certificate, or other instrument, requiring payment from some authority or officer, is or can be ultimately raised out of a rate as before defined.

Deduction from increment value of sum paid to rating authority in respect of increase in value.

36. Where in pursuance of any public general or local Act any capital sum or any instalment of a capital sum has been paid to any rating authority in respect of the increased or enhanced value of any land due to any improvements made or other action taken by the authority, the amount of that capital sum or instalment shall be deducted from any increment value of the land for the purposes of the collection of increment value duty and from the site value of the land for the purposes of the collection of undeveloped land duty, and from the value of the benefit accruing to the lessor for the purposes of reversion duty, and in the case of increment value duty the duty on the amount deducted shall be deemed to have been paid.

Special provision for land held for charitable purposes, &c.

37.—(1) No reversion duty or undeveloped land duty under this Part of this Act shall be charged in respect of land or any interest in land held by or on behalf of any governing body constituted for charitable purposes while the land is occupied and used by such a body for the purposes of that body, and increment value duty shall not be collected on any periodical occasion in respect of the fee simple of or any interest in any land held for the purposes of such a body, whether it is occupied or used by that body or not, without prejudice, however, to the collection of the duty on any other occasion.

The expression "governing body constituted for charitable purposes" includes any person or body of persons who have the right of holding, or any power of government of, or management over, any property appropriated for charitable purposes (including property appropriated for the purpose of any of the naval or military forces of the Crown), and includes any corporation sole and all universities, colleges, schools, and other institutions for the promotion of literature, science, or art.

(2) This section shall apply to the fee simple of, or any interest in, any land held by a registered society or by a company within the meaning of the Companies (Consolidation) Act, 1908, or any body of persons incorporated by special Act, if that company or body are by their memorandum or Act precluded from dividing any profit amongst their members, as if the purposes of the society, company, or body of persons were charitable purposes.

In this provision the expression "registered society" means any society or body of persons who are registered, or whose rules are certified or registered, by a registrar of friendly societies in pursuance of any Act of Parliament, and who by their rules make provision for the benefits set out in section eight, subsection one, of the Friendly Societies Act, 1896, and where the contract between the society and the member is of a permanent character.

38.—(1) Neither increment value duty, reversion duty, nor undeveloped land duty shall be charged in respect of any land whilst it is held by a statutory company for the purposes of their undertaking and cannot be appropriated by the company except to those purposes; but nothing in this provision shall prevent the collection of increment value duty when any such land is sold or ceases to be so held.

This provision shall not be construed so as to exclude from the benefit thereof land held by a statutory company which is intended to be ultimately appropriated for the purpose of works forming or to form part of the company's undertaking, but, pending the carrying out of those works, is used for other purposes.

(2) The Commissioners shall not require a statutory company to make any returns with respect to any such land for the purpose of the provisions of this Part of this Act as to valuation other than as to the actual cost to the company of the land, and that cost shall, for the purposes of this Part of this Act, be substituted for the original site value of the land.

(3) For the purposes of the Lands Clauses Acts, as incorporated with any special Act, the amount (if any) payable by the transferor as increment value duty shall not be treated as part of the costs or expenses of a conveyance of land, and shall not be taken into account in assessing the compensation to be paid to the transferor.

(34.)

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A.D. 1910.

8 Edw. 7.
c. 69.

59 & 60 Vict.
c. 25.

Special pro-
vision for
statutory
companies.

A.D. 1910.

(4) For the purposes of this section the expression "statutory company" means any railway company, canal company, dock company, water company, or other company who are for the time being authorised under any special Act to construct, work, or carry on any railway, canal, dock, water, or other public undertaking, and includes any person or body of persons so authorised; and the expression "special Act" includes any Provisional Order or order having the force of an Act of Parliament. 5

Power to
charge duty
on land in
certain cases
45 & 46 Vict.
c. 38.

39.—(1) Where the fee simple of any land or any interest in land in respect of which increment value duty or reversion duty is charged is settled land within the meaning of the Settled Land Act, 1882, or is vested in a trustee, and the tenant for life or persons having the powers of a tenant for life or the trustee is the person who is liable to pay any sums on account of either of these duties, he shall be entitled to charge by deed upon the land or interest in land any amount paid by him or which he may then be or may thereafter become liable to pay in respect of either of these duties, and the amount of any expenditure which he may have reasonably incurred in connection with the valuation, and the benefit of any such charge may be transferred in like manner as a mortgage. 10 15 20

(2) In the case of settled land a deed executed for the purposes of this section shall not take effect until notice thereof has been given to the trustees of the settlement for the purposes of the Settled Land Act, 1882. 25

(3) Sections fifty-nine, sixty, and sixty-two of the Settled Land Act, 1882 (which relate to the exercise of powers on behalf of infants and lunatics), shall apply to the exercise of the power under this section in the same manner as they apply to the exercise of the powers of a tenant for life under that Act. 30

(4) Where the fee simple of any land or any interest in land in respect of which increment value duty or reversion duty is charged is vested in a mortgagee who is liable to pay any sum on account of either of those duties, he shall be entitled to add to his security the sum for which he is so liable, including any costs or expenses properly incurred by him in respect of the payment of the duty. 35

(5) In Scotland, where any person having a limited interest in the land or interest in land in respect of which any duty under this Part of this Act is charged, is the person who is 40

liable to pay any sums on account of the duty, he shall be entitled to charge such land or such interest in land by means of a bond and disposition or bond and assignation in security in his own favour which he is hereby authorised to grant. A.D. 1910.

- 5 **40.** The following provisions shall have effect with respect to the application of this Part of this Act to copyholds, including customary freeholds :— Application of Part I. to copyholds.

- 10 (1) In the case of copyholds of inheritance, and copyholds held for a life or lives or for years where the tenant has a right of renewal, and customary freeholds—

- 15 (a) The total and site values of the land shall be ascertained as if the land were freehold land, subject to a deduction of such an amount as is proved to the Commissioners to be equal to the amount which it would cost to enfranchise the land ;

- 20 (b) References to the fee simple of land shall be treated as references to the whole copyhold or customary interest or estate ;

- 25 (c) In the definition of “owner,” a reference to the person entitled to the rents and profits of the land as tenant by copy of court roll or customary tenure shall be substituted for the reference to the person entitled to the rents and profits of the land in virtue of an estate of freehold :

- 30 (2) In the case of copyhold land held for a life or lives, or for years where the tenant has not a right of renewal, this Part of this Act shall have effect as if the land were freehold land and the copyhold interest were a leasehold interest.

- 35 **41.** In this Part of this Act unless the context otherwise requires— Definitions.

The expression “land” does not include any incorporeal hereditament issuing or granted out of the land ;

- 40 The expression “rentcharge” means tithe or tithe rentcharge, or other periodical payment or rendering in lieu of or in the nature of tithe, or any fee farm rent, rent seck, quit rent, chief rent, rent of assize, or any other perpetual rent or annuity granted out of land ;

- 45 The expression “rent” has the same meaning as in the Conveyancing and Law of Property Act, 1881, and does not include a rentcharge ; 44 & 45 Vict. c. 41.

A.D. 1910.
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The expression "lease" includes an under lease and an agreement for a lease or underlease, but does not include a term of years created solely for the purpose of securing money until the term becomes vested in some person free from any equity of redemption; 5

The term of a lease shall, where the lease contains an obligation to renew the lease, be deemed to include the period for which the lease may be renewed, and in the case of a lease for life or lives, shall be deemed to be a number of years equal to the mean expectation of life 10 of the person for whose life the lease is granted, or, in the case of a lease granted for lives, of the youngest of the persons for whose lives the lease is granted, and a lease renewed in pursuance of such an obligation shall not on its renewal be deemed to be determined; 15

The expression "interest" in relation to land includes any undivided share in a fee simple in possession and includes a reversion expectant on the determination of a lease, but does not include any other interest in expectancy or an incumbrance as defined by this Act or any fixed charge as 20 defined by this Act or any purely incorporeal hereditament or any leasehold interest under a lease for a term of years not exceeding fourteen years or any tenancy which is, or is deemed to be, subject to statutory conditions under the Land Law (Ireland) Acts; 25

The expression "incumbrance" includes a mortgage in fee or for a less estate, and a trust for securing money, and a lien, and a charge of a portion, annuity, or any capital or annual sum, but does not include a fixed charge as 30 defined by this Act;

The expression "fixed charge" means any rentcharge as defined by this Act, and any burden or charge (other than rates or taxes) arising by operation of law or imposed by any Act of Parliament, or imposed in 35 pursuance of the exercise of any powers or the performance of any duties under any such Act, otherwise than by a person interested in the land or in consideration of any advance to any person interested in the land;

The expression "fee simple" means the fee simple in 40 possession not subject to any lease, but does not include an undivided share in a fee simple in possession;

The expression "owner" means the person entitled in possession to the rents and profits of the land in virtue of any estate of freehold, except that where land is let on lease for a term of which more than fifty years are unexpired, the lessee under the lease or if there are two or more such leases the lessee under the last created underlease shall be deemed to be the owner instead of the person entitled to the rents and profits as aforesaid ;

A.D. 1910.

The expressions "lessor" and "lessee" include an underlessor and underlessee ; and the expression "lessor" includes the person for the time being entitled to the reversion, whether freehold or leasehold, expectant on the determination of the lease ; and the expression "lessee" includes executors, administrators, and assigns of the lessee ;

The expressions "transferor" and "lessor" do not include any persons who join in the execution of the instrument by which the transfer or lease is effected, or agreed to be effected, for the purpose only of conveying any estate vested in them as trustees or incumbrancers, or of acknowledging the receipt of the consideration money, or of giving consent, and sections fifty-nine, sixty, and sixty-two of the Settled Land Act, 1882 (which relate to the exercise of powers on behalf of infants and lunatics) shall apply to the exercise of the powers of an owner under this Part of this Act in the same manner as they apply to the exercise of the powers of a tenant for life under that Act ;

45 & 46 Vict.
c. 38.

The expression "agriculture" includes the use of land as meadow or pasture land or orchard or osier or woodland, or for market gardens, nursery grounds, or allotments ; and the expression "agricultural land" shall be construed accordingly.

42. In the application of this Part of this Act to Scotland, unless the context otherwise requires :—

Application
of Part I. to
Scotland.

(1) The expression "land" does not include teinds, titles or offices of honour, or any servitude, superiority, casualty, feu duty, or ground annual, or any incorporeal heritable right ;

The expression "rent" includes yearly or other rent, toll, duty, royalty, or other reservation by the acre, the ton or otherwise ; and for the purpose of section

A.D. 1910.

thirty-one of this Act includes feu-duty and ground annual;

The expression "rent charge" includes feu duty and ground annual;

The expression "interest" in relation to land includes 5 the landlord's right of reversion to the subjects let on the determination of the lease, but does not include teinds, servitudes, superiorities, any interest in expectancy, whether vested or not, heritable securities, bonds of provision, jointures, annuities, or other capital 10 or annual sums, or other debts secured upon heritage, or any sporting right, or any lease thereof;

The expression "owner" means the fiar of the land, except that where land is let on lease for a term of which more than fifty years are unexpired, the tenant 15 under the lease shall be deemed to be the owner, and includes an institute or heir of entail in possession;

The expression "freeholder" includes "fiar," "life-renter of land settled within the meaning of the Finance Act, 1894," and "institute or heir of entail in possession," 20 and the expression "freehold" shall be construed accordingly;

The expression "incumbrance" includes any heritable security, or other debt or payment secured upon heritage, and the expression "incumbrancer" shall 25 be construed accordingly;

"Servitudes" shall be substituted for "easements" and shall be deemed to include public rights;

"Local Government Board for Scotland" shall be substituted for "Local Government Board"; 30

The expression "borough or urban district" means a royal, parliamentary or police burgh;

A reference to an appeal to quarter sessions shall not apply;

"Court of Session" shall be substituted for "High 35 Court": Provided that, for the purposes of appeals from the decisions of referees, the judges of the Court of Session named for the purpose of hearing appeals under the Valuation of Lands (Scotland) Acts shall be substituted for the High Court, subject to such 40 regulations as may be prescribed by Act of Sederunt,

and the appeal from such judges shall be to the House of Lords, and in subsections (2), (3), and (4) of section ten of the Finance Act, 1894, as applied with reference to any such appeal the said judges shall be substituted for the High Court. "Sheriff Court" shall be substituted for "County Court," and there shall be an appeal from the sheriff court to the said judges, whose decision in such case shall be final.

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57 & 58 Vict.
c. 30.

- 5 be substituted for the High Court. "Sheriff Court" shall be substituted for "County Court," and there shall be an appeal from the sheriff court to the said judges, whose decision in such case shall be final.
- 10 (2) Any order of a referee as to expenses shall be enforceable as a recorded decree arbitral.
- (3) Subsection (2) of section two of this Act shall be construed as if after paragraph (d) thereof the following paragraph were added (that is to say):—
- 15 (e) where the occasion is the grant of any feu of the land or the creation of any ground annual thereon, the value of the fee simple of the land calculated on the basis of the value of the consideration for such grant or creation, by way of feu duty, ground annual, or otherwise.
- 20 Where increment value duty falls to be collected on a feu contract or feu charter or a contract of ground annual, it shall be paid by the person by whom or on whose behalf the feu is granted or the ground annual is created, and for the purposes of this Part
- 25 of this Act that person shall be deemed to be the transferor or the transferor on sale and the contract or charter to be the instrument, and the expressions "transfer" and "transfer on sale" shall be construed accordingly.
- 30 The expressions "lessor" and "lessee" include a sub-lessor and sub-lessee and the heirs, executors, administrators, and assigns of a lessor and lessee respectively.
- (4) Where arrangements are made under section four of this
- 35 Act for dispensing with the presentation of any instrument or particulars thereof, it shall be the duty of the keeper of the general register of sasines, and of the respective keepers of burgh or other local registers, to furnish to the Commissioners particulars of instruments presented for registration or registered
- 40 in their respective registers as may be prescribed by regulations of the Commissioners, and in such case the provisions of subsection (3) of section four shall not apply.

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PART II.

DUTIES ON LIQUOR LICENCES.

Duties on
excise liquor
licences.

43. There shall be charged, levied, and paid on the licences for the manufacture or sale of intoxicating liquor specified in the First Schedule to this Act, the duties of excise specified in that Schedule, and the provisions expressed in that Schedule to be applicable to any such licences shall have effect with respect to those licences. The said duties shall be charged on any licences which shall have been granted after the first day of July, nineteen hundred and nine, or may hereafter be granted, but in the case of any such licences granted before the thirtieth day of September, nineteen hundred and nine, the amount of the duty shall be adjusted so as to make the sum payable in respect of the period up to that date such sum only as would have been payable if this Act had not passed.

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Valuation of
licensed pre-
mises.

43 & 44 Vict.
c. 20.

44.—(1) The annual value of any premises for the purposes of any duty charged in the First Schedule to this Act shall be determined in the same manner and subject to the same conditions (including as respects licensed premises in Ireland the provisions of subsection (7) of section forty-three of the Inland Revenue Act, 1880), as the annual value of premises is determined for the purpose of a publican's licence, and in the determination of that value the duty on the licence is not to be allowed as a deduction.

(2) It shall be the duty of the Commissioners to prepare, and to keep corrected, a register showing the annual licence value of all fully licensed premises and all beerhouses.

4 Edw. 7.
c. 23.

For the purpose of this provision the annual licence value shall be taken to be the amount by which the annual value of the premises as licensed premises exceeds the annual value which the premises would bear if they were not licensed premises, those values being calculated on the same basis as that on which the amount to be paid as compensation under section two of the Licensing Act, 1904, is calculated in default of agreement and approval in cases where compensation is payable under that Act, but there shall not be included in the value of the premises as licensed premises any amount on account of depreciation of trade fixtures.

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The annual licence value shall be fixed and certified for the purposes of this Act by the Commissioners of Inland Revenue, and those Commissioners shall send by post a copy of the certificate (and in case any correction is subsequently made in the amount certified, a copy of the corrected certificate) to the licenceholder stating the two annual values by reference to which the annual licence value has been arrived at, and on the application of any other person who appears to them to be interested in the premises furnish a copy of the certificate or corrected certificate to him, and any such certificate shall be subject to the like appeal as that to which the determination of the Commissioners of Inland Revenue of the amount to be paid for compensation under subsection (2) of section two of the Licensing Act, 1904, is for the time being subject, with the substitution, as respects Scotland, of the Judges of the Court of Session named for the purpose of hearing appeals under the Valuation of Land (Scotland) Acts, and, as respects Ireland, of the High Court of Justice of Ireland, for the High Court, and the costs on any such appeal shall be in the discretion of that court.

In estimating for that purpose the value as licensed premises of hotels or other premises used for purposes other than the sale of intoxicating liquor, no increased value arising from profits not derived from the sale of intoxicating liquor shall be taken into consideration.

(3) The licence holder and any person interested in licensed premises shall, if required by the Commissioners, make a return in such form and containing such particulars as the Commissioners may properly require for the purpose of the ascertainment under this section of the annual value or the annual licence value of the premises, and if any person fails to make such a return within the time, not being less than thirty days, specified in the notice requiring the return, he shall be liable on summary conviction to a fine not exceeding twenty pounds.

45.—(1) Where in the case of any licensed premises which are structurally adapted to be used and bonâ fide used for the purpose of the reception of guests and travellers desirous to sleep in the premises, or which are licensed premises structurally adapted for use, and bonâ fide used as a restaurant, it is shown to the satisfaction of the Commissioners that the receipts from the sale of intoxicating liquor were in the preceding year less in the case of a restaurant than two-fifths, and in the case of

Reduction of
duty in case
of hotels or
restaurants.

A.D. 1910. any other premises than one-third of the total receipts in that year from the business of all descriptions carried on by the licence holder in the premises, the duty payable under this Act in respect of the licence shall, subject to the minimum provided by this section, be a reduced duty bearing the same proportion 5 to the full duty payable as the receipts from the sale of intoxicating liquor bear to the total receipts.

(2) For the purpose of the calculation of receipts under this section, the year shall be the year ending the thirty-first day of March or such other day as the Commissioners may fix for any 10 area or to meet the circumstances of a particular case or cases.

(3) The reduced duty payable under this section may, at the option of the person by whom the duty is payable (but subject to the minimum provided by this section), be a duty of twenty-five per cent. on such amount as the Commissioners of 15 Inland Revenue certify to be the annual licence value of the premises, and those Commissioners shall on the application of any person by whom the duty is payable certify that amount subject to appeal in manner herein-before provided in any case where that amount has not been determined for the purpose of the 20 register to be prepared under this Act.

(4) The reduced duty payable under this section shall not be less than one-thirtieth of the annual value of the premises in the case of fully licensed premises, and in any other case one-fifteenth of the full duty, but shall not in any case to which a 25 minimum duty is applicable under Scale 3 in the First Schedule to this Act be less than that minimum duty.

(5) The Commissioners may make regulations for adapting the provisions of this section to cases where a licence is granted in respect of premises for which such a licence has not pre- 30 viously been in force or where the annual licence value of the premises has not been certified, and may by those regulations provide for the grant of a licence in cases where they are satisfied that it is probable that the premises for which the licence is granted are premises to which this section will apply, on a 35 provisional payment of one-fifth of the full duty, and for adjustment of the duty after the licence has been in force for six months in accordance with the receipts for those six months, or after the annual licence value has been certified, either by the repayment of any duty which is found to have been paid 40 in excess, or by the recovery as a debt due to His Majesty of

any sum by which the amount paid as duty falls short of the amount which is found to be payable. A.D. 1910.

(6) The power to obtain a licence on payment of a reduced amount of duty in the case of a six-day licence and in the case of an early closing licence shall not apply where a reduced duty is payable under this section; but in cases to which this section applies, effect shall be given to the statutory enactments as to six-day and early closing licences by calculating the full duty payable as the amount of that duty reduced in the case of a six-day or early closing licence by one-seventh, and in the case of a licence which is both a six-day and an early closing licence by two-sevenths.

46. Where the licence holder is bound by any covenant, agreement, or undertaking, or is otherwise under any direct or indirect obligation of any kind, to obtain a supply of intoxicating liquor from any person or persons, the licence holder shall be entitled, notwithstanding any agreement to the contrary, to recover as a debt due from or deduct from any sum due to any such person so much of any increase of the duty payable in respect of his licence occasioned by this Act as may be agreed upon, or in default of agreement determined by the Commissioners to be proportionate to any increased rent of the licensed premises, or increased prices of intoxicating liquor supplied, or other benefit obtained by such person by reason of any such covenant, agreement, undertaking, or obligation as aforesaid.

Distribution of payments on account of licence duties in certain cases.

47.—(1) Where it is shown to the Commissioners that the amount of any annual payments to be made, or of any capital sum which has been paid, in pursuance of conditions attached to the grant of a new on-licence for securing to the public monopoly value under section four of the Licensing Act, 1904, exceeds the amount which should reasonably be required having regard to the increase in the duty on the licence under this Act, the Commissioners shall, after giving the justices by whom the conditions have been attached to the licence an opportunity of reporting to them on the matter, reduce in such manner as shall be just the amount of any payment to be so made, or in cases where a capital sum has been paid allow such a reduction from the duty to be paid for the licence as shall be just, having regard to the decrease, if any, of the monopoly value owing to the increase of the duty on the licence, but any decision of the Commissioners as to the reduction to be made under this provision shall be subject to the like appeal as that to which the determination by the Com-

Reduction of monopoly value payments in certain cases.

4 Edw. 7. c. 23.

A.D. 1910. — missioners of Inland Revenue of the amount to be paid for compensation under subsection (2) of section two of the Licensing Act, 1904, is subject under that Act.

(2) Any amount by which the duty on the licence is reduced under this section shall be deducted, in accordance with directions 5 of the Treasury, from the next payment made out of the local taxation account to the council of the county or county borough who have had the benefit of the original capital sum paid, and the amount to be paid into the local taxation account on account of the proceeds of the duties on the licences for the sale of intoxicating 10 liquor shall be reduced accordingly.

Duty on statement of purchases of intoxicating liquor to be supplied in a club.

48.—(1) It shall be the duty of the secretary of every registered club to deliver to the Commissioners, in the month of July in the year nineteen hundred and ten, and in the month of January in every subsequent year or within such further 15 time as the Commissioners may in any case allow, a statement of the purchases during the preceding calendar year of intoxicating liquor to be supplied in or to the club or on behalf of the club to the members thereof, in such form and containing such particulars as may be prescribed by the Commissioners, and 20 every such statement shall be charged with an Excise duty of sixpence for every pound of the purchases shown in the statement.

(2) If the secretary of a club fails to deliver a statement in accordance with this section after a notice in writing from the Commissioners requiring him so to do has been served on him, 25 either by leaving it at the club premises or by sending it to him by post addressed to the club, he shall be liable on summary conviction to a fine not exceeding twenty pounds, and in the case of a second or subsequent offence to imprisonment with or without hard labour for a term not exceeding one month or to 30 a fine not exceeding fifty pounds or to both, and if he knowingly delivers a statement which is in any material particular untrue, he shall be liable on summary conviction to imprisonment with or without hard labour for a term not exceeding three months, or to a fine not exceeding fifty pounds, or to both imprisonment 35 and fine.

(3) If any duty under this section remains unpaid after the first day of September in the year nineteen hundred and ten, and the first day of March in any subsequent year, the duty may be levied by distress on the premises of the club in 40

[10 Edw. 7.]

Finance.

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respect of which the duty is due, and the collector of Customs and Excise may, for that purpose, by warrant signed by him, authorise any person to distrain upon the premises, and to sell any distress levied by public auction, after giving six days' previous notice of the sale :

A.D. 1910.

Provided that a distress shall not be levied under this provision unless notice in writing requiring the payment of the amount of duty unpaid has been served on the secretary of the club by leaving the notice at the club premises or by sending it to him by post addressed to the club :

The proceeds of the sale shall be applied in or towards payment of the costs and expenses of the distress and sale, and the payment of the duty due, and the surplus, if any, shall be paid to the secretary of the club, and treated by him as part of the funds of the club.

(4) If any duty payable under this section remains unpaid after the first day of September in the year nineteen hundred and ten, and the first day of March in any subsequent year, or if the secretary of a club fails in any year to deliver a statement as required by this section, the supply of any intoxicating liquor in the club shall, so long as the duty remains unpaid, or the failure continues, as the case may be, be deemed to be a sale of intoxicating liquor without a licence.

(5) The Commissioners may make regulations for adapting the provisions of this section to the case of a club which is discontinued as a registered club during any calendar year, and for procuring a statement under this section of the purchases of intoxicating liquor up to the date of the discontinuance of the club as a registered club, and for charging the duty under this section in respect of that statement.

(6) The clerk by whom any register of clubs is kept shall send notice to the Commissioners of the entry of any new club, and of any case in which a club ceases to be registered, upon the register kept by him.

35 **49.**—(1) The licences specified in the First Schedule to this Act shall be in such form as the Commissioners direct, and any such licence may be granted on payment of the appropriate duty by any officer of Customs and Excise authorised to grant the licence by the Commissioners.

Grant of
licences and
date of expi-
ration of
licences.

A.D. 1910.

(2) Manufacturers' licences shall expire on the thirtieth day of September and wholesale dealers' licences shall expire on the thirtieth day of June in every year, and any other licences specified in the First Schedule to this Act which are to be taken out annually shall (subject as herein-after provided) expire 5 in England and Ireland on the thirtieth day of September and in Scotland on the twenty-eighth day of May in each year :

Provided that where a retailer's off-licence for the sale of any liquor is held by the holder of a wholesale dealer's licence for the sale of the same liquor, the retailer's licence shall expire 10 on the same day as that on which the wholesale dealer's licence expires.

(3) Where the duty payable by any person under this Part of this Act on any licence exceeds the sum of sixty pounds the licence may, at the option of the licence-holder, be granted upon 15 payment of one-half only of the duty so payable, and in that case the other half of the duty shall be paid immediately after the expiration of six months from the commencement of the year for which the licence was granted, or, in case the licence was granted after the month of September, on the first day of March 20 next after the commencement of the year for which the licence was granted, and in default of payment of the second half of the duty the licence shall cease to be in force.

This provision shall apply to two or more licences granted in respect of one set of premises as it applies to a single 25 licence.

Penalties.

50.—(1) If any person makes or manufactures any intoxicating liquor, for the making or manufacture of which he is required to take out a licence under this Act, without taking out such a licence, he shall be liable in respect of each offence to an 30 excise penalty of five hundred pounds.

(2) If any person deals wholesale in any intoxicating liquor, for the wholesale dealing in which he is required to take out a licence under this Act, without taking out such a licence, he shall be liable in respect of each offence to an excise penalty of one 35 hundred pounds.

(3) If any person sells by retail any intoxicating liquor, for the retail sale of which he is required to take out a licence under this Act, without taking out such a licence, he shall be liable in respect

[10 EDW. 7.]

Finance.

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of each offence, at the election of the Commissioners, either to an excise penalty of fifty pounds, or to an excise penalty equal to treble the amount of the full duty. A.D. 1910. —

- (4) If any person holding any of the licences specified in the First Schedule to this Act contravenes the terms of the licence, or sells otherwise than as he is authorised by the licence, or contravenes any of the provisions applicable to the licence under that Schedule, he shall be liable in respect of each offence, if the offence is not an offence for which any specific penalty is imposed by any Act relating to excise duties or licences, to an excise penalty of fifty pounds.

General.

- 51.**—(1) Any reference in any Act or document to any description of Excise licence for the manufacture or sale of intoxicating liquor which is expressed in the First Schedule to correspond to any description of licence which may be granted under this Act shall be deemed to be a reference to the description of licence to which it is expressed to correspond.

Relation of
licences
granted
under Act
to licences
abolished.

- (2) The additional retail licences for the sale of spirits or liqueurs or beer granted to a dealer in spirits or beer, and the licence for the sale of table beer, and the combined licence for the sale by retail of wine and beer, shall cease to be granted, without prejudice to the continuance of any such licence which is in force at the time of the passing of this Act until the date when the licence expires in accordance with the provisions of this Act.

- (3) Where any existing excise licence may be granted without a justices' licence being required, no justices' licence shall be required for the issue of the corresponding excise licence under this Act.

- 52.** In this Part of this Act—

Definitions.

- The expression "beer" includes ale, porter, spruce beer, black beer, and any other description of beer, and any liquor which is made or sold as a description of beer or as a substitute for beer, and which on analysis of a sample thereof at any time is found to contain more than two per cent. of proof spirit;

The expression "wine" means wine imported into Great Britain or Ireland;

A.D. 1910.

The expression "sweets" means any liquor which is made from fruit and sugar, or from fruit or sugar mixed with any other material, and which has undergone a process of fermentation in the manufacture thereof, and includes British wines, made wines, mead, and metheglin; 5

Any reference to cider shall include a reference to perry;

2 Edw. 7.

c. 28.

3 Edw. 7.

c. 25.

4 Edw. 7.

c. 9.

The expression "registered club" means a club for the time being registered under the Licensing Act, 1902, and in Scotland and Ireland a registered club within the meaning of the Licensing (Scotland) Act, 1903, and the 10
Registration of Clubs (Ireland) Act, 1904, respectively;

The expression "passenger vessel" means a vessel of any description employed for the carriage and conveyance of passengers which goes from any place in the United Kingdom to any other place in the United Kingdom, 15
or goes from and returns to the same place in the United Kingdom on the same day;

The expression "publican's licence" means the on-licence to be taken out by a retailer of spirits, and the expression "beerhouse licence" means the on-licence to be taken 20
out by a retailer of beer;

The expression "fully licensed premises" means premises to which a publican's licence is attached, and the expression "beerhouse" means premises to which a beerhouse licence is attached; 25

The expression "premises" in relation to the value of licensed premises includes any offices, courts, yards, and gardens occupied together with the house in which the liquor is sold, except any such offices, courts, yards, or gardens as are proved to the satisfaction of the Com- 30
missioners to be used for any trade or business distinct from any trade or business carried on upon the premises by the licence holder.

The expression "full duty" means the duty which would be charged under the First Schedule to this Act without 35
taking into consideration any reduction or allowance or, in cases where duty may be charged under that schedule by reference to annual value, any alternative mode of charging the duty.

Temporary Provision

A.D. 1910.

53.—(1) All Excise licences for the manufacture or sale of intoxicating liquor which are to be taken out annually and are in force at the time of the passing of this Act (in this section referred to as existing licences) shall if they have not previously ceased to be in force cease to be in force on the thirtieth day of June next after the passing of this Act, and the Commissioners shall repay or allow to the holder of any such existing licence which ceases to be in force on the thirtieth day of June an amount of duty proportionate to the time by which the period of the currency of the licence is diminished under this provision after deducting in the case of licences granted since the first day of July, nineteen hundred and nine, any additional sum which the licence-holder may be required under the provisions of this Act to pay as duty for the period since the thirtieth day of September, nineteen hundred and nine, or, if the licence was granted after the said thirtieth day of September, for the period during which the licence has been in force.

Temporary
provision as
to expiration
of licences.

If the additional sum to be paid by the licence-holder exceeds the sum to be repaid or allowed the excess shall be treated as an addition to the duty to be paid in respect of any licence granted in substitution for the existing licence.

(2) For the purpose of recovering the duty which would have been payable on certain licences if they had expired on the thirty-first day of December nineteen hundred and nine, the following provisions shall have effect:—

(a) Where an existing licence ceases to be in force after the date of the passing of this Act but before the thirtieth day of June next after that date, there shall be payable in respect of any licence granted in substitution for the existing licence an amount equal to the sum by which the proportion of the annual duty payable under this Act for the period between the thirty-first day of December and the date of the expiration of the licence exceeds the proportion of the annual duty payable before the passing of this Act for that period; and

(34.)

H

A.D. 1910.

(b) Where the holder of an existing licence was, on the thirty-first day of December nineteen hundred and nine, the holder of a similar licence which has expired before the passing of this Act, there shall be payable as an addition to any duty or additional sum to be paid in respect of any licence granted in substitution for the existing licence, an amount equal to the sum by which the proportion of the annual duty payable under this Act for the period between the thirtieth day of September nineteen hundred and nine and the date of the expiration of the licence, in the case of an expired licence granted after the first day of July nineteen hundred and nine, and for the period between the thirty-first day of December nineteen hundred and nine and the date of the expiration of the licence, in the case of an expired licence granted before the first day of July nineteen hundred and nine, exceeds the proportion of the annual duty payable before the passing of this Act for the same period.

(3) Where any licence granted under this Act in substitution for a corresponding existing licence expires by virtue of the provisions of this Act before the expiration of a full year the duty payable on the licence shall be proportionately reduced.

PART III.

DEATH DUTIES.

25

Amended rates of estate duty and settlement estate duty.
7 Edw. 7.
c. 13.
57 & 58 Vict.
c. 30.

54. The scale set out in the Second Schedule to this Act shall, in the case of persons dying on or after the thirtieth day of April, nineteen hundred and nine, be substituted for the scale set out in the First Schedule to the Finance Act, 1907, as the scale of rates of estate duty, and two per cent. shall be substituted for one per cent. in section seventeen of the Finance Act, 1894 (in this Part of this Act referred to as the principal Act), as the rate of settlement estate duty.

Limitation of relief from estate duty in respect of settled property.

55. For the purpose of any claim to relief from estate duty under subsection (2) of section five or subsection (1) of section twenty-one of the principal Act, in the case of persons dying on or after the thirtieth day of April, nineteen hundred and nine, payment of or liability to duty, whether the payment was made or the liability attached before, on, or after that date, shall not be

deemed to be a payment of or liability to duty in respect of settled property if the payment was made or the liability attached in respect of an interest in expectancy in any property on the death of a person other than the settlor. A.D. 1910.

5 **56.**—(1) The Commissioners may, if they think fit, on the application of any person liable to pay estate duty or settlement estate duty or succession duty in respect of any real (including leasehold) property, accept in satisfaction of the whole or any part of such duty such part of the property as may be agreed
10 upon between the Commissioners and that person. Power to transfer land in satisfaction of estate duty, settlement estate duty, or succession duty.

(2) No stamp duty shall be payable on any conveyance or transfer of land to the Commissioners under this section.

(3) The Commissioners may hold any property transferred to them under this section and shall deal with it in such
15 manner as Parliament may hereafter determine.

57. Where a debt or incumbrance has been incurred or created in whole or in part for the purpose of or in consideration for the purchase or acquisition or extinction, whether by operation of law or otherwise, of any interest in expectancy
20 within the meaning of the principal Act in any property passing or deemed to pass on the death of a person dying after the passing of this Act, and any person whose interest in expectancy is so purchased, acquired, or extinguished becomes (under any disposition made by, or through devolution of law from, or under
25 the intestacy of, the deceased) entitled to any interest in that property, then in determining the value of the estate of the deceased for the purpose of estate duty no allowance shall be made in respect of such debt or incumbrance, and any property charged with any such debt or incumbrance shall be deemed to
30 pass freed from that debt or incumbrance: Limitation on debts deductible from value of estate.

Provided that—

(a) If part only of such debt or incumbrance was incurred or created for such purpose or as such consideration as aforesaid, this provision shall apply to that
35 part of such debt or incumbrance only; and

(b) If a person whose interest in expectancy in the property so purchased, acquired, or extinguished becomes entitled to an interest in part only of that property, this provision shall apply only to
40 such part of the debt or incumbrance as bears the

A.D. 1910.

same proportion to the whole debt or incumbrance as the value of the part of the property to an interest in which he becomes entitled bears to the value of the whole of that property.

Amendment
of rates of
legacy duty
and succe-
sion duty.
55 Geo. 3.
c. 184.
16 & 17 Vict.
c. 51.

58.—(1) Any legacy or succession duty which under the 5 Stamp Act, 1815, or the Succession Duty Act, 1853, or any other Act, is payable at the rate of three per cent. shall be payable at the rate of five per cent., and any legacy or succession duty which under the said Acts is payable at the rate of five per cent. or six per cent. shall be payable at the rate of ten per 10 cent. on the amount or value of the legacy or succession.

(2) The legacy and succession duty payable at the rate of one per cent. on the amount or value of any legacy or succe- sion under the Stamp Act, 1815, and the Succession Duty Act, 1853, or any other Act, shall be levied and paid notwith- 15 standing any repeal effected by or anything contained in the principal Act (except subsection (3) of section sixteen thereof) or any other Act, and the duty shall also be levied and paid in cases where the person taking the legacy or succession is the husband or wife of the testator, intestate, or predecessor 20 as in cases where the person taking the legacy or succession is a lineal ancestor or descendant of the testator, intestate, or predecessor :

Provided that the duty shall not be levied—

- (a) Where the principal value of the property passing on 25 the death of the deceased in respect of which estate duty is payable (other than property in which the deceased never had an interest, and property of which the deceased never was com- petent to dispose and which on his death passes 30 to persons other than the husband or wife or a lineal ancestor or descendant of the deceased) does not exceed fifteen thousand pounds, whatever may be the value of the legacy or succession ; or
- (b) Where the amount or value of the legacy or succession 35 together with any other legacies or successions derived by the same person from the testator, intestate, or predecessor does not exceed one thousand pounds, whatever may be the principal value of such property ; or 40

- (c) Where the person taking the legacy or succession is the widow or a child under the age of twenty-one years of the testator intestate or predecessor, and the amount or value of the legacy or succession together with any other legacies or successions derived by the same person from the testator, intestate, or predecessor does not exceed two thousand pounds, whatever may be the principal value of such property. A.D. 1910.
- 5
- 10 (3) In this section, the expression "deceased" means in the case of a legacy the testator (including a person making a donation mortis causâ) or intestate, and in the case of a succession arising through devolution by law, the person on whose death the succession arises, and in the case of a succession
- 15 arising under a disposition, the person on whose death the first succession thereunder arises; and the expression "legacy" includes residue and share of residue.
- (4) This section shall take effect in the case of legacy duty only where the testator by whose will the legacy is given or the
- 20 intestate on whose death the legacy duty is payable, dies on or after the thirtieth day of April, nineteen hundred and nine, and in the case of a succession arising through devolution by law, only where the succession arises on or after that date, and in the case of a succession arising under a disposition, only if the
- 25 first succession under the disposition arises on or after that date.
- 59.**—(1) In the case of a person dying on or after the thirtieth day of April, nineteen hundred and nine, the period preceding the death of the deceased before which a disposition purporting to
- 30 operate as an immediate gift inter vivos must have been made, or a surrender, assurance, divesting, or disposition must have been made or effected, in order that the property taken under the disposition, or affected by the surrender, assurance, divesting or disposition, may not be included as property passing on the death
- 35 of the deceased, shall be three years instead of twelve months before the death, and accordingly paragraph (a) of subsection (2) of section thirty-eight of the Customs and Inland Revenue Act, 1881 (as amended by section eleven of the Customs and Inland Revenue Act, 1889, and applied by paragraph (c) of subsection (1)
- 40 of section two of the principal Act), subsection (3) of section
- Provision as to gifts and dispositions inter vivos.
44 & 45 Vict. c. 12.
52 & 53 Vict. c. 7.

A.D. 1910. two of the principal Act, and section eleven of the Finance Act,
 63 & 64 Vict. 1900, shall be read as if three years were substituted for twelve
 c. 7. months :

Provided that this section shall not apply to any gift inter vivos, surrender, assurance, divesting, or disposition made or effected before the thirtieth day of April, nineteen hundred and eight, or made or effected for public or charitable purposes.

(2) So much of paragraph (c) of subsection (1) of section two of the principal Act and this section as makes gifts inter vivos property which is deemed to pass on the death of the deceased shall not apply to gifts which are made in consideration of marriage, or which are proved to the satisfaction of the Commissioners to have been part of the normal expenditure of the deceased, and to have been reasonable, having regard to the amount of his income, or to the circumstances, or which, in the case of any donee, do not exceed in the aggregate one hundred pounds in value or amount.

(3) Where property taken under such a disposition or affected by such a surrender, assurance, divesting, or disposition as aforesaid is deemed to be property passing on the death of the deceased by reason only that the property was not, as from the date of the disposition, surrender, assurance, or divesting, retained to the entire exclusion of the deceased or a person who had an estate or interest limited to cease on the death of the deceased, and of any benefit to him by contract or otherwise, the property shall not be deemed to pass on the death of the deceased if subsequently, by means of the surrender of the benefit reserved or otherwise, it is enjoyed to the entire exclusion of the deceased or such other person as aforesaid, and of any benefit to him by contract or otherwise, for such period preceding the death of the deceased as is provided by this section.

Amendment
 as to value
 of property.

60.—(1) In the case of any person dying on or after the thirtieth day of April, nineteen hundred and nine, the proviso to subsection (5) of section seven of the principal Act (which relates to the estimation of the principal value of property for the purposes of estate duty) shall cease to have effect.

(2) In estimating the principal value of any property under subsection (5) of section seven of the principal Act, in the case of any person dying on or after the thirtieth day of April, nineteen hundred and nine, the Commissioners shall fix the price

of the property according to the market price at the time of the death of the deceased, and shall not make any reduction in the estimate on account of the estimate being made on the assumption that the whole property is to be placed on the market
 5 at one and the same time:

Provided that where it is proved to the Commissioners that the value of the property has been depreciated by reason of the death of the deceased, the Commissioners in fixing the price shall take such depreciation into account.

10 (3) An appeal shall not lie under section ten of the principal Act, whether as originally enacted or as applied by any other enactment, where the question in dispute is a question of the value of any real (including leasehold) property, but if any person is aggrieved by the decision of the Commissioners as to
 15 the value of any such property, he may appeal against the decision in manner prescribed by Part I. of this Act, and the provisions as to appeals under that Part of this Act shall apply accordingly.

20 **61.**—(1) Notwithstanding anything in the last preceding section, the proviso to subsection (5) of section seven of the principal Act shall continue to apply to the valuation of property consisting of a tenancy from year to year, including any tenancy which is, or is deemed to be, subject to statutory conditions under the Land Law (Ireland) Acts, and for determining the
 25 gross value or the net value of property for the purpose of section sixteen of the principal Act.

Special provisions with respect to certain classes of property.

(2) Where it is claimed that a fixed duty is payable in respect of any property under subsection (1) of section sixteen of the principal Act as being property of a gross value not
 30 exceeding three hundred pounds or five hundred pounds, as the case may be, and such property includes property which is proved to the satisfaction of the Commissioners to be subject to a charge created for the purpose of securing unpaid purchase money, or money borrowed for the purpose of paying purchase
 35 money, or to be subject to or liable to be made subject to a charge for securing an advance made or to be made for the purpose of the purchase thereof, the value thereof for the purpose of determining the gross value of the property under the said section shall be taken to be its value subject to such charge or
 40 liability as aforesaid.

A.D. 1910.

(3) Land subject to an annuity under the Land Purchase (Ireland) Acts shall be treated as real property for the purposes of subsection (8) of section six of the principal Act (relating to the payment of estate duty by instalments).

(4) Where the property passing on the death of a person 5 dying after the passing of this Act comprises the purchase money of land agreed to be sold under the Land Purchase (Ireland) Acts, but the purchase money has not been paid, the estate duty payable in respect of that purchase money may, at the option of the person liable to pay the same, be postponed 10 until the purchase money is actually paid, and shall then become payable, but the person liable to pay the duty shall in the meantime pay annually interest on the amount of the duty payable at the rate of three per cent. per annum.

(5) Where an estate, in respect of which estate duty is 15 payable on the death of a person dying after the passing of this Act, comprises land on which timber, trees, or wood are growing, the value of such timber, trees, or wood shall be aggregated with the other property passing on the death of the deceased for the purpose of determining the value of the estate 20 and the rate of estate duty, but the estate duty which, but for this subsection, would be payable on the principal value of the timber, trees, or wood shall not be payable thereon, but shall, at the rate so ascertained, be payable on the net moneys (if any), after deducting all necessary outgoings since the death of the 25 deceased, which may from time to time be received from the sale of the timber, trees, or wood, when felled, during the period which may elapse until the land on the death of some other person again becomes liable or would, but for this subsection, have become liable to estate duty, and the owners or trustees 30 of such land shall account for and pay the same accordingly as and when such moneys are received, with interest at the rate of three per cent. per annum from the date when such moneys are received :

Provided that if at any time the timber, trees, or wood are 35 sold, either with or apart from the land on which they are growing, the amount of estate duty on the principal value thereof which, but for this subsection, would have been payable on the death of the deceased, after deducting the amount (if any) of estate duty paid in respect of the timber, trees, or wood under this 40 subsection since that date, shall become payable.

[10 Edw. 7.]

Finance.

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This subsection shall apply to succession duty payable in respect of woodlands in like manner as it applies to estate duty, except that nothing in this subsection shall affect the rate of succession duty. A.D. 1910.

- 5 **62.** Where increment value duty is to be collected on the occasion of the death of any person in respect of the fee simple of any land or any interest in land comprised in the property passing on the death of that person, allowance shall be made in determining the value of the estate for the purposes of estate
10 duty under subsection (1) of section seven of the principal Act, for the amount of increment value duty so to be collected as if it were a debt. Deduction of amount paid for increment value duty from value of estate for purposes of estate duty.

- 63.** In the case of any person dying on or after the thirtieth day of April, nineteen hundred and nine, section twenty of the
15 Finance Act, 1896 (which gives an exemption for objects of national, scientific, or historic interest), shall be extended so as to give an exemption from legacy and succession duty as well as from estate duty, and as so extended shall take effect whether the property in respect of which the exemption is given
20 is settled or not, and as if the reference therein to national, scientific, or historic interest included a reference to artistic interest, and duty shall only become chargeable when the property is sold, and then only in respect of the last death on which the property passed. Extension of exemption of objects of national, scientific, or historic interest. 59 & 60 Vict. c. 28.

- 25 **64.** Where an interest in expectancy within the meaning of Part I. of the principal Act in any property has, before the thirtieth day of April, nineteen hundred and nine, been bonâ fide sold or mortgaged for full consideration in money or money's worth, then no other duty on that property shall be payable by
30 the purchaser or mortgagee when the interest falls into possession than would have been payable if this Part of this Act had not passed, and in the case of a mortgage any higher duty payable by the mortgagor shall rank as a charge subsequent to that of the mortgagee. Protection of purchasers and mortgagees of interests in expectancy.

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PART IV.

INCOME TAX.

- 65.**—(1) Income tax for the year beginning on the sixth day of April nineteen hundred and nine shall be charged at the rate of one shilling and twopence. Income tax for 1909–1910.

(34.)

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A.D. 1910. (2) All such enactments relating to income tax as were in force on the fifth day of April nineteen hundred and nine shall, subject to the provisions of this Act, have full force and effect with respect to any duties of income tax hereby granted.

16 & 17 Vict. c. 34. (3) The annual value of any property which has been adopted for the purpose either of income tax under Schedules A. and B. in the Income Tax Act, 1853, or of inhabited house duty, during the year ending on the fifth day of April nineteen hundred and nine shall be taken as the annual value of such property for the same purpose during the next subsequent year; provided that this subsection—

(a) so far as respects the duty on inhabited houses in Scotland, shall be construed with the substitution of the twenty-fourth day of May for the fifth day of April; and 15

32 & 33 Vict. c. 67. (b) shall not apply to the metropolis as defined by the Valuation (Metropolis) Act, 1869.

57 & 58 Vict. c. 30. (4) Section thirty-eight of the Finance Act, 1894 (which relates to duty on dividends, &c. paid prior to the passing of the Act), shall be applied with respect to the year which commenced on the sixth day of April nineteen hundred and nine, as it was applied with respect to the year which commenced on the sixth day of April eighteen hundred and ninety-four. 20

Super-tax on incomes over 5,000*l*. **66.**—(1) In addition to the income tax charged at the rate of one shilling and twopence under this Act, there shall be charged, 25 levied, and paid for the year beginning on the sixth day of April nineteen hundred and nine, in respect of the income of any individual, the total of which from all sources exceeds five thousand pounds, an additional duty of income tax (in this Act referred to as a super-tax) at the rate of sixpence for every pound 30 of the amount by which the total income exceeds three thousand pounds.

(2) For the purposes of the super-tax, the total income of any individual from all sources shall be taken to be the total income of that individual from all sources for the previous year, 35 estimated in the same manner as the total income from all sources is estimated for the purposes of exemptions or abatements under the Income Tax Acts; but, in estimating the income of the previous year for the purpose of super-tax,—

(a) there shall be deducted in respect of any land on which 40 income tax is charged upon the annual value estimated

[10 Edw. 7.]

Finance.

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- otherwise than in relation to profits (in addition to any other deduction) any sum by which the assessment is reduced for the purposes of collection under section thirty-five of the Finance Act, 1894, or on which duty has been repaid under the provisions of this Act relating to the repayment of duty in respect of the cost of maintenance, repairs, insurance, and management; and
- (b) there shall be deducted the amount of any premiums in respect of which relief from income tax may be allowed under section fifty-four of the Income Tax Act, 1853 (as extended by any subsequent enactment); and
- (c) there shall be deducted in the case of a person in the service of the Crown abroad, any such sum as the Treasury may allow for expenses which in their opinion are necessarily incidental to the discharge of the functions of his office and for which an allowance has not already been made;
- (d) Any income which is chargeable with income tax by way of deduction shall be deemed to be income of the year in which it is receivable, and any deductions allowable on account of any annual sums paid out of the property or profits of the individual shall be allowed as deductions in respect of the year in which they are payable, notwithstanding that the income or the annual sums, as the case may be, accrued in whole or in part before that year.
- 67.** Section nineteen of the Finance Act, 1907, shall apply to any individual who claims and proves, in manner provided by that section, that his total income from all sources exceeds two thousand pounds and does not exceed three thousand pounds, as if one shilling were substituted for ninepence, and as if, as respects any such individual, the thirty-first day of July nineteen hundred and ten were substituted for the thirtieth day of September nineteen hundred and seven.

A.D. 1910.

57 & 58 Vict.
c. 30.Further relief
in respect of
earned in-
comes.
7 Edw. 7.
c. 13.

68.—(1) If any individual who has been assessed or charged to income tax, or has paid income tax either by deduction or otherwise, claims and proves in manner prescribed by the Income

Relief in
respect of
children.

A.D. 1910. Tax Acts that his total income from all sources, although exceeding one hundred and sixty pounds, does not exceed five hundred pounds, and that he has a child or children living and under the age of sixteen years at the commencement of the year for which the income tax is charged, he shall be entitled, in respect of every such child, to relief from income tax equal to the amount of the income tax upon ten pounds.

The expression "child" and the expression "children" in this provision includes stepchild or stepchildren, but does not include illegitimate child or illegitimate children: Provided that where the parents of any illegitimate child or children shall, after the birth of such child or children, have married each other, such illegitimate child or children shall be included in the expression "child" and "children."

(2) Any relief under this section shall be given either by reduction of the assessment, or repayment of the excess which has been paid, or by both those means, as the case may require.

(3) Subsections (2) and (3) of section nineteen of the Finance Act, 1907, shall be construed as if this section were mentioned therein as well as section eight of the Finance Act, 1898, and section fifty-four of the Income Tax Act, 1853, and the provisions of the Income Tax Acts, which relate to claims for exemption, relief, or abatement, or the proof to be given with respect to those claims shall apply to claims for relief under this section, and the proof to be given with respect to those claims.

Extension of
relief from
income tax
under
Schedule A.

69.—(1) If the owner of any land or houses to which this section applies shows that the cost to him of maintenance, repairs, insurance, and management, according to the average of the preceding five years, has exceeded, in the case of land, one-eighth part of the annual value of the land as adopted for the purpose of income tax under Schedule A, and in the case of houses one-sixth part of that value, he shall be entitled, in addition to any reduction of the assessment under section thirty-five of the Finance Act, 1894, on making a claim for the purpose, to repayment of the amount of the duty on the excess, not exceeding in the case of land one-eighth part and in the case of houses one twelfth part of the duty on an amount equal to the annual value.

For the purposes of this section the term "maintenance" shall include the replacement of farm-houses, farm buildings,

[10 EDW. 7.]

Finance.

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cottages, fences, and other works where the replacement is necessary to maintain the existing rent. A.D. 1916.

(2) This section shall apply to any land (inclusive of farm-houses and other buildings, if any) the assessment on which is, 5 for the purpose of collection, reduced under section thirty-five of the Finance Act, 1894, and to any houses the annual value of which, as adopted for the purpose of income tax under Schedule A, does not exceed eight pounds, the assessment on which is so reduced.

10 (3) In comparing the cost of maintenance, repairs, insurance, and management of any land or houses for the purpose of this section with the annual value of the land or houses, the total cost of the maintenance, repairs, insurance, and management on any land managed as one estate, or of any houses on any such land, 15 shall be compared with the total annual value of the land or houses as the case may be.

(4) All the provisions of the Income Tax Acts which relate to claims for exemption, relief, or abatement, or the proof to be given with respect to those claims, shall apply to claims for 20 repayment under this section and the proof to be given with respect to those claims :

Provided that if the owner of any land or house makes and delivers to the surveyor of taxes of any district in which the land or house is wholly or partly situate a declaration as to the 25 cost to him of maintenance, repairs, insurance, and management, and the surveyor is satisfied as to the correctness of the declaration, the amount of the allowance to which the owner is entitled under this section shall be certified by the surveyor, and repayment shall thereupon be made in accordance with his certificate.

30 (5) In computing the five-year average for the purposes of this section, the year shall be taken to be the year ending on the thirty-first day of March, or such other date as may be adopted by the owner of the land or houses with the consent of the surveyor of taxes of the district, and the five preceding years 35 shall be taken to be those preceding the commencement of the year for which the duty in respect of which a claim for repayment is made is charged.

70. The exemption from income tax granted by the Income Tax Acts to a friendly society, and by the Trade Union (Provident 40 Funds) Act, 1893, to a registered trade union, by the rules of which it appears that the sums assured to any person by the

Extension of exemption for provident funds of friendly

A.D. 1910.
societies and
trade unions.
56 Vict. c. 2.

society or union do not exceed if by way of gross sum two hundred pounds, or if by way of an annuity thirty pounds a year, shall extend to any registered friendly society and to any registered trade union, if the society or union are restricted either by virtue of any Act of Parliament or by their rules from assuring 5 to any person any sum exceeding three hundred pounds by way of gross sum or fifty-two pounds a year by way of annuity.

Exemptions
and abate-
ments in case
of persons
not resident
in the
United
Kingdom.

71.—(1) No exemption, abatement, or relief under the Income Tax Acts which depends wholly or partially on the total income of an individual from all sources shall be given to any person, 10 unless the person claiming the exemption, abatement, or relief is resident in the United Kingdom :

Provided that any person who is or has been employed in the service of the Crown or who is employed in the service of any missionary society abroad or in the service of any of the 15 native states under the protectorate of the British Crown, and any person resident in the Isle of Man or Channel Islands and any person resident abroad who satisfies the Commissioners that he is so resident for the sake of health, shall be entitled to any relief, exemption, or abatement to which he would be entitled if he 20 were resident in the United Kingdom, and if his total income from all sources were calculated as including any income in respect of which income tax may not be chargeable as well as income in respect of which income tax is chargeable.

(2) Income tax shall not be payable in respect of the interest 25 or dividends of any securities of a foreign State or a British possession which are payable in the United Kingdom, where it is proved to the satisfaction of the Commissioners that the person owning the securities and entitled to the interest or dividends is not resident in the United Kingdom ; but, save as provided by 30 this or any other Act, no allowance shall be given or repayment made in respect of the income tax on the interest or dividends on the securities of any foreign state or any British possession which are payable in the United Kingdom.

Relief from income tax under this subsection may be given 35 by the Commissioners either by way of allowance or repayment on a claim being made to them for the purpose within six months of the end of the year for which the income tax is charged.

72.—(1) The super-tax shall be assessed and charged by the Commissioners for the special purposes of the Acts relating to income tax (in this Act referred to as the Special Commissioners).

A.D. 1910.
—
Special provisions as to assessment of super-tax.

5 (2) Every person upon whom notice is served in manner prescribed by regulations under this section by the Special Commissioners requiring him to make a return of his total income from all sources or, in the case of a notice served upon any person who is chargeable with or liable to be assessed to
10 income tax under section forty-one of the Income Tax Act, 1842, or section twenty-four of the Customs and Inland Revenue Act, 1890, as representing an incapacitated, non-resident, or deceased person, of the total income from all sources of the incapacitated, non-resident, or deceased person, shall, whether he is or is not
15 chargeable with the super-tax, make such a return in the form and within the time required by the notice.

5 & 6 Vict.
c. 35.
53 & 54 Vict.
c. 8.

(3) It shall be the duty of every person chargeable with the super-tax to give notice that he is chargeable to the Special Commissioners before the thirtieth day of September in the year
20 for which the super-tax is chargeable: Provided that for the purpose of this provision the thirty-first day of July nineteen hundred and ten shall, as respects the year beginning on the sixth day of April nineteen hundred and nine, be substituted for the thirtieth day of September of that year.

25 (4) If any person without reasonable excuse fails to make any return or to give any notice required by this section, he shall be liable to a penalty not exceeding fifty pounds, and after judgment has been given for that penalty to a further penalty of the like amount for every day during which the failure continues.

30 Any penalty under this provision shall be recoverable in the High Court, or in Scotland in the Court of Session.

(5) If any person fails to make a return under this section, or if the Special Commissioners are not satisfied with any return made under this section, the Special Commissioners may make
35 an assessment of the super-tax according to the best of their judgment.

(6) All provisions of the Income Tax Acts relating to persons who are to be chargeable with duty, assessments, and appeals

A.D. 1910. — against those assessments, and to the collection and recovery of duty, and to cases to be stated for the opinion of the High Court shall, so far as they are applicable, apply to the charge, assessment, collection, and recovery of duty under this section, and the Special Commissioners shall, for the purpose of assessment, have any powers of an inspector or surveyor of taxes, and for the purpose of the representation of the Crown on any appeal before the Special Commissioners, any person nominated in that behalf by the Commissioners of Inland Revenue shall have the same powers at and upon the determination of the appeal as a surveyor of taxes has at and upon the determination of any appeal under the Income Tax Acts. 5 10

(7) The Special Commissioners may amend any assessment made by them under this section, or make an assessment or an additional assessment, during any time within the year of assessment, or within three years after the expiration thereof. 15

(8) The Commissioners may make regulations for the purpose of carrying this section into effect.

PART V.

STAMPS.

20

Stamp duty
on convey-
ances or
transfers on
sale.
54 & 55 Vict.
c. 39.

73. The stamp duties chargeable under the heading "CONVEYANCE OR TRANSFER on Sale of any Property" in the First Schedule to the Stamp Act, 1891 (in this Part of this Act referred to as the principal Act) shall be double those specified in that Schedule: Provided that this section shall not apply to the conveyance or transfer of any stock or marketable security as defined by section one hundred and twenty-two of that Act, or to a conveyance or transfer where the amount or value of the consideration for the sale does not exceed five hundred pounds and the instrument contains a statement certifying that the transaction thereby effected does not form part of a larger transaction or of a series of transactions in respect of which the amount or value, or the aggregate amount or value, of the consideration exceeds five hundred pounds. 25 30

Stamp duty
on gifts inter
vivos.

74.—(1) Any conveyance or transfer operating as a voluntary disposition inter vivos shall be chargeable with the like stamp duty as if it were a conveyance or transfer on sale, with the substitution in each case of the value of the property conveyed or transferred for the amount or value of the consideration for the sale: 35

Provided that this section shall not apply to a conveyance or transfer operating as a voluntary disposition of property to a body of persons incorporated by a special Act if that body is by its Act precluded from dividing any profit among its members and the
 5 property conveyed is to be held for the purposes of an open space or for the purposes of its preservation for the benefit of the nation.

(2) Notwithstanding anything in section twelve of the principal Act, the Commissioners may be required to express their opinion under that section on any conveyance or transfer operating as
 10 a voluntary disposition inter vivos, and no such conveyance or transfer shall be deemed to be duly stamped unless the Commissioners have expressed their opinion thereon in accordance with that section.

(3) Subsection (2) of section fifteen of the principal Act,
 15 which enables certain instruments to be stamped after execution, shall apply to conveyances or transfers operating as voluntary dispositions inter vivos as if those conveyances or transfers were specified in the first column of the table in paragraph (d) of that subsection, and the grantor or transferor were specified in the
 20 second column of that table.

(4) Where any instrument is chargeable with duty both as a conveyance or transfer under this section and as a settlement under the heading "SETTLEMENT" in the First Schedule to the principal Act, the instrument shall be charged with duty as a
 25 conveyance or transfer under this section, but not as a settlement under the principal Act.

(5) Any conveyance or transfer (not being a disposition made in favour of a purchaser or incumbrancer or other person in good faith and for valuable consideration) shall, for the purposes of this
 30 section, be deemed to be a conveyance or transfer operating as a voluntary disposition inter vivos, and (except where marriage is the consideration) the consideration for any conveyance or transfer shall not for this purpose be deemed to be valuable consideration where the Commissioners are of opinion that by reason of the
 35 inadequacy of the sum paid as consideration or other circumstances the conveyance or transfer confers a substantial benefit on the person to whom the property is conveyed or transferred.

(6) A conveyance or transfer made for nominal consideration for the purpose of securing the repayment of an advance or loan
 40 or made for effectuating the appointment of a new trustee or the retirement of a trustee, whether the trust is expressed or implied,

A.D. 1910. — or under which no beneficial interest passes in the property conveyed or transferred, or made to a beneficiary by a trustee or other person in a fiduciary capacity under any trust, whether expressed or implied, or a disentailing assurance not limiting any new estate other than an estate in fee simple in the person 5 disentailing the property, shall not be charged with duty under this section, and this subsection shall have effect notwithstanding that the circumstances exempting the conveyance or transfer from charge under this section are not set forth in the conveyance or transfer. 10

Stamp duty
on leases.

75. The stamp duties chargeable under the heading "LEASE or TACK" in the First Schedule to the principal Act, shall be double the duties which would have been chargeable immediately before the passing of this Act under that heading, but this section shall not apply in the case of leases or tacks on which a 15 fixed duty of a penny is chargeable under that heading.

Stamp duty
on market-
able securi-
ties.

62 & 63 Viet.
c. 9.

76. The stamp duties chargeable on marketable securities (other than colonial government or colonial municipal securities) under paragraphs (1) (c), (3), and (4) of the heading "MARKETABLE SECURITY" in the First Schedule to the principal Act, and the 20 stamp duty chargeable on marketable securities, share warrants, or stock certificates to bearer under subsection (1) of section four of the Finance Act, 1899, shall be double those specified in the said Schedule or charged by the said section, as the case may be. 25

Alteration
and exten-
sion of duty
on contract
notes.

77.—(1) There shall be charged on every contract note as defined by this section for or relating to the sale or purchase of any stock or marketable security the following stamp duties:—

Where the value of the stock or marketable security—				
is 5 <i>l.</i> and does not exceed 100 <i>l.</i>	-	Sixpence,		30
exceeds 100 <i>l.</i> and does not exceed 500 <i>l.</i>		One Shilling,		
exceeds 500 <i>l.</i> and does not exceed				
1,000 <i>l.</i>	- - - - -	Two Shillings,		
exceeds 1,000 <i>l.</i> and does not exceed				
1,500 <i>l.</i>	- - - - -	Three Shillings,		35
exceeds 1,500 <i>l.</i> and does not exceed				
2,500 <i>l.</i>	- - - - -	Four Shillings,		
exceeds 2,500 <i>l.</i> and does not exceed				
5,000 <i>l.</i>	- - - - -	Six Shillings,		

A.D. 1910.

	Where the value of the stock or marketable security—	
	exceeds 5,000 <i>l.</i> and does not exceed	
	7,500 <i>l.</i> - - - - -	Eight Shillings,
	exceeds 7,500 <i>l.</i> and does not exceed	
5	10,000 <i>l.</i> - - - - -	Ten Shillings,
	exceeds 10,000 <i>l.</i> and does not exceed	
	12,500 <i>l.</i> - - - - -	Twelve Shillings,
	exceeds 12,500 <i>l.</i> and does not exceed	
	15,000 <i>l.</i> - - - - -	Fourteen Shillings,
10	exceeds 15,000 <i>l.</i> and does not exceed	
	17,500 <i>l.</i> - - - - -	Sixteen Shillings,
	exceeds 17,500 <i>l.</i> and does not exceed	
	20,000 <i>l.</i> - - - - -	Eighteen Shillings,
	exceeds 20,000 <i>l.</i> - - - - -	One Pound.

15 (2) Where a contract note is a continuation or carrying over note made for the purpose of continuing or carrying over any transaction for the sale or purchase of stock or marketable securities, the contract note, although it is made in respect of both a sale and purchase, shall be charged with duty under this
20 section as if it related to one of those transactions only, and, if different rates of duty are chargeable in respect of those transactions, to that one of those transactions which would render the contract note chargeable at the highest rate.

(3) For the purposes of this Part of this Act, the expression
25 “contract note” means the note sent by a broker or agent to his principal, or by any person who by way of business deals, or holds himself out as dealing, as a principal in any stock or marketable securities, advising the principal, or the vendor or purchaser, as the case may be, of the sale or purchase of any
30 stock or marketable security, but does not include a note sent by a broker or agent to his principal where the principal is himself acting as broker or agent for a principal, and is himself either a member of a stock exchange in the United Kingdom, or a person who, *bonâ fide* carries on the business of a stockbroker in the
35 United Kingdom, and is registered as such in the list of stockbrokers kept by the Commissioners.

(4) Where a contract note advises the sale or purchase of more than one description of stock or marketable security, the note shall be deemed to be as many contract notes as there are
40 descriptions of stocks or securities sold or purchased.

A.D. 1910.

Obligation to
execute con-
tract note.

78.—(1) Any person who effects any sale or purchase of any stock or marketable security of the value of five pounds or upwards as a broker or agent, and any person who by way of business deals, or holds himself out as dealing, as a principal in any stock or marketable security, and buys or sells any such stock or marketable security of a value of five pounds or upwards, shall forthwith make and execute a contract note, and transmit the note to his principal, or to the vendor or purchaser of the stock or marketable security, as the case may be, and in default of so doing shall incur a fine of twenty pounds: Provided that this section shall not apply in the case of transactions carried out in the course of their ordinary business relations between members of stock exchanges in the United Kingdom.

(2) If any person makes or executes any contract note chargeable with duty and not being duly stamped, he shall incur a fine of twenty pounds.

(3) No broker, agent, or other person shall have any legal claim to any charge for brokerage, commission, or agency, with reference to the sale or purchase of any stock or marketable security of the value of five pounds or upwards, if he fails to comply with the provisions of this section.

(4) All stamp duties on a contract note are to be denoted by an adhesive stamp appropriated to a contract note, and the stamp is to be effectively cancelled by the person by whom the note is executed by writing on or across the stamp his name or initials, or the name or initials of his firm, together with the true date of his so writing.

(5) Any stamp duty on a contract note may be added to the charge for brokerage or agency, and shall be recoverable as part of such charge.

Extension of
provisions as
to contract
notes to sale
or purchase
of options.

79.—(1) The provisions of this Part of this Act as to contract notes shall apply to any contract under which an option is given or taken to purchase or sell any stock or marketable security at a future time at a certain price, as it applies to the sale or purchase of any stock or marketable security, but the stamp duty on such a contract shall be one-half only of that chargeable on a contract note: Provided that if under the contract a double option is given or taken the contract shall be deemed to be a separate contract in respect of each option.

(2) Any contract note made or executed in pursuance and in consequence of the exercise of an option given or taken

[10 EDW. 7.]

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under a contract duly stamped in accordance with the provisions of this section shall be charged with one-half only of the duty which would otherwise have been chargeable thereon under this Part of this Act, provided that it bears on its face a certificate
 5 by the broker, agent, or other person mentioned in the last preceding section to the effect that it is made or executed in the exercise of an option for which a duly stamped contract has been rendered on the date mentioned in the certificate.

A.D. 1910.

PART VI.

10 CUSTOMS AND EXCISE OTHER THAN LIQUOR LICENCE DUTIES.

80. The duty of Customs payable on tea until the first day of July nineteen hundred and nine, under the Finance Act, 1908, shall be deemed to have been continued as from that date, and shall continue to be charged, levied, and paid until the first day of
 15 July nineteen hundred and ten, on the importation thereof into Great Britain or Ireland, (that is to say)—

Duty on tea.
 8 Edw. 7.
 c. 16.

Tea, the pound - - - - Fivepence.

81.—(1) In addition to the duties of Customs payable on spirits imported into Great Britain or Ireland there shall as from
 20 the thirtieth day of April nineteen hundred and nine be charged, levied, and paid, the duties specified in Part I. of the Third Schedule to this Act.

Additional
 Customs and
 Excise
 duties on
 spirits.

(2) The duties of Customs on the articles mentioned in Part II. of the Third Schedule to this Act, being articles in which
 25 spirit is contained, or in the manufacture of which spirit is used, shall be proportionately increased, and there shall accordingly be charged, levied, and paid the duties specified in that Part of the schedule.

(3) In addition to the Excise duty payable for every gallon
 30 computed at proof of spirits distilled in the United Kingdom there shall, as from the thirtieth day of April nineteen hundred and nine, be charged, levied, and paid an Excise duty of three shillings and ninepence, and so on in proportion for any less quantity.

82.—(1) In addition to the duties of Customs payable on beer of the descriptions called or similar to mum, spruce, or black beer, or Berlin white beer, or other preparations, whether fermented or not fermented, of a similar character imported into Great Britain or

Additional
 Customs
 duty on beer.

A.D. 1910. Ireland, there shall, as from the twelfth day of May nineteen hundred and nine, be charged, levied, and paid the following duties (that is to say):—

For every thirty-six gallons thereof, where the worts thereof are or were before fermentation of a specific gravity— 5

£ s. d.

Not exceeding one thousand two hundred and fifteen degrees - - - - 0 1 0

Exceeding one thousand two hundred and fifteen degrees - - - - 0 1 2 10

(2) In addition to the duties of Customs payable on any description of beer other than that specified in the preceding subsection imported into Great Britain or Ireland, there shall, as from the twelfth day of May nineteen hundred and nine, be charged, levied, and paid the following duty (that is to say):— 15

For every thirty-six gallons where the worts thereof were before fermentation of a specific gravity of one thousand and fifty-five degrees - - - 0 0 3

and there shall be allowed and paid in respect of all such beer a similar addition to the drawback granted on exportation, shipment for use as stores, or removal to the Isle of Man, by section 44 & 45 Vict. c. 12. four of the Customs and Inland Revenue Act, 1881 ;

And so, as to both duty and drawback, in proportion for any difference in gravity.

(3) In addition to the drawback of Excise payable in respect of beer exported from the United Kingdom as merchandise or shipped for use as ship's stores, there shall be allowed and paid in respect of beer brewed in the United Kingdom, as from the first day of November nineteen hundred and nine— 25

For every thirty-six gallons of beer of an original gravity of one thousand and fifty-five degrees, an allowance of - - - - 0 0 3

and so in proportion for any difference in quantity or gravity.

Duties and drawback on tobacco.

83.—(1) In lieu of the duties of Customs payable on tobacco there shall as from the thirtieth day of April nineteen hundred and nine, be charged, levied, and paid upon tobacco imported into Great Britain or Ireland the duties specified in Part I. of the Fourth Schedule to this Act. 35

(2) In lieu of the Excise duties payable on tobacco grown in Ireland there shall, as from the thirtieth day of April nineteen hundred and nine, be charged, levied, and paid on tobacco grown in Ireland the duties specified in Part II. of the Fourth Schedule to this Act, and as from the first day of January nineteen hundred and ten Excise duties at the same rates shall be charged levied and paid on tobacco grown in England or Scotland, and there shall be charged on a licence to be taken out annually by every person growing, cultivating, or curing tobacco in England or Scotland an Excise duty of five shillings. A.D. 1910.

(3) Drawback allowed under section one of the Manufactured Tobacco Act, 1863, as extended or amended by any subsequent Act, on tobacco exported from Great Britain or Ireland or deposited in a bonded or King's warehouse shall, as from the first day of June nineteen hundred and nine, be allowed at the rates set out in Part III. of the Fourth Schedule to this Act, instead of at the rates set out in the First Schedule to the Finance Act, 1906, but subject to the provisions affecting allowance of drawback contained in the Schedule to the Finance Act, 1904. 26 & 27 Vict. c. 7. 6 Edw. 7. c. 8. 4 Edw. 7. c. 7.

(4) Subsections (2) and (3) of section three of the Finance Act, 1908, shall apply with reference to the Excise duties imposed by this section as they apply with reference to the duties imposed by that section, and shall apply to tobacco grown in England and Scotland in the same manner as they apply to tobacco grown in Ireland. 8 Edw. 7. c. 16.

(5) So much of any Act as prohibits or restrains the growth, making, or curing of tobacco in England or Scotland shall, as from the first day of January nineteen hundred and ten, cease to have effect.

84.—(1) As from the thirtieth day of April nineteen hundred and nine there shall be charged, levied, and paid on motor spirit imported into Great Britain or Ireland a duty of Customs at the rate of threepence per gallon. Duty on motor spirit.

(2) As from the first day of June nineteen hundred and nine there shall be charged, levied, and paid on motor spirit made in Great Britain or Ireland, an Excise duty at the rate of threepence per gallon, and there shall be charged on a licence to be taken out annually by a manufacturer of motor spirit and by a dealer in motor spirit an Excise duty of one pound and an Excise duty of five shillings respectively. But a person may sell motor spirit

A.D. 1910. in a quantity not exceeding one pint at one time to one person
— without taking out a licence as a dealer in motor spirit.

(3) Where a licence is taken out under this provision by a manufacturer of motor spirit, it shall not be necessary for him to obtain any further licence in respect of any still kept or 5 used by him solely for the purpose of the manufacture or refinement of motor spirit.

39 & 40 Vict.
c. 36. (4) The provisions of section ninety-eight of the Customs Consolidation Act, 1876, which relate to the charging of duty at the time of the actual delivery of goods, shall apply to motor 10 spirit as they apply to the specially excepted goods mentioned in that section.

(5) The Excise duty on motor spirit may be charged in such manner and at such time during the process of the manufacture of motor spirit as the Commissioners may determine. 15

1 Edw. 7.
c. 7.
3 Edw. 7.
c. 46. (6) Sections eight and nine of the Finance Act, 1901, as amended by section two of the Revenue Act, 1903, shall apply with respect to the manufacture of and dealing in motor spirit as they apply with respect to the manufacture of saccharin, and 20 any provisions of the Spirits Act, 1880, or any Acts amending that Act, may be applied by regulations made in pursuance of this subsection to motor spirit, and the regulations may provide for the sale and delivery by duly licensed persons of motor spirit from vans at the premises of persons who are dealers therein, and buy it to sell again. 25

(7) In this Part of this Act, the expression "motor spirit" means any inflammable hydrocarbon (including any mixture of hydrocarbons and any liquid containing hydrocarbon) which is capable of being used for providing reasonably efficient motive power for a motor car, and the expression "manufacturer of 30 motor spirit" includes a refiner of motor spirit and a person otherwise preparing motor spirit.

(8) The Commissioners may by regulations prescribe tests for the purpose of determining whether any inflammable hydrocarbon or mixture of hydrocarbons, or liquid containing hydro- 35 carbon, is motor spirit within the meaning of this provision.

Exemptions and allowances in respect of the duty on motor spirit. 85.—(1) Any person using motor spirit for purposes other than supplying motive power for motor cars shall be entitled, in accordance with the provisions of this section, to an allowance or repayment of the duty paid in respect of the motor spirit under 40 this Act, and any person using motor spirit for any of the purposes

[10 EDW. 7.]

Finance.

75

mentioned in Part I. of the Fifth Schedule to this Act shall be entitled, in accordance with the provisions of this section, to an allowance or repayment of half the amount of the duty paid under this Act in respect of the spirit: A.D. 1910.

5 Provided that a person using motor spirit before the first day of January nineteen hundred and ten for any of the purposes mentioned in Part I. of the Fifth Schedule to this Act, shall be entitled, in accordance with the provisions of this section, to an allowance or repayment of the whole amount of any duty paid
10 under this Act in respect of the spirit so used.

(2) Motor spirit may be delivered without payment of duty or on the payment of half the amount of the full duty payable, in such cases as the Commissioners may approve, and subject to such conditions as to proof, security, and otherwise, as the Com-
15 missioners may impose for the purpose of protecting the revenue.

(3) If any person proves to the satisfaction of the Commissioners that he has within the previous six months used any quantity exceeding five gallons of spirit which is motor spirit within the meaning of this Act for purposes other than
20 supplying motive power for motor cars, or in other circumstances entitling him to the repayment of the full amount of duty in respect of the spirit, he shall be entitled to obtain from the Commissioners a repayment of any duty which has been paid in respect of the spirit, and if any person proves to the satisfaction of the
25 Commissioners that he has within the previous six months used any quantity exceeding five gallons of motor spirit for the purposes mentioned in Part I. of the Fifth Schedule to this Act, and that the full duty has been paid upon the spirit so used, he shall be entitled to obtain from the Commissioners a repayment of half
30 the amount of duty so paid.

86.—(1) The Excise duty for carriages payable in respect of any motor car which is a carriage within the meaning of section four of the Customs and Inland Revenue Act, 1888, shall as from the first day of January nineteen hundred and ten be
35 at the rates specified in Part II. of the Fifth Schedule to this Act, and the duty so payable shall be charged throughout the United Kingdom, and the Acts relating to the payment of the duty shall extend accordingly.

Duty on
licences for
motor cars.
51 & 52 Vict.
c. 8.

(2) The unit of horse power for the purpose of any rate of
40 duty in the said Schedule shall be calculated in accordance with

(34.)

L

A.D. 1910. regulations made by the Treasury for the purpose, and section
32 & 33 Vict. twenty-seven of the Revenue Act, 1869 (which relates to the
c. 14. prosecution of offences), shall, so far as relates to motor cars
charged with duty under this section, be construed as if the horse-
power of the car were substituted for the weight of the carriage. 5

(3) Nothing in this section shall be construed so as to increase
or affect the duty now payable in respect of any motor cab, motor
omnibus or other vehicle being a hackney carriage within the
51 & 52 Vict. meaning of section four of the Customs and Inland Revenue Act,
c. 8. 1888, or to require a licence to be taken out for any motor car 10
which is not a carriage within the meaning of that section.

(4) If a duly qualified medical practitioner proves to the
satisfaction of the Commissioners or council by whom the licence
is granted that any motor car kept by him is kept for the
purpose of his profession, he shall be entitled to an allowance in 15
respect of the duty payable under this section on the licence for
the car equal to half the amount of duty so payable.

(5) If an officer of the Army Motor Reserve produces to the
Commissioners or council by whom the licence is granted a
certificate, granted in such manner and by such persons as the 20
Army Council direct, that any motor car kept by him has been
used for the purposes of the Army Motor Reserve under regula-
tions made by the Army Council for at least six days in any
year, he shall be entitled to an allowance in respect of the duty
payable under this section on the car bearing the same proportion 25
to the whole amount of duty as the number of days for which
the car has been so used bears to a full year.

(6) No duty shall be payable under this section in respect of
any motor fire-engine or ambulance.

(7) The Treasury may make regulations providing for the 30
total or partial exemption, for a limited period, from the duty
payable under this section of any motor cars brought into the
United Kingdom by persons making only a temporary stay in
the United Kingdom.

(8) Any licence to keep a motor car granted for the year 35
nineteen hundred and ten before the passing of this Act shall,
if the motor car is a motor car charged with duty under this
section, cease to have effect on the thirtieth day of June
nineteen hundred and ten, and the provisions of the Acts

[10 Edw. 7.]

Finance.

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relating to the payment of duties on carriages shall, as respects the year nineteen hundred and ten, have effect with respect to any motor car so charged as if the first day of July were substituted for the first day of January. A.D. 1910.

- 5 On payment of duty in pursuance of this provision in respect of a motor car so charged, allowance shall be made for any duty previously paid in respect thereof for the year nineteen hundred and ten, and if the duty so previously paid exceeds the duty payable under this section the excess shall be repaid:
- 10 Provided that in England no such allowance or repayment shall be made unless the duty is paid in pursuance of this provision in the same county or county borough in which the duty in respect of which an allowance or repayment is claimed has been paid.

- 15 (9) The expression "motor car" in this Part of this Act means any vehicle which is for the time being a light locomotive within the meaning of the Locomotives on Highways Act, 1896, as amended by any other Act, and includes a motor bicycle and a motor tricycle, but does not include a vehicle drawn by a
- 20 motor car. 59 & 60 Vict. c. 36.

PART VII.

PROVISIONS AS TO PAYMENTS TO LOCAL AUTHORITIES AND TO ROAD IMPROVEMENT ACCOUNT.

- 25 **87.**—(1) All payments made in pursuance of conditions attached by licensing justices to the grant of new on-licences under section four of the Licensing Act, 1904, shall, notwithstanding anything in that or any other Act, be paid into the Exchequer. Payments in respect of monopoly value to go to Exchequer. 4 Edw. 7. c. 23.

- 30 (2) On any proceedings relating to the grant or confirmation of a new on-licence, to which section four of the Licensing Act, 1904, applies, any person authorised by the Commissioners shall be entitled to be heard by the justices or confirming authority on the question of the payments to be imposed for the purpose of securing monopoly value to the public.

- 35 **88.**—(1) For the purpose of subsection (3) of section seventeen of the Finance Act, 1907 (which makes provision with respect to the method of calculating proceeds of duties in the event of any alteration of the rate of duties), the proceeds of
- Payments into local taxation account in respect of

(34.)

L 2

A.D. 1910. the duties on the licences for the sale of intoxicating liquor and
 liquor li- on licences for motor cars imposed by this Act shall, so far as
 cences and respects the sums to be paid into any local taxation account out
 provisions of the Consolidated Fund in respect thereof, be deemed notwith-
 as to duties standing anything in that subsection to be the amount of the 5
 on motor car proceeds of the duties on those licences during the year ending
 licences. the thirty-first day of March nineteen hundred and nine.
 7 Edw. 7.
 c. 13.

(2) Notwithstanding the proviso to subsection (4) of section
 six of the Finance Act, 1908, the duties on licences for motor cars
 in England and Wales shall continue to be duties to which that 10
 section applies, but any sum by which the proceeds of those duties
 levied in any financial year by the council of any county or county
 borough exceed the amount of the proceeds of those duties certified
 by the Local Government Board to have been collected in that
 county or county borough during the year ending the thirty-first 15
 day of March nineteen hundred and nine shall be paid into the
 Exchequer, and a council shall be entitled to be paid any sum
 by which the proceeds of those duties levied by them in any year
 are less than that amount, and the sums so to be paid shall be
 charged on and paid out of the Consolidated Fund or the growing 20
 produce thereof.

(3) Any reference in this section to duties on licences for
 motor cars or to the proceeds of those duties shall be construed
 to be a reference only to the duties on the licences which are
 affected by this Act. 25

Collection of
 motor car
 licence
 duties in
 Ireland. 89.—(1) The duties on licences for motor cars imposed by
 this Act shall be levied in Ireland by county councils in accord-
 ance with provisions for the purpose to be made by His Majesty
 by Order in Council as from the date mentioned in the Order,
 and subject as respects the current year to such variations of 30
 the dates for delivery of declarations and payment of duties as
 may be made by the Order, and subsections (3) (4) and (5) of
 section twenty of the Local Government Act, 1888, shall apply
 to those duties and the Order under this section as they apply
 to duties transferred and an order of transfer made under that 35
 section, with the exception of the provision in paragraph (1) of
 subsection (4) as to the account to which penalties and forfeitures
 are to be carried in the county fund, and with the substitution
 of "Commissioners of Customs and Excise" for "Commissioners
 of Inland Revenue." 40

51 & 52 Vict.
 c. 41.

(2) The duties to be levied by a county council under this
 section shall be paid into the Exchequer in such manner and in

[10 Edw. 7.]

Finance.

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accordance with such directions as may be contained in the Order, and there shall be paid to every county council in every year a sum equal to five per cent. of the duties levied by the council during the preceding year, and the sums so to be paid shall be charged on and paid out of the Consolidated Fund or the growing produce thereof.

A.D. 1910.

(3) In this section "county council" includes the council of a county borough.

90.—(1) There shall be charged on and paid out of the Consolidated Fund or the growing produce thereof a sum (in this Act referred to as the road improvement grant) equal to the net proceeds of the duties on motor spirit and the net proceeds of the duties on licences for motor cars which are affected by this Act.

Payment of duties on motor spirit and motor car licences to road improvement account.

(2) The road improvement grant shall be carried to a separate account to be established under regulations made by the Treasury for the purpose, and, subject to such regulations as may be made by the Treasury with respect to accounts and accumulation of moneys standing to the account, be administered and applied in manner provided by the Development and Road Improvement Funds Act, 1909.

9 Edw. 7.
c. 47.

(3) The expression "the net proceeds of the duties" means the amount of those duties paid into the Exchequer, after deducting such sums as are certified by the Commissioners to be the cost of collecting the duties, and after deducting in the case of duties payable on licences for motor cars any sum which is payable to any local taxation account in respect of the proceeds of those duties, or to any council in respect of any deficiency in the proceeds of those duties.

91.—(1) There shall be charged on and paid out of the Consolidated Fund or the growing produce thereof a sum equal to one-half of the net proceeds of the duties on land values under Part I. of this Act (including mineral rights duties).

Payment of half the proceeds of the duties on land values for benefit of local authorities.

(2) The sums so charged shall be carried to a separate account, to be established under regulations made by the Treasury for the purpose, and, subject to such regulations as may be made by the Treasury in respect of accounts, audit, and accumulation of moneys standing to the account, be appropriated for the benefit of local authorities in the United Kingdom in such manner as Parliament may hereafter determine.

A.D. 1910.

PART VIII.

GENERAL.

Application
of existing
enactments
to licences
granted
under this
Act.

92. All the powers, provisions, regulations, and directions contained in any Act relating to excise duties or licences, or to penalties or forfeitures under Excise Acts, and now or hereafter 5 in force, shall respectively be of full force and effect with respect to the excise duties charged by and the excise licences mentioned in this Act, so far as the same are applicable and are consistent with the provisions of this Act, as fully and effectually as if the same had been herein specially enacted with reference to the said 10 duties and licences.

Laying of
rules and
regulations
before Par-
liament.

93.—(1) All rules and regulations made by the Treasury or by the Commissioners of Inland Revenue or by the Commissioners of Customs and Excise under this Act shall be laid before each House of Parliament as soon as may be after they are made, and, 15 if an address is presented to His Majesty by either House of Parliament within the next subsequent forty days on which that House has sat next after any such rule or regulation is laid before it, praying that the rule or regulation may be annulled, His Majesty in Council may, if it seems fit, annul the rule or 20 regulation and it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder.

(2) If any rule or regulation is so annulled any duty previously paid which, but for the rule or regulation, would not have been payable, shall be repaid by the Commissioners, without 25 prejudice, however, to the right of the Commissioners to reassess the duty in accordance with any rule or regulation which may be substituted for the annulled rule or regulation.

Penalty for
making false
statement or
representa-
tion.

94. If any person for the purpose of obtaining any allowance, reduction, rebate, or repayment in respect of any duty under 30 this Act, either for himself or for any other person, or in any return made with reference to any duty under this Act, knowingly makes any false statement or false representation, he shall be liable on summary conviction to imprisonment for a term not exceeding six months with hard labour. 35

Provision as
to assess-
ments, pay-
ments, &c.
made on
account of

95.—(1) All assessments or charges made or other things done before the passing of this Act with a view to the collection of any duty imposed by this Act shall have the same force and effect as if this Act had been in operation at the time when the assessment or charge was made or other thing done. 40

[10 Edw. 7.]

Finance.

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(2) Any payments made before the passing of this Act on account of any duty imposed thereby, and any payments of drawback made before the passing of this Act on account of any such duty, which would have been proper payments on account of duty or proper payments of drawback if this Act had been in force at the time, shall be deemed to be payments properly made under this Act, and if treated as such before the passing of this Act shall be deemed to have been properly so treated.

A.D. 1910.
duty before
passing of
Act.

(3) The liability of any person to pay any sum on account of any duty imposed by this Act shall not be affected by the fact that he has, before the passing of this Act, paid either directly or by way of deduction any such sum if the sum so paid has been subsequently refunded to him, and any such sum may without prejudice to any other remedy be recovered as a debt due to His Majesty.

(4) Where any deduction which would have been a legal deduction if this Act had been in force has been made on account of any duty imposed by this Act, and the sum deducted has subsequently been made good by the person making the deduction, that person shall not be prevented from again making the deduction.

In such a case, and also in a case where a person could have made a legal deduction if this Act had been in force on account of any duty imposed by this Act, but has not made it, the person who has made or could have made the deduction, as the case may be, shall be entitled, if there is no future payment from which the deduction may be made, to recover the sum as if it were a debt due from the person to whom the original deduction has been made good or as against whom the deduction could have been originally made.

(5) Any reference in this section to a duty imposed by this Act includes a reference to a duty increased by this Act.

96.—(1) The Acts specified in the Sixth Schedule to this Act are hereby repealed to the extent mentioned in the Third column of that Schedule.

Repeal, construction,
and short
title.

(2) Any reference to "the Commissioners" in Part II., Part VI., or Part VII. of this Act shall be construed as a reference to the Commissioners of Customs and Excise, and any reference to "the Commissioners" in any other Part of this Act shall be construed as a reference to the Commissioners of Inland Revenue.

A.D. 1910. (3) Part III. of this Act shall be construed together with the
57 & 58 Vict. Finance Act, 1894.
c. 30.

5 & 6 Vict. (4) Part IV. of this Act shall be construed together with the
c. 35. Income Tax Acts, 1842 and 1853, and any other enactments
16 & 17 Vict. relating to Income Tax, and those enactments and Part IV. of 5
c. 34. this Act are in this Act referred to as the Income Tax Acts.

54 & 55 Vict. (5) Part V. of this Act shall be construed together with the
c. 39. Stamp Act, 1891.

39 & 40 Vict. (6) Part VI. of this Act, so far as it relates to duties of
c. 36. Customs shall be construed together with the Customs Consoli- 10
dation Act, 1876, and the Acts amending that Act, and Parts II.
and VI. of this Act, so far as they relate to duties of Excise,
shall be construed together with the Acts which relate to the
duties of Excise and the management of those duties.

(7) This Act may be cited as the Finance (1909-10) Act, 15
1910.

SCHEDULES.

A.D. 1911.

FIRST SCHEDULE.

EXCISE LIQUOR LICENCES.

A.—MANUFACTURERS' LICENCES.

	Licence to be taken out annually.	Duty.	Corresponding existing Licence.
5	1. Spirits :— (a) By a distiller of spirits.	Duty specified in Scale 1.	Licence for manufacture of spirits under 6 Geo. 4, c. 81, s. 2.
10	(b) By a rectifier or compounder of spirits.	15 <i>l.</i> 15 <i>s.</i>	
15	2. Beer :— By a brewer of beer for sale.	Duty specified in Scale 2.	Licence on which duty is payable under 43 & 44 Vict. c. 20, s. 10.
20	By a brewer of beer other than a brewer for sale.	If he is the occupier of a house of an annual value exceeding ten pounds and not exceeding fifteen pounds, and brews solely for his own domestic use, 9 <i>s.</i> In any other case, 4 <i>s.</i>	Licence on which duty is payable under 43 & 44 Vict. c. 20, s. 10; 44 & 45 Vict. c. 12, s. 14; or 48 & 49 Vict. c. 51, s. 5.
25	3. Sweets :— By a maker for sale of sweets.	5 <i>l.</i> 5 <i>s.</i> - - - -	Licence on which duty is payable under 6 Edw. 7. c. 20, s. 7.

SCALE 1.

	SPIRIT DISTILLER'S LICENCE.	Duty.
30	Number of gallons computed at proof of spirits distilled during the preceding year—	£ s. d.
	Not exceeding 50,000 gallons - - - -	10 0 0
	Exceeding 50,000 gallons, for the first 50,000 gallons -	10 0 0
35	For every further 25,000 gallons or fraction of 25,000 gallons - - - -	10 0 0

A.D. 1916.

SCALE 2.

LICENCE TO BREWER FOR SALE.

	Duty.		
	£	s.	d.
Number of barrels brewed during the preceding year—			
Not exceeding 100 barrels	1	0	0
Exceeding 100 barrels—			5
For the first 100 barrels	1	0	0
For every further 50 barrels or fraction of 50 barrels	0	12	0

For the purposes of this scale, barrels may be taken at the option of the brewer either to be bulk barrels or standard barrels, and a standard barrel shall be taken to be 36 gallons of beer of an original gravity of 1055 degrees. 10

Provisions applicable to Manufacturers' Licences.

Wholesale
dealing
authorised.

43 & 44 Vict.
c. 24.

Licence not
required in
certain cases.

Provision as
to duty in
case of new
distilleries or
breweries
which have
not been in
working for a
full year.

1. A manufacturer's licence, except in the case of a licence to a brewer not for sale, authorises not only the manufacture of the liquor to which it applies in accordance with the licence, but also wholesale dealing (subject in the case of a spirit manufacturer's licence to the provisions of the Spirits Act, 1880) in any such liquor which is the produce of the manufacture of the holder of the licence at the premises where the liquor is manufactured, and elsewhere by the manufacturer or a servant or agent of the manufacturer if the liquor is supplied to the purchaser direct from the premises where it is manufactured. 15

2. The occupier of a house of an annual value not exceeding eight pounds may brew beer solely for his own domestic use without taking out a manufacturer's licence.

3. The duty on a manufacturer's licence granted in respect of a distillery or brewery in respect of which such a licence has not been in force at any time during the preceding year or in respect of which a licence has been in force but no spirits have been distilled or beer brewed under the licence during the preceding year, as the case may be, shall be the minimum duty payable under Scales 1 or 2, as the case may be, and where a manufacturer's licence has not been in force for a full year, the number of proof gallons distilled or the number of barrels brewed during the preceding year shall, for the purpose of payment of duty in the following year, be deemed to be a number bearing the same proportion to the number actually distilled or brewed as the whole year bears to the time for which the licence has been in force. 25 30 35

4. For the purpose of the duties under Scales 1 and 2 the preceding year shall be taken to be the year ending the thirtieth day of June or such other day as the Commissioners may fix either generally or as respects any particular manufacturer. 40

B.—WHOLESALE DEALERS' LICENCES.

A.D. 1910.

Licence to be taken out annually by a wholesale dealer in				Duty.	Corresponding existing Licence.
				£ s. d.	
5	1. Spirits	-	-	15 15 0	} Licence on which duty is payable under 6 Geo. 4, c. 81, s. 2.
	2. Beer	-	-	10 10 0	
	3. Wine	-	-	10 10 0	Licence on which duty is payable under 6 Geo. 4, c. 81, s. 2.
10	4. Sweets	-	-	5 5 0	Licence on which duty is payable under 23 & 24 Viet. c. 113, s. 1.

Provisions applicable to Wholesale Dealers' Licences.

1. A wholesale dealer's licence authorises sale at any one time to one person of liquor in the following quantities, namely :—
- 15 (a) In the case of spirits, wine, or sweets in any quantity not less than two gallons, or not less than one dozen reputed quart bottles; and
- (b) In the case of beer or cider in any quantity not less than four-and-a-half gallons, or not less than two dozen reputed quart bottles;
- 20 but not in any less quantities.
2. A wholesale dealer's licence need not be taken out by the holder of a manufacturer's licence so far as respects the sale of liquor being the produce of the manufacture of the holder of the manufacturer's licence at the premises where the liquor is manufactured, and elsewhere
- 25 by the manufacturer or a servant or agent of the manufacturer, if the liquor is supplied to the purchaser direct from the premises where it is manufactured.
3. A person holding the licence to be taken out by a wholesale dealer in wine may deal wholesale in sweets as well as wine without
- 30 taking out any further wholesale dealer's licence.
4. Where a wholesale dealer's licence for the sale of any liquor is taken out by a person who is the holder of a licence authorising him to sell the same liquor by retail, the duty payable on the wholesale dealer's licence shall be reduced by fifty per cent. Provided that this
- 35 provision shall not operate so as to reduce the total amount payable for the wholesale dealer's licence and the retailer's licence for any liquor below that payable for the wholesale dealer's licence alone.

Retail sale
not autho-
rised.Authority to
manufac-
turers to sell
wholesale.Sale of sweets
authorised by
wine dealer's
licence.Reduced
duty where
retailer's
licence is
taken out as
well.

A.D. 1910.

C.—RETAILERS' LICENCES.

I.—On-Licences.

Licence to be taken out annually by a retailer of	Duty.	Corresponding existing Licence.	
1. Spirits (Publican's licence).	A duty equal to half the annual value of the licensed premises, subject to the minimum duty payable under Scale 3.	Licence on which duty is payable under 43 & 44 Vict. c. 20, s. 43(1).	5
2. Beer (Beerhouse licence).	A duty equal to a third of the annual value of the licensed premises, subject to the minimum duty payable under Scale 3.	Licence on which duty is payable under 43 & 44 Vict. c. 20, s. 41.	10
3. Cider - - -	Half the duty specified in Scale 4.		15
4. Wine - - -	Duty specified in Scale 4. - - -		
5. Sweets - - -	Half the duty specified in Scale 4.		

SCALE 3.

MINIMUM DUTY PAYABLE FOR PUBLICAN'S AND BEERHOUSE LICENCES.

There shall be a minimum duty payable on the publican's licence 20 and the beerhouse licence respectively, as shown in the following scale and where the annual value of any licensed premises is less than the annual value to which the minimum duty corresponds, duty shall be charged as if the premises were of that annual value.

Population.	Minimum Duty.		
	Publican's Licence.	Beerhouse Licence.	
In Great Britain—	£ s.	£ s.	
In areas which are not urban areas, and in urban areas with a population of less than 2,000 - - -	5 0	3 10	30
In urban areas with a population of—			
2,000 and less than 5,000 - - - - -	10 0	6 10	
5,000 " " 10,000 - - - - -	15 0	10 0	
10,000 " " 50,000 - - - - -	20 0	13 0	35
50,000 " " 100,000 - - - - -	30 0	20 0	
100,000 or above - - - - -	35 0	23 10	
In Ireland—			
In areas which are not urban areas, and in urban areas with a population of less than 10,000 - - -	5 0	3 10	40
In urban areas with a population of 10,000 or above -	7 10	4 6	

For the purposes of this scale an urban area means any county borough, borough, or other urban district; and the administrative county of London shall be deemed to be a single urban area; and population

[10 EDW. 7.]

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shall be calculated according to the last published census for the time being. The boroughs of Burslem, Hanley, Longton, and Stoke-upon-Trent, and the urban districts of Fenton and Tunstall, which, in pursuance of the Borough of Stoke-on-Trent Order, 1908, as confirmed by the Local Government Board's Provisional Order Confirmation (No. 3) Act, 1908, are, as from the thirty-first day of March, nineteen hundred and ten, to form (subject to certain provisions as to differential rating and other matters to have effect for a period of twenty years) one borough to be called the borough of Stoke-upon-Trent, shall, notwithstanding anything contained in that Order, continue for the period of twenty years from the said date to be separate urban areas for the purposes of this scale.

A.D. 1910.

8 Edw. 7.
c. clxiv.

SCALE 4.

WINE RETAILER'S ON-LICENCE.

Duty.

15	Annual value of licensed premises—						£	s.	d.
	Under 30 <i>l.</i>	-	-	-	-	-	4	10	0
	30 <i>l.</i> and under 50 <i>l.</i>	-	-	-	-	-	6	0	0
	50 <i>l.</i> „ 100 <i>l.</i>	-	-	-	-	-	9	0	0
	100 <i>l.</i> and over	-	-	-	-	-	12	0	0

20

II.—*Off Licences.*

	Licence to be taken out annually by retailer of		Duty.	Corresponding existing Licence.
25	1. Spirits	- -	Duty specified in Scale 5.	As respects England, the additional retail licence on which duty is payable under 24 & 25 Vict. c. 21. s. 1. As respects Scotland, licence on which duty is payable under 16 & 17 Vict. c. 67. s. 8.
30				As respects Ireland, licence on which duty is payable under 6 Geo. 4. c. 81. s. 2, and 8 & 9 Vict. c. 64. s. 1. Additional liqueur licence on which duty is payable under 11 & 12 Vict. c. 121, s. 10.
35	2. Beer	- -	Duty specified in Scale 6.	As respects England, the beer retailer's licence and the additional beer dealer's retail licence on which duty is payable under 43 & 44 Vict. c. 20. s. 41.
40				As respects Scotland, licence on which duty is payable under 16 & 17 Vict. c. 67. s. 8.
45	3. Cider	- -	2 <i>l.</i> - -	As respects Ireland, dealer's additional retail licence on which duty is payable under 43 & 44 Vict. c. 20. s. 41. Licence on which duty is payable under 43 & 44 Vict. c. 20, s. 41,

A.D. 1910.

Licence to be taken out annually by retailer of		Duty.	Corresponding existing Licence.	
4. Wine	- -	Duty specified in Scale 7.	As respects England and Ireland, licence on which duty is payable under 43 & 44 Vict. c. 20. s. 41. As respects Scotland, licence on which duty is payable under 39 & 40 Vict. c. 16. s. 4. Licence as a dealer in wine, on which duty is payable under 6 Geo. 4, c. 81. s. 2, so far as such a licence authorises sale by retail.	5 10
5. Sweets	- -	2l. - -	Licence on which duty is payable under 43 & 44 Vict. c. 20. s. 41.	15

SCALE 5.

SPIRIT RETAILER'S OFF-LICENCE.

					Duty.			
Annual value of licensed premises—					£	s.	d.	
Not exceeding 10l.	-	-	-	-	10	0	0	20
Exceeding 10l. and not exceeding 20l.	-	-	-	-	11	10	0	
„ 20l.	„	„	30l.	-	14	0	0	
„ 30l.	„	„	50l.	-	15	0	0	
„ 50l.	„	„	75l.	-	16	0	0	
„ 75l.	„	„	100l.	-	17	10	0	
„ 100l.	„	„	250l.	-	19	0	0	25
„ 250l.	„	„	500l.	-	30	0	0	
„ 500l.	-	-	-	-	50	0	0	

SCALE 6.

BEER RETAILER'S OFF-LICENCE.

					Duty.			
Annual value of licensed premises—					£	s.	d.	
Not exceeding 10l.	-	-	-	-	1	10	0	30
Exceeding 10l. and not exceeding 20l.	-	-	-	-	2	0	0	
„ 20l.	„	„	30l.	-	2	10	0	
„ 30l.	„	„	50l.	-	3	0	0	35
„ 50l.	„	„	75l.	-	3	10	0	
„ 75l.	„	„	100l.	-	4	0	0	
„ 100l.	„	„	250l.	-	4	10	0	
„ 250l.	„	„	500l.	-	7	0	0	
„ 500l.	-	-	-	-	10	0	0	40

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		SCALE 7.				A.D. 1910.		
		WINE RETAILER'S OFF-LICENCES.				Duty.		
		Annual value of licensed premises—				£	s.	d.
5	Not exceeding 20l.	-	-	-	-	2	10	0
	Exceeding 20l. but not exceeding 30l.	-	-	-	-	3	0	0
	„ 30l.	„	„	50l.	-	3	10	0
	„ 50l.	„	„	75l.	-	4	0	0
	„ 75l.	„	„	100l.	-	4	10	0
10	„ 100l.	„	„	250l.	-	5	0	0
	„ 250l.	„	„	500l.	-	7	0	0
	„ 500l.	-	-	-	-	10	0	0

PROVISIONS APPLICABLE TO RETAILERS' LICENCES.

General.

1. A retailer's licence authorises sale at any one time to one person
 15 of liquor in the following quantities, namely,— Meaning of
sale by retail.
- (a) in the case of spirits, wine, or sweets, in any quantity not
 exceeding two gallons or not exceeding one dozen reputed
 quart bottles; and
- (b) in the case of beer or cider, in any quantity not exceeding four
 20 and a half gallons or not exceeding two dozen reputed
 quart bottles;
 but not in any larger quantities.
2. A retailer's off-licence shall not be granted to the holder of a
 retailer's on-licence if the off-licence authorises the sale of any liquor
 25 which the holder of the on-licence is not authorised to sell by retail
 under his on-licence, and any retailer's off-licence granted in contravention
 of this provision shall be void. Restriction
on holding
of retailers
off and on-
licences.
3. A person holding the licence to be taken out by a retailer
 of beer may sell by retail cider as well as beer without taking out any
 30 further retailer's licence. Sale of cider
under beer
licence.
4. A person holding the licence to be taken out by a retailer
 of wine may sell by retail sweets as well as wine without taking out
 any further retailer's licence. Sale of sweets
under wine
licence.

Provisions applicable to Retailers' On-Licences.

1. A retailer's on-licence authorises sale by retail of the liquor to
 35 which the licence extends for consumption either on or off the premises. Sale off autho-
rised as well as
sale on.
2. A person holding the on-licence to be taken out by a retailer
 of spirits may sell by retail beer, cider, wine, and sweets, as well as
 spirits, without taking out any further retailer's licence. Sale of any
liquor under
publican's
licence.

A.D. 1910.

Option to pay
duty in ac-
cordance with
annual com-
pensation
value in cer-
tain cases.

3. Where it is shown to the satisfaction of the Commissioners that the annual value of the premises exceeds five hundred pounds, a retailer's on-licence may be granted at the option of the licence holder on payment of an amount equal to one-third of the annual licence value as certified for the purposes of this Act, and where that amount has not been certified for the purpose of the register to be prepared under this Act, the licence holder may require that amount to be so certified :

Provided that—

(a) the duty payable in pursuance of this provision shall not be less than two hundred and fifty pounds in the case of fully-licensed premises, or in the case of a beerhouse one hundred and sixty-six pounds thirteen shillings and fourpence ; and

(b) where the annual licence value has not been certified, the licence shall be granted on a provisional payment of the minimum duty payable under this provision, or of one-fifth of the full duty, whichever is the higher, and, upon the annual licence value being certified, the duty shall be adjusted by the return of any over-payment or by the recovery, as a debt to His Majesty, of any sum by which the amount paid falls short of the amount which is found to be payable.

This provision shall apply to premises, whatever their annual value, if they are structurally adapted for use as an hotel and are bonâ fide so used, and it is shown to the Commissioners that it is impracticable to obtain a reduction of duty in respect of the premises under the provisions of this Act enabling such a reduction to be obtained for hotels in certain cases, owing to the fact that visitors resort to the place where the premises are situated only during certain seasons of the year. In such a case, the minimum amount of duty payable shall instead of two hundred and fifty pounds be thirty pounds in the case of premises of an annual value not exceeding one hundred pounds, and in any other such case fifty pounds.

Condition
attached to
theatre
licence.

4. The maximum amount of duty payable in respect of a retailer's on-licence granted to the proprietor or occupier of premises adapted to be and bonâ fide used only for any of the following purposes, namely, for judicial or public administrative purposes or as a theatre or place of public or private entertainment, or as public gardens, picture galleries, or exhibitions, or for any similar purpose to which the holding of the licence is merely auxiliary, shall, in the case of a theatre the annual value of which does not exceed two thousand pounds, be twenty pounds, and in any other case be fifty pounds, but it shall be a condition of any such licence that intoxicating liquor is not sold under the licence except while the premises are open and being used, and to persons bonâ fide using the premises, for the said purposes.

[10 Edw. 7.]

Finance.

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5. The maximum amount of duty payable in respect of a retailer's on-licence granted to the proprietor or occupier of premises adapted to be and bonâ fide used as refreshment rooms at a railway station shall be fifty pounds.

A.D. 1910.

Maximum
duty in res-
pect of re-
freshment
rooms.

- 5 6. Where any premises include a music hall or other similar place of public entertainment (herein-after referred to as a place of entertain-ment), a retailer's on-licence may be granted, at the option of the licence holder, on payment of a duty of fifty pounds, together with such sum as would be payable as duty under this Act on the part of the premises not used as the place of entertainment if that part were a separate set of premises, but it shall be a condition of any such licence that intoxicating liquor is not sold under the licence in the place of entertainment except whilst that place is open and being used, and to persons bonâ fide using that place, as a place of entertainment.

Provision as
to duty where
premises in-
clude a place
of public en-
tertainment.

15 *Provisions applicable to Retailers' Off-Licences.*

1. A retailer's off-licence authorises the sale by retail of the liquor to which the licence extends for consumption off the premises only.

Restriction to
sale off.

2. A person holding the off-licence to be taken out by a retailer of spirits may not sell spirits in open vessels, or in England in any quantity less than one reputed quart bottle.

Minimum
quantity of
spirits to be
sold.

3. A person holding the off-licence to be taken out by a retailer of wine may not sell wine in open vessels or in England or Ireland in any quantity less than one reputed pint bottle.

Minimum
quantity of
wine to be
sold.

D.—PASSENGER VESSEL LICENCES.

- 25 1. Licence to be taken out annually in respect of a passenger vessel by the master or other person belonging to the vessel nominated by the owner of the vessel—

Duty of 10*l*.

Corresponding
existing licence.

- 30 2. Licence to be taken out in respect of a passenger vessel by the master or other person belonging to the vessel nominated by the owner of the vessel, and to be in force for one day only—

Duty of 2*l*.

Licence on which
duty is payable
under 43 & 44 Vict.
c. 20. s. 45.

35 *Provisions applicable to Passenger Vessel Licences.*

1. A passenger vessel licence granted in respect of any vessel authorises the sale by retail while the vessel is engaged in carrying passengers of any intoxicating liquor on the vessel to passengers for consumption on the vessel.

Authority to
sell.

(34.)

N

A.D. 1910.

Authority to
sell tobacco.Transfer of
licence in
ordinary
cases.Transfer of
licence on
sale or lease
of vessel.

Jurisdiction.

2. A passenger vessel licence authorises the sale of tobacco as well as the sale of intoxicating liquor.

3. In the event of any person to whom a passenger vessel's licence has been granted ceasing to be master of the vessel or to belong to the vessel, the licence may be transferred to any person 5 who is for the time being master of the vessel or is for the time being a person belonging to the vessel and nominated by the owner of the vessel for the purpose.

4. In the event of the transfer of the vessel to some other owner, the licence granted under this section shall cease to have effect as 10 respects that vessel, but may, in that event and in the event of the loss of the vessel, be transferred, on the application of the owner of the vessel, to the master of some other vessel belonging to him or to some person belonging to such other vessel and nominated by the owner for the purpose. 15

5. For the purpose of giving jurisdiction, any sale of liquor on a passenger vessel shall be deemed to have taken place either where it has actually taken place or in any place in which the vessel may be found.

E.—RAILWAY RESTAURANT CAR LICENCES.

20

Licence to be taken out annually in respect of a railway restaurant car by the railway company or other person owning the car—

Duty of 1*l*.

Provisions applicable to Railway Restaurant Car Licences.

1. A licence for a railway restaurant car may be granted without 25 the production of a justice's licence or certificate.

Authority to
sell.

2. A railway restaurant car licence granted in respect of a car in which passengers can be supplied with meals authorises the sale by retail to passengers on the car of any intoxicating liquor for consumption on the car. 30

F.—OCCASIONAL LICENCES.

Occasional licences granted under section thirteen of the Revenue Act, 1862 (25 & 26 Vict. c. 22), section twenty of the Revenue Act, 1863 (26 & 27 Vict. c. 33), and section five of the Revenue Act, 1864 (27 & 28 Vict. c. 18). 35

Duties:—

- (a) Sale of any intoxicating liquor—per day, 10*s*.
- (b) Sale of beer or wine only—per day, 5*s*.

Provisions applicable to Occasional Licences.

A.D. 1910.

An occasional licence may be granted under section five of the Revenue Act, 1864, for the sale of beer only in Scotland and Ireland as well as in England, and for the sale of wine only in Scotland as well as in England and Ireland; and any provisions relating to occasional licences shall apply accordingly.

Extension
to United
Kingdom.
27 & 28 Vict.
c. 18.

SECOND SCHEDULE.

SCALE OF RATES OF ESTATE DUTY.

10	Where the principal value of the estate						Estate duty shall be payable at the rate per cent. of
	Exceeds	£	100 and does not exceed	£	500	- - -	
							1
							2
15	"	500	"	"	1,000	- - -	3
	"	1,000	"	"	5,000	- - -	4
	"	5,000	"	"	10,000	- - -	5
	"	10,000	"	"	20,000	- - -	6
	"	20,000	"	"	40,000	- - -	7
	"	40,000	"	"	70,000	- - -	8
20	"	70,000	"	"	100,000	- - -	9
	"	100,000	"	"	150,000	- - -	10
	"	150,000	"	"	200,000	- - -	11
	"	200,000	"	"	400,000	- - -	12
	"	400,000	"	"	600,000	- - -	13
25	"	600,000	"	"	800,000	- - -	14
	"	800,000	"	"	1,000,000	- - -	15
	"	1,000,000	-	-	-	- - -	

THIRD SCHEDULE.

SPIRITS.

PART I.

30

ADDITIONAL CUSTOMS DUTIES ON SPIRITS.

	For every gallon computed at proof of spirits of any description (except perfumed spirits), including naphtha or methylic alcohol purified so as to be potable, and mixtures and preparations containing spirits	-	-	3	9
35	For every gallon of perfumed spirits	-	-	6	0
	For every gallon of liqueurs, cordials, mixtures, and other preparations entered in such a manner as to indicate that the strength is not to be tested	-	-	5	1
	(34.)			N	2

A.D. 1910.

PART II.

CUSTOMS DUTIES ON SPECIAL ARTICLES.

				£	s.	d.	
Chloral hydrate	-	-	-	the pound	0	1	9
Chloroform	-	-	-	the pound	0	4	4
Collodion	-	-	-	the gallon	1	14	11
Ether, acetic	.	.	.	the pound	0	2	7
Ether, butyric	-	-	-	the gallon	1	1	10
Ether, sulphuric	-	-	.	the gallon	1	16	6
Ethyl, iodide of	-	-	-	the gallon	0	19	0
Ethyl bromide	-	.	-	the pound	0	1	5
Ethyl chloride	-	-	-	the gallon	1	1	10

FOURTH SCHEDULE.

TOBACCO.

PART I.

15

CUSTOMS DUTIES.

Upon tobacco unmanufactured, viz.:—				s.	d.	
Containing 10 lbs. or more of moisture in every 100 lbs. weight thereof—						
Unstripped	-	-	-	the lb.	3	8
Stripped	-	-	-	the lb.	3	8½
Containing less than 10 lbs. of moisture in every 100 lbs. weight thereof—						
Unstripped	-	-	-	the lb.	4	1
Stripped	-	-	-	the lb.	4	1½
Upon tobacco manufactured, viz.:—						
Cigars	-	-	-	the lb.	7	0
Cigarettes	-	-	-	the lb.	5	8
Cavendish or Negrohead	-	-	-	the lb.	5	4
Cavendish or Negrohead manufactured in bond	the lb.	4	8			30
Other manufactured tobacco	-	-	-	the lb.	4	8
Snuff containing more than 13 lbs. of moisture in every 100 lbs. weight thereof	-	-	-	the lb.	4	5
Snuff not containing more than 13 lbs. of moisture in every 100 lbs. weight thereof	-	-	-	the lb.	5	4

PART II.

A.D. 1910.

EXCISE DUTIES.

	Upon tobacco unmanufactured, viz. :—	<i>s.</i>	<i>d.</i>
5	Tobacco containing 10 lbs. or more of moisture in every 100 lbs. weight thereof - - the lb.	3	6
	Tobacco containing less than 10 lbs. of moisture in every 100 lbs. weight thereof - - the lb.	3	11
	Upon tobacco manufactured, viz. :—		
	Cavendish or Negrohead manufactured in bond the lb.	4	8

10

PART III.

RATES OF DRAWBACK.

		<i>s.</i>	<i>d.</i>
	Cigars - - - - - the lb.	4	2
	Cigarettes - - - - - the lb.	4	1
15	Cut, roll, cake, or other manufactured tobacco - the lb.	4	0
	Snuff (not being offal snuff) - - the lb.	3	10
	Stalks, shorts, or other refuse of tobacco (including offal snuff) - - the lb.	3	9

FIFTH SCHEDULE.

20

PART I.

REBATE OF MOTOR SPIRIT DUTY.

Motor spirit used for the purpose of supplying motive power—

- (1) To a motor car which is constructed or adapted for use, and is used, solely for the conveyance of any goods or burden in the course of trade or husbandry, and whereon the Christian name and surname and place of abode or place of business of the person, or the name or style and principal or only place of business of the company or firm keeping the same, shall be legibly and visibly painted in letters of not less than one inch in length.
- (2) To a motor cab, motor omnibus, or other vehicle being a hackney carriage within the meaning of section four of the Customs and Inland Revenue Act, 1888, while it is standing or plying for hire. 51 & 52 Vict.
c. 8.
- (3) To a motor car which is constructed or adapted for use or is used partly for the conveyance of any goods or burden in the course of trade or husbandry, and partly as a motor cab, motor omnibus, or other vehicle being a hackney carriage within the meaning of section four of the Customs and Inland Revenue Act, 1888, standing or plying for hire.

A.D. 1910.

- (4) To a motor car kept by a duly qualified medical practitioner while it is being used by him for the purposes of his profession.

PART II.

RATES OF DUTIES ON MOTOR CARS.

						Duty.	
						£	s. d.
Motor bicycles and motor tricycles, of whatever horse power - - - - -						1	0 0
Motor cars—							
Not exceeding 6½ horse power - - - - -						2	2 0
Motor cars—							
Exceeding 6½, but not exceeding 12 horse power						3	3 0
" 12 " " 16 " -						4	4 0
" 16 " " 26 " -						6	6 0
" 26 " " 33 " -						8	8 0
" 33 " " 40 " -						10	10 0
" 40 " " 60 " -						21	0 0
" 60 - - - - -						42	0 0

SIXTH SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Title or Short Title.	Extent of Repeal.	
12 Chas. 2. c. 34.	An Act for prohibiting the Planting, Setting, or Sowing of Tobacco in England and Ireland.	The whole Act, as from the first day of January 1910.	25
15 Chas. 2. c. 7.	An Act for the encouragement of Trade.	The whole Act, as from the first day of January 1910.	
22 Geo. 3. c. 73.	The Tobacco Act, 1782 -	The whole Act, as from the first day of January 1910.	30
36 Geo. 3. c. 52.	The Legacy Duty Act, 1796.	In section fourteen, so far as it applies to objects which appear to the Treasury to be of national, scientific, historic, or artistic interest, the words from "and given to" to "persons in succession"; the word "so," where it secondly occurs; the words from "not having any power" to "property yielding an income"; the words from "or shall come" to "having an absolute interest therein"; the word "same," where it fifthly occurs; the words from "as if the same had been" to "or dispose thereof"; and the words from "or who shall have" to "an absolute interest therein."	35 40 45

[10 Edw. 7.]

Finance.

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A.D. 1910.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
54 Geo. 3. c. 92. 5 10 15	The Probate and Legacy Duties (Ireland) Act, 1814.	In section fifteen, so far as it applies to objects which appear to the Treasury to be of national, scientific, historic, or artistic interest, the words from "and given to" to "persons in succession"; the word "so," where it secondly occurs; the words from "not having any power" to "property yielding an income"; the words from "or shall come" to "having an absolute interest therein"; the word "same," where it fifthly occurs; the words from "as if the same had been" to "or dispose thereof"; and the words from "or who shall have" to "an absolute interest therein."
6 Geo. 4. c. 81. 20 25 30 35	The Excise Licences Act, 1825.	Section two, from "Beer.— Every person not being a brewer of beer" to "or upwards 3 <i>l.</i> 3 <i>s.</i> 0 <i>d.</i> "; from "Every distiller" to "retailer thereof 10 <i>l.</i> 0 <i>s.</i> 0 <i>d.</i> "; from "Every retailer of spirits (except" to "13 <i>l.</i> 13 <i>s.</i> 0 <i>d.</i> "; and from "Wine" to "10 <i>l.</i> 0 <i>s.</i> 0 <i>d.</i> "; section sixteen, down to "as last aforesaid (except as aforesaid) shall expire and"; section twenty-six, from "Every distiller" to "five hundred pounds"; from "Every person not being a brewer of beer" to "and sell coffee, tea, cocoa nuts, chocolate or pepper"; the words "Every dealer in foreign wine so offending respectively," and the word "respectively" where it next occurs; and from "Every person who shall sell" to "metheglin."
9 Geo. 4. c. 47 40	The Passage Vessel Licences Act, 1828.	The whole Act.
11 Geo. 4 & 1 Will. 4. c. 64.	The Beerhouse Act, 1830	Section two, from "and any and every" where those words first occur to "notwithstanding and that," and sections seven, eight, and thirty.
45 1 & 2 Will. 4. c. 13.	The Tobacco Cultivation Act, 1831.	The whole Act, as from the first day of January 1910.
4 & 5 Will. 4. c. 75.	The Excise Act, 1834 -	Section ten.
4 & 5 Will. 4. c. 85. 50	The Beerhouse Act, 1834	Sections thirteen, seventeen, nineteen, and twenty.
3 & 4 Vict. c. 17.	The Excise Act, 1840 -	Section one, so far as relates to duties on licences for the manufacture or sale of intoxicating liquor.

A.D. 1910.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
8 & 9 Vict. c. 64.	The Spirits (Ireland) Act, 1845.	In section one, the words "spirits in any greater quantity at one time than two quarts or," and the words "and at the same rates of duty respectively." 5
11 & 12 Vict. c. 121.	The Liqueur Act, 1848 -	Sections nine to eleven.
13 & 14 Vict. c. 67.	The Brewers' Licensing Act, 1850.	The whole Act. 10
16 & 17 Vict. c. 51.	The Succession Duty Act, 1853.	Section twenty-three, except as respects persons dying before the passing of this Act.
16 & 17 Vict. c. 67.	The Licensing (Scotland) Act, 1853.	Section eight, so far as unrepealed. 15
23 & 24 Vict. c. 27.	The Refreshment Houses Act, 1860.	Section one, from "and for every licence to be granted" to the end of the section; sections three, four, and seven; the words "under this Act" in section eight; section nineteen; in section twenty-one, the words "whether licensed under this Act or not"; the words "under this Act" wherever they occur in sections twenty-two, twenty-three, and twenty-five; and in section forty-four, the words "under the provisions of this Act." 20 25
23 & 24 Vict. c. 107.	The Refreshment Houses (Ireland) Act, 1860.	Section one, from "and for every licence to be granted" to the end of the section; sections three, four, and seven; the words "under this Act" in section eight; in section ten, the words "No. 2, or No. 3"; sections twenty-one and twenty-two; in section twenty-three, the words "whether licensed under this Act or not"; the words "under this Act" wherever they occur in sections twenty-four, twenty-five, and twenty-seven to thirty-one; in section forty-six, the words "under the provisions of this Act," and No. 2 and No. 3 in the Schedule. 30 35 40
23 & 24 Vict. c. 113.	The Excise Act, 1860 -	Sections one, seven, and thirty-seven.‡ 45
24 & 25 Vict. c. 21.	The Revenue (No. 1) Act, 1861.	Sections two and three, and Schedule A.
24 & 25 Vict. c. 91.	The Revenue (No. 2) Act, 1861.	In section nine the words "under either of the said Acts"; section ten in section eleven, the words "under the Refreshment Houses Act, 1860; section twelve; section fourteen. 50

[10 EDW. 7.]

Finance.

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A.D. 1910.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
26 & 27 Vict. c. 33.	The Revenue Act, 1863 -	Sections one and two ; section three, from "that is to say" to "at one time ;" and sections eighteen and nineteen.
5 27 & 28 Vict. c. 18.	The Revenue (No. 1) Act, 1864.	Schedule B., so far as it relates to occasional licences to retail wine or beer.
10 27 & 28 Vict. c. 35.	The Beerhouses (Ireland) Act, 1864.	Section fifteen.
35 & 36 Vict. c. 94.	The Licensing Act, 1872	Section forty-eight, from "The Commissioners" to the end of the section.
38 & 39 Vict. c. 23.	The Customs and Inland Revenue Act, 1875.	Sections nine and twelve.
15 39 & 40 Vict. c. 16.	The Customs and Inland Revenue Act, 1876.	The first two paragraphs, so far as unrepealed, of section four.
20 43 & 44 Vict. c. 20.	The Inland Revenue Act, 1880.	Subsections (1) and (2) of section ten, and subsection (3) of that section from "under this Act" to "pounds and"; and sections forty to forty-two ; section forty-three, except subsection (7) ; and sections forty-four and forty-five.
25 44 & 45 Vict. c. 12.	The Customs and Inland Revenue Act, 1881.	Subsection (1) of section fourteen.
45 & 46 Vict. c. 66.	Passenger Vessels Licences Amendment (Scotland) Act, 1882.	In section one, the words "in terms of the recited Acts."
30 48 & 49 Vict. c. 51.	The Customs and Inland Revenue Act, 1885.	Subsection (2) of section four, and section five.
49 & 50 Vict. c. 18.	The Customs and Inland Revenue Act, 1886.	In section three, the words "no licence shall be required, and."
35 51 & 52 Vict. c. 8.	The Customs and Inland Revenue Act, 1888.	Section four, so far as relates to the rates of duty for motor cars for which a duty is imposed by this Act.
52 & 53 Vict. c. 42.	The Revenue Act, 1889 -	Section twenty-four, so far as relates to licences for the sale of intoxicating liquor, and section twenty-eight.
40 54 & 55 Vict. c. 39.	The Stamp Act, 1891 -	Sections fifty-two and fifty-three ; and the heading "Contract Note" in the First Schedule.
56 & 57 Vict. c. 7.	The Customs and Inland Revenue Act, 1893.	Section three.

(34.)

O

A.D. 1910.

Session and Chapter.	Title or Short Title.	Extent of Repeal.	
59 & 60 Vict. c. 28.	The Finance Act, 1896 -	In section twenty, the words from "and is settled" to "by different persons"; the words "by a person not competent to dispose of the same"; the words "or is in the possession of some person who is then competent to dispose of the same"; the words "and also the person being in possession and competent to dispose of the same"; and the words from "and in the case" to the end of the section, except as respects persons dying before the thirtieth day of April nineteen hundred and nine.	5 10 15
59 & 60 Vict. c. 36.	The Locomotives on Highways Act, 1896.	Section eight, so far as relates to motor cars for which a duty is imposed by this Act.	
60 & 61 Vict. c. 24.	The Finance Act, 1897 -	Section seven.	20
61 & 62 Vict. c. 10.	The Finance Act, 1898 -	Section one.	
61 & 62 Vict. c. 46.	The Revenue Act, 1898 -	Subsection (1) of section seven.	25
62 & 63 Vict. c. 9.	The Finance Act, 1899 -	Section thirteen.	
63 & 64 Vict. c. 7.	The Finance Act, 1900 -	Section two; and section five, from "and the duties of customs" to the end of the section.	30
3 Edw. 7. c. 25.	The Licensing (Scotland) Act, 1903.	Subsection (1) of section eleven, from "and notwithstanding" to the end of the subsection; and sections forty-four and fifty-one.	
4 Edw. 7. c. 7.	The Finance Act, 1904 -	Section two, subsection (1), and the words "in this section" in subsection (3); and subsection (1) of section three.	35
4 Edw. 7. c. 23.	The Licensing Act, 1904	Subsection (4) of section four.	40
6 Edw. 7. c. 8.	The Finance Act, 1906 -	Subsections (1) and (2) of section two; and the First Schedule.	
6 Edw. 7. c. 20.	The Revenue Act, 1906 -	Subsection (1) of section seven.	

[10 Edw. 7.]

Finance.

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A.D. 1910.
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Session and Chapter.	Title or Short Title.	Extent of Repeal.
5 7 Edw. 7. c. 13.	The Finance Act, 1907 -	In section two, the word "tobacco"; and section twelve, and the First Schedule, except as respects persons dying before the thirtieth day of April nineteen hundred and nine.
8 Edw. 7. c. 10.	The Tobacco Growing (Scotland) Act, 1908.	The whole Act.
10 8 Edw. 7. c. 16.	The Finance Act, 1908 -	Subsection (1) of section three down to "the lb. - - 3s. 2d. and," and the words "on and after the same date" in that subsection.

Finance.

A

B I L L

INTITULED

An Act to grant certain Duties of Customs and Inland Revenue (including Excise) and to alter other Duties, and to amend the law relating to Customs and Inland Revenue (including Excise), and to make other financial provisions.

(Brought from the Commons 27th April 1910.)

Ordered to be printed 27th April 1910.

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[Price 10½d.]

(34.)

Finance (No. 2) Bill.

ARRANGEMENT OF CLAUSES.

PART I.

CUSTOMS AND EXCISE.

Clause.

1. Duty on tea.
2. Provision with respect to beer licences.

PART II.

TAXES.

3. Income tax for 1910-11.

PART III.

NATIONAL DEBT.

4. Reduction of permanent annual charge.

PART IV.

GENERAL.

5. Construction and short title.

A

B I L L

INTITULED

An Act to grant certain duties of Customs and Inland Revenue, to alter other duties, and to amend the Law relating to Customs and Inland Revenue and the National Debt, and to make other provisions for the financial arrangements of the year. A.D. 1910.

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards raising the necessary
 5 supplies to defray Your Majesty's public expenses, and making an addition to the public revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the several duties herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the
 10 King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.

15 CUSTOMS AND EXCISE.

1. The duty of Customs payable on tea until the first day of July nineteen hundred and ten, under the Finance (1909–10) Act, 1910, shall be deemed to have been continued as from that date and shall continue to be charged, levied, and paid until
 20 the first day of July nineteen hundred and eleven, on the importation thereof into Great Britain or Ireland (that is to say):—

Tea, the pound	-	-	-	-	fivepence
(179)	A				

Duty on tea.
 10 Edw. 7.
 c. 8.

A.D. 1910. **2.** A person shall not be disqualified for receiving a beer
 Provision with respect to beer licences. retailer's licence by reason only that the premises in respect of
 which he applies for a licence are not a dwelling-house, or
 that he is not the real resident holder and occupier of the
 premises, and the words from "to any person" to "licensed 5
 "nor shall any such licence be granted" in section one of
 the Beerhouse Act, 1840, are hereby repealed.

3 & 4 Vict.
 c. 61.

PART II.

TAXES.

Income tax for 1910-11. **3.**—(1) Income tax for the year beginning on the sixth day 10
 of April nineteen hundred and ten shall be charged at the rate
 of one shilling and twopence, and the same super-tax shall be
 charged, levied, and paid for that year as was charged for the
 year beginning on the sixth day of April nineteen hundred
 and nine. 15

(2) All such enactments relating to income tax (including
 super-tax) as were in force with respect to duties of income tax
 granted for the year beginning on the sixth day of April nineteen
 hundred and nine shall have full force and effect with respect
 to any duties of income tax hereby granted. 20

PART III.

NATIONAL DEBT.

Reduction of permanent annual charge. 38 & 39 Vict. c. 45. **4.** The amount of the permanent annual charge for the
 National Debt under section one of the Sinking Fund Act, 1875,
 shall, during the current and every subsequent financial year, be 25
 the sum of twenty-four and a half million pounds instead of
 twenty-eight million pounds, and subsection (4) of section seven
 of the Finance Act, 1905, is hereby repealed.

5 Edw. 7.
 c. 4.

PART IV.

GENERAL.

30

Construction and short title. 39 & 40 Vict. c. 36. **5.**—(1) Part I. of this Act, so far as it relates to duties of
 Customs, shall be construed together with the Customs Con-
 solidation Act, 1876, and the Acts amending that Act, and, so
 far as it relates to duties of Excise, shall be construed together
 with the Acts which relate to duties of Excise and the management 35
 of those duties.

Part II. of this Act shall be construed together with the A.D. 1910.
Income Tax Acts, 1842 and 1853, and any other enactments ^{54 & 55 Vict}
relating to income tax. _{c. 39.}

(2) This Act may be cited as the Finance Act, 1910.

Finance (No. 2).

A

B I L L

INTITULED

An Act to grant certain duties of Customs and Inland Revenue, to alter other duties, and to amend the Law relating to Customs and Inland Revenue and the National Debt, and to make other provisions for the financial arrangements of the year.

(*Brought from the Commons 23rd November 1910.*)

Ordered to be printed 23rd November 1910.

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(179)

[1 GEO. 5.] *Fraserburgh Water Order Confirmation.*

1

A

B I L L

INTITULED

An Act to confirm a Provisional Order under the Private A.D. 1910.
Legislation Procedure (Scotland) Act 1899 relating to
Fraserburgh Water.

WHEREAS His Majesty's Secretary for Scotland has made
the Provisional Order set forth in the schedule hereunto
annexed under the provisions of the Private Legislation Procedure 62 & 63 Vict.
(Scotland) Act 1899 and it is requisite that the said Order should c. 47.

5 be confirmed by Parliament:

Be it therefore 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:—

10 **1.** The Provisional Order contained in the schedule hereunto Confirmation
annexed shall be and the same is hereby confirmed. of Order in
schedule.

2. This Act may be cited as the Fraserburgh Water Order Short title.
Confirmation Act 1910.

A.D. 1910.

SCHEDULE.

FRASERBURGH WATER.

*Provisional Order to authorise the Provost Magistrates and
Councillors of the burgh of Fraserburgh to provide an additional
Water Supply and to construct and maintain new
Waterworks and for other purposes.* 5

WHEREAS the water supply for the burgh of Fraserburgh in the county of Aberdeen (herein-after called "the burgh") was introduced under and by virtue of the Public Health (Scotland) Supplemental Act 1870 by the then commissioners of police of the burgh as the local authority under the Public Health (Scotland) Act 1867 and extensions were made under and by virtue of the Public Health (Scotland) Act 1867 Orders Confirmation Act 1875 (No. 2) and the Fraserburgh Waterworks Confirmation Act 1883: 15

And whereas the affairs of the burgh including the existing waterworks and water supply are now managed and administered by the provost magistrates and councillors thereof (herein-after called "the Town Council") under among others the Burgh Police (Scotland) Acts 1892 to 1903 and the Town Council are also the local authority within the burgh under the Public Health (Scotland) Act 1897: 20

And whereas the boundaries of the burgh were extended and defined by the sheriff of the county of Aberdeen by decree dated the second and registered in the sheriff court books of the said county on the nineteenth both days of September in the year one thousand nine hundred and three and the boundaries so defined are the existing boundaries of the burgh: 25

And whereas in consequence of the rapid growth of the burgh in recent years and the erection of many dwelling-houses and other buildings on the higher ground on the outskirts of the burgh and of the increase of the residential population which during several months of every year is largely augmented by the influx of strangers in connexion with the herring fishing 30

the staple industry of the burgh the present supply of water has become inadequate and insufficient both as regards quantity and pressure for the domestic and trade requirements and for the health and convenience of the community:

A.D. 1910.

5 And whereas it is expedient that a more abundant supply of water with increased pressure should be provided for use within the burgh and that the Town Council should be empowered to introduce the same and for that purpose to acquire lands and construct and maintain additional waterworks:

10 And whereas it is expedient that the limits within which the Town Council are required to give a supply of water should be defined and that they should be authorised to supply water beyond such limits:

And whereas it is expedient that the Town Council should
15 be authorised to raise money by rates assessments and charges and by borrowing for the purposes of this Order and of their water supply in accordance with the provisions in that behalf of the Burgh Police (Scotland) Acts 1892 to 1903 and this Order:

And whereas it is expedient that further powers should be
20 conferred on the Town Council in relation to their waterworks and water supply:

And whereas estimates have been prepared by the Town Council for the construction and completion of the said additional waterworks and other works and for the purchase of lands and
25 such estimates are as follows:—

	£
Purchase of lands and servitudes - - - -	2500
Reservoir service reservoir filters &c. (Works Nos. 1 3 and 5) - - - -	5688
30 Trunk mains (Works Nos. 2 4 and 6) - - - -	37565
Road diversion (Work No. 7) and subsidiary works	117

And whereas the said several works included in the said estimates are permanent works and it is expedient that the cost thereof should be spread over a term of years:

35 And whereas plans and sections showing the lines and levels of the waterworks authorised by this Order and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands and other property required or which may be taken for the purposes

A.D. 1910. — or under the powers of this Order were duly deposited with the principal sheriff clerk of the county of Aberdeen and are hereinafter respectively referred to as the deposited plans sections and book of reference:

And whereas the purposes aforesaid cannot be effected 5 without an Order of the Secretary for Scotland confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1899:

Now therefore in pursuance of the powers contained in the last-mentioned Act the Secretary for Scotland orders as 10 follows:—

Short title
and com-
mencement
of Order.

1. This Order may be cited for all purposes as the Fraserburgh Water Order 1910 and shall come into operation at the date of the passing of the Act confirming the same which date is referred to in this Order as “the commencement of this 15 Order.”

Incorporation
of Acts.

2. The following Acts and parts of Acts (so far as the same respectively are applicable for the purposes and are not inconsistent with the provisions of this Order) are hereby incorporated with and form part of this Order (namely):— 20

The Lands Clauses Acts:

The Waterworks Clauses Act 1847 except the sections and provisions thereof with respect to the communication pipes to be laid by the undertakers and with respect to the amount of profit to be received by the undertakers 25 when the waterworks are carried on for their benefit and also with the exception of sections 68 70 71 and 72:

The Waterworks Clauses Act 1863:

The sections and provisions of the Railways Clauses Consolidation (Scotland) Act 1845 with respect to the temporary 30 occupation of lands near the railway during the construction thereof and the crossing of roads and other interference therewith and in construing the said sections and provisions “the company” means the Town Council “the railway” means the reservoir and embankment authorised by this 35 Order and the works immediately connected therewith and “the centre of the railway” means any part of those works.

3. In this Order unless there be something in the subject or context repugnant to such construction the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings and the following expressions shall have the meanings respectively assigned to them in this section (namely):—

A.D. 1910.
Interpreta-
tion.

“The burgh” means the burgh of Fraserburgh:

“The Town Council” means the provost magistrates and councillors of the burgh:

10 “The county council” means the county council of the county of Aberdeen:

“The Burgh Police Acts” means the Burgh Police (Scotland) Acts 1892 to 1903:

15 “The water undertaking” means the existing waterworks and water undertaking of the Town Council and the waterworks and water undertaking authorised by this Order:

“The sheriff” means the sheriff of Aberdeen Kincardine and Banff or any of his substitutes:

20 In the Acts incorporated with this Order unless there be something in the subject or context repugnant to such construction the expression “the undertakers” means the Town Council.

4. Subject to the provisions of this Order the limits for the compulsory supply of water by the Town Council shall be the burgh.

Limits of
supply.

5. Subject to the provisions of this Order the Town Council may wholly in the county of Aberdeen and in the lines and situation and upon the lands delineated on the deposited plans and described in the deposited book of reference make and maintain the following waterworks shown on the deposited plans and sections (that is to say):—

Power to
make new
waterworks.

35 Work No. 1.—An embankment or dam for the purpose of raising and storing the waters of two confluent streams forming a tributary of the stream known as the Water of Fedderate in the parish of New Deer to be placed across the said tributary at a point situated at a distance of 193 yards or thereby below the point of junction of the

A.D. 1910.
—

said two confluent streams and to commence on the south-westerly side of the said tributary at a point about 77 yards measured in a south-westerly direction from the centre of the said tributary and thence in a straight line in a north-easterly direction across the said tributary and 5 to terminate on the north-easterly side of the said tributary at a point distant about 77 yards measured in a north-easterly direction from the centre of said tributary from which embankment the said water raised and stored as aforesaid will extend along the valley of the combined 10 streams and along and around the course of the southern stream for a distance of 510 yards or thereby and along and around the course of the northern stream for a distance of 556 yards or thereby both of the said distances being measured in direct line from the centre line of said 15 embankment or dam at the point of its intersection with the said tributary:

Work No. 2.—A conduit or line of pipes commencing in the parish of New Deer at the embankment or dam (Work No. 1) herein-before described and continuing thence from 20 through or into the parishes of New Deer Old Deer and Strichen and terminating in the said parish of Strichen at the junction of the said conduit or line of pipes with the service reservoir (Work No. 3) herein-after described:

Work No. 3.—A service reservoir wholly in the parish of 25 Strichen and situated on the east side of the Strichen to Fraserburgh turnpike road at a distance of 700 yards or thereby north of the centre of the road leading to the farm of Newseat:

Work No. 4.—A conduit or line of pipes commencing in the 30 parish of Strichen at the service reservoir (Work No. 3) herein-before described and continuing thence from through or into the parishes of Strichen Rathen and Fraserburgh to the filters (Work No. 5) herein-after described:

Work No. 5.—Filters wholly situated in the parish of 35 Fraserburgh in the field on the east side of the turnpike road from Strichen to Fraserburgh immediately to the east of the farmhouse of South Middleburgh:

Work No. 6.—A conduit or line of pipes wholly situated in the parish of Fraserburgh commencing at the filters 40

(Work No. 5) herein-before described and terminating by junctions with the existing water mains of the Town Council in Dennyduff Road where that road crosses the old road leading to the Fraserburgh and Banff turnpike: A.D. 1910.

- 5 Work No. 7.—A diversion of the accommodation or farm road wholly situated in the parish of New Deer leading from the highway at Bonnykelly School past the Smithy and Whitecairns Crofts down to the tributary of the Water of Fedderate commencing at a point on the said accommodation road 36 yards or thereby south-eastwards from the north-east extremity of the embankment or dam (Work No. 1) herein-before described and terminating at a point on the existing accommodation road 136 yards or thereby in a straight line measured in a north-westerly direction from the said point of commencement.

6. In addition to the waterworks by this Order authorised and in connection therewith the Town Council may upon or in the lands delineated on the deposited plans and described in the deposited book of reference make erect and maintain all such embankments dams weirs intake weirs bywash channels bridges roads accesses approaches wells tanks gauges filter-beds sluices outlets drains aqueducts culverts channels cuts mains pipes engines machinery buildings telegraphs telephones posts wires and other works and conveniences as may be necessary or convenient in connection with or subsidiary to the waterworks or any of them but nothing in this section shall exonerate the Town Council from any action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them Provided that any telegraphs telephones posts wires and other works made erected or maintained by the Town Council shall not be used in contravention of the exclusive privilege conferred upon the Postmaster General by the Telegraph Act 1869.

7. In the construction of the works by this Order authorised the Town Council may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and they may also deviate vertically from the levels of the various works as shown on the deposited sections to any extent not

A.D. 1910. exceeding five feet upwards and to any extent downwards
 — Provided as follows (that is to say):—

The Town Council shall not construct the embankment or dam (Work No. 1) of a greater height above the general surface of the ground than that shown on the deposited 5 sections in respect thereof and five feet in addition :

Except for the purposes of crossing over a stream no part of the pipes shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections. 10

User of
accommoda-
tion road.

8. The Town Council may acquire a servitude over or right of user of so much of the accommodation road in the parish of New Deer leading from the highway at Bonnykelly School past the Smithy and Whitecairns Crofts down to the tributary of the Water of Fedderate as lies between the commencement 15 of the road diversion (Work No. 7) by this Order authorised and the junction of the said accommodation road with the said highway and the provisions of the Lands Clauses Acts shall apply to such servitude or user as if the same was included in the word "lands" in those Acts. 20

As to com-
pensation
water.

9.—(1) Until the date of the completion of the embankment or dam (Work No. 1) the Town Council may take from the tributary stream intercepted by that work and flowing into the stream known as the Water of Fedderate any water they may require subject to the following restrictions:— 25

(A) They shall place a gauge weir across the said tributary stream at or near the proposed intake through an aperture in which four hundred thousand gallons of water shall be allowed to pass and flow down the stream every day of twenty-four hours : 30

(B) On any such day during such time as the flow of water in the said tributary stream shall be less than at the rate of four hundred thousand gallons per day of twenty-four hours the Town Council shall not be entitled to draw any water therefrom but during 35 such time as the flow is in excess of such rate the Town Council may take all or such part of the excess as they may require.

[1 GEO. 5.] *Fraserburgh Water Order Confirmation.*

9

(2) After the embankment or dam (Work No. 1) is completed A.D. 1910.
the following provisions shall apply :—

- 5 (A) The Town Council shall during every day of twenty-four hours discharge or deliver into the said tributary stream at a point therein immediately below the foot of the embankment or dam (Work No. 1) not less than four hundred thousand gallons of water in a continuous flow :
- 10 (B) For the purpose of measuring the quantity of water to be so discharged or delivered into the said tributary stream the Town Council shall erect and maintain at a point on the said tributary stream immediately below the foot of the embankment or dam (Work
- 15 No. 1) a proper and suitable measuring gauge over or through which the said compensation water shall flow and the same shall be under the sole management of the Town Council and shall be open to the inspection and examination at all reasonable times of all persons interested therein.
- 20 (3) In case of any neglect on the part of the Town Council to maintain any gauge in a state of efficiency and in case of any other neglect by or in consequence of which the said respective quantities of compensation water shall not so flow the Town Council shall for every day on which such neglect occurs forfeit
- 25 and pay to each of the persons affected thereby (who may sue for and recover the same) the sum of five pounds and shall in addition make compensation for any loss damage or injury sustained by such persons or any of them.
- (4) If any difference arises between the Town Council and
- 30 any person so interested with respect to the construction or use of any gauge or the state of repair or condition thereof such difference shall be referred to the arbitration of an engineer to be nominated (unless otherwise agreed upon) on the application of either of them by the sheriff.
- 35 (5) The provisions of this section shall be accepted and taken by all persons interested as full compensation for all water of the said stream which the Town Council can divert collect impound or appropriate by means of the works by this Order authorised.

A.D. 1910.

For protec-
tion of cer-
tain mills in
parish of
Deer.

10. Notwithstanding anything in subsection (5) of the immediately preceding section of this Order John Henry Bridges or other the owner for the time being of the mills known as the Meal Mill the Corn Mill and the Saw Mill of Fedderate on the Water of Fedderate in the parish of New Deer and county 5 of Aberdeen all tenanted by John George Forbes and the owners for the time being of the estate of Clackriach in the parish of Old Deer and county of Aberdeen and John Norrie miller Mill of Clackriach in the said parish and county as tenant of the said Mill of Clackriach forming part of the said estate of 10 Clackriach under lease between the trustees of John Gordon's Charitable Fund and the now deceased John Norrie father of the said John Norrie the present tenant dated eighth and sixteenth June one thousand nine hundred shall respectively be entitled if the said mills or any of them or the said estate of 15 Clackriach be injuriously affected by the exercise of the powers of this Order to receive compensation (in addition to the compensation provided by the immediately preceding section of this Order) for any loss or damage sustained by them respectively by reason of such injurious affection in accordance with the provisions 20 of section 6 of the Waterworks Clauses Act 1847 and the arbiters in fixing such compensation (if any) shall take into account the provisions other than subsection (5) of the immediately preceding section of this Order.

For protec-
tion of Milla-
den Mill.

11. In addition to the compensation provided by the 25 section of this Order of which the marginal note is "As to compensation water" and as further compensation for loss and damage sustained by the owner for the time being of the Cloth Mill on the South Ugie River known as the Milladen Mill by the exercise by the Town Council of the powers of this Order 30 the Town Council shall within one month from the commencement of this Order pay to the owner the sum of four hundred and thirty-one pounds ten shillings.

Laying
mains on
public roads.

12. The Town Council may subject to the provisions of the section of this Order the marginal note whereof is "For 35 protection of county council" at any time for the purposes of distributing and supplying water beyond the burgh lay down make maintain and use aqueducts conduits or lines of pipes through over under along across or into any public road or highway and renew alter enlarge duplicate and increase the 40 number and size thereof or extend the same and stop up

temporarily any such public road or highway for such purposes providing when possible a proper temporary substitute to the reasonable satisfaction of the road authority before interrupting the traffic on any such road and making full compensation to all
 5 persons injuriously affected by anything done under the provisions of this section.

13. For the purposes and during the execution of the several works which the Town Council are by this Order authorised to make and in maintaining the same and subject to
 10 the provisions of this Order the Town Council may temporarily from time to time break up or cross over or under alter or stop up any streets highways roads lanes footways footpaths bridges tramways railways canals passages sewers drains watercourses gas pipes and water pipes and electric or telephonic apparatus
 15 in any of the lands shown on the deposited plans and specified in the deposited book of reference which they may from time to time find it expedient for any of those purposes so to interfere with providing when possible a proper temporary substitute before interrupting the traffic on any such street highway road
 20 lane footway footpath bridge tramway railway canal or passage or the flow of water gas sewage or electricity or telephonic communication in any such sewer drain watercourse canal pipe or apparatus and making full compensation to all persons injuriously affected thereby Provided that nothing in this section
 25 shall extend to authorise any interference with electric telegraphic or telephonic apparatus or other property of His Majesty's Postmaster General Provided also that nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts
 30 1882 to 1909 to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with the provisions of that section.

Power to
alter roads,
&c. tempo-
rarily.

14. On the completion of the road diversion (Work No. 7) by this Order authorised the diverted portion of road shall
 35 subject to the provisions of the section of this Order the marginal note of which is "User of accommodation road" as respects management and maintenance and in all other respects be held as part of and be subject to the same provisions as the existing portion of road so diverted Provided always that
 40 no portion of the existing road shall be stopped up until the

New portion
of road to be
subject to
same pro-
visions as
existing
road.

A.D. 1910. substituted portion of road to be constructed in lieu thereof has been completed and is open to the public.

On completion of diverted portion of road site of existing road so far as superseded to vest in Town Council.

15. So soon as the road diversion (Work No. 7) by this Order authorised has been completed and opened to the public the Town Council may stop up and extinguish all rights of way 5 over the portion of the existing road between the points of the commencement and termination of the said diversion and they may appropriate for the purposes of this Order the site of the portion of the existing road so stopped up and diverted so far as the same is bounded on both sides by lands of the Town 10 Council Provided that the Town Council shall make full compensation to all parties interested in respect of any private rights of way extinguished by virtue of this section and such compensation shall be settled in manner provided by the Lands 15 Clauses Acts with reference to the taking of lands otherwise than by agreement.

Power to take waters.

16. Subject to the provisions of this Order the Town Council may collect impound take use divert and appropriate for the purposes of the water undertaking the waters of the two confluent streams forming a tributary of the stream known 20 as the Water of Fedderate intercepted by the embankment or dam (Work No. 1) by this Order authorised and all such springs streams and waters as may be intercepted by the works by this Order authorised.

Town Council may enlarge or increase number of pipes.

17. The Town Council may from time to time subject to 25 the provisions of this Order and notwithstanding the expiration of the periods limited for completion of works lay down maintain use extend alter renew relay replace enlarge and increase the number and size of the works (other than reservoirs) mains pipes filters filter-beds tanks channels and other works and 30 conveniences from time to time in use or required for filtering storing conveying and distributing water for the purposes of the water undertaking Provided always that such extension enlargement or increase shall be executed only on lands or property belonging to the Town Council or over which the Town Council 35 have acquired a servitude or which may be acquired by them by agreement or in roads and streets which they may by the Waterworks Clauses Acts 1847 and 1863 open and break up for such purposes.

For protection of reser

18. The Town Council may on any lands which they may 40 acquire under the powers of this Order or otherwise construct

all such drains channels and other works as they may think necessary or desirable for preventing sewage or polluting liquids or contaminated or impure water from entering or polluting any of the reservoirs conduits or watercourses of the Town

A.D. 1910.
reservoirs &c.
from pollution.

5 Council or any waters flowing into the same.

19. The Town Council on selling any lands acquired for or in connection with the purposes of this Order and not required to be retained for those purposes may subject to the provisions of the section of this Order of which the marginal note is

Reservation
of water
rights on
sale.

10 "Limiting powers of Town Council to abstract water" reserve to themselves all or any part of the water rights belonging thereto and may make the sale subject to such reservation accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions
15 with respect to use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter or otherwise as they may think fit.

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

Power to
agree as to
drainage of
lands.

21.—(1) The Town Council may make byelaws for preventing the pollution fouling or contamination of the water which they are authorised to impound and take under this Order and may by such byelaws prescribe the construction maintenance and use of proper drains sewers and works and make provision for the prevention of any act or thing tending to pollution of the
30 water.

Byelaws for
preventing
pollution of
water.

(2) The byelaws made under this section shall be in force within the areas from or through which the said waters flow or within so much of such areas as may be defined in the byelaws.

A.D. 1910.

(3) All byelaws made under this section which affect any district beyond the burgh shall be subject to the approval of the local authority of such district. Provided that such consent shall not be necessary where in the opinion of the Local Government Board for Scotland it has been unreasonably withheld. 5

(4) The provisions as to byelaws to be made by a local authority contained in sections 183 to 188 of the Public Health (Scotland) Act 1897 shall apply to byelaws made by the Town Council under this section. 10

(5) The Town Council shall pay compensation to the owners of and other persons interested in any lands in respect of which byelaws shall be made under the provisions of this section whose legal rights shall be injuriously affected by the restrictions imposed by such byelaws and such compensation shall be settled in default of agreement by arbitration in accordance with the provisions of the Lands Clauses Acts. 15

Power to discharge water into streams.

22. The Town Council may for the purpose of the repairing or cleansing of their works discharge water from any of their waterworks into any available stream or watercourse or into any stream or watercourse with which any of their waterworks may communicate. In the exercise of the powers conferred by this section the Town Council shall do as little damage as may be and shall make full compensation for all damage caused by reason or in consequence of the exercise of such powers and such compensation shall be settled in default of agreement by arbitration in accordance with the provisions of the Lands Clauses Acts. 20 25

Power to use lands already acquired.

23. The Town Council may hold retain and use for the purposes of their water undertaking any lands already acquired for the purposes of their existing waterworks. 30

Power to acquire lands.

24. Subject to the provisions of this Order the Town Council may purchase acquire hold enter upon take appropriate and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for the purposes of this Order. 35

Owners may be required to sell parts only of certain properties.

25. Whereas in the exercise of the powers of this Order it may happen that portions only of certain properties shown on the deposited plans may be sufficient for the purposes of the Town Council and that such portions may be severed from the 40

[1 GEO. 5.] *Fraserburgh Water Order Confirmation.*

15

remainder thereof without material detriment thereto There- A.D. 1910.
fore notwithstanding section 90 of the Lands Clauses Con-
solidation (Scotland) Act 1845 the owners of and other persons
interested in the properties described in the schedule to this

5 Order and whereof parts only are required for the purposes of
this Order may if such portions can in the opinion of the jury
arbitrer or other authority to whom the question of disputed
compensation shall be submitted be severed from the remainder
thereof without material detriment thereto be required to sell
10 and convey to the Town Council the portions only thereof so
required without the Town Council being obliged or compellable
to purchase the whole or any greater portion thereof the Town
Council paying for the portions required by them and making
compensation for any damage sustained by the owners thereof or
15 other parties interested therein by severance or otherwise.

26. Persons empowered by the Lands Clauses Acts to sell Persons
and convey or dispose of lands may if they think fit subject to under dis-
the provisions of those Acts and of this Order grant to the ability may
Town Council any servitude right or privilege (not being a grant servi-
20 servitude right or privilege of water in which persons other tudes &c.
than the grantors have an interest) required for the purposes of by agree-
ment.
this Order in over or affecting any such lands and the provisions
of the said Acts with respect to lands and annual feu duties or
ground annuals so far as the same are applicable in this behalf
25 shall extend and apply to such grants and to such servitudes
rights and privileges as aforesaid respectively.

27.—(1) The Town Council may in lieu of acquiring any Power to
lands for the purposes of the works authorised by this Order acquire ser-
where the same are intended to be constructed underground vitudes only
30 acquire such servitudes only in such lands as they may require in certain
for such purposes and may give notice to treat in respect of cases.
such servitudes describing the nature thereof and the provisions
of the Lands Clauses Acts shall apply to and in respect of the
acquisition of such servitudes as fully as if the same were lands
35 within the meaning of those Acts.

(2) As regards any lands in respect of which the Town
Council have acquired servitudes only under the provisions of
this section the Town Council shall not be required or entitled
to fence off or sever such lands from the adjoining lands but
40 the owners or occupiers for the time being shall subject to

A.D. 1910. — such servitudes have the same rights to use and cultivate the said lands at all times as if this Order had not been confirmed.

(3) Provided that nothing in this section contained shall authorise the Town Council to acquire by compulsion any such servitude in any case in which the owner in his particulars of claim shall require the Town Council to acquire the lands in respect of which they have given notice to treat for the acquisition of a servitude only and every notice to treat for the acquisition of a servitude shall be endorsed with notice of this provision. 10

Power to
acquire and
hold lands
for protec-
tion of works
and preven-
tion of pol-
lution.

28. The Town Council may hold any lands acquired by them for the purposes of or in connection with their existing waterworks and by agreement purchase acquire and hold any other lands within the drainage area of the reservoirs and works by this Order authorised or of their existing waterworks or take 15 servitudes or restrictions over any such lands which they may deem necessary or desirable for the purpose of securing the purity of the water in the said drainage area and of protecting their water supply against pollution fouling contamination nuisance encroachment or injury and so long as such necessity 20 shall continue such lands shall not be deemed to be superfluous lands within the meaning of this Order or the Lands Clauses Acts respectively Provided that the Town Council shall not create or permit a nuisance on any such lands and shall not erect or permit the erection of any buildings thereon other than 25 offices and dwellings for persons in their employ and such buildings and works as may be incident to or connected with the water undertaking or farm buildings.

The Town Council may let for such period as they think fit or sell or feu any land acquired under this section on such 30 terms conditions and restrictions as regards its use as to the Town Council may seem fit and to secure that such land shall not be manured or broken up for tillage and that no buildings which may prejudicially affect the water supply or the purity of the water shall be erected thereon The proceeds of the sale of 35 any land by the Town Council shall only be applied to purposes of this Order to which capital is properly applicable.

Additional
lands.

29. The Town Council may from time to time for the purposes of this Order purchase by agreement in addition to the lands by this Order authorised to be acquired by compulsion 40

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any lands not exceeding in the whole twenty acres but nothing in this Order shall exonerate the Town Council from any action interdict or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land
 5 purchased under the powers of this section and no house or building shall be erected on any such lands other than any houses or buildings which may be required in connexion with the water undertaking. A.D. 1910.

30. The Town Council shall not construct any works for
 10 taking or intercepting water from any lands acquired by them unless the works are authorised by and the lands upon which the same are to be constructed are specified in this Order or by or in an Act of Parliament or Order confirmed by Parliament. Limiting powers of Town Council to abstract water.

31. The powers of the Town Council for the compulsory
 15 purchase of lands for the purposes of this Order shall cease after the expiration of three years from the commencement of this Order. Period for compulsory purchase of lands.

32. If the works in this Order described are not completed within five years from the commencement of this Order then
 20 on the expiration of that period the powers by this Order granted to the Town Council for executing the same shall cease except as to so much thereof as is then completed. Period for completion of water-works.

33. The water to be supplied from any main or pipe of
 the Town Council whether existing or authorised to be con-
 25 structed by this Order need not be constantly laid on under pressure during the execution of necessary repairs renewals or alterations nor be supplied in any case at a level above or at a greater height than can be supplied or afforded by gravitation from the service reservoirs or tanks of the Town Council already
 30 existing or by this Order authorised from which the supply is given. Pressure.

34. Notwithstanding anything to the contrary contained in
 the Waterworks Clauses Acts 1847 and 1863 the Town Council
 until the expiration of five years from and after the commence-
 35 ment of this Order or until the waterworks authorised by this Order shall have been substantially completed and the water therefrom introduced whichever shall first happen shall not be bound to give or maintain a constant supply. Suspension of constant supply.

- A.D. 1910. 35. The Town Council shall not be bound to supply more
 Town Council not bound to supply several houses by one pipe. than one house by means of the same communication pipe and they may if they think fit require that a separate pipe be laid from the main pipe into each house supplied by them with water. 5
- Notice of discontinuance. 36. A notice to the Town Council from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the Town Council.
- Byelaws for preventing waste &c. of water. 37.—(1) The Town Council may make byelaws for the 10
 purpose of preventing the waste undue consumption misuse or contamination of water and may by such byelaws prescribe the size nature materials workmanship and strength and the mode of arrangement connexion disconnexion alteration and repair of pipes meters cocks ferrules valves soil-pans waterclosets baths 15
 cisterns and other apparatus (in this section referred to as “water fittings”) to be used and forbid any arrangements and the use of any water fittings which may allow or tend to waste undue consumption misuse erroneous measurement or contamination. 20
- (2) All byelaws made under this section which affect any district beyond the burgh shall be subject to the approval of the local authority for such district Provided that such consent shall not be necessary where in the opinion of the Local Government Board for Scotland it has been unreasonably withheld. 25
- (3) Such byelaws shall apply only in the case of premises to which the Town Council are bound to afford and do in fact afford or are prepared on demand to afford a constant supply and the provisions with respect to byelaws contained in sections 183 to 188 of the Public Health (Scotland) Act 1897 shall 30
 apply to all byelaws so made.
- (4) In case of failure of any person to observe such byelaws as are for the time being in force the Town Council 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 35
 replace or alter any water fittings belonging to or used by such person and not being in accordance with the requirements of such byelaws and the expense of every such repair replacement or alteration shall be recoverable by the Town Council in the

same manner as the water rates in respect of the premises are recoverable. A.D. 1910.

38. The Town Council shall not be bound to supply with water otherwise than by measure any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required.

Supply to
houses partly
used for
trade &c.

39. The Town Council may sell meters and any fittings connected therewith upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit.

Power to
sell or let
meters.

The provisions of section 14 of the Waterworks Clauses Act 1863 shall extend to authorise the Town Council to let for hire any water fittings to any person supplied by them with water.

40. Before any person connects or disconnects any meter by means of which any of the water of the Town Council is intended to be or has been registered he shall give not less than twenty-four hours notice in writing to the Town Council of his intention to do so and all alterations or repairs and the connecting and disconnecting of meters shall be done at his cost and under due superintendence of any officer of or person authorised by the Town Council and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Notice to
Town
Council of
connecting
or discon-
necting
meters.

41. 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 Town Council 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 Town Council shall (without prejudice to any other right or remedy for the protection of the Town Council) be liable to a fine not exceeding five pounds and the Town Council may in addition thereto recover the amount of any damage by them sustained And in any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Town Council or has fraudulently altered the index to any meter or other

Injuring
meters &c.

A.D. 1910. — instrument for measuring water or prevented the same from
 duly registering the quantity of water supplied or has fraudu-
 lently abstracted consumed or used water of the Town Council
 the Town Council may also enter upon the premises occupied
 by the offender and repair such injury and do all such works 5
 matters and things as may be necessary for ensuring the
 proper registering by such meter of the quantity of water
 supplied by means thereof and the expense of such repair and
 of all such works matters and things shall be repaid to the
 Town Council by the person so offending and may be recovered 10
 by them as water rates and assessments are recoverable The
 existence of artificial means for causing such injury alteration
 or prevention or for abstracting consuming or using water of
 the Town Council when such pipe meter instrument or fittings
 is or are under the custody or control of the consumer shall 15
 be *prima facie* evidence that such injury alteration prevention
 abstraction consumption or use as the case may be has been
 fraudulently knowingly and wilfully caused by the consumer
 using such pipe meter instrument or fittings.

Penalty for taking water except for domestic use. 42. Every person who fraudulently takes or uses water 20
 belonging to the Town Council for any purpose other than
 domestic or drinking purposes shall for every such offence be
 liable to a penalty not exceeding ten pounds and to a daily
 penalty of five pounds for each day any such offence continues
 after conviction. 25

Application of penalties. 43. All penalties exigible under the provisions of this Order
 and of the Acts wholly or partially incorporated therewith
 (excepting any penalties which may be imposed upon the Town
 Council) shall be paid over to the Town Council instead of
 being applied in the manner provided in the last-mentioned 30
 Acts or the Acts therein referred to.

Prosecution of offenders. 44. All offenders against any of the provisions of this
 Order or of any of the Acts incorporated with the same
 respectively or against any of the byelaws of the Town Council
 may be prosecuted and all penalties in respect of offences against 35
 any of such provisions or byelaws may be recovered summarily
 by the Town Council under the Summary Jurisdiction (Scotland)
 Act 1908.

Power to supply fittings. 45.—(1) The Town Council may if requested by any person
 supplied or about to be supplied by them with water furnish 40

to him and repair or alter but shall not manufacture any such pipes valves cocks cisterns baths meters soil-pans waterclosets and other fittings as are required or permitted by their regulations and may provide all materials and work necessary or proper
 5 in that behalf and the reasonable charges of the Town Council in providing such materials and executing such work shall be paid by the person requiring the same.

(2) Any fittings let for hire under the provisions of this section shall not be subject to poinding or to the landlord's
 10 remedy for rent or be liable to be taken in execution under any process of any Court or any proceedings in bankruptcy against the persons in whose possession the same may be Provided that such fittings have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing
 15 brand or other mark conspicuously impressed or made thereon sufficiently indicating the Town Council as the actual owners thereof:

Provided as follows:--

- (A) The Town Council shall so adjust the charges to be
 20 made by them for any such fittings or for the fixing repairing or removal thereof as to meet any expenditure by them under the powers of this section in connexion therewith (including interest upon any moneys borrowed for those purposes and
 25 all sums applied to sinking fund for repayment of moneys so borrowed):
- (B) Every sum charged by the Town Council in respect of provision of such fittings or the repairing fixing or removal thereof shall be clearly stated in every
 30 demand note delivered by the Town Council to the consumer:
- (C) The total sums expended and received by the Town Council in connexion with the purposes in this section mentioned in each year (including interest
 35 and sinking fund) shall be separately shown in the published accounts of the water undertaking for such year.

46. The Town Council may on the application of the owner or occupier of any premises within the district within
 Power to lay pipes in streets not

A.D. 1910. which the Town Council are for the time being authorised to supply water abutting on or being erected in any street laid out but not dedicated to the public use supply such premises with water and may lay down take up alter relay or renew in across or along such street such pipes and apparatus as may be requisite or proper for furnishing such supply. 5

As to breaking up ground for maintaining communication pipes. 47. For the purpose of complying with any obligation under this Order to maintain any pipe or apparatus the person liable to maintain the same shall have the like power to open the ground as is conferred upon him by sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes. 10

Power to Town Council to supply water to local authorities and others. 48.—(1) The Town Council may enter into and carry into effect agreements with any local authority company or person for the supply of water beyond the burgh to any such authority company or person respectively in bulk for any purpose and for such remuneration and on such terms and conditions and for such period as may be agreed upon. 15

(2) The Town Council may from and after the completion of the works authorised to be constructed as aforesaid supply water from the conduits by this Order authorised or from any of the works of the Town Council to any owners and occupiers of lands and heritages situated in the neighbourhood of such conduits and the Town Council may contract with all or any such persons for such supply at such rates and upon such terms and conditions and for such period or periods of time as they may agree. 20 25

(3) Any supply of water under the provisions of this section shall not prejudicially affect or restrict the supply of water from time to time required for any purpose within the burgh. 30

(4) Any supply of water by the Town Council under this section shall not be given except with the consent of any local authority company or person supplying water under parliamentary authority within the district to be supplied and of the local authority of that district. 35

For protection of county council. 49. For the protection of the county council the following provisions shall unless otherwise agreed upon in writing between the Town Council and the county council apply and have effect

notwithstanding anything contained in this Order or in the Acts incorporated herewith or shown on the deposited plans and sections (that is to say):—

A.D. 1910.

- 5 (1) All conduits lines of pipes or other works to be laid
in or along any county highway or in upon or across
any county bridge shall as far as practicable be laid
in such position in or at the side thereof as the
county council in writing under the hand of the
surveyor for the district in which such highway or
10 county bridge is situated may reasonably direct:
- 15 (2) All conduits or lines of pipes to be laid in or along any
county highway shall consist of not more than two
lines of pipes and the cover for each line of pipes
shall be not less than two feet six inches measured
from the surface of the road to the highest part of
such pipes:
- 20 (3) The provisions of the Waterworks Clauses Act 1847 with
respect to the breaking up of streets for the purpose
of laying pipes shall extend and apply to all county
highways and county bridges opened and broken up
or interfered with by the Town Council in the execu-
tion of the works authorised by this Order and the
exercise of the powers of this Order Provided that
25 the notice required by section 30 of the said Act of
1847 shall not be less than seven days instead of
three days:
- 30 (4) The plan required by section 31 of the said Act of 1847
shall be accompanied by a section of the proposed
works and a short specification thereof and shall be
delivered by the Town Council to the county council
or the surveyor for the district for approval in the case
of a county bridge culvert or drain not less than one
month and in all other cases not less than fourteen
35 days before the Town Council propose to commence
to interfere with any county bridge or to break or
open up any county highway for the purpose of
executing such works and the approval of the county
council or the surveyor for the district to such plan
40 section and specification may be given upon such
conditions as the county council or the surveyor for

A.D. 1910.
—

the district may reasonably determine Provided that the county council shall be deemed to have given such consent if within the said period of one month or fourteen days as the case may be after such plan section and specification shall have been submitted to the surveyor for the district he shall not have given written notice to the Town Council objecting thereto :

- (5) No greater length than two hundred yards of any county highway shall be broken up at any one place at one time without the consent in writing of the county council and all works shown on the deposited plans shall be so executed by the Town Council as not to stop the traffic and so far as reasonably practicable not in any way to impede or interfere with the traffic on any such highway or over any county bridge or the approaches thereto and in case of default in compliance with this provision the county council may by their own servants and workmen clear any such highway and remove any such impediment to the traffic on any such highway or over any county bridge or the approaches thereto and may recover the expenses of and incident thereto from the Town Council :
- (6) Nothing in this Order contained shall authorise the Town Council to interfere with the structural part of any county bridge culvert or drain without the consent in writing of the county council or of the surveyor for the district which consent may be given upon such conditions as the county council or the surveyor for the district may reasonably determine Provided that the county council shall be deemed to have given such consent if within one month after plans of the proposed works have been submitted to the surveyor for the district he shall not have given written notice to the Town Council objecting thereto :
- (7) Nothing in this Order contained shall interfere with the right of the county council to alter the level of or to divert or improve in any manner they think fit any county highway in or along which any conduit line of pipes or other works of the Town Council shall

have been laid and the Town Council shall forthwith on receiving notice in writing under the hand of the clerk of the county council or the surveyor for the district alter the position of any such conduit line of pipes or other works in the manner and to the extent prescribed by such notice or as in the case of difference shall be determined by arbitration as provided by subsection (15) of this section :

A.D. 1910.

- (8) Nothing in this Order contained shall interfere with the right of the county council at any time or times to remove alter or rebuild any county bridge or the approaches thereto over or near or attached to which any conduit line of pipes or other works of the Town Council are carried in the same manner as they might have removed altered or rebuilt any such bridge or the approaches thereto if this Order had not been confirmed and such conduit line of pipes or other works had not been constructed or 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 conduit line of pipes or other works are laid being removed altered or rebuilt as aforesaid the Town Council shall at their own cost alter the position of such conduit line of pipes or other works and any works by which such conduit line of pipes or other works are carried over or near or attached to such bridge or the approaches thereto as aforesaid Provided that during the removal alteration or rebuilding of such bridge as aforesaid the county council shall afford all reasonable facilities for temporarily carrying such conduit line of pipes or other works across or along any road or stream or river so as not to interrupt the continuous supply of water or to diminish the pressure of such supply through such conduit line of pipes or other works :

- (9) On the completion of the works authorised by this Order the Town Council shall be bound to restore the road surface above the conduit lines of pipes or other works where laid along the county highways in accordance with a specification to be adjusted between

A.D. 1910.

the Town Council and the county council and failing adjustment by these bodies to be adjusted by the arbiter nominated for the purposes of subsection (13) of this section :

- (10) The Town Council shall during the progress of the 5
works take all necessary steps at their own expense
for protecting the public using any county highway
from injury and shall indemnify the county council
against all costs losses or damages that may be
incurred or suffered consequent upon their neglect or 10
omission to provide such protection :
- (11) The Town Council shall make full compensation to the
county council for all damage injury losses and
expenses whatsoever which may from time to time be
incurred or suffered by reason or in consequence of 15
the leaking bursting or giving way of any of the
works by this Order authorised :
- (12) The county council shall not be liable for or in respect
of any damage or injury done to any work of the
Town Council by reason of such work being laid at 20
a depth below the surface of any highway insufficient
for its protection from injury arising from the reason-
able use of any steam or other roller or traction
engine for the repair of such county highway or from
the passage of the traffic on such highway or in 25
repairing any county bridge or the approaches thereto
or any culvert or drain :
- (13) For the purposes of section 57 of the Roads and Bridges
(Scotland) Act 1878 and section 24 of the Local
Government (Scotland) Act 1908 the Town Council 30
shall be deemed to be the person by or in con-
sequence of whose order any excessive weight shall
have been passed or any extraordinary traffic con-
ducted on the county highways in connexion with the
execution of the works by this Order authorised and 35
upon the commencement of this Order the Town
Council and the county council shall appoint an
arbiter or failing agreement such arbiter shall be
appointed by the sheriff on the application of either
party for the purpose of determining any question 40

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- which may arise regarding the damage done to the county highways by any excessive weight passing over the same or extraordinary traffic thereon in connexion with the execution of the works authorised by this Order The said arbiter shall at the request of either party and after intimation to the other party examine the county highways and satisfy himself as to their condition prior to their being used for the purposes of the traffic in the execution of the works authorised by this Order and on receiving a report from the surveyor for the district that any portion of the county highways has been damaged and requires to be repaired as the result of such excessive weight or traffic as aforesaid he shall after intimation to the Town Council and such inquiry as he may deem necessary determine the proportion of the cost of all such repairs to be borne by the Town Council and county council respectively and on the arbiter certifying from time to time the proportion of the cost to be borne by the Town Council the same shall forthwith be paid by the Town Council to the county council The Town Council shall also pay all charges incurred by the arbiter in carrying out his duties under this subsection The decisions of the arbiter under this subsection shall be final:
- (14) The Town Council shall provide proper and sufficient temporary dwellings for their workmen with all such sanitary arrangements as may be reasonably required by and to the reasonable satisfaction of the county council and the reasonable costs and expenses of the county council in regard to the sanitary inspection of such dwellings shall be borne and paid by the Town Council:
- (15) If any difference shall arise between the Town Council and the county council under this section (other than under subsections (9) and (13) of this section) such difference shall be referred to the decision of an arbiter to be mutually chosen or failing agreement to be appointed by the sheriff on the application of either party and the decision of such arbiter shall be final:

A.D. 1910.

A.D. 1910. — (16) In this section the expression “the surveyor for the district” means the road surveyor of any of the districts of the county of Aberdeen.

Power to borrow.

50. The Town Council may subject to the provisions of this Order in the manner and under the powers and provisions of 5 the Burgh Police Acts from time to time borrow the sums following :—

- (1) For the purchase of lands and servitudes the sum of two thousand five hundred pounds;
- (2) For the purposes of the Works Nos. 1 3 and 5 by this 10 Order authorised the sum of five thousand six hundred and eighty-eight pounds;
- (3) For the purposes of the Works Nos. 2 4 and 6 by this Order authorised the sum of thirty-seven thousand five hundred and sixty-five pounds; 15
- (4) For the purposes of the Work No. 7 and subsidiary works. the sum of one hundred and seventeen pounds;
- (5) For the payment of the costs charges and expenses of and incidental to obtaining and confirming this Order 20 the sum requisite for that purpose;
- (6) For the purposes of the water undertaking with the consent of the Secretary for Scotland but not otherwise such further moneys as the Town Council may require and the Secretary for Scotland shall have and 25 may exercise in relation to such consent as aforesaid all the powers of section 93 of the Local Government (Scotland) Act 1889;

and the Town Council may make and grant mortgages or other securities of the water assessment and rates rents and charges 30 in the manner authorised by the Burgh Police Acts in security of the money so borrowed and interest thereon and any sums so to be borrowed may be borrowed on terms of the repayment thereof by annuity instalment or otherwise.

Periods for repayment of borrowed money.

51. The Town Council shall pay off all moneys to be 35 borrowed by them under this Order for the purposes of the water undertaking within the respective periods following

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(herein-after referred to as "the prescribed period") (that is to say) :— A.D. 1910.

5 As to moneys borrowed for the purposes (1) and of Work No. 1 mentioned in the immediately preceding section of this Order within sixty years from the date or dates of borrowing the same;

As to moneys borrowed for the purposes of Works Nos. 3 and 5 mentioned in that section within fifty years from the date or dates of borrowing the same;

10 As to moneys borrowed for the purpose (3) mentioned in that section within thirty-five years from the date or dates of borrowing the same;

15 As to moneys borrowed for the purpose (4) mentioned in that section within thirty years from the date or dates of borrowing the same;

As to money borrowed for the purpose (5) mentioned in that section within five years from the commencement of this Order;

20 As to moneys borrowed with the approval of the Secretary for Scotland for the purpose (6) mentioned in that section within such period as the Secretary for Scotland may notwithstanding anything in the Burgh Police Acts contained prescribe.

25 52. The Town Council shall pay off all moneys borrowed by them (other than money borrowed for current expenses) under this Order either by means of a sinking fund formed under the provisions of this Order or by equal yearly or half-yearly instalments of principal or of principal and interest combined or partly by one of those methods and partly by another or others of them. Mode of repayment of borrowed money.

53.—(1) If the Town Council determine to repay by means of a sinking fund any moneys borrowed by virtue of this Order such sinking fund shall be formed or maintained either— Sinking fund.

35 (A) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed A sinking fund so formed is herein-after called a non-accumulating sinking fund; or

A.D. 1910.

(B) By payment to the fund throughout the prescribed period of such equal annual sums as with the accumulations at a rate not exceeding three per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed A sinking fund so formed is herein-after called an accumulating sinking fund.

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in securities in which trustees are by law for the time being authorised to invest or in mortgages bonds debentures debenture stock stock or other securities (not being annuity certificates or securities payable to bearer) duly issued by any local authority other than the Town Council the Town Council being at liberty from time to time to vary and transpose such investments.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Town Council towards the equal annual payments to the fund.

(4) The Town Council may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed Provided that in the case of an accumulating sinking fund the Town Council shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5)—(A) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any deficiency shall be made good by the Town Council.

(B) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per

centum per annum on which the annual payments to the fund are based any such excess may be applied towards such annual payments. A.D. 1910.

(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Order shall be paid by the Town Council in addition to the payments provided for by this Order.

(7) If it appears to the Secretary for Scotland or to the Town Council at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Order together with the accumulations thereon (in the case of an accumulating sinking fund) will probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Town Council to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose.

(8) If the Town Council desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Order together with the accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Town Council be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Town Council may with the consent of the Secretary for Scotland reduce the payments to be made to the sinking fund either temporarily or permanently to such amounts as will be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed.

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Town Council be sufficient to repay the loan in respect of which it is formed within the prescribed period the Town Council may with the consent of the Secretary for Scotland discontinue the annual payments to such sinking fund.

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of

A.D. 1910. — which it was formed shall be applied to such purpose as the Town Council may determine.

(12) The period at which the payments into the sinking fund shall commence shall be four years after the commencement of this Order or within one year after the substantial 5 completion of the works authorised by this Order and the introduction of the water supply from the said works whichever shall be the earlier.

Power to
re-borrow.

54. If after having borrowed the sums of money by this Order authorised or any part thereof the Town Council shall 10 pay off the same or any part thereof otherwise than by means of annuities or instalments or of the sinking fund provided by this Order it shall be lawful for the Town Council again to borrow the amount so paid off upon the same securities as those upon which the moneys so paid off were secured and so from 15 time to time.

Borrowing
power for
current
expenses.

55. In the application to the burgh of section 49 (Power to borrow temporarily) of the Burgh Police (Scotland) Act 1903 the expression "any public general Act" shall be deemed to include this Order. 20

Application
of Burgh
Police Acts.

56. The provisions of the Burgh Police Acts with respect to water supply shall subject to the provisions of this Order and so far as not inconsistent therewith apply to the supply of water within the burgh by the Town Council from their existing waterworks and from the works by this Order authorised. 25

Reserve
fund.

57. The Town Council may provide out of the yearly water assessment and rates rents charges and other revenues of the water undertaking a reserve fund by setting aside such a sum annually as they may from time to time think fit and investing the same and the resulting income thereof upon such securities 30 as the Town Council may by law for the time being invest their funds and accumulating the same at compound interest which reserve fund shall not at any time exceed in the whole the sum of seven thousand pounds and shall be applicable as and when the Town Council may determine from time to time for the 35 renewal of the works plant and apparatus or any extraordinary claim or demand at any time arising against the Town Council in respect of the water undertaking.

Annual
return to
Secretary for

58. The treasurer of the Town Council shall within two months after the expiration of each year during which any sum 40

- is required to be paid as an instalment or to be set apart for A.D. 1910.
 a sinking fund transmit to the Secretary for Scotland a return Scotland
 in such form as may be prescribed by the Secretary for Scotland with respect
 and verified by statutory declaration if so required by him to sinking
 5 showing the amount which has been so paid or set apart in fund.
 respect of that year and the description of the securities upon
 which the same has been invested and also showing the purposes
 to which any portion of such sinking fund and the interest or
 income thereof have been applied during the same period and
 10 the total amount remaining invested at the end of the year
 and in the event of any default in making such return such
 treasurer so making default shall be liable to a penalty not
 exceeding twenty pounds which shall be recoverable by the
 Secretary for Scotland as a debt to the Crown is recoverable
 15 If it appear to the Secretary for Scotland by any such return
 or otherwise that the Town Council have failed to pay any
 instalment or to set apart the sum required by this Order to be
 set apart for the sinking fund or to make any increased payment
 thereto by this Order required or to have applied any portion
 20 of the moneys set apart for that fund or any interest or income
 thereof to any purposes other than those authorised by this
 Order the Secretary for Scotland may by order direct that a
 sum not exceeding double the amount in respect of which such
 default shall have been made shall be set apart and invested as
 25 part of the sinking fund and such order shall be enforceable
 by decree of either division of the inner house of the Court
 of Session in Scotland pronounced in a summary application
 presented for that purpose.

59. All sums borrowed by the Town Council on mortgage
 30 or cash account or otherwise (except any sums borrowed for Application
 current expenses) shall be applied only to purposes to which of moneys
 capital is properly applicable. borrowed.

60. No person lending money to the Town Council shall
 be bound to inquire as to the observance by the Town Council
 35 of any provision of the Burgh Police Acts or this Order or be Protection of
 bound to see to any application or be answerable for any loss lender from
 or non-application of such money or any part thereof. inquiry.

61. The mortgagees of the Town Council under this Order
 may enforce payment of arrears of interest or principal or
 40 principal and interest due on their mortgages by the appointment For appoint-
 ment of
 judicial
 factor.

A.D. 1910. of a judicial factor In order to authorise the appointment of a judicial factor in respect of arrears of principal the amount owing to the mortgagees by whom the application for a judicial factor is made shall not be less than three thousand pounds.

Existing waterworks and new works to form one undertaking.

62. Subject to the provisions of this Order the existing waterworks of the Town Council and the works to be constructed under the authority of this Order shall for all purposes whatsoever be and be deemed to be part of the water undertaking. 5

Costs of Order.

63. The costs charges and expenses incurred in preparing for and obtaining and confirming this Order and incidental thereto shall be paid by the Town Council out of moneys in their hands or out of any moneys borrowed by them under this Order. 10

SCHEDULE referred to in the foregoing Order.

PROPERTIES OF WHICH PORTIONS ONLY MAY BE TAKEN.

15

Parish.						Number on deposited Plans.
New Deer	-	-	-	-	-	10 34 and 40.
Old Deer	-	-	-	-	-	21.

Fraserburgh Water Order Confirmation.

A

B I L L

INTITLED

An Act to confirm a Provisional Order
under the Private Legislation Pro-
cedure (Scotland) Act 1899 relating
to Fraserburgh Water.

(Brought from the Commons 27th July 1910.)

Ordered to be printed 27th July 1910.

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(140)

A

B I L L

INTITULED

An Act to confirm certain Provisional Orders made by A.D. 1910.
the Board of Trade under the Gas and Water Works
Facilities Act 1870 relating to Brownhills and District
Gas Builth Wells Gas Chertsey Gas Cranleigh Gas
and Llanidloes Gas.

WHEREAS under the authority of the Gas and Water Works 33 & 34 Vict.
Facilities Act 1870 the Board of Trade have made the c. 70.
Provisional Orders set out in the schedule to this Act annexed:

And whereas a Provisional Order made by the Board of
5 Trade under the authority of the said Act is not of any
validity or force whatever until the confirmation thereof by Act
of Parliament:

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

Be it therefore 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:—

15 **1.** This Act may be cited as the Gas Orders Confirmation Short title.
(No. 1) Act 1910.

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

A.D. 1910.

SCHEDULE.

LIST OF ORDERS.

- BROWNHILLS AND DISTRICT GAS.—Order empowering the Ogley Hay and Brownhills Gas Company Limited to maintain and continue their existing gasworks at Walsall Wood and to construct and maintain 5 further works and to manufacture store and supply gas to and within the urban district of Brownhills and certain parishes and places all in the county of Stafford.
- BUILTH WELLS GAS.—Order empowering the Builth Gas and Coke Company Limited to maintain and continue gasworks and to 10 manufacture and supply gas within the urban district of Builth Wells and the parishes of Llanddewir Cwm and Rhosferig in the county of Brecknock and the parish of Llanalwedd in the county of Radnor and for other purposes.
- CHERTSEY GAS.—Order empowering the Chertsey Gas Consumers' 15 Company Limited to raise additional capital and for other purposes.
- CRANLEIGH GAS.—Order empowering the Cranleigh Gas and Coke Company Limited to construct and maintain further works for the manufacture and storage of gas and to raise additional capital 20 and for other purposes.
- LLANIDLOES GAS.—Order empowering the Llanidloes Gas Coal and Coke Company Limited to maintain and continue gasworks and to manufacture and supply gas within the borough of Llanidloes in the county of Montgomery. 25
-

BROWNHILLS AND DISTRICT GAS.

A.D. 1910.

Order empowering the Ogley Hay and Brownhills Gas Company Limited to maintain and continue their existing gasworks at Walsall Wood and to construct and maintain further works and to manufacture store and supply gas to and within the urban district of Brownhills and certain parishes and places all in the county of Stafford.

Brownhills and District.

1. This Order may be cited as the Brownhills and District Gas Order 1910. 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. Provided that section thirteen of the former Act shall be read as if the words "or any premises" were inserted after the words "private building" and as if the words "Provided also that every such contract entered into by the Company shall be alike in terms and amount under like circumstances to all consumers" were added at the end of that section. 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 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 in this Order the same respective meanings unless there be something in the subject or context repugnant to such construction 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 continued and extended. Interpretation.

A.D. 1910.

*Brownhills
and District.
Limits of
Order.*

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 parishes of Norton-under-Cannock Ogley Hay Shireoak and Walsall Wood (except that part of the parish of Walsall Wood known as Shelfield which is shown and coloured red on a plan identified by the signatures of Thomas Berridge on behalf of the Undertakers and James Taylor on behalf of the mayor aldermen and burgesses of the borough of Walsall and deposited at the Private Bill Office of the House of Commons) all within the urban district of Brownhills in the county of Stafford Provided that the Undertakers shall not under this Order supply gas to that portion of the parish of Norton-under-Cannock at present supplied by the Cannock Gas Company.

Undertakers.

Undertakers. 6. The Ogley Hay and Brownhills Gas Company Limited shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Capital.

Capital.

7. The share capital of the Undertakers shall not for the purposes of the undertaking exceed twenty-four thousand seven hundred and forty-five pounds consisting of the original ordinary and preference share capital of six thousand seven hundred and forty-five pounds in this Order referred to as "the original capital" and of eighteen thousand pounds additional share capital (in this Order referred to as "the additional capital") to be issued subject to the provisions of this Order including any premiums which may be obtained on the sale of any shares under the provisions of this Order unless the Undertakers are hereafter authorised to raise for such purposes further additional share capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

*Additional
capital to be
sold by auc-
tion or
tender.*

8.—(1) All shares or stock forming part of the additional capital shall be issued in accordance with the provisions of this section.

(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 Undertakers shall determine Provided as follows :—

(A) Notice of the intended sale shall be given in writing to the clerk of every local authority within the limits of supply and to the committee 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

[10 EDW. 7.] *Gas Orders Confirmation (No. 1).*

5

shall also be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the limits of supply : A.D. 1910.
Brownhills and District.

- 5 (B) A reserve price shall be fixed by the directors of the Undertakers and notice thereof shall be sent by the Undertakers 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 :
- 10 (c) No lot offered for sale shall comprise shares or stock of greater nominal value than one hundred pounds :
- (d) In the case of a sale by tender no preference shall be given to one of two or more persons tendering the same sum In the case of a sale by auction a bid shall not be recognised unless it is in advance of the last preceding bid :
- 15 (E) It shall be one of the conditions of sale that the total sum payable by the purchaser shall be paid to the Undertakers within three months after the date of the auction or of the acceptance of the tender as the case may be.
- 20 (3) Any shares or stock which have been so offered for sale and are not sold may be offered at the reserve price to the holders of ordinary shares or stock of the Undertakers in manner prescribed by a resolution passed by the directors of the Undertakers and to the employees of the Undertakers and to the consumers of gas supplied
- 25 by the Undertakers in such proportions as the directors of the Undertakers may think fit or to one or more of these classes of persons only Provided that in 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
- 30 allotted to and distributed amongst the applicants as nearly as may be in proportion to the amounts applied for by them respectively.
- (4) Any shares or stock which have been offered for sale in accordance with the foregoing provisions of this section and are not sold shall be again offered for sale by public auction or by tender in
- 35 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
- 40 the Undertakers shall send a report thereof to the Board of Trade stating the total amount of the shares or stock sold the total amount obtained as premium (if any) and the highest and lowest prices obtained for the shares or stock as the case may be.

A.D. 1910.
*Brownhills
 and District.*
 Application
 of money.

9. All money raised under this Order including any premiums shall be applied only to purposes to which capital is properly applicable and any sum of money which may arise from the issue of any shares under the provisions of this Order by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as part of the capital of the Undertakers entitled to dividend. 5

Limit of
 dividends on
 capital.

10. Except as by this Order expressly provided the Undertakers shall not in any year declare or make out of their profits any larger dividends on the original and additional capital than the standard rates of dividend herein-after mentioned namely seven pounds in respect of every one hundred pounds actually paid up of so much of such original capital raised by ordinary shares and five pounds in respect of every one hundred pounds actually paid up of so much as has been raised as preference shares and seven pounds in respect of every one hundred pounds actually paid up on so much of such additional capital as may be issued as ordinary capital and five pounds in respect of every one hundred pounds actually paid up of so much as may be raised as preference capital. 10 15

Dividends on
 different
 classes of or-
 dinary shares
 to be paid
 proportion-
 ately.

11. In case in any year or in any half-year when a half-yearly dividend is declared the net revenues of the Undertakers applicable to dividend are insufficient to pay the full amount of the prescribed rates on each class of ordinary shares in the original and additional capital of the Undertakers a proportionate reduction shall be made in the dividends payable on each class. 20 25

Limit of
 borrowing
 powers.

12. The amount of all moneys to be hereafter borrowed by the Undertakers and secured by mortgage of the undertaking shall not at any time exceed in the whole one-third of the amount of the capital of the Undertakers at the time actually raised by the issue of shares or stock including any premium that may be obtained on the sale of any shares or stock under the provisions of this Order 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. 30 35

Purchase of Lands.

Power to
 purchase
 additional
 land by
 agreement.

13. The Undertakers may for the purposes of the undertaking purchase or take on lease (by agreement but not otherwise) and hold in addition to the lands 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 five acres of land in the whole in addition to the lands described in the said schedule 40

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. A.D. 1910.
Brownhills and District.

5 *Maintenance and Continuance of Gasworks—Manufacture and Sale of Gas Coke and Residual Products.*

14. 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 alter extend enlarge renew and discontinue their existing gasworks and works connected therewith and may construct erect make and maintain alter and enlarge retorts gas-holders receivers purifiers meters apparatus and works for the manufacture and storing of gas and of coke asphaltum pitch coal-tar ammoniacal liquor oil 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 and supply and sell the same within the limits of supply and may on the same lands manufacture and store coke asphaltum pitch coal-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 alter enlarge extend and renew or discontinue houses offices buildings and other works connected with the undertaking.

- 15.—(1) The Undertakers may sell let for hire fix repair and remove but shall not manufacture engines stoves ranges pipes and other fittings (in this section called "fittings") for lighting for motive power for the warming and ventilating of houses and buildings for the cooking of food and for all other purposes for which gas can or may be used and may provide all materials and work necessary or proper in that behalf and with respect thereto may demand and take such remuneration or such rents and charges for and make such terms and conditions as may be agreed upon.

Power to supply gas fittings.
Fittings not to be subject to distress.

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

16. 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

Power to take licences for use of patents.

A.D. 1910. or put in practice any invention under letters patent heretofore made
Brownhills or hereafter to be made granting any right or privilege of working
and District. using or vending any invention in relation to the manufacture supply
or distribution of gas or the conversion manufacture or utilisation of
any products obtainable in or arising from such manufacture or from 5
the materials used therein.

Power to con- 17. The Undertakers may contract with any local authority company
tract for sale or persons supplying gas under parliamentary powers in any district
of gas in bulk. adjacent to the limits of supply for the supply to them respectively of
gas in bulk upon such terms and conditions and for such periods not 10
exceeding in any case seven years from the making of the contract
as shall be agreed upon but nothing in this section shall authorise
the Undertakers to lay any main or interfere with any street beyond
the limits of supply except with the consent of the local authority
company or person for the time being having the control of such 15
street or road.

For protec- 18. The notice required to be given by section 8 of the Gasworks
tion of dis- trict roads. trict roads. same Act before breaking up any streets for the purpose of laying
pipes shall with respect to any roads under the control or management 20
of the Brownhills Urban District Council be given to and approved
by the surveyor of the said council and the work referred to in such
notice and plan shall be executed to the reasonable satisfaction of
such surveyor whose proper expenses in connexion therewith shall be
paid by the Undertakers. 25

For pro- 19. The following provisions for the protection of the county council
tection of of the administrative county of Stafford (in this section referred to as
Staffordshire "the county council") shall have effect as regards all new works
county carried out by the Undertakers under the powers of this Order and
council. as far as applicable as regards the alteration improvement enlargement 30
extension renewal or reconstruction of existing works unless otherwise
agreed between the Undertakers and the county council (that is
to say):—

- (1) All mains pipes and works to be laid in or along any main
road or in or upon or across any county or main road 35
bridge shall be laid in such position in or at the side
thereof as the county council in writing under the hand
of their surveyor may reasonably direct:
- (2) The notice required by section 8 of the Gasworks Clauses
Act 1847 with respect to the breaking up of streets shall 40
as regards any main road or any county or main road bridge
be not less than fourteen clear days instead of three clear
days:

- A.D. 1910.
*Brownhills
and District.*
- 5 (3) The plan required by section 9 of the last-mentioned Act shall as regards any county or main road bridge be on a scale of not less than four feet to an inch and in respect of any main road or bridge approach on a scale of not less than $\frac{1}{2500}$ and such plans shall be accompanied by sections to suitable scales to clearly show the proposed works and shall be delivered to the county council or their surveyor by the Undertakers not less than in the case of a bridge fourteen days and in all other cases seven days before the Undertakers commence to open or break up any main road or interfere with any county or main road bridge or other property of the county council for the purpose of executing the works :
- 10
- 15 (4) Nothing in this Order shall authorise the Undertakers to interfere with the structural part of any county or main road bridge without the consent in writing of the surveyor to the county council. Such consent shall not be unreasonably withheld and may be given upon such conditions as the county council may reasonably determine :
- 20
- 25 (5) Nothing in this Order shall interfere with the right of the county council to alter the level of or deviate drain widen reconstruct or improve in any manner they think fit any main road in or along which any mains pipes or works of the Undertakers shall have been laid and the Undertakers shall with all convenient speed on receiving notice in writing under the hand of the clerk or surveyor to the county council so to do alter the position of any such mains pipes or works 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 herein-after prescribed and the county council shall not make any compensation to the Undertakers for any expense or loss to which the Undertakers may be put in consequence of any such alteration deviation improvement or other work of the county council :
- 30
- 35 Provided that during the alteration deviation draining widening reconstruction or improvement of such main road the county council shall at the cost of the Undertakers afford all reasonable facilities for temporarily carrying such mains pipes or works along the main road so as not to interrupt the continual supply of gas or to diminish the pressure of such supply through such mains or pipes :
- 40
- (6) Nothing in this Order shall interfere with the right of the county council at any time or times to remove alter widen raise or rebuild any county or main road bridge or the
- (43)

A.D. 1910.

*Brownhills
and District.*

approaches thereto over near or attached to which any mains pipes or works of the Undertakers are carried in the same manner as they might have removed altered widened raised or rebuilt such bridge or the approaches thereto if this Order had not been passed and such mains pipes or works 5 had not been laid over or near or attached to such bridge and the county council shall not make any compensation to the Undertakers for any expense or loss to which the Undertakers may be put in consequence of any such alteration deviation or improvement and in the event of any 10 such bridge or the approaches thereto over or near or attached to which any such mains pipes or works are laid being removed altered widened raised or rebuilt as aforesaid the Undertakers shall at their own cost in all things alter the position of any works by which such mains pipes or 15 works are carried over or near or attached to such bridge or the approaches thereto as aforesaid: Provided that during the removal alteration widening raising or rebuilding of such bridge or the approaches thereto as aforesaid the county council shall at the cost of the Undertakers afford 20 all reasonable facilities for temporarily carrying such mains pipes and works across any stream or river so as not to interrupt the continual supply of gas or to diminish the pressure of such supply through such mains or pipes:

- (7) All works shall be so executed by the Undertakers as not to 25 stop or (so far as reasonably practicable) impede or interfere with the traffic on any main road or over any county or main road bridge or the approaches thereto and the Undertakers shall not break up at any one time a greater length than one hundred yards of any main road: 30
- (8) The Undertakers 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 or main road bridge or the approaches thereto in which the mains pipes or other 35 works of the Undertakers are or may be laid as may be damaged by reason of the traffic being concentrated thereon during the laying alteration and renewal or repair of the said mains pipes or other works:
- (9) Where any mains pipes or other works of the Undertakers 40 are to be laid or constructed beneath the surface of any main road or county or main road bridge the same shall if possible be laid or constructed at such a depth that not less than two feet six inches shall intervene between the

surface of such road or bridge and the upper surface of such mains pipes or works Any difference as to the possibility of so laying or constructing any such mains pipes or works shall be determined by arbitration as herein-
after in this section provided :

A.D. 1910.

*Brownhills
and District.*

- 5 (10) If the Undertakers in the execution of any works in or affecting any such road or bridges as aforesaid shall cause any damage injury or disturbance to such road or bridge and shall neglect or refuse to make good all such damage
10 injury or disturbance in accordance with the provisions of the Gasworks Clauses Act 1847 then it shall be lawful for the county council after fourteen days' notice to the Undertakers of the alleged neglect or refusal and of the works which they propose to execute to do all works
15 reasonably necessary for making good all such damage injury or disturbance and the Undertakers shall repay to the county council all costs charges and expenses which the county council shall reasonably and properly incur in carrying out such works including all reasonable expenses
20 of superintendence :
- (11) The county council shall not except in the case of their negligence be liable for any claim for damages in respect of any injury which may be caused to any mains pipes or
25 other works belonging to the Undertakers through the reasonable and proper use by the county council of any steam roller scarifier or other similar appliance :
- (12) If any difference arises at any time between the county council and the Undertakers touching this section or
30 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 the arbitration of an engineer to be agreed upon between the county council and the Undertakers and
35 failing agreement to be appointed by the Board of Trade on the application of either party and the Arbitration Act 1889 shall apply to the arbitration.

20. In executing the works by this Order authorised 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 (herein-
40 after called "the Midland Company") the Undertakers shall (except so far as it may be otherwise agreed between the Midland Company
and the Undertakers) be subject to the following conditions:—

For pro-
tection of
Midland
Railway
Company.

- (1) All works to be executed by the Undertakers in the exercise of the powers conferred by this Order shall be executed

A.D. 1910.

*Brownhills
and District.*

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 according to plans and drawings to be previously submitted to and reasonably approved by him or in case of difference to and 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 Undertakers of his objections thereto he shall be deemed to have approved thereof: 10

(2) If within fourteen days after the receipt of any such plans and drawings the Midland Company give to the Undertakers notice that they desire themselves to construct so much of the works as will affect cross over or under any railway or work belonging to them the Midland Company may themselves execute such works and recover the reasonable costs thereof from the Undertakers: 15

(3) All works which the Undertakers may execute under this section shall be so constructed as to cause no avoidable injury to the railways works and property of the Midland Company or avoidable interruption to the passage or conduct of traffic over the same and if in consequence of the execution of such works any injury be caused to the said railways works and property or any interruption be caused to the said traffic the Undertakers 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: 20 25

(4) The Undertakers shall bear and on demand pay to the Midland Company the reasonable expense of the employment by that company during the execution of any work affecting their railways of a sufficient number of inspectors watchmen and signalmen to be appointed by that company for watching and signalling the same with reference to and during the execution of any such work of the Undertakers 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 Undertakers or their contractors: 30 35

(5) Any dispute or difference which may arise between the Midland Company and the Undertakers 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 40

Board of Trade on the application of the Midland Company or the Undertakers and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

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Brownhills and District.

21. For the protection of the Brownhills Urban District Council
 5 (in this section called "the council") the provisions contained in the section of this Order the marginal note whereof is "For protection of Staffordshire County Council" shall extend and apply as though the council were expressly referred to in the said section and as if the council were substituted for the county council and the surveyor of
 10 the council for the county surveyor and as if roads or streets and bridges vested in and repairable by the council were respectively substituted for main roads and county bridges.

For protection of Brownhills Urban District Council.

22. The following provisions for the protection of the London and North Western Railway Company (herein-after referred to as
 15 "the railway company") shall be in force and have effect:—

For protection of London and North Western Railway Company.

- In laying down or executing or in effecting the repairs and renewals of any mains pipes or other works upon across over under or in any way affecting the railways lands or property now or hereafter belonging to or used or occupied by the
 20 railway company or the bridges approaches viaducts stations or other works or any level crossings over the railways of the railway company the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the railway company and only according to plans
 25 submitted to and in such manner as shall be previously reasonably approved by him and in all things by and at the expense of the Undertakers who also shall restore and make good the roads over any such bridges level crossings and approaches
 30 which the railway company are or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Undertakers and all such works matters and things shall be constructed executed and done so as not to cause any injury to such railways bridges level crossings
 35 approaches viaducts stations works lands or property or interruption to the passage or conduct of traffic over such railways or at any station thereon And if any such injury or interruption shall arise from or be in any way owing to any of the acts operations matters and things aforesaid or the bursting leakage or failure of any of such mains pipes or works under
 40 or near to any bridge or level crossing the Undertakers shall make compensation in respect thereof to the railway company the amount of such compensation unless agreed upon to be determined by arbitration in the manner herein-after provided:

A.D. 1910.

*Brownhills
and District.*For protec-
tion of Com-
pany of Pro-
prietors of
the Birming-
ham Canal
Navigation.

Any dispute or difference which may arise between the railway company and the Undertakers with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer or other fit person to be appointed by the Board of Trade on the application of the railway company and the Undertakers or either of them. 5

23. For the protection of the Company of Proprietors of the Birmingham Canal Navigation (in this section called "the canal company") the following provisions shall apply:— 10

(1) In the exercise of any of the powers of this Order and the Acts incorporated therewith or any of them relating to the execution of works the Undertakers shall not in any way injure or interfere with any canal reservoir lock aqueduct bridge culvert feeder towing-path embankment work or property of the canal company and shall not in any way impede the navigation of any canal of that company or the traffic to from or along the same or any towing path adjoining thereto without in either case the previous written consent of that company: 15 20

(2) If and whenever the Undertakers shall require to place or alter any pipe or pipes or other work over under through across by the side of or upon any bridge or works belonging to the canal company such work shall be executed to the reasonable satisfaction of the engineer of the canal company and at the expense in all things of the Undertakers who shall also at the like expense and to the like satisfaction make good and repair so much of the roadway or pavement over such bridge or the approaches thereto as may be interfered with by the Undertakers and except by accident or sudden emergency the work shall be executed according to plans previously submitted to and reasonably approved by the engineer of the canal company: 25 30

(3) If and so often as at any time hereafter the canal company shall have occasion to repair raise rebuild or alter any existing bridge aqueduct culvert or work belonging to them upon over under through across or by the side of which any pipe or pipes may be carried or laid by the Undertakers any alteration of such pipe or pipes that may in the opinion of the engineer for the time being of the canal company be necessary for repairing raising rebuilding or altering of any existing bridge aqueduct culvert or work shall be made and the pipe or pipes shall be replaced 35 40

- by and at the expense of the Undertakers but no such repairing raising rebuilding or altering shall be commenced except in cases of emergency until one month after notice of the intention of the canal company in that behalf shall have been given by the canal company to the Undertakers and if the Undertakers fail or neglect to alter such pipe or pipes the engineer for the time being of the canal company may make such alterations thereof as he may consider necessary and the canal company may recover from the Undertakers all expenses of and consequent upon such alteration as or by way of ascertained damages together with costs of suit and the canal company shall not be liable to make compensation for any damage loss or injury occasioned by any alteration of such pipe or pipes:
- 5
- 10
- 15 (4) Except as is herein expressly provided nothing in this Order contained shall prejudice diminish alter or take away any of the rights privileges powers or authorities of or belonging to or vested in the canal company:
- 20 (5) Any dispute or difference which may arise between the canal company and the Undertakers 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 Board of
- 25 Trade on the application of the canal company or the Undertakers and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.
24. Nothing in this Order shall authorise any interference with electric lines and works of any undertakers under the Electric Lighting
- 30 Acts 1882 to 1909 to which the provisions of section 15 of the former Act apply except in accordance with and subject to the provisions of that section.
25. For the protection of the mayor aldermen and burgesses of the borough of Walsall (in this section referred to as "the corporation") the following provisions shall unless otherwise agreed apply
- 35 and have effect (that is to say):—
- Where the exercise of the powers of the Undertakers under this Order will involve the placing of any works in or under any street or part of a street in which any of the tramways for the time being belonging to or under the control of the corporation are situate the following provisions shall have effect unless otherwise agreed between the parties interested:—
- 40
- (A) Twenty-one days before commencing the execution of the works the Undertakers shall serve a notice upon the

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Brownhills
and District.

For protection
of Shropshire
Worcestershire
and Stafford-
shire Electric
Power Com-
pany.

For protec-
tion of cor-
poration of
Walsall.

A.D. 1910.

*Brownhills
and District.*

corporation describing the proposed works together with a plan of the works showing the mode and position in which the works are intended to be executed and placed and shall upon being required to do so by the corporation give them any such further information in relation thereto as they 5 desire ;

(B) Every such notice shall contain a reference to this section and direct the attention of the corporation to the provisions thereof ;

(C) Within fourteen days after the service of any such 10 notice and plan upon the corporation the corporation may if they think fit serve a requisition upon the Undertakers requiring that any question in relation to the works or to any compensation which may be payable in respect thereof and any other question arising upon the notice or plan shall 15 be settled by arbitration and thereupon that question unless settled by agreement shall be determined by arbitration accordingly ;

(D) In settling any question under this section an arbitrator shall have regard to any duties or obligations which the 20 corporation may be under in respect of the tramways and may if he thinks fit require the Undertakers to execute any temporary or other works so as to avoid any interference with the tramways traffic so far as may be possible ;

(E) Where no such requisition as in this section mentioned 25 is served upon the Undertakers or where after any such requisition has been served upon them any question required to be settled by arbitration has been so settled the Undertakers may upon paying or securing any compensation which they may be required to pay or secure cause to be executed 30 the works specified in such notice and plan as aforesaid and may repair renew and amend them (provided that their character and position are not altered) but subject in all respects to the provisions of this Order and only in accordance with the notice and plan so served by them as aforesaid or 35 such modifications thereof respectively as may have been determined by arbitration as herein-before mentioned or as may be agreed upon between the parties ;

(F) All works to be executed by the Undertakers under this section shall be carried out to the reasonable satisfaction 40 of the corporation and the corporation shall have the right by their officers to be present during the execution of the works ;

(g) Where the repair renewal or amendment of any existing works of which the character or position is not altered will involve any interference with any of the tramways under which those works have been placed the Undertakers shall unless it is otherwise agreed between the parties or in cases of emergency give to the corporation not less than twenty-four hours' notice before commencing to effect the repair renewal or amendment and the corporation shall be entitled by their officer to superintend the works and the Undertakers shall conform to such reasonable requirements as may be made by the corporation or that officer;

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Brownhills
and District.

(h) At any time before the Undertakers are entitled to execute the works or to repair renew or amend existing works which will involve alteration of the tramways the corporation may serve notice upon the Undertakers stating that the corporation desire to execute such alterations themselves and thereupon the corporation may execute the alterations at the expense of the Undertakers and such expense shall include any additional cost to which the corporation may be put in consequence of the exercise by the Undertakers of their powers under this Order;

(i) If the Undertakers make default in complying with any of the requirements or restrictions of this section they shall make full compensation to the corporation for any loss or damage which they may incur by reason thereof and in addition thereto the Undertakers shall be liable for each default to a penalty not exceeding five pounds and to a daily penalty not exceeding two pounds. Provided that the Undertakers shall not be subject to any such penalty as afore-said if the court are of opinion that the case was one of emergency, and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances:

Any difference which may arise between the corporation and the Undertakers with reference to the provisions of this section or in any way arising thereout shall be settled by arbitration by an engineer to be appointed in default of agreement by the Board of Trade upon the application of the corporation and the Undertakers or either of them and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

26. If any difference shall arise between the Undertakers and any road authority or railway or other company whose lands or works the
(43) C Differences with road authority or

A.D. 1910. Undertakers have power to cross or otherwise interfere with 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 unless otherwise provided by this Order be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party.

Brownhills and District.
railway or
other com-
pany.

Quality of gas.

Quality of
gas.

27.—(1) The quality of the gas supplied by the Undertakers shall with respect to its illuminating power be such as to produce at the testing place when burned at the rate of five cubic feet per hour a light equal in intensity to the light produced by fourteen sperm candles of six to the pound each consuming one hundred and twenty grains of sperm per hour and shall be in all respects in accordance with the provisions of the Gasworks Clauses Act 1871.

(2) For testing the illuminating power of the gas the burner to be used shall be that known as the Metropolitan Argand No. 2 the photometer shall be the Bar photometer the standard light shall be that supplied by Harcourt's ten-candle pentane lamp and in making the test the burner shall be so used as to obtain from the gas when burned at the rate aforesaid the greatest amount of light. Provided that the Board of Trade may on the application of the Undertakers or the local authority approve the use of any other burner photometer or standard light which may appear to the Board to be equally or more suitable for the testing.

(3) The Undertakers shall within six months of the commencement of this Order provide all the apparatus required by this Order for the testing of gas and shall at all times keep the same in proper order and repair.

Pressure of Gas.

Pressure of
gas.

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

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

Testing Gas.

A.D. 1910.

29. For the purposes of the Gasworks Clauses Act 1871 the prescribed testing place shall be a testing place provided by the Undertakers at their works within six months of the commencement of this Order.

*Brownhills
and District.
Testing
place.*

Price of Gas.

30. The price to be charged by the Undertakers for gas supplied by them shall not exceed four shillings and sixpence per thousand cubic feet and so 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 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 four shillings and sixpence 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.

Price of gas.

Miscellaneous.

31. 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 which it is proved that such insufficiency defect or excess was produced by any circumstance beyond the control of the Undertakers. Provided that the want of sufficient funds shall not be held to be a circumstance beyond the control of the Undertakers.

No penalty
in case of
unavoidable
cause.

32. Where any money is required to be 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.

Undertakers
to pay inter-
est on de-
posit.

- A.D. 1910. *Brownhills and District.* 33. In the event of any meter used by a consumer being tested in manner provided by the Sale of Gas Act 1859 and being proved to register erroneously within the meaning of the said Act such erroneous registration shall be deemed to have first arisen during the last preceding quarter of the year unless it be proved to have first arisen during the current quarter The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Undertakers shall be paid by or to the Undertakers to or by the consumer as the case may be and shall be recoverable in like manner as gas rents are recoverable by the Undertakers. 5 10
- Period of error in defective meters.
- Power to refuse to supply persons in debt for other property. 34. If a person requiring a supply of gas from the Undertakers has previously quitted premises at which gas was supplied to him by them without paying to them all gas or meter rent or other moneys due from him to the Undertakers they may refuse to furnish to him a supply of gas until he pay the same. 15
- Gas consumers to give notice to Undertakers before removing. 35. At least twenty-four hours' notice in writing shall be given to the Undertakers by every gas consumer before he shall quit any premises supplied with gas by meter by the Undertakers and in default of such notice the consumer so quitting shall be liable to pay to the Undertakers 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 Undertakers to supply gas to such premises whichever shall first occur Provided that notice of the provisions of this section shall be endorsed upon every demand note for gas rent payable to the Undertakers. 20 25
- Anti-fluctuators for gas engines. 36. Every consumer of gas supplied by the Undertakers who uses a gas-engine shall if required to do so by the Undertakers use an anti-fluctuator and shall at all times at his own expense keep such anti-fluctuator in proper order and if any consumer shall make default in complying with the provisions of this section the Undertakers may cease to supply him with gas The Undertakers shall have access to and be at liberty to take off remove test inspect and replace any such anti-fluctuator at all reasonable times such taking off removal testing inspecting and replacing to be done at the expense of the Undertakers if the anti-fluctuator be found in proper order but otherwise at the expense of such consumer. 30 35
- Notice of discontinuance. 37. A notice to the Undertakers from a consumer for the discontinuance of a supply of gas shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office for the time being of the Undertakers. 40

38. Section 140 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.

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Brownhills and District.
8 & 9 Vict.
c. 16 s. 140
incorporated.

5 39. Notwithstanding anything contained in section 35 of the Gasworks Clauses Act 1871 the annual statement of accounts of the Undertakers shall be made up to the first day of April in each year and forwarded to the local authority within the limits of supply on or before the first day of July next following and the said section 10 shall for the purposes of this Order be read and construed as though in lieu of the thirty-first day of December and the twenty-fifth day of March being named therein the first day of April and the first day of July had been so named.

Time for making up and forwarding accounts to local authorities.

40. The Undertakers may but only with the consent in writing of the owner of such street on the application of the owner or occupier of any premises within the limits of supply of the Undertakers abutting on or being erected in any street laid out but not dedicated to public use supply such premises with gas and may lay down take up alter relay and renew in across or along such street such pipes and apparatus as may be requisite or proper for furnishing such supply.

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

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

Costs of Order.

25

SCHEDULES.

SCHEDULE A.

GAS LANDS.

A piece or parcel of land situate at Walsall Wood in the urban district of Brownhills in the county of Stafford owned by the Undertakers and upon which their existing gasworks are constructed containing by admeasurement 1 acre and 10 perches or thereabouts bounded on the north-west by land belonging to or reputed to belong to Thomas Woodhouse on the south-east by land belonging to or reputed to belong to William Woodhouse and John Edwards on the north-east by land belonging to or reputed to belong to John Caulton and on the south-west by the Wyrley and Essington branch of the Birmingham Canal Navigation.

35

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SCHEDULE B.

*Brownhills
and District.*

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 5 be read and construed subject to the modifications following:—

Sections 30
to 34 of Gas-
worksClauses
Act 1847 to
cease to be
incorporated.

- (1) Sections 30 to 34 (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 35 of 10 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 15 sum which under the provisions of this schedule might lawfully be carried to the special purposes fund:

Price of gas
with sliding
scale as to
dividend.

- (2) 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 20 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 25 dividend payable by the Undertakers on the ordinary capital of the Undertakers 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 30 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 rates of dividend by three shillings and sixpence on every one hundred pounds of ordinary paid-up capital with a seven 35 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 charged by the Undertakers shall have been one penny or more below the standard price the dividend 40 payable by the Undertakers may in respect of each penny by which the standard price has been reduced be

increased above the standard rates by three shillings and sixpence on every one hundred pounds of ordinary paid-up capital with a seven per centum standard rate of dividend and so in proportion for any fraction of one hundred pounds:

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*Brownhills
and District.*

5

(3)—(i) The directors of the Undertakers may if they think fit in any year appropriate out of the revenue of the Undertakers 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 Undertakers including premiums to a fund to be called "the special purposes fund";

Power to
create a spe-
cial purposes
fund.

10

(ii) The special purposes fund shall be applicable only to meet such charges as a chartered accountant or incorporated accountant being the auditor of the Undertakers or appointed for the purpose by the Board of Trade shall approve as being—

15

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

20

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

25

(iii) 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 Undertakers including premiums;

30

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

35

(v) 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:

40

(4) If the clear profits of the undertaking of the Undertakers in any year amount to a larger sum than is sufficient to pay the dividend on the preference capital and the dividend at the authorised rate on the ordinary capital of the Undertakers the excess shall be carried to the credit of the divisible profits of such undertaking for the next following year:

Application
of excess of
profits over
authorised
rates of
dividend.

A.D. 1910.

*Brownhills
and District.*Power to
create a re-
serve fund
and applica-
tion thereof.

Provided that the sum so carried forward shall not in any case exceed the amount required to pay one year's dividend at the authorised rate:

- (5) Where in any year the dividend of the Undertakers on the ordinary share capital or stock of the Undertakers shall exceed the standard rate 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 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 interests 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 dividend at the authorised rate on the ordinary capital of the Undertakers 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:

Saving of
existing
contracts.

- (6) 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.

BUILTH WELLS GAS.

Builth Wells. Order empowering the Builth Gas and Coke Company Limited to maintain and continue gasworks and to manufacture and supply gas within the Urban District of Builth Wells and the parishes of Llanddewir Cwm and Rhosferig in the county of Brecknock and the parish of Llanellwedd in the county of Radnor and for other purposes.

Short title.

Commence-
ment of
Order.

1. This Order may be cited as the Builth Wells Gas Order 1910.
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."

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 or are inconsistent with this Order) Provided that section 13 of the Gasworks Clauses Act 1847 shall be read as if the words "or any premises" were inserted after the words "private building" and as if the words "Provided also that every such contract entered into by the company shall be alike in terms and amount under like circumstances to all consumers" were added at the end of that section 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.

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Builth Wells.
Incorporation
of Acts.

4. In this Order the expression "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 in this Order the same respective meanings unless there be something in the subject or context repugnant to such construction 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.

Interpreta-
tion.

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 urban district of Builth Wells and the parishes of Llanddewir Cwm and Rhosferig in the county of Brecknock and the parish of Llanellwedd in the county of Radnor.

Limits of
supply.

35 *Undertakers.*

6. The Builth Gas and Coke Company Limited and their lessees as herein-after specified shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Undertakers.

Provided always that the Undertakers may with the consent of the Board of Trade by lease demise the undertaking to Samuel George Tulk of the Gas Works Builth in the county of Brecon for such term of years and subject to such covenants conditions stipulations restrictions and provisions as the Board of Trade may require Provided also that

A.D. 1910. (except for the purposes of the powers conferred by sections 7 to 12 inclusive and section 32 of this Order as to which the Builth Gas and Coke Company Limited shall be the Undertakers) from the date of such lease and during the currency thereof the lessee shall be the Undertakers for the purposes of this Order in lieu of the Builth Gas and Coke Company Limited but no such lease shall have any validity or effect until after the approval thereof by the Board of Trade shall have been signified in writing by a secretary or assistant secretary of the said Board.

Builth Wells.

Capital.

Capital.

7. The share capital of the Undertakers for the purposes of the undertaking shall not exceed seven thousand five hundred pounds consisting of the share capital of two thousand five hundred and thirty-five pounds already raised by the Undertakers (in this Order referred to as "the original capital") and of additional capital (in this Order referred to as "the additional capital") to be issued subject to this Order not exceeding four thousand nine hundred and sixty-five pounds including any premium which may be obtained on the sale of any shares or stock under the provisions of this Order unless the Undertakers are hereafter authorised to raise for such purposes further additional capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

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

8.—(1) All shares or stock forming part of the additional capital shall be issued in accordance with the provisions of this section.

(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 Undertakers shall by special resolution determine Provided as follows:—

(A) Notice of the intended sale shall be given in writing to the clerk of every local authority 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 directors of the Undertakers 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: A.D. 1910.
Builth Wells.
- (d) In the case of a sale by tender no preference shall be given to one of two or more persons tendering the same sum. 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 Undertakers within three months 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 been so offered for sale and are not sold may be offered at the reserve price to the holders of the ordinary shares or stock of the Undertakers in manner prescribed by a resolution passed by the directors of the Undertakers and to the employees of the Undertakers and to the consumers of gas supplied by the Undertakers in such proportions as the directors of the Undertakers may think fit or to one or more of these classes of persons only. Provided in the case of an offer to holders of shares or stock that if the aggregate amount of shares or stock applied for shall exceed the aggregate amount so offered as aforesaid the same shall be allotted to and distributed amongst the applicants as nearly as may be in proportion to the amounts applied for by them respectively.
- (4) Any shares or stock which have been offered in accordance with the foregoing provisions of this section and are not sold shall be again offered for sale by public auction or by tender in accordance with the provisions of this section and any such shares or stock then remaining unsold may be otherwise disposed of at such price and in such manner as the directors may determine for the purpose of realising the best price obtainable.
- (5) As soon as possible after the conclusion of the sale or sales the Undertakers shall send a report thereof to the Board of Trade stating the total amount of the shares or stock sold the total amount obtained as premium (if any) and the highest and lowest prices obtained for the shares or stock as the case may be.
9. All money raised under this Order including any premiums shall be applied only to purposes to which capital is properly applicable and any sum of money which may arise from the issue of any shares or stock under the provisions of this Order by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as part of the capital of the Undertakers entitled to dividend. Application
of money.
10. Except as by this Order expressly provided the Undertakers shall not in any year declare out of their profits any larger dividends Limit of
dividend.

A.D. 1910. on their capital than at the following rates namely ten pounds in
Builth Wells. respect of every one hundred pounds of the original capital and seven
pounds in respect of every one hundred pounds actually paid up of so
much of the additional capital as may be issued as ordinary capital
and five pounds in respect of every one hundred pounds actually paid 5
up of so much of the additional capital as may be issued as preference
capital unless a larger dividend be at any time necessary to make up
the deficiency of any previous dividend upon the ordinary capital which
shall have fallen short of the said yearly rate.

Limit of
borrowing
powers.

11. So long as the share capital of the Undertakers actually raised 10
by the issue of shares or stock including premiums does not exceed
three thousand pounds the amount of all moneys borrowed by the
Undertakers and secured by mortgage of the undertaking shall not
be increased In the event of the share capital being increased to an
amount exceeding three thousand pounds as aforesaid the amount of 15
all moneys borrowed by the Undertakers and secured by mortgage of
the undertaking shall not at any time exceed in the whole one-third
of the amount of the capital of the Undertakers for the purposes of
the undertaking actually raised by the issue of shares or stock including
any premium that may be obtained on the sale of any shares or stock 20
under the provisions of this Order 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. 25

Lands and Works.

Power to pur-
chase addi-
tional lands.

12. The Undertakers may for the purposes of the undertaking
purchase take on lease or acquire (by agreement but not otherwise)
and hold in addition to the lands described in Schedule A to this
Order any lands which they may require Provided that they shall 30
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 they shall not create or permit a nuisance on any such lands
and that no lands shall be used by the Undertakers for the purposes
of manufacturing gas or residual products or of storing gas except 35
the lands described in the said schedule.

Power to
maintain and
continue gas-
works.

13. The Undertakers may upon the lands described in Schedule A
to this Order maintain and continue alter enlarge extend improve renew
or discontinue their existing gasworks and works connected therewith
for the manufacture distribution storage conversion and sale of gas and 40
of residual products arising in or resulting or producible from or used
in the manufacture of gas and matters producible therefrom and they
may subject to the provisions of this Order manufacture and store gas

on such lands or some part or parts thereof and supply and sell the same within the limits of supply and may on the same lands make convert and store residual products as aforesaid and may sell and dispose of the same at the works and elsewhere and they may also
 5 construct and maintain alter enlarge renew or discontinue houses offices buildings and other works connected with the undertaking.

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Builth Wells.

14. The following provisions for the protection of the London and North Western Railway Company (herein-after referred to as "the railway company") shall be in force and have effect:—

For the protection of the London and North Western Railway Company.

- 10 In laying down or executing or in effecting the repairs and renewals of any mains pipes or other works upon across over under or in any way affecting the railways lands or property now or hereafter belonging to or used or occupied by the railway company or the bridges approaches viaducts stations or
 15 other works or any level crossings over the railways of the railway company the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the railway company and only according to plans to be submitted to and in such manner as shall be previously
 20 reasonably approved by him and in all things by and at the expense of the Undertakers who also shall also restore and make good the roads over any such bridges level crossings and approaches which the railway company are or may be liable to maintain and which may be disturbed or interfered with by or
 25 owing to any operations of the Undertakers and all such works matters and things shall be constructed executed and done so as not to cause any injury to such railways bridges level crossing approaches viaducts stations works lands or property or interruption to the passage or conduct of traffic over such
 30 railways or at any station thereon And if any such injury or interruption shall arise from or be in any way owing to any of the acts operations matters and things aforesaid or the bursting leakage or failure of any such mains pipes or works under or near to any bridge or level crossing the Undertakers shall make
 35 compensation in respect thereof to the said railway company the amount of such compensation unless agreed upon to be determined by arbitration in the manner herein-after provided:

- Any dispute or difference which may arise between the railway company and the Undertakers with reference to the provisions
 40 of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer or other fit person to be appointed by the Board of Trade on the application of the railway company and the Undertakers or either of them.

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 Difference
 with railway
 and other
 companies.

15. If any difference arise between the Undertakers and any road authority or any 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 any road under the jurisdiction of such road authority or 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 as arbitrator at the request of either party.

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 Undertakers at their gasworks within six months of the commencement of this Order.

Pressure of Gas.

Pressure of
 gas.

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

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

Quality of Gas.

Quality of
 gas.

18.—(1) The quality of the gas supplied by the Undertakers shall with respect to its illuminating power be such as to produce at the testing place when burned at the rate of five cubic feet per hour a light equal in intensity to the light produced by fourteen sperm candles of six to the pound each consuming one hundred and twenty grains of sperm per hour and shall be in all respects in accordance with the provisions of the Gasworks Clauses Act 1871.

(2) For testing the illuminating power of the gas the burner to be used shall be that known as the Metropolitan Argand No. 2 the photometer shall be the Bar photometer the standard light shall be that supplied by Harcourt's ten-candle pentane lamp and in making the test the burner shall be so used as to obtain from the gas when burned at the rate aforesaid the greatest amount of light Provided that the Board of Trade may on the application of the Undertakers or the local authority approve the use of any other burner photometer or standard light which may appear to the Board to be equally or more suitable for the testing.

[10 EDW. 7.] *Gas Orders Confirmation (No. 1).*

31

(3) The Undertakers shall within six months of the commencement of this Order provide at their works a testing place and all the apparatus required by this Order for the testing of gas and shall at all times keep the same in proper order and repair.

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Builth Wells.

5

Price of Gas.

19.—(1) The price to be charged by the Undertakers for gas supplied by them shall not exceed five shillings and sixpence per thousand cubic feet and so in proportion for any less quantity supplied.

Price of gas.

10 (2) 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 five shillings
15 and sixpence 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 provisions set forth in Schedule B to this Order shall be in force and have effect and this Order shall be read and construed accordingly.

20 (3) A copy of any 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.

Miscellaneous.

25 20. The Undertakers may but only with the consent in writing of the owner of the soil of such street or road on the application of the owner or occupier of any premises within the limits of supply abutting on or being erected in any street laid out but not dedicated to public use supply such premises with gas and may lay down take
30 up alter or renew in across or along such street such pipes and apparatus as may be requisite or proper for furnishing such supply.

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

21. 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
35 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.

Undertakers to pay interest on deposit.

40 22.—(1) The Undertakers may sell let for hire fix repair and remove but shall not manufacture engines stoves ranges pipes and

Power to supply gas fittings.

A.D. 1910. other fittings (in this section called "fittings") for lighting for motive
Built Wells. power for the warming and ventilating of houses and buildings for
 Fittings not the cooking of food and for all other purposes for which gas can or
 to be subject may be used and may provide all materials and work necessary or
 to distress. proper in that behalf and with respect thereto may demand and take 5
 such remuneration or such rents and charges and make such terms
 and conditions as may be agreed upon.

(2) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under process of any court or any 10 proceedings in bankruptcy against the person in whose possession the same may be. Provided that such fittings are marked or impressed with a sufficient mark or brand indicating the Undertakers as the actual owners thereof.

Gas engines &c. of the Undertakers let on hire though fixed to premises to remain the property of the Undertakers. 23.—(1) All gas engines apparatus fittings and appliances let by 15 the Undertakers on hire shall notwithstanding that they be fixed or fastened to any part of any such 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 Undertakers. Provided that such gas engines apparatus fittings and appliances have upon 20 them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other marks conspicuously impressed or made thereon sufficiently indicating the Undertakers as the actual owners thereof.

(2) Nothing in this section shall affect the amount of assessment 25 for rating of any premises upon which any gas engines apparatus fittings and appliances are or shall be fixed.

Anti-fluctuators for gas engines. 24.—(1) Every consumer of gas supplied by the Undertakers who uses a gas engine shall if required to do so by the Undertakers use an anti-fluctuator and shall at all times at his own expense keep 30 such anti-fluctuator in proper order and if any consumer shall make default in complying with the provisions of this section the Undertakers may cease to supply him with gas.

(2) The Undertakers shall have access to and be at liberty to take off remove test inspect and replace any such anti-fluctuator at 35 all reasonable times such taking off removal testing inspecting and replacing to be done at the expense of the Undertakers if the anti-fluctuator be found in proper order but otherwise at the expense of such consumer.

Power to take licences for patents &c. 25. The Undertakers may subject to the provisions of this Order 40 (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 acquire 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 storage supply utilisation or distribution of gas or the conversion
 5 manufacture or utilisation of any products obtainable in or arising from such manufacture or from the materials used therein.

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26.—(1) At least twenty-four hours' notice in writing shall be given to the Undertakers by every gas consumer before he shall quit any premises supplied with gas by meter by the Undertakers and in
 10 default of such notice the consumer so quitting shall be liable to pay to the Undertakers 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 Undertakers to supply gas to such
 15 premises whichever shall first occur.

Gas consumers to give notice to Undertakers before removing.

(2) Notice of the effect of this enactment shall be endorsed on every demand note for gas rent.

27. A notice to the Undertakers from a consumer for the discontinuance of a supply of gas shall not be of any effect unless it be
 20 in writing signed by or on behalf of the consumer and be left at or sent by post to the office for the time being of the Undertakers.

Notice of discontinuance.

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

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

29.—(1) In the event of any meter used by a consumer of gas being tested in manner provided by the Sale of Gas Act 1859 and being proved to register erroneously within the meaning of the said
 30 Act such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter.

Period of error in defective meters.

(2) The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Undertakers shall be
 35 paid by or to the Undertakers to or by the consumer as the case may be and shall be recoverable in the like manner as gas rents are recoverable by the Undertakers.

30. No penalty shall be incurred by the Undertakers for insufficiency of pressure defect of illuminating power or excess of impurity in the
 40 gas supplied by them in any case in respect of which it is proved that such insufficiency defect or excess was caused by circumstances beyond the control of the Undertakers Provided that the want of

No penalty in case of unavoidable cause.

A.D. 1910. sufficient funds shall not be held to be a circumstance beyond the Undertakers' control.

Builth Wells.

Undertakers may contract with local authority and others for supply in bulk.

31. The Undertakers may enter into and carry into effect contracts with any local authority company or persons supplying gas under parliamentary powers in any district adjacent to the limits of supply for the supply to them respectively of gas in bulk upon such terms and conditions and for such periods not exceeding in any case seven years from the making of the contract as may be agreed upon but nothing in this section shall authorise the Undertakers to lay any mains or interfere with any street beyond the limits of supply. 5 10

Power to erect &c. cottages for officers and servants.

32. The Undertakers may on any land for the time being belonging or leased to them erect fit up maintain and let houses cottages and buildings for the officers and servants employed by the Undertakers for the purposes of their undertaking.

8 Vict. c. 16. s. 140 incorporated.

33. Section 140 (Proofs of debts in bankruptcy) of the Companies 15
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.

Costs of Order.

34. All the costs charges and expenses of and incidental to the 20
applying for preparing obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Undertakers.

SCHEDULES.

SCHEDULE A.

GAS LANDS.

25

A piece of land situate partly in the urban district of Builth Wells and partly in the parish of Llanddewir Cwm in the county of Brecknock in the occupation of the Undertakers containing by admeasurement one thousand five hundred and fifty-four superficial square yards or thereabouts bounded on the north by land belonging or reputed to belong to the Honourable Joseph Russell Baron Glanusk and in the occupation of the executors of Thomas Powell deceased on the east by Oaklands Road on the south by Castle Road and on the west by lands belonging or reputed to belong to Marmaduke George Howell and Samuel George Tulk and in the occupation of William Henry Weatherley 30
and Thomas Percival Morris respectively. 35

SCHEDULE B.

A.D. 1910.

Builth Wells.

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

- (1) Sections 30 to 34 (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 35 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 special purposes fund:
- (2) 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 capital of the Undertakers 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 rates of dividend by five shillings on every one hundred pounds of ordinary paid-up capital with a ten per centum standard rate of dividend and by three shillings and sixpence on every one hundred pounds of ordinary paid-up

Sections 30
to 34 of Gas-
works Clauses
Act 1847 to
cease to be
incorporated.

Price of gas
with sliding
scale as to
dividend.

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Builth Wells.

capital with a seven 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 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 rates by five shillings on every one hundred pounds of ordinary paid-up capital with a ten per centum standard rate of dividend and by three shillings and sixpence on every one hundred pounds of ordinary paid-up capital with a seven per centum standard rate of dividend and so in proportion for any fraction of one hundred pounds:

Power to
 create a spe-
 cial purposes
 fund.

- (3) The directors of the Undertakers may if they think fit in any year appropriate out of the revenue of the Undertakers 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 Undertakers including premiums to a fund to be called "the special purposes fund";

The special purposes fund shall be applicable only to meet such charges as a chartered accountant or incorporated accountant being the auditor of the Undertakers or 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;

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 Undertakers including premiums;

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

Resort may from time to time be had to the special A.D. 1910.
purposes fund notwithstanding that the sum standing to *Builth Wells.*
the credit of the fund is for the time being less than the
maximum allowed by this section :

- 5 (4) If the clear profits of the undertaking of the Undertakers in any year amount to a larger sum than is sufficient to pay the dividend at the authorised rate on the ordinary capital of the Undertakers the excess shall be carried to the credit of the divisible profits of such undertaking for the next
10 following year :
- Provided that the sum so carried forward shall not in any case exceed the amount required to pay one years' dividend at the authorised rate :
- 15 (5) When in any year the dividends on the ordinary share capital or stock of the Undertakers exceed the standard rate 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 dividends 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
20 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 dividend at the authorised rates on the ordinary capital of the Undertakers and save as by this schedule specially provided no sum shall in respect of the undertaking in any year be carried
25 by the Undertakers to any reserve fund :
- 30 (6) 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
35 Undertakers.
- 40

Application of excess of profits over authorised rates of dividend.

Power to create a reserve fund and application thereof.

Saving of existing contracts.

A.D. 1910.

CHERTSEY GAS.

Chertsey. Order empowering the Chertsey Gas Consumers' Company Limited to raise additional capital and for other purposes.

Short and
collective
titles.

1. This Order may be cited as the Chertsey Gas Order 1910 and the Chertsey Gas Consumers' Company Limited Act 1864 the Chertsey Gas Order 1886 (in this Order referred to as "the Order of 1886") and this Order may be cited together as the Chertsey Gas Act and Orders 1864 to 1910. 5

Commence-
ment.

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." 10

Incorporation
of Acts.

3. The provisions of the Gasworks Clauses Act 1847 and the Gasworks Clauses Act 1871 are hereby (except where the same are expressly varied by the Chertsey Gas Act and Orders 1864 to 1910) incorporated with and form part of this Order. Provided that for the purposes of its incorporation with the Chertsey Gas Act and Orders 1864 to 1910 section 13 of the Gasworks Clauses Act 1847 shall be read as if the words "or any premises" were inserted after the words "private building" and as if the words "Provided also that every such contract entered into by the Undertakers shall be alike in terms and amount under like circumstances to all consumers" were added at the end of that section. 15 20

Interpreta-
tion.

4. 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 unless there be something in the subject or context repugnant to such construction and in the construction of this Order or of any such Act for the purposes of this Order the expression "the undertaking" means the undertaking authorised by the Chertsey Gas Act and Orders 1864 to 1910. 25 30

Undertakers.

Undertakers.

5. The Chertsey Gas Consumers' Company Limited shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

New Capital.

New capital.

6. The limitation prescribed by the Order of 1886 with respect to the amount of the share capital of the Undertakers for the purposes of the undertaking shall not prevent the Undertakers from raising for such purposes further share capital (in this Order referred to as "the 35

new capital") not exceeding fifteen thousand pounds including any premium that may be obtained on the sale of any shares under the provisions of this Order. Provided that the share capital of the Undertakers for the purposes of their undertaking shall not exceed
 5 in the whole thirty-five thousand pounds unless the Undertakers are hereafter authorised to raise further share capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

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Chertsey.

7.—(1) All shares or stock forming part of the new capital shall
 10 be issued in accordance with the provisions of this section.

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

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

15 (A) Notice of the intended sale shall be given in writing to the clerk of the urban district council of Chertsey and to the secretary of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for
 20 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 directors of the Undertakers in a sealed letter to
 25 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
 30 nominal value than one hundred pounds:

(D) In the case of a sale by tender no preference shall be given to one of two or more persons tendering the same sum. In the case of a sale by auction a bid shall not be recognised unless it is in advance of the last preceding bid:

35 (E) It shall be one of the conditions of sale that the total sum payable by the purchaser shall be paid to the Undertakers within three months 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 been so offered for sale and
 40 are not sold may be offered at the reserve price to the holders of ordinary and preference shares or stock of the Undertakers in such manner as may be prescribed in a resolution passed by the directors of the Undertakers and to the employees of the Undertakers and to the

A.D. 1910. consumers of gas supplied by the Undertakers in such proportions as the directors of the Undertakers may think fit or to one or more of these classes of persons only Provided in the case of an offer to holders of shares or stock that if the aggregate amount of shares or stock applied for shall exceed the aggregate amount so offered as
Chertsey. 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. 5

(4) Any shares or stock which have been offered for sale in accordance with the foregoing provisions of this Order and are not sold shall be again offered for sale by public auction or by tender in accordance with the provisions of this section and any such shares or stock then remaining unsold may be otherwise disposed of at such price and in such manner as the directors may determine for the purpose of realising the best price obtainable. 10 15

(5) As soon as possible after the conclusion of the sale or sales the Undertakers shall send a report thereof to the Board of Trade stating the total amount of the shares or stock sold the total amount obtained as premium (if any) and the highest and lowest prices obtained for the shares or stock as the case may be. 20

Application of premium arising on sale of shares or stock.

8. All money raised under this Order including any premiums shall be applied only to purposes to which capital is properly applicable and any sum of money which may arise from the issue of any shares or stock under the provisions of this Order by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as part of the capital of the Undertakers entitled to dividend. 25

Limits of dividend on new capital.

9. Except as by section 21 of the Order of 1886 expressly provided the Undertakers shall not in any year declare or make out of their profits any larger dividends on the new capital by this Order authorised to be raised than seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital and five pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as preference capital. 30 35

Dividends on different classes of shares or stock to be paid rateably.

10. In case in any year or in any half-year (if the Undertakers declare a dividend half-yearly) the net revenues of the Undertakers applicable to dividend are insufficient to pay the full amount of the prescribed rates on each class of ordinary shares or stock in the capital of the Undertakers a proportionate reduction shall be made in the dividend of each such class. 40

Limit of borrowing powers.

11. Notwithstanding anything contained in section 15 (Borrowing powers) of the Order of 1886 the Undertakers may borrow on mort-

- gage of their undertaking in addition to the sum they are already empowered to borrow any sum of money not exceeding one third of the amount of the new capital at the time actually raised by the issue of shares or stock including any premium that may be obtained on the sale of any shares or stock under the provisions of this Order 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.
- 12.—(1) The directors of the Undertakers may if they think fit in any year appropriate out of the revenue of the Undertakers 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 Undertakers (including premiums) to a fund to be called the "special purposes fund."
- (2) The special purposes fund shall be applicable only to meet such charges as a chartered accountant or incorporated accountant being the auditor of the Undertakers or 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 Undertakers including premiums.
- (4) The moneys forming the special purposes fund or any portion thereof may be invested in securities in which trustees are authorised by law to invest or may be applied for the general purposes of the Undertakers 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 standing to the credit of the insurance fund of the Undertakers at the commencement of this Order shall be credited to the special purposes fund and sections 16 and 17 of the Order of 1886 are hereby repealed.
13. If the clear profits of the undertaking of the Undertakers in any year amount to a larger sum than is sufficient to pay the dividend on the preference capital and the dividends at the authorised rates on

A.D. 1910.

Chertsey.

Power to
create a spe-
cial purposes
fund.Application
of excess of
profits.

A.D. 1910. the ordinary capital of the Undertakers the excess shall be carried to
 Chertsey. the credit of the divisible profits of the undertaking for the next
 following year :

Provided that the sum standing to the credit of such divisible
 profits shall not at any time exceed the amount required to pay one 5
 year's dividend at the authorised rate on the preference and ordinary
 capital of the Undertakers.

Testing and Pressure.

Testing for
 quality.

14.—(1) As from the first quarter-day after the commencement of
 this Order sections 22 and 23 of the Order of 1886 shall be repealed 10
 and in lieu thereof the following provisions shall be in force and have
 effect (that is to say) :—

(A) For testing the illuminating power of the gas the burner to
 be used shall be that known as the Metropolitan Argand
 No. 2 the photometer shall be the Bar photometer the 15
 standard light shall be that supplied by Harcourt's ten-
 candle pentane lamp and in making the test the burner
 shall be so used as to obtain from the gas when burned
 at the rate aforesaid the greatest amount of light Provided
 that the Board of Trade may on the application of the 20
 Undertakers or the local authority approve the use of any
 other burner photometer or standard light which may
 appear to the Board to be equally or more suitable for
 the testing :

(B) The Undertakers shall before the first quarter-day after the 25
 commencement of this Order provide all the apparatus
 required by this Order for the testing of gas and shall at
 all times keep the same in proper order and repair.

Pressure.

(2)—(A) All gas supplied by the Undertakers to any consumer of
 gas shall be supplied at such pressure as to balance a column of 30
 water not less than eight-tenths of one inch in height at the main or
 as near as may be to the junction therewith of the service pipe
 supplying the consumer.

(B) Any gas examiner appointed under the Gasworks Clauses Act
 1871 may for the purposes of this Order subject to the terms of his 35
 appointment at the testing place or at any public lamp as and when
 he thinks fit test the pressure at which the gas is supplied The
 Undertakers shall afford to the examiner all reasonable facilities for
 making the test.

Testing
 place.

(3) For the purposes of the Gasworks Clauses Act 1871 the 40
 prescribed testing place shall be the testing place which shall be
 provided and maintained by the Undertakers at their works.

Miscellaneous.

15. The Undertakers may contract with any local authority company or persons authorised to supply gas under parliamentary powers in any district adjacent to the Undertakers' limits of supply for the supply to them respectively of gas in bulk upon such terms and conditions and for such periods not exceeding in any case seven years from the making of the contract as may be agreed upon but nothing in this section shall authorise the Undertakers to lay any mains or interfere with any street beyond their limits of supply.
16. In order to enable the Undertakers to ensure a satisfactory supply of gas to their consumers the following provisions shall have effect:—
- (1) The Undertakers may specify the size and material of the pipes with the fittings thereof which are to be laid by the consumer either in the first instance or on the occasion of any renewal between the Undertakers' mains and the meter and (so far as the same are intended to be covered over) on the consumer's premises:
 - (2) The Undertakers 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 once in each of two newspapers circulating within the limits of supply and a copy thereof shall be kept exhibited in the office of the Undertakers:
 - (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 Undertakers' main but within the outside 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 Undertakers and the pipe shall not be covered over until after the expiration of twenty-four hours from the service of such notice on the Undertakers. Any officer of the Undertakers 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 Undertakers' specification

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Chertsey.
Undertakers
may contract
with local
authority and
others for
supply in bulk.

As to con-
struction and
placing of
pipes &c. be-
tween mains
and meters.

A.D. 1910.

Chertsey.

or if the meter is not placed as required by this section the Undertakers may refuse to supply gas to the premises until the provisions of this section have been complied with :

- (6) Any person to whom the Undertakers refuse a supply of gas 5
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 Undertakers' specification make
such order as seems to them proper in the circumstances 10
and may order by which of the parties the costs of and
incident to the appeal shall be paid.

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

17. The Undertakers may but only with the consent of the owner
of the soil of such street or road upon the application of the owner or
occupier of any premises abutting on or being erected in any street or 15
road laid out or made but not dedicated to public use supply such
premises with gas and may lay and take up alter re-lay or renew in
across or along such street or road such pipes and apparatus as may
be requisite or proper for furnishing such supply.

Power to
supply gas
fittings.
Fittings not
to be subject
to distress.

18.—(1) The Undertakers may sell let for hire fix repair and 20
remove but shall not manufacture engines stoves ranges pipes and
other fittings for lighting for motive power for the warming and
ventilating of houses and buildings for the cooking of food and for
all other purposes for which gas can or may be used and may provide
all materials and work necessary or proper in that behalf and with 25
respect thereto may demand and take such remuneration or rents and
charges and make such terms and conditions as may be agreed upon.

(2) Any fittings let for hire under the provisions of this section
shall not be subject to distress or to the landlord's remedy for rent
or be liable to be taken in execution under process of any court or 30
proceedings in bankruptcy against the person in whose possession the
same may be Provided that such fittings are marked or impressed
with a sufficient mark or brand indicating the Undertakers as the
actual owners thereof.

Anti-fluctua-
tors for gas
engines.

19. Every consumer of gas supplied by the Undertakers who uses 35
a gas engine shall if required to do so by the Undertakers use an
anti-fluctuator and shall at all times at his own expense keep such
anti-fluctuator in proper order and if any consumer shall make default
in complying with the provisions of this section the Undertakers may
cease to supply him with gas The Undertakers shall have access to 40
and be at liberty to take off remove test inspect and replace any such
anti-fluctuator at all reasonable times such taking off removal testing

inspecting and replacing to be done at the expense of the Undertakers if the anti-fluctuator be found in proper order but otherwise at the expense of such consumer. A.D. 1910.
Chertsey.

20. 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 acquire 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 storage supply utilisation or distribution of gas or the conversion manufacture or utilisation of any products obtainable in or arising from such manufacture or from the materials used therein. Power to take
licences for
patents &c.

21. At least twenty-four hours' notice in writing shall be given to the Undertakers by every consumer of gas supplied by the Undertakers before he shall quit any premises supplied with gas by meter by the Undertakers and in default of such notice the consumer so quitting shall be liable to pay to the Undertakers 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 Undertakers to supply gas to such premises whichever shall first occur Notice of the effect of this enactment shall be endorsed upon every demand note for gas charges payable to the Undertakers. Gas consumers to
give notice
to Undertakers before
removing.

22. A notice to the Undertakers from a consumer for the discontinuance of a supply of gas shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office for the time being of the Undertakers. Notice to
discontinue
supply of gas.

23. The power to enter premises and to remove pipes meters fittings or apparatus conferred upon the Undertakers 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 Undertakers shall not require to take a supply of gas from the Undertakers or to hire from the Undertakers all or any of the pipes meters fittings or apparatus belonging to the Undertakers and let by them on hire to any former occupier of such premises. Power to
enter pre-
mises and
remove
fittings.

24. If a person requiring a supply of gas from the Undertakers has previously quitted premises at which gas was supplied to him by them without paying to them all gas charges and meter rent due from him to the Undertakers they may refuse to furnish to him a supply of gas until he pay the same. Power to
refuse to
supply per-
sons in debt
for other
property.

- A.D. 1910. 25. In the event of any meter used by a consumer of gas being
 Chertsey. tested in manner provided by the Sale of Gas Act 1859 and being
 Period of proved to register erroneously within the meaning of the said Act
 error in such erroneous registration shall be deemed to have first arisen during
 defective the then last preceding quarter of the year unless it be proved to 5
 meters, have first arisen during the then current quarter The amount of the
 allowance to be made to or of the surcharge to be made upon the
 consumer by the Undertakers shall be paid by or to the Undertakers
 to or by the consumer as the case may be and shall be recoverable
 in like manner as gas charges are recoverable by the Undertakers. 10
- Dwelling- 26. The Undertakers may on any land for the time being
 houses for belonging to or leased by them erect fit up and maintain houses
 workmen. cottages and buildings for the officers and servants employed by the
 Undertakers for the purposes of their undertaking.
- Costs of 27. All the costs charges and expenses of and incidental to the 15
 Order. applying for preparing obtaining and confirming this Order and
 otherwise in relation thereto shall be paid by the Undertakers.

CRANLEIGH GAS.

- Cranleigh. *Order empowering the Cranleigh Gas and Coke Company Limited
 to construct and maintain further works for the manufacture 20
 and storage of gas and to raise additional capital and for
 other purposes.*
- Short and 1. This Order may be cited as the Cranleigh Gas Order 1910
 collective and the Cranleigh Gas Order 1877 (in this Order referred to as "the
 titles. Order of 1877") and this Order may be cited together as the Cranleigh 25
 Gas Orders 1877 and 1910.
- Commence- 2. This Order shall come into force and have effect upon the day
 ment. when the Act confirming this Order is passed which date is in this
 Order referred to as "the commencement of this Order."
- Incorporation of Acts. 3. The provisions of the Lands Clauses Acts (except with respect 30
 to the purchase and taking of lands otherwise than by agreement and
 with respect to entry upon lands by the promoters of the undertaking)
 of the Gasworks Clauses Act 1847 and the Gasworks Clauses Act
 1871 are hereby (except where the same are expressly varied by the
 Order of 1877 or this Order) incorporated with this Order Provided 35
 that for the purpose of its incorporation with the Order of 1877 and
 this Order section 13 of the Gasworks Clauses Act 1847 shall be read
 as if the words "or any premises" were inserted after the words "private
 building" and as if the words "Provided also that every such

“ contract entered into by the Undertakers shall be alike in terms
 “ and amount under like circumstances to all consumers ” were added
 at the end of that section.

A.D. 1910.

Cranleigh.

4. In this Order the expression “ prescribed rates ” means the
 5 rates of dividend authorised by the Order of 1877 and this Order on
 the capital of the Undertakers or such rates as reduced or increased
 in accordance with the provisions of this Order 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
 10 Facilities Act 1870 meanings are assigned have the same respective
 meanings unless there be something in the subject or context repug-
 nant to such construction 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 further works for the manufacture and
 15 storage of gas and works connected therewith by this Order authorised
 to be constructed and the expression “ the limits of supply ” shall have
 the same meaning as in the Order of 1877.

Interpreta-
tion.*Undertakers.*

5. The Cranleigh Gas and Coke Company Limited shall be the
 20 Undertakers for the purposes of this Order and are in this Order
 referred to as “ the Undertakers.”

Undertakers.

New Capital.

6. The limitation prescribed by the Order of 1877 with respect to
 the amount of the share capital of the Undertakers for the purposes
 25 of the undertaking shall not prevent the Undertakers from raising for
 such purposes further share capital (in this Order referred to as “ the
 new capital ”) not exceeding twelve thousand pounds including any
 premium that may be obtained on the sale of any shares under the
 provisions of this Order Provided that the share capital of the Under-
 30 takers for the purposes of their undertaking shall not exceed in the
 whole twenty thousand pounds unless the Undertakers are hereafter
 authorised to raise further share capital by Provisional Order under
 the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

New capital.

- 7.—(1) All shares or stock forming part of the new capital shall
 35 be issued in accordance with the provisions of this section.

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

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

- 40 (A) Notice of the intended sale shall be given in writing to the
 clerk of the rural district council of Hambledon and to the
 secretary of the London Stock Exchange at least twenty-

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Cranleigh.

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 :

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- (B) A reserve price shall be fixed and notice thereof shall be sent by the directors of the Undertakers in a sealed letter to be received by the Board of Trade not less than twenty-four hours before but not to be opened till after the day of auction or last day for the receipt of tenders as the case may be :
- (c) No lot offered for sale shall comprise shares or stock of greater nominal value than one hundred pounds :
- (d) In the case of a sale by tender no preference shall be given to one of two or more persons tendering the same sum 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 Undertakers within three months after the date of the auction or of the acceptance of the tender as the case may be.

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(3) Any shares or stock which have been so offered for sale and are not sold may be offered at the reserve price to the holders of ordinary and preference shares or stock of the Undertakers in manner prescribed in a resolution passed by the directors of the Undertakers and to the employees of the Undertakers and to the consumers of gas supplied by the Undertakers in such proportions as the directors of the Undertakers may think fit or to one or more of these classes of persons only Provided in the case of an offer to holders of shares or stock that 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.

25

30

(4) Any shares or stock which have been offered for sale in accordance with the foregoing provisions of this Order and are not sold shall be again offered for sale by public auction or by tender in accordance with the provisions of this section and any 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.

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40

(5) As soon as possible after the conclusion of the sale or sales the Undertakers shall send a report thereof to the Board of Trade stating the total amount of the shares or stock sold the total amount

obtained as premium (if any) and the highest and lowest prices obtained for the shares or stock as the case may be.

A.D. 1910.

Cranleigh.

8. All money raised under this Order including any premiums shall be applied only to purposes to which capital is properly applicable and any sum of money which may arise from the issue of any shares or stock under the provisions of this Order by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as part of the capital of the Undertakers entitled to dividend.
9. The Undertakers shall not in any year declare or make out of their profits any larger dividends on the new capital by this Order authorised to be raised than seven pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as ordinary capital and five pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as preference capital.
10. In case in any year or in any half-year (if the Undertakers declare a dividend half-yearly) the net revenues of the Undertakers applicable to dividend are insufficient to pay the full amount of the prescribed rates on each class of ordinary shares or stock in the capital of the Undertakers a proportionate reduction shall be made in the dividend of each such class.
11. The borrowing of the sum of four thousand pounds already borrowed by the Undertakers is hereby confirmed and subject thereto 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 (inclusive of the said sum of four thousand pounds) one-third of the capital of the Undertakers at the time actually raised by the issue of shares or stock including any premium that may be obtained on the sale of any shares or stock under the provisions of this Order 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.

Application of premium arising on sale of shares or stock.

Limits of dividend on new capital.

Dividends on different classes of shares or stock to be paid rateably.

Limit of borrowing powers.

35 *Purchase of Lands.*

12. The Undertakers may for the purposes of the undertaking purchase or take on lease (by agreement but not otherwise) and hold in addition to the lands described in the schedule to the Order of 1877 and Schedule A to this Order annexed any lands which they may require
- 40 Provided that they shall not at any time hold for such purposes more than four acres of land in the whole in addition to the lands described in the said schedules and that they shall not create or permit a nuisance

Purchase of land by agreement.

A.D. 1910. on any such lands and that no lands shall be used by the Undertakers
Cranleigh. for the purpose of manufacturing gas or residual products or of storing
 gas except the lands described in the said schedules.

Lands for Construction of additional Gasworks.

Undertakers
 may con-
 struct gas-
 works on
 lands de-
 scribed in
 schedule.

13. The Undertakers may on the lands shown on the deposited 5
 map and described in Schedule A to this Order annexed while they
 are possessed of the same construct erect maintain extend and enlarge
 gasholders apparatus and works for the manufacture and storing of gas
 and matters producible therefrom and they may subject to the provisions
 of this Order upon the said lands manufacture and store gas and supply 10
 and sell the same within the limits of supply and may manufacture sell
 provide supply and deal in coke tar and all other residual products or
 refuse of any materials employed in or resulting from the manufacture
 of gas and may sell and dispose of the same at their works and elsewhere
 and they may construct and maintain and alter enlarge and renew or 15
 discontinue houses offices buildings and other works connected with the
 undertaking.

Undertakers
 may con-
 tract with
 local au-
 thority and
 others for
 supply in
 bulk.

14. The Undertakers may contract with any local authority company
 or persons authorised to supply gas under parliamentary powers in any
 district adjacent to the limits of supply for the supply to them respec- 20
 tively of gas in bulk upon such terms and conditions and for such
 periods not exceeding in any case seven years from the making of
 the contract as may be agreed upon but nothing in this section shall
 authorise the Undertakers to lay any mains or interfere with any street
 beyond the limits of supply. 25

Testing and Pressure.

Testing for
 quality.

15.—(1) As from the first quarter-day after the commencement of
 this Order sections 16 18 and 19 of the Order of 1877 shall be repealed
 and in lieu thereof the following provisions shall be in force and have
 effect (that is to say):—

- (A) The quality of gas supplied by the Undertakers shall with 30
 respect to its illuminating power be such as to produce at
 the testing place when burned at the rate of five cubic feet
 per hour a light equal in intensity to the light produced by
 fourteen sperm candles of six to the pound each consuming 35
 one hundred and twenty grains of sperm per hour and shall
 in all respects be in accordance with the provisions of the
 Gasworks Clauses Act 1871 :
- (B) For testing the illuminating power of the gas the burner to be
 used shall be that known as the Metropolitan Argand No. 2 40
 the photometer shall be the Bar photometer the standard

light shall be that supplied by Harcourt's ten-candle pentane lamp and in making the test the burner shall be so used as to obtain from the gas when burned at the rate aforesaid the greatest amount of light Provided that the Board of Trade may on the application of the Undertakers or the local authority approve the use of any other burner photometer or standard light which may appear to the Board to be equally or more suitable for the testing:

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Cranleigh.

(c) The Undertakers shall before the first quarter-day after the commencement of this Order provide all the apparatus required by this Order for the testing of gas and shall at all times keep the same in proper order and repair.

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

Pressure.

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

(3) For the purposes of the Gasworks Clauses Act 1871 the prescribed testing place shall be the testing place provided by the Undertakers at their works in pursuance of the Order of 1877.

Testing place.

16. No penalty shall be incurred by the Undertakers for insufficiency of pressure defect of illuminating 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 Undertakers Provided that the want of sufficient funds shall not be held to be a circumstance beyond the control of the Undertakers.

Saving as to penalties.

Price of Gas.

17.—(1) As from the first quarter-day after the commencement of this Order section 17 (Price of gas) of the Order of 1877 shall be repealed and in lieu thereof the following provisions shall be in force and have effect.

Price of gas.

(2) The price to be charged by the Undertakers for gas supplied by them shall not exceed five shillings and sixpence per thousand

(43)

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A.D. 1910. cubic feet and so in proportion for any less quantity supplied
 Cranleigh. 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 to be signed by a secretary or assistant
 secretary of the said Board alter the said maximum price either by 5
 substituting any other sum for the said sum of five shillings and six-
 pence 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 10
 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 15
 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.

Charge for
 gas supplied
 by means of
 prepayment
 meters.

18.—(1) The Undertakers may demand for any gas supplied
 through a prepayment meter a not greater charge than for gas 20
 supplied to private consumers within their limits of supply through
 any other kind of meter or by any other method of supply.

(2) The Undertakers shall not charge for the hire of any prepay-
 ment meter and fittings to be used therewith any sum other than a
 sum of money calculated according to the quantity of gas supplied 25
 through such prepayment meter and the maximum sum to be so
 charged 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. 30

The said charge shall include the providing letting fixing repairing
 and maintenance of the meters and fittings and the cost of collection
 and other costs incurred by the Undertakers in connexion with the
 meter and fittings.

(3) The maximum charge for the hire of a prepayment meter 35
 without fittings shall be at the rate of ten per centum per annum on
 the cost of the meter.

(4) For the purpose of this section the expression "prepayment
 meter" means any meter or appliance by which the quantity of gas
 supplied is regulated according to the amount of money prepaid 40
 therefor.

Miscellaneous.

A.D. 1910.

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

Cranleigh.
As to construction and placing of pipes &c. between mains and meters.

- 5 (1) The Undertakers may specify the size and material of the pipes with the fittings thereof which are to be laid by the consumer either in the first instance or on the occasion of any renewal between the Undertakers' mains and the meter and (so far as the same are intended to be covered over) on the consumer's premises :
- 10 (2) The Undertakers 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 :
- 15 (3) The specification shall be published once in each of two newspapers circulating within the limits of supply and a copy thereof shall be kept exhibited in the office of the Undertakers :
- 20 (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 Undertakers' main but within the outside wall of the building :
- 25 (5) When any such pipe or meter as aforesaid has been laid or placed notice thereof shall be given to the Undertakers and the pipe shall not be covered over until after the expiration of twenty-four hours from the service of such notice on the Undertakers Any officer of the Undertakers
- 30 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 Undertakers' specification or if the meter is not placed as required by this section the Undertakers may refuse to supply gas to the premises until the
- 35 provisions of this section have been complied with :
- 40 (6) Any person to whom the Undertakers refuse 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 Undertakers' specification make such

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Cranleigh.

order as seems to them proper in the circumstances and may order by which of the parties the costs of and incident to the appeal shall be paid.

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

20. The Undertakers may but only with the consent of the owner of the soil of such street or road upon the application of the owner 5 or occupier of any premises abutting on or being erected in any street or road laid out or made but not dedicated to public use supply such premises with gas and may lay and take up alter relay or renew in across or along such street or road such pipes and apparatus as may be requisite or proper for furnishing such supply. 10

Power to
supply gas
fittings.
Fittings not
to be subject
to distress.

21.—(1) The Undertakers may sell let for hire fix repair and remove but shall not manufacture engines stoves ranges pipes and other fittings for lighting for motive power for the warming and ventilating of houses and buildings for the cooking of food and for all other purposes for which gas can or may be used and may provide 15 all materials and work necessary or proper in that behalf and with respect thereto may demand and take such remuneration or rents and charges and make such terms and conditions as may be agreed upon.

(2) Any fittings let for hire under the provisions of this section 20 shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under process of any court or proceedings in bankruptcy against the person in whose possession the same may be Provided that such fittings are marked or impressed with a sufficient mark or brand indicating the Undertakers as the 25 actual owners thereof.

Anti-
fluctuators
for gas
engines.

22. Every consumer of gas supplied by the Undertakers who uses a gas engine shall if required to do so by the Undertakers use an anti-fluctuator and shall at all times at his own expense keep such anti-fluctuator in proper order and if any consumer shall make default 30 in complying with the provisions of this section the Undertakers may cease to supply him with gas The Undertakers shall have access to and be at liberty to take off remove test inspect and replace any such anti-fluctuator at all reasonable times such taking off removal testing inspecting and replacing to be done at the expense of the Undertakers 35 if the anti-fluctuator be found in proper order but otherwise at the expense of such consumer.

Power
to take
licences for
patents &c.

23. 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 40 for take acquire 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 storage supply utilisation or distribution of gas or the conversion manufacture or utilisation of any products obtainable in or arising from such manufacture or from the materials used therein.

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Cranleigh.

- 5 24. At least twenty-four hours' notice in writing shall be given to the Undertakers by every consumer of gas supplied by the Undertakers before he shall quit any premises supplied with gas by meter by the Undertakers and in default of such notice the consumer so quitting shall be liable to pay to the Undertakers the money accruing due in
10 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 Undertakers to supply gas to such premises whichever shall first occur Notice of the effect of this enactment shall be endorsed upon every demand
15 note for gas charges payable to the Undertakers.
15. A notice to the Undertakers from a consumer for the discontinuance of a supply of gas shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office for the time being of the Undertakers.
- 20 26. If a person requiring a supply of gas from the Undertakers has previously quitted premises at which gas was supplied to him by them without paying to them all gas charges and meter rent due from him to the Undertakers they may refuse to furnish to him a supply of gas until he pay the same.
- 25 27. In the event of any meter used by a consumer of gas being tested in manner provided by the Sale of Gas Act 1859 and being proved to register erroneously within the meaning of the said Act such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to
30 have first arisen during the then current quarter The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Undertakers shall be paid by or to the Undertakers to or by the consumer as the case may be and shall be recoverable in like manner as gas charges are recoverable by the Undertakers.
- 35 28. The Undertakers may on any land for the time being belonging to or leased by them erect fit up and maintain houses cottages and buildings for the officers and servants employed by the Undertakers for the purposes of their undertaking.
- 40 29. 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.

Gas consumers to give notice to Undertakers before removing.

Notice to discontinue supply of gas.

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

Period of error in defective meters.

Dwelling-houses for workmen.

Costs of Order.

A.D. 1910.

Cranleigh.

SCHEDULES.**SCHEDULE A.****GAS LANDS.**

(1) A piece of land now belonging or reputed to belong to and occupied by the Undertakers situate in the parish of Cranleigh in the rural district of Hambledon in the county of Surrey containing one rood six perches or thereabouts and bounded on the west by the existing gasworks of the Undertakers situate on the lands described in the schedule to the Order of 1877 on the north by Cranleigh Common on the south by the London Brighton and South Coast Railway and on the east by the road leading from Cranleigh Common to the level crossing over that railway. 5 10

(2) A piece of land now belonging or reputed to belong to the Undertakers situate in the same parish and district containing one rood thirteen perches or thereabouts lying to the north of and adjoining the London Brighton and South Coast Railway and extending along that railway in an easterly direction for a distance of seventy-nine yards from the said last-mentioned road and bounded on the north and east by property now in the occupation of James Sutherton. 15

SCHEDULE B.

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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 of 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:—

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Sections 30
to 34 of Gas-
works Clauses
Act 1847 to
cease to be
incorporated.

- (1) Sections 30 to 34 (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 35 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 special purposes fund: 30 35

- (2) 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:

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Cranleigh.

Price of gas with sliding scale as to dividend.

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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:—

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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 one hundred pounds of ordinary paid-up capital with a ten per centum standard rate of dividend and by three shillings and sixpence on every one hundred pounds of ordinary paid-up capital with a seven per centum standard rate of dividend and so on in proportion for any fraction of one hundred pounds;

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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 price has been reduced be increased above the standard rate of dividend by five shillings on every one hundred pounds of ordinary paid-up capital with a ten per centum standard rate of dividend and by three shillings and sixpence on every one hundred pounds of ordinary paid-up capital with a seven per centum standard rate of dividend and so on in proportion for any fraction of one hundred pounds:

40

- (3)—(i) The directors of the Undertakers may if they think fit in any year appropriate out of the revenue of the Undertakers 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 Undertakers including premiums to a fund to be called "the special purposes fund";

Power to create a special purposes fund.

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

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Cranleigh.

accountant being the auditor of the Undertakers or 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;

(iii) 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 Undertakers including premiums;

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

(v) 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:

Application of excess of profits over authorised rates of dividend.

(4) If the clear profits of the undertaking of the Undertakers in any year amount to a larger sum than is sufficient to pay the dividend on the preference capital and the dividend at the authorised rate on the ordinary capital of the Undertakers the excess shall be carried to the credit of the divisible profits of such undertaking for the next following year:

Provided that the sum so carried forward shall not in any case exceed the amount required to pay one year's dividend at the authorised rate on the preference and ordinary capital of the Company:

Power to create a reserve fund and application thereof.

(5) When in any year the prescribed rates on the ordinary share capital or stock of the Undertakers exceed the standard rate 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 dividends 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 :
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- 15 (6) 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.

A.D. 1910.

Cranleigh.

20 LLANIDLOES GAS.

Order empowering the Llanidloes Gas Coal and Coke Company Limited to maintain and continue gasworks and to manufacture and supply gas within the borough of Llanidloes in the county of Montgomery.

- 25 1. This Order may be cited as the Llanidloes Gas Order 1910. 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." Commence-
ment 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 or are inconsistent with this Order) Provided that section 13 of the Gasworks Clauses Act 1847 shall be read as if the words "or any premises" were inserted after the words "private building" and as if the words "Provided also that every such contract entered into by the Company shall be alike in terms and amount under like circumstances to all consumers" were
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- 35
- Incorporation of Acts.

- A.D. 1910. added at the end of that section and the said provisions of the said
Llanidloes. Gasworks Clauses Acts shall apply as well to the mains pipes and
works of the Undertakers laid down or constructed before the com-
mencement 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 5
laid down or constructed under the authority of this Order.
- Interpreta- 4. In this Order the expression "prescribed rates" means the rates
tion. 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 10
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 in this Order the same respective meanings unless there be some-
thing in the subject or context repugnant to such construction and in
the construction of this Order or of any such Act for the purposes of 15
this Order the expression "the undertaking" shall include the gasworks
and works connected therewith by this Order authorised to be maintained
and continued.
- Limits of 5. The limits within which the provisions of this Order shall be in
supply. force and have effect (in this Order referred to "the limits of supply") 20
shall be the borough of Llanidloes in the county of Montgomery.
- Undertakers.*
- Undertakers. 6. The Llanidloes Gas Coal and Coke Company Limited shall be
the Undertakers for the purposes of this Order and are in this Order
referred to as "the Undertakers." 25
- Capital.*
- Capital. 7. The share capital of the Undertakers for the purposes of the
undertaking shall not exceed six thousand pounds consisting of the
share capital of two thousand five hundred pounds already raised by
the Undertakers (in this Order referred to as "the original capital") 30
and of additional capital (in this Order referred to as "the additional
capital") to be issued subject to this Order not exceeding three thou-
sand five hundred pounds including any premium which may be
obtained on the sale of any shares or stock under the provisions of
this Order unless the Undertakers are hereafter authorised to raise 35
for such purposes further additional capital by Provisional Order
under the Gas and Water Works Facilities Act 1870 or by Act of
Parliament.
- New shares or 8.—(1) All shares or stock forming part of the additional capital
stock to be sold shall be issued in accordance with the provisions of this section. 40
by auction or
tender.

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

A.D. 1910.

Llanidloes.

5 (A) Notice of the intended sale shall be given in writing to the clerk of every local authority 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 :

10 (B) A reserve price shall be fixed and notice thereof shall be sent by the directors of the Undertakers 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 :

20 (C) No lot offered for sale shall comprise shares or stock of greater nominal value than one hundred pounds :

(D) In the case of a sale by tender no preference shall be given to one of two or more persons tendering the same sum In the case of a sale by auction a bid shall not be recognised unless it is in advance of the last preceding bid :

25 (E) It shall be one of the conditions of sale that the total sum payable by the purchaser shall be paid to the Undertakers within three months after the date of the auction or of the acceptance of the tender as the case may be.

30 (3) Any shares or stock which have been so offered for sale and are not sold may be offered at the reserve price to the holders of the ordinary shares or stock of the Undertakers in manner prescribed by a resolution passed by the directors of the Undertakers and to the employees of the Undertakers and to the consumers of gas supplied by the Undertakers in such proportions as the directors of the Undertakers may think fit or to one or more of these classes of persons only
35 Provided in the case of an offer to holders of shares or stock that 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
40 proportion to the amounts applied for by them respectively.

(4) Any shares or stock which have been offered in accordance with the foregoing provisions of this Order and are not sold shall be again offered for sale by public auction or by tender in accordance

A.D. 1910. with the provisions of this section and any such shares or stock then
Manidloes. 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 5
 Undertakers shall send a report thereof to the Board of Trade stating
 the total amount of the shares or stock sold the total amount obtained
 as premium (if any) and the highest and lowest prices obtained for the
 shares or stock as the case may be.

**Application
 of premium
 arising on
 sale of shares
 or stock.** 9. All money raised under this Order including any premiums 10
 shall be applied only to purposes to which capital is properly applicable
 and any sum of money which may arise from the issue of any shares
 or stock under the provisions of this Order by way of premium after
 deducting therefrom the expenses of and incident to such issue shall
 not be considered as part of the capital of the Undertakers entitled 15
 to dividend.

**Limit of
 dividend.** 10. Except as by this Order expressly provided the Undertakers
 shall not in any year declare out of their profits any larger dividends
 on their capital than at the following rates namely ten pounds in
 respect of every one hundred pounds of the original capital and 20
 seven pounds in respect of every one hundred pounds actually paid
 up of so much of the additional capital as may be issued as ordinary
 capital and six pounds in respect of every one hundred pounds
 actually paid up of so much of the additional capital as may be
 issued as preference capital unless a larger dividend be at any time 25
 necessary to make up the deficiency of any previous dividend upon
 the ordinary capital which shall have fallen short of the said yearly
 rate.

**Limit of
 borrowing
 powers.** 11. So long as the share capital of the Undertakers actually raised
 by the issue of shares or stock including premiums does not exceed 30
 three thousand pounds the amount of all moneys borrowed by the
 Undertakers and secured by mortgage of the undertaking shall not
 be increased In the event of the share capital being increased to
 an amount exceeding three thousand pounds as aforesaid the amount
 of all moneys borrowed by the Undertakers and secured by mortgage 35
 of the undertaking shall not at any time exceed in the whole one-third
 of the amount of the capital of the Undertakers for the purposes of the
 undertaking actually raised by the issue of shares or stock including
 any premium that may be obtained on the sale of any shares or stock
 under the provisions of this Order and no higher rate of interest than 40
 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.

Lands and Works.

A.D. 1910.

12. The Undertakers may for the purposes of the undertaking purchase take on lease or acquire (by agreement but not otherwise) and hold in addition to the lands described in Schedule A to this Order 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 in addition to 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 purposes of manufacturing gas or residual products or of storing gas except the lands described in the said schedule.
13. The Undertakers may upon the lands described in Schedule A to this Order maintain and continue alter enlarge extend improve renew or discontinue their existing gasworks and works connected therewith for the manufacture distribution storage conversion and sale of gas and of residual products arising in or resulting or producible from or used in the manufacture of gas and matters producible therefrom and they may subject to the provisions of this Order manufacture and store gas on such lands or some part or parts thereof and supply and sell the same within the limits of supply and may on the same lands make convert and store residual products as aforesaid and may sell and dispose of the same at the works and elsewhere and they may also construct and maintain alter enlarge renew or discontinue houses offices buildings and other works connected with the undertaking.
14. If any difference arise between the Undertakers and any road authority or any 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 any road under the jurisdiction of such road authority or 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 as arbitrator at the request of either party.
15. For the purposes of the Gasworks Clauses Act 1871 the prescribed testing place shall be a testing place which shall be provided by the Undertakers at their gasworks within six months of the commencement of this Order.

Llanidloes.
Power to
purchase
additional
lands.

Power to
maintain and
continue gas-
works.

Difference
with railway
and other
companies.

Testing
place.

Pressure of Gas.

- 16.—(1) All gas supplied by the Undertakers to any consumer of gas shall be supplied at such pressure as to balance a column of gas.

Pressure of
gas.

A.D. 1910. water not less than eight-tenths of an inch in height at the main or as
Llanidloes. near as may be to the junction therewith of the service pipe supplying
the consumer.

(2) Any gas examiner appointed under the Gasworks Clauses Act 1871 may for the purposes of this Order subject to the terms of 5 his appointment at the testing place or at any public lamp as and when he thinks fit test the pressure at which the gas is supplied The Undertakers shall afford to the examiner all reasonable facilities for making the test.

Quality of Gas.

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Quality of
gas.

17.—(1) The quality of the gas supplied by the Undertakers shall with respect to its illuminating power be such as to produce at the testing place when burned at the rate of five cubic feet per hour a light equal in intensity to the light produced by fourteen sperm candles of six to the pound each consuming one hundred and twenty 15 grains of sperm per hour and shall be in all respects in accordance with the provisions of the Gasworks Clauses Act 1871.

(2) For testing the illuminating power of the gas the burner to be used shall be that known as the Metropolitan Argand No. 2 the photometer shall be the Bar photometer the standard light shall be 20 that supplied by Harcourt's ten-candle pentane lamp and in making the test the burner shall be so used as to obtain from the gas when burned at the rate aforesaid the greatest amount of light Provided that the Board of Trade may on the application of the Undertakers or the local authority approve the use of any other burner photometer 25 or standard light which may appear to the Board to be equally or more suitable for the testing.

(3) The Undertakers shall within six months of the commencement of this Order provide at their works a testing place and all the apparatus required by this Order for the testing of gas and shall at 30 all times keep the same in proper order and repair.

Price of Gas.

Price of gas.

18.—(1) The price to be charged by the Undertakers for gas supplied by them shall not exceed five shillings and fivepence per thousand cubic feet and so in proportion for any less quantity 35 supplied.

(2) 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 40 substituting any other sum for the said sum of five shillings and fivepence 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 provisions set forth in Schedule B to this Order shall be in force and have effect and this Order shall be read and construed accordingly.

A.D. 1910.

Llanidloes.

- 5 (3) A copy of any 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.

Miscellaneous.

- 10 19. The Undertakers may but only with the consent in writing of the owner of the soil of such street or road on the application of the owner or occupier of any premises within the limits of supply abutting on or being erected in any street laid out but not dedicated to public use supply such premises with gas and may lay down take up alter
15 or renew in across or along such street such pipes and apparatus as may be requisite or proper for furnishing such supply.

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

- 20 20. 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.

Undertakers
to pay interest
on deposit.

- 25 21.—(1) The Undertakers may sell let for hire fix repair and remove but shall not manufacture engines stoves ranges pipes and other fittings (in this section called "fittings") for lighting for motive power for the warming and ventilating of houses and buildings for the cooking of food and for all other purposes for which gas can or
30 may be used and may provide all materials and work necessary or proper in that behalf and with respect thereto may demand and take such remuneration or such rents and charges and make such terms and conditions as may be agreed upon.

Power to
supply gas
fittings.
Fittings not
to be subject
to distress.

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

- 22.—(1) All gas engines apparatus fittings and appliances let by the Undertakers on hire shall notwithstanding that they be fixed or fastened to any part of any such premises in which they may be situate

Gas engines
&c. of the
Undertakers
let on hire

A.D. 1910. *Llanidloes.* or to the soil under any such premises at all times continue to be
 though fixed the property of and removable by the Undertakers Provided that
 to premises such gas engines apparatus fittings and appliances have upon them
 to remain the respectively a distinguishing metal plate affixed to a conspicuous part
 property of thereof or a distinguishing brand or other marks conspicuously 5
 the Under- impressed or made thereon sufficiently indicating the Undertakers as
 takers. the actual owners thereof.

(2) Nothing in this section shall affect the amount of assessment
 for rating of any premises upon which any gas engines apparatus
 fittings and appliances are or shall be fixed. 10

Anti-fluctua- 23.—(1) Every consumer of gas supplied by the Undertakers who
 tors for gas uses a gas engine shall if required to do so by the Undertakers use
 engines. an anti-fluctuator and shall at all times at his own expense keep such
 anti-fluctuator in proper order and if any consumer shall make default
 in complying with the provisions of this section the Undertakers may 15
 cease to supply him with gas.

(2) The Undertakers shall have access to and be at liberty to take
 off remove test inspect and replace any such anti-fluctuator at all reason-
 able times such taking off removal testing inspecting and replacing
 to be done at the expense of the Undertakers if the anti-fluctuator be 20
 found in proper order but otherwise at the expense of such consumer.

Powerto take 24. The Undertakers may subject to the provisions of this Order
 licences for (but only for the purposes of the undertaking within the limits of
 patents &c. supply and not so as to acquire any exclusive right therein) contract
 for take acquire and use any leave licence or authority to work use 25
 exercise and put in practice any invention under letters patent hereto-
 fore made or hereafter to be made granting any right or privilege of
 working using or vending any invention in relation to the manufac-
 ture storage supply utilisation or distribution of gas or the conversion
 manufacture or utilisation of any products obtainable in or arising 30
 from such manufacture or from the materials used therein.

Gas con- 25.—(1) At least twenty-four hours' notice in writing shall be
 sumers to given to the Undertakers by every gas consumer before he shall quit
 give notice to any premises supplied with gas by meter by the Undertakers and in
 Undertakers default of such notice the consumer so quitting shall be liable to pay 35
 before to the Undertakers the money accruing due in respect of such supply
 removing. 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 Undertakers to supply gas to such
 premises whichever shall first occur. 40

(2) Notice of the effect of this enactment shall be endorsed on
 every demand note for gas rent.

[10 Edw. 7.] *Gas Orders Confirmation (No. 1).*

67

26. A notice to the Undertakers from a consumer for the discontinuance of a supply of gas shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office for the time being of the Undertakers.

A.D. 1910.

Llanidloes.
Notice of discontinuance.

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

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

10 28.—(1) In the event of any meter used by a consumer of gas being tested in manner provided by the Sale of Gas Act 1859 and being proved to register erroneously within the meaning of the said Act such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved

Period of error in defective meters.

15 to have first arisen during the then current quarter.

(2) The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Undertakers shall be paid by or to the Undertakers to or by the consumer as the case may be and shall be recoverable in the like manner as gas rents are recoverable by the

20 Undertakers.

29. No penalty shall be incurred by the Undertakers for insufficiency of pressure defect of illuminating 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 caused by circumstances beyond the control of the Undertakers Provided that the want of sufficient funds shall not be held to be a circumstance beyond the Undertakers' control.

No penalty in case of unavoidable cause.

25 of sufficient funds shall not be held to be a circumstance beyond the Undertakers' control.

30. The Undertakers may enter into and carry into effect contracts with any local authority company or persons supplying gas under parliamentary powers in any district adjacent to the limits of supply for the supply to them respectively of gas in bulk upon such terms and conditions and for such periods not exceeding in any case seven years from the making of the contract as may be agreed upon but nothing in this section shall authorise the Undertakers to lay any mains or interfere with any street beyond the limits of supply.

Undertakers may contract with local authority and others for supply in bulk.

31. The Undertakers may on any land for the time being belonging or leased to them erect fit up maintain and let houses cottages and buildings for the officers and servants employed by the Undertakers for the purposes of their undertaking.

Power to erect &c. cottages for officers and servants.

40 32. Section 140 (Proofs of debts in bankruptcy) 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 incorporated.

A.D. 1910. 33. All the costs charges and expenses of and incidental to the
 Llanidloes. applying for preparing obtaining and confirming this Order and
 Costs of otherwise in relation thereto shall be paid by the Undertakers.
 Order.

SCHEDULES.

SCHEDULE A.

5

GAS LANDS.

A piece of land situate on the Lower Green in the parish and borough of Llanidloes in the county of Montgomery in the occupation of the Undertakers containing by admeasurement thirty-four perches or thereabouts bounded on the north by the River Severn on the east by 10 messuages and land belonging or reputed to belong to John Davies and in the occupation of Robert Jenkins and others on the south by the main road leading from Llanidloes to Newtown and on the west by messuages and land belonging or reputed to belong to Charles Edwin Price and in the occupation of Sarah Richards and others. 15

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 contained in the foregoing Order prescribing a standard price for gas supplied by the Undertakers with sliding scale as to the profits and 20 as from the specified date be read and construed subject to the modifications following:—

Sections 30
to 34 of Gas-
worksClauses
Act 1847 to
cease to be
incorporated.

- (1) Sections 30 to 34 (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 25 said Act for the purposes of the foregoing Order section 35 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 30 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 special purposes fund:

Price of gas
with sliding
scale as to
dividend.

- (2) Notwithstanding anything contained in the foregoing Order the standard price to be charged by the Undertakers for 35

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: A.D. 1910.
Llanidloes.

5 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 capital of the Undertakers as follows:—

10 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 rates of dividend by five shillings on every one hundred pounds of ordinary paid-up capital with a ten per centum standard rate of dividend and by three shillings and sixpence on every one hundred pounds of ordinary paid-up capital with a seven per centum standard rate of dividend and so in proportion for any fraction of one hundred pounds;

20 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 rates by five shillings on every one hundred pounds of ordinary paid-up capital with a ten per centum standard rate of dividend and by three shillings and sixpence on every one hundred pounds of ordinary paid-up capital with a seven per centum standard rate of dividend and so in proportion for any fraction of one hundred pounds:

35 (3) The directors of the Undertakers may if they think fit in any year appropriate out of the revenue of the Undertakers 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 Undertakers including premiums to a fund to be called "the special purposes fund"; Power to
create a
special
purposes
fund.

40 The special purposes fund shall be applicable only to meet such charges as a chartered accountant or incorporated accountant being the auditor of the Undertakers or appointed for the purpose by the Board of Trade shall approve as being—

A.D. 1910.

Llanidloes.

(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: 5

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 Undertakers including premiums; 10

The moneys forming the special purposes fund or any portion thereof may be invested in securities in which the trustees are authorised by law to invest or may be applied for the general purposes of the Undertakers to which capital is properly applicable or may be used partly in the one way or partly in the other; 15

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: 20

Application of excess of profits over authorised rates of dividend.

- (4) If the clear profits of the undertaking of the Undertakers in any year amount to a larger sum than is sufficient to pay the dividend at the authorised rate on the ordinary capital of the Undertakers the excess shall be carried to the credit of the divisible profits of such undertaking for the next following year: 25

Provided that the sum so carried forward shall not in any case exceed the amount required to pay one year's dividend at the authorised rate:

Power to create a reserve fund and application thereof.

- (5) When in any year the dividends on the ordinary share capital or stock of the Undertakers exceed the standard rate 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 dividends 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 30 35 40

- 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 dividend at the authorised rates on the ordinary capital of the Undertakers 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. 1910.
Llanidloes.
- 5
- 10 (6) 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.

**Gas Orders
Confirmation (No. 1).
[H.L.]**

A

B I L L

INTITULED

An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act 1870 relating to Brownhills and District Gas Builth Wells Gas Chertsey Gas Cranleigh Gas and Llanidloes Gas.

The Lord Hamilton of Dalzell.

Ordered to be printed 28th April 1910.

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[Price 7d.]

[10 EDW. 7.] *Gas Orders Confirmation (No. 2).* [H.L.] 1

A

B I L L

INTITULED

An Act to confirm certain Provisional Orders made by A.D. 1910.
the Board of Trade under the Gas and Water Works
Facilities Act 1870 relating to Burnham Gas Dinnington
and District Gas Dunblane Gas Highbridge Gas and
Pinner Gas.

WHEREAS under the authority of the Gas and Water Works 33 & 34 Vict.
Facilities Act 1870 the Board of Trade have made the c. 70.
Provisional Orders set out in the schedule to this Act annexed:

And whereas a Provisional Order made by the Board of
5 Trade under the authority of the said Act is not of any validity
or force whatever until the confirmation thereof by Act of
Parliament:

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

Be it therefore 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:—

15 **1.** This Act may be cited as the Gas Orders Confirmation Short title.
(No. 2) Act 1910.

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

A.D. 1910.

SCHEDULE.

LIST OF ORDERS.

BURNHAM (SOMERSET) GAS.—Order authorising the maintenance and continuance of existing gasworks and works connected therewith and the manufacture and supply of gas in the parish and urban district of Burnham and parts of the parishes of Burnham Without Brent Knoll and Berrow all in the county of Somerset. 5

DINNINGTON AND DISTRICT GAS.—Order empowering the Dinnington and District Gas Company Limited to maintain and continue gasworks and to manufacture and supply gas in the parishes or townships of Dinnington North and South Anston St. John's with Throapham Brampton-en-le-Morthen Hooton Levett and Laughton-en-le-Morthen in the West Riding of the county of York and for other purposes. 10

DUNBLANE GAS.—Order empowering the Dunblane Gas Company Limited to maintain and continue their existing gasworks and to construct and maintain additional gasworks and to manufacture store and supply gas to and within the parish of Dunblane in the county of Perth and for other purposes. 15

HIGHBRIDGE GAS.—Order authorising the maintenance and continuance of existing gasworks and works connected therewith and the manufacture and supply of gas in the urban district of Highbridge and parts of the parishes of Burnham Without and Huntspill all in the county of Somerset. 20

PINNER GAS.—Order empowering the Pinner Gas Company Limited to raise additional capital for the purposes of their gas undertaking. 25

BURNHAM (SOMERSET) GAS.

A.D. 1910.

Order authorising the maintenance and continuance of existing gasworks and works connected therewith and the manufacture and supply of gas in the parish and urban district of Burnham
 5 *and parts of the parishes of Burnham Without Brent Knoll and Berrow all in the county of Somerset.*

Burnham
 (Somerset).

Preliminary.

1. This Order may be cited as the Burnham (Somerset) Gas Order 1910. Short title.
- 10 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.
- 15 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 (except sections 31 to 34) and of the Gasworks Clauses Act 1871 are hereby incorporated with this Order except so far as the same are expressly varied by or are inconsistent with the provisions hereof and the said provisions of the 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.
- 20 4. Provided that section 13 of the Gasworks Clauses Act 1847 shall be read as if the words "or any premises" were inserted after the words "private building" and as if the words "Provided also that every such contract entered into by the Undertakers shall be alike in terms and amount under like circumstances to all consumers" were added at the end of that section and also that section 35 of such Act shall be read and construed as if the words from "in case the whole" down to the words "have been paid" were omitted therefrom and as though the expression "the prescribed rate" included the prescribed rates as defined by this Order together with any sum which under the provisions of this Order may lawfully be carried to the special purposes fund.
- 25 5. In this Order the several words terms and expressions to which by any Act in whole or in part incorporated with this Order

Interpretation.

A.D. 1910. and by the Gas and Water Works Facilities Act 1870 meanings are assigned have the same respective meanings unless there be something in the subject or context repugnant to such construction and in the construction of this Order or of any such Act for the purposes of this Order the expression "the undertaking" shall mean the undertaking by this Order authorised (including the gasworks and works connected therewith by this Order authorised to be continued and maintained) and the expression "the prescribed rates" means the rate 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.

Limits of Order.

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 parish and urban district of Burnham and so much of the parishes of Berrow Brent Knoll and Burnham Without in the county of Somerset as lies to the west of an imaginary line drawn from a point where the boundary between the parishes of Brean and Berrow commences on the seashore thence following that boundary to its southernmost point thence in a straight line to the northernmost point of North Lane thence in a south-easterly direction along and including North Lane to Ford Common thence across Ford Common in a straight line to Green Lane thence along and including Green Lane to the parish boundary thence in a southerly direction along that boundary to Berrow Lane thence in an easterly direction along and including Berrow Lane to the Great Western Railway thence in a southerly direction along and including that railway to the parish boundary between the parishes of Burnham Without and Brent Knoll thence in a south-easterly direction along such boundary to the highway leading from Bristol to Bridgwater thence in a south-westerly direction along but not including that highway to the south side of Edithmead Lane and thence in a westerly direction in a straight line touching the northernmost part of Board's Lane to the boundary of the urban district of Burnham.

Undertakers.

Undertakers. 6. The Burnham Gas Company Limited shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Capital.

Capital. 7. The share capital of the Undertakers shall not exceed twelve thousand five hundred and twenty-five pounds consisting of the ordinary share capital already raised by the Undertakers of six

thousand and twenty-five pounds (hereinafter called "the original capital") of additional capital (in this Order called "the additional capital") to be issued subject to the provisions of this Order not exceeding six thousand five hundred pounds including any premium
 5 that may be obtained on the sale of any shares or stock under the provisions of this Order unless the Undertakers are hereafter authorised to raise for the purposes of the undertaking further additional share capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

A.D. 1910.

Burnham
(*Somerset*).

10 8.—(1) All shares or stock forming part of the additional capital shall be issued in accordance with the provisions of this section.

Additional
capital to
be sold by
auction or
tender.

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

(a) Notice of the intended sale shall be given in writing to the clerk of every local authority within the limits of supply and to the committee of the London Stock Exchange at least
 20 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 by the directors of the Undertakers and notice thereof shall be sent by the Undertakers in a sealed letter to be received by the Board of Trade
 25 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:

30 (c) No lot offered for sale shall comprise shares or stock of greater nominal value than one hundred pounds:

(d) In the case of a sale by tender no preference shall be given to one of two or more persons tendering the same sum In the case of a sale by auction a bid shall not be recognised unless
 35 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 Undertakers within three months after the date of the auction or of the acceptance of the tender as the case may be.

40 (3) Any shares or stock which have been so offered for sale and are not sold may be offered at the reserve price to the holders of ordinary shares or stock of the Undertakers in manner prescribed by a resolution passed by the directors of the Undertakers and to the employees of the

A.D. 1910. Undertakers and to the consumers of gas supplied by the Undertakers in such proportions as the directors of the Undertakers may think fit or to one or more of these classes of persons only. Provided that in 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 5 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.

Burnham
(*Somerset*).

(4) Any shares or stock which have been offered in accordance with the foregoing provisions of this section and are not sold shall be 10 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. ; 15

(5) As soon as possible after the conclusion of the sale or sales the Undertakers shall send a report thereof to the Board of Trade stating the total amount of the shares or stock sold the total amount obtained as premium (if any) and the highest and lowest prices obtained for the shares or stock as the case may be. 20

Application
of premium
arising on
issue of
shares.

9. All money raised under this Order including any premiums shall be applied only to purposes to which capital is properly applicable and any sum of money which may arise from the issue of any shares under the provisions of this Order by way of premium after deducting therefrom the expenses of and incident to such issue shall 25 not be considered as part of the capital of the Undertakers entitled to dividend.

Limit of
dividends on
capital.

10. Except as by this Order otherwise provided the Undertakers shall not in any year declare or make out of their profits any larger dividends than ten pounds in respect of every one hundred pounds of 30 the original capital and seven pounds in respect of every one hundred pounds actually paid up of the additional capital.

Dividends on
different
classes of
ordinary
shares to be
paid propor-
tionately.

11. In case in any year or in any half-year when a half-yearly dividend is declared the net revenues of the Undertakers applicable to dividend are insufficient to pay the full amount of the prescribed rates 35 on each class of ordinary shares in the original and additional capital of the Undertakers a proportionate reduction shall be made in the dividends payable on each class.

Power to
create a
special pur-
poses fund.

12.—(1) The directors of the Undertakers may if they think fit in any year appropriate out of the revenue of the Undertakers as part 40 of the expenditure on revenue account any sum not exceeding an amount equal to one per centum of the paid-up capital of the Undertakers including premiums to a fund called "the special purposes fund."

[10 EDW. 7.] *Gas Orders Confirmation (No. 2).*

7

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

A.D. 1910.
Burnham
 (Somerset).

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

(b) expenses incurred in the replacement or removal of plant or works other than expenses requisite for maintenance and
 10 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 Undertakers including premiums.

(4) The moneys forming the special purposes fund or any portion
 15 thereof may be invested in securities in which trustees are authorised by law to invest or may be applied for the general purpose of the Undertakers 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
 20 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.

13. If the clear profits of the undertaking of the Undertakers in any year amount to a larger sum than is sufficient to pay the dividend at the authorised rates on the ordinary capital of the Undertakers the
 25 excess shall be carried to the credit of the divisible profits of such undertaking for the next following year. Provided that the sum so carried forward shall not in any case exceed the amount required to pay one year's dividend at the authorised rates.

Application
 of excess of
 profits over
 authorised
 rates of
 dividend.

14. Where in any year the dividend of the Undertakers on the
 30 ordinary share capital of the Undertakers shall 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 dividends the Undertakers may in such year set apart
 35 such sum that 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 commencement of this Order may be invested in Government or other securities and the dividends and interest arising from such securities
 40 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 dividends in any year in which the clear profits of the

Power to
 create a
 reserve fund
 and applica-
 tion thereof.

A.D. 1910. Undertakers shall be insufficient to enable the Undertakers in such year to pay the dividend at the authorised rate on the ordinary capital of the Undertakers and save as by this Order specially provided no sum shall in any year be carried by the Undertakers to any reserve fund. 5

*Burnham
(Somerset).*

Limit of
borrowing
powers.

15. 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 one-third of the amount of the capital of the Undertakers at the time actually raised by the issue of shares or stock including any premium that may be obtained on the sale of any shares or stock under the provisions of this Order 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. 10 15

Lands.

Power to
purchase
lands by
agreement.

16. The Undertakers may for the purposes of the undertaking purchase take on lease or acquire (by agreement but not otherwise) and hold in addition to the lands described in the schedule to this Order annexed any lands which they may require Provided that they shall not at any time hold for such purposes more than five acres of land in addition to 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. 20 25

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

Power to
continue
existing gas-
works on
lands de-
scribed in
schedule and
to make and
sell gas &c.

17. The Undertakers may on the lands described in the schedule to this Order annexed so long as they are possessed of the same maintain and continue and alter enlarge improve or discontinue their existing gasworks and works connected therewith and may construct erect make and maintain alter enlarge improve or discontinue additional gasworks retorts retort-houses gasholders receivers purifiers meters apparatus and works for the manufacture distribution storage conversion and sale of gas and of coke and other residual products obtained in the manufacture of gas and matters producible from or used in such manufacture and they may subject to the provisions of this Order make and store gas on such lands or any part thereof and supply and sell the same within the limits of supply and may on the same lands or any part thereof manufacture convert and store coke asphaltum pitch coal-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 30 35 40

and they may also construct and maintain alter enlarge renew or dis-
continue houses offices buildings and other works connected with the
undertaking.

A.D. 1910.
Burnham
(Somerset).

18. The following provisions shall apply and have effect for the
5 protection of the Burnham Urban District Council (in this section referred
to as "the council") :—

For pro-
tection of
Burnham
Urban Dis-
trict Council.

- (1) The notice required to be given by section 8 of the Gasworks
Clauses Act 1847 and the plan to be approved under sec-
tion 9 of the same Act before breaking up any streets for
the purpose of laying pipes or maintaining altering repairing
or removing the same shall with respect to any streets or
roads under the control or management of the council and
with respect to any mains pipes or other works which the
Undertakers may lay down or execute under or over any
tramroad or any works mains or pipes of the council be given
to and approved by the engineer or surveyor of the council
and the work referred to in such notice and plan shall except
in cases of emergency be executed maintained altered and
repaired or removed to the reasonable satisfaction of such
engineer or surveyor :
- (2) Section 10 of the Gasworks Clauses Act 1847 is hereby varied
in so far that the Undertakers instead of reinstating and
making good the road or pavement open or broken up
shall after they have filled in the ground forthwith give
notice in writing to the clerk or surveyor of the council
and the council shall thereupon by their own agents or
workmen reinstate and make good such road or pavement
and the Undertakers shall pay to the council the reasonable
cost thereof and of keeping in good repair the said road
or pavement so broken up and reinstated as aforesaid for
twelve months after reinstating or making good the same :
- (3) The council shall not except in the case of negligence be
under any liability to the Undertakers for any damage done
to any of the property of the Undertakers (at any time
laid or to be laid) caused by or resulting from the execution
by the council or any person on their behalf of any
reasonable work of repair or maintenance of any road
within the limits of supply or the reasonable use by or on
behalf of the council of any steam roller or other engine :
- (4) Nothing in this Order contained shall interfere with the right
of the council to widen alter the level or deviate alter or
improve in any manner they think fit any road in or along
which any mains pipes or works of the Undertakers shall
have been laid or to alter or improve the position of their

(44)

B

A.D. 1910.

*Burnham
(Somerset).*

present water mains pipes or sewers or lay new water mains pipes or sewers in or along any such road and the Undertakers shall forthwith on receiving notice in writing from the clerk or surveyor of the council so to do alter the position of any such mains pipes or works in such 5 manner and to such extent as may be prescribed by such notice and the expenses of any such alteration shall be paid to the Undertakers by the council :

- (5) Any difference between the Undertakers and the council arising out of any matters provided for by this section 10 shall be settled by an arbitrator to be agreed on between the Undertakers and the council and failing agreement to be appointed by the Board of Trade on the application of either party and the provisions of the Arbitration Act 1889 shall apply to any such arbitration. 15

For pro-
tection of
Somerset-
shire Drain-
age Commis-
sioners.

19. For the protection of the Somersetshire Drainage Commissioners (herein-after referred to as "the commissioners") the following provisions shall apply :—

- (1) Where any works done under the authority of this Order will interfere with the banks or beds of the rivers Parrett or 20 Brue or any rhine watercourse bridge culvert or other work under the jurisdiction of the commissioners the Undertakers shall not commence such work until they have given to the commissioners fourteen days' notice in writing of their intention to commence the same (except in cases 25 of emergency arising from defects in any of the pipes or other works and then so soon as is possible after the beginning of the work or the necessity for the same shall have arisen) by leaving such notice at the office of the clerk to the commissioners with plans sections and other necessary 30 particulars of the said works and the commissioners have signified their approval of the same or on their failure so to do within five weeks after the service of the said notice until the said plans and sections have been approved of by an arbitrator to be appointed as herein-after provided and 35 all such works shall be executed by the Undertakers according to such approved plans sections and other particulars :
- (2) Any question which may arise between the Undertakers and the commissioners shall be referred to and determined by 40 an arbitrator to be agreed upon between the Undertakers and the commissioners or failing agreement to be appointed by the Board of Trade :

[10 Edw. 7.] *Gas Orders Confirmation (No. 2).*

11

A.D. 1910.

20. Nothing in this Order shall in any way affect or prejudice any of the powers rights or jurisdictions of the Bridgewater Corporation as the port and navigation authority within the limits of the jurisdiction of the said corporation as such authority.

Burnham
(*Somerset*).

For protection of
Bridgewater
Corporation.

- 5 21. For the protection of the Great Western Railway Company (herein-after referred to as "the Great Western Company") the following provisions shall apply:—

For protection of Great
Western
Railway
Company.

(A) In laying down altering improving enlarging extending maintaining or renewing or in executing or effecting the repairs
10 or renewals of any mains pipes or other works in the exercise of the powers contained in this Order upon across under or adjoining or in any way affecting the railways lands and property now or hereafter belonging to or used or occupied by the Great Western Company or the bridges
15 approaches viaducts stations or other works or any level crossings over the railways of the Great Western Company the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the Great Western Company and only according to such plans and in such manner as shall be submitted to and as shall
20 be previously reasonably approved by him in writing or in case of difference as may be determined by arbitration in manner herein-after provided Provided that if such principal engineer shall not signify his approval or disapproval of
25 any plans or proposals so submitted to him within twenty-eight days after the same are delivered to him or shall refuse or neglect to superintend the work or in cases of emergency arising from defects in any of the pipes or other works the Undertakers may proceed with the same without the
30 approval of plans as aforesaid or without the superintendence of the said engineer:

(B) All such works shall be done by and at the expense of the Undertakers except as in this section otherwise provided who shall also restore and make good to the reasonable
35 satisfaction of the said engineer the roads over or under any bridge or over any level crossing of the railway of the Great Western Company or over the approaches to any such bridge or level crossing so far as the same may be disturbed or interfered with by or owing to any operations of the Undertakers Provided always that should the Great
40 Western Company elect so to do where any mains or pipes require to be laid under or across any level crossing of their railway they may themselves lay the same at the costs charges and expenses of the Undertakers but so nevertheless

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A.D. 1910.

Burnham
(*Somerset*).

that any mains or pipes so laid by the Great Western Company shall be laid under the superintendence and to the reasonable satisfaction of the Undertakers' engineer :

- (c) All such works and operations and all matters incidental thereto shall be constructed executed and done so as to 5
cause as little injury as may be to such railways bridges
level crossings approaches viaducts stations works lands or
property and so as to cause no interruption to the passage
or conduct of traffic over such railways or at to or from
any station thereon : 10
- (d) If any injury or interruption as aforesaid shall arise from or
in any way be owing to any of the acts works operations
and matters aforesaid or the leakage or failure of any such
mains pipes or works in under or near to any railway
bridge level crossing embankment cutting approach viaduct 15
station land works or property of the Great Western
Company the Undertakers shall make compensation to the
Great Western Company in respect thereof the amount of
such compensation unless agreed upon to be determined by
arbitration in the manner herein-after provided : 20
- (e) If the Great Western Company at any time or times here-
after require of which they shall be the sole judges to
construct any additional or other works upon their lands
or railways or to alter or repair their railways bridges
viaducts or works upon across over or under which any 25
of the works of the Undertakers may have been constructed
or laid the Great Western Company may on giving to the
Undertakers fourteen days' notice in writing under the
hand of their secretary or general manager and in case of
emergency of which their engineer shall be the sole judge 30
then on giving as long a notice as possible divert support
or carry the said works of the Undertakers across over or
under their lands railways bridges or works at any other
point or otherwise deal with the same in as convenient a
manner as circumstances will admit and doing as little 35
damage as may be without being liable to pay compensation
in respect of such diversion supporting carrying or dealing
with such works Provided that such works shall be
done subject to the reasonable satisfaction of the engineer
of the Undertakers and without unduly interfering with 40
the supply of gas by the Undertakers :
- (f) Any dispute or difference which may arise between the Great
Western Company and the Undertakers with reference to
the provisions of this section or in any way arising

thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer or other fit person to be appointed by the Board of Trade on the application of the Great Western Company and the Undertakers or either of them.

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Burnham
(*Somerset*).

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22. For the protection of the London and South Western Railway Company and the Midland Railway Company as lessees of the Somerset and Dorset Railway (herein-after referred to as the "lessee companies") the following provisions shall unless otherwise agreed between the lessee companies and the Undertakers apply and have effect:—

For protection of
London and
South Western
and
Midland
Railway
Companies.

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(A) In laying down repairing or removing any gas mains or pipes or executing any other works in the exercise of the powers relative to the supply of gas contained in this Order upon across over under or in any way affecting the Somerset and Dorset Railway or any bridge over or under such railway or any approaches to any such bridge maintained by or within the lessee companies' boundary (herein-after called the "railway works") the same shall be done under the superintendence and to the reasonable satisfaction of the engineer of the lessee companies and (except in cases of emergency arising from defects in any of the pipes or other works) according to such plans sections and specifications and at such times as shall be previously submitted to and as shall be reasonably approved in writing by him or in the event of disapproval then in such manner as shall be determined by arbitration in manner herein-after provided and all such works shall be executed by and at the expense in all things of the Undertakers and so as to cause as little injury as may be to the railway works and the Undertakers shall within the lessee companies' boundary so execute any works as having regard to the existing level of the roadway shall interfere with or impede as little as possible any improvement or widening of such railway or bridge or the introduction of side openings to such bridge Provided that if the said engineer does not express his approval or disapproval of the said plans sections and specifications within twenty-one days after the same have been submitted to him he shall be deemed to have approved thereof and if the said engineer shall refuse or neglect to superintend any operations the Undertakers may execute the works without his superintendence Provided also that where there is not sufficient space on any bridge to lay any mains or

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(*Somerset*).

pipes between the road surface and the structure of any such bridge the lessee companies may require such mains or pipes to be carried outside the structure of any such bridge and shall afford all reasonable facilities for the purpose subject to the conditions herein-before contained 5 so far as the same may be applicable thereto:

- (B) The Undertakers shall (except in cases of emergency arising from defects in any of the pipes or other works) give fourteen days' notice in writing to the lessee companies before commencing any works affecting the railway works 10 or within ten feet of the lessee companies' boundary:
- (C) If any injury or damage to the railway works or property of the lessee companies or any interruption to the lessee companies' traffic shall be in any way occasioned by the construction maintenance or user of the works of the 15 Undertakers or by their contractors agents or workmen the Undertakers shall forthwith make full compensation to the lessee companies in respect thereof and the amount of such compensation shall in failure of agreement be determined by arbitration in manner herein-after provided: 20
- (D) All gas mains or pipes and other works of the Undertakers upon across over under or in any way affecting the railway works shall be at all times maintained in good repair by the Undertakers and in default of their being so maintained the lessee companies may from time to time by notice in 25 writing signed by their said engineer and delivered at the principal office for the time being of the Undertakers require the Undertakers to forthwith put the same into good repair and if the Undertakers for fourteen days after the receipt of such notice refuse or neglect to proceed with 30 the repair of the same or do not dispute the necessity thereof the lessee companies may without further notice to the Undertakers repair the same and all expenses reasonably incurred by them in or about such repair shall be repaid to them by the Undertakers provided that in case of 35 accidents happening or immediate danger being apprehended to the railway works by reason of any such gas main pipe or other work as aforesaid being in want of repair the lessee companies may execute such repairs as may be immediately necessary Provided also that the 40 lessee companies shall as soon as possible give notice to the Undertakers of their intention to commence the same and any reasonable expenses to which the lessee companies

may be put by reason of any such repairs shall be repaid to them by the Undertakers the amount of such expenses if disputed to be settled by arbitration as herein-after provided :

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(Somerset).

- 5 (E) If the lessee companies at any time or times hereafter require to construct any additional or other works upon their lands or railway or to widen or alter the Somerset and Dorset Railway or to widen lengthen strengthen reconstruct alter repair lift or support any bridge over or under such railway or the approaches to such bridge the Undertakers shall afford to the lessee companies all reasonable and proper facilities for the purpose and the Undertakers shall pay to the lessee companies any additional expense which the lessee companies may incur in effecting such widening lengthening strengthening reconstructing altering repairing lifting or supporting or in the maintenance of any bridge approach or other work of the lessee companies by reason of the existence or user of the mains pipes or other works constructed under the powers of this Order :
- 10
- 15
- 20 (F) The Undertakers shall bear and on demand pay to the lessee companies all reasonable costs of the superintendence by them of the construction of the works and repairs thereof and all reasonable costs of watching lighting and protection of the railway works with reference to and during such construction and repairs so far as such costs may in case of difference be determined by the arbitrator to have been necessary :
- 25
- 30 (G) Any difference which may arise between the lessee companies and the Undertakers touching any of the matters referred to in this section shall be decided by a single arbitrator to be appointed on the application of either party by the President for the time being of the Institution of Civil Engineers and the provisions of the Arbitration Act 1889 shall apply to such arbitration.
- 35 23. If any difference arise between the Undertakers and any road authority or 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 or to the facilities to be afforded for the same such difference shall unless otherwise provided by this Order be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party.
- 40

Differences
with road
authority &c.

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Burnham
(*Somerset*).
Quality of
gas.

Testing for
quality.

Quality of Gas.

24. The prescribed number of candles shall be not less than fourteen.

Testing for Quality.

25.—(1) The quality of the gas supplied by the Undertakers shall 5
with respect to its illuminating power be such as to produce at the
testing-place when burned at the rate of five cubic feet per hour a
light equal in intensity to the light produced by fourteen sperm candles
of six to the pound each consuming one hundred and twenty grains
of sperm per hour and shall in all respects be in accordance with the 10
provisions of the Gasworks Clauses Act 1871.

(2) For testing the illuminating power of the gas the burner to
be used shall be that known as the Metropolitan Argand No. 2 the
photometer shall be the Bar photometer the standard light shall be
that supplied by Harcourt's ten-candle pentane lamp and in making 15
the test the burner shall be so used as to obtain from the gas when
burned at the rate aforesaid the greatest amount of light Provided
that the Board of Trade may on the application of the Undertakers or
the local authority approve the use of any other burner photometer
or standard light which may appear to the Board to be equally or 20
more suitable for the testing.

(3) The Undertakers shall within six months from the commence-
ment of this Order provide all the apparatus required by this Order
for the testing of gas and shall at all times keep the same in proper
order and repair. 25

Pressure of Gas.

Pressure of
gas.

26.—(1) All gas supplied by the Undertakers to any consumer
of gas shall be supplied at such pressure as to balance 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 30
such consumer.

(2) Any gas examiner appointed under the Gasworks Clauses Act
1871 may for the purposes of this Order subject to the terms of his
appointment at the testing-place or at any public lamp as and when
he thinks fit test the pressure at which the gas is supplied The 35
Undertakers shall afford to the examiner all reasonable facilities for
making the test.

Testing-Place.

Testing-
place.

27. For the purposes of the Gasworks Clauses Act 1871 the testing-
place shall be a testing-place provided by the Undertakers at the 40
gasworks within six months from the commencement of this Order.

Price of Gas.

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28. The standard price to be charged by the Undertakers for gas supplied by them to private consumers by ordinary meters shall be three shillings and ninepence 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 as follows:—

Burnham
(*Somerset*).
Price of gas
with sliding
scale as to
dividend.

10 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 one
15 hundred pounds of ordinary paid-up capital with a ten per centum standard rate of dividend and three shillings and sixpence on every one hundred pounds of ordinary paid-up capital with a seven per centum standard rate of dividend and so in proportion for any fraction of one hundred pounds:

20 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
25 five shillings on every one hundred pounds of ordinary paid-up capital with a ten per centum standard rate of dividend and three shillings and sixpence on every one hundred pounds of ordinary paid-up capital with a seven per centum standard rate of dividend and so in proportion for any fraction of one hundred
30 pounds.

29.—(1) The Undertakers may demand for any gas supplied through a prepayment meter a not greater charge than for gas supplied to private consumers within their limits of supply through any other kind of meter or by any other method of supply.

Charge for
gas supplied
by means of
prepayment
meters.

35 (2) The Undertakers shall not charge for the hire of any prepayment meter and fittings to be used therewith any sum other than a sum of money calculated according to the quantity of gas supplied through such prepayment meter and the maximum sum to be so charged shall be at the rate of tenpence per one thousand cubic feet
40 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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(Somerset).

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

(3) The maximum charge for the hire of a prepayment meter 5 without fittings shall be at the rate of ten per centum per annum on the cost of the meter.

(4) For the purpose of this section the expression "prepayment meter" means any meter or appliance by which the quantity of gas supplied is regulated according to the amount of money prepaid 10 therefor.

Miscellaneous.

Power to
 supply gas
 fittings.
 Fittings not
 to be subject
 to distress.

30.—(1) The Undertakers may sell let for hire fix repair and remove but shall not manufacture engines stoves ranges pipes and other fittings (in this section called "fittings") for lighting for motive 15 power for the warming and ventilating of houses and buildings for the cooking of food and for all other purposes for which gas can or may be used and may provide all materials and work necessary or proper in that behalf and with respect thereto may demand and take such remuneration in money or rents and charges and make such terms 20 and conditions as may be agreed.

(2) Any fittings now out on hire or let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under process of any court or any proceedings in bankruptcy against the persons in whose 25 possession the same may be Provided that such fittings are marked or impressed with a sufficient mark or brand indicating the Undertakers as the actual owners thereof.

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

31.—(1) Subject as herein-after provided all engines motors fittings apparatus and appliances of the Undertakers now out on hire or let 30 by the Undertakers on hire under the provisions of this Order 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 Undertakers Provided that nothing in this subsection shall affect the amount 35 of the assessment for rating of any premises upon which any such engines motors fittings apparatus and appliances are or shall be fixed.

(2) The Undertakers shall only be entitled to the privileges and exemptions conferred by this section in respect of such engines motors fittings apparatus and appliances as shall have upon them respectively 40 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 Undertakers as the actual owners thereof.

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(*Somerset*).

32. The Undertakers may but only with the consent in writing
5 of the owner of the soil of such street or road on the application of the owner or occupier of any premises within the limits of supply abutting on or being erected in any street laid out but not dedicated to public use supply such premises with gas and may lay down take up
10 as may be requisite or proper for furnishing such supply.

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

33. 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
15 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 storage supply utilisation or distribution of gas or the conversion manufacture or utilisation of any product obtainable in or arising
20 from such manufacture or from the materials used therein.

Power to take licences for use of patents.

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

Power to contract for sale of gas in bulk.

35. No penalty shall be incurred by the Undertakers for neglect
30 or refusal to give a supply of gas in accordance with the provisions of this Order to any company body or person who uses or is in the habit of using machinery or apparatus for making and utilising suction gas if and so long as in the opinion of the Undertakers the giving of a supply by them to such company body or person would interfere with
35 or jeopardise the supply of gas by the Undertakers for public and private lighting and to consumers not using such machinery or apparatus as aforesaid.

As to supply to users of suction gas plant.

36. In order to enable the Undertakers to ensure a satisfactory supply of gas to their consumers the following provisions shall have
40 effect:—

As to construction and placing of pipes &c. between mains and meters.

(1) The Undertakers may specify the size and material of the pipes with the fittings thereof which are to be laid by the

(44)

C 2

A.D. 1910.

Burnham
(*Somerset*).

consumer between the Undertakers' mains and the meter and (so far as the same are intended to be covered over) on the consumer's premises :

- (2) The Undertakers 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 once in each of two newspapers circulating within the limits of supply and a copy thereof shall be kept exhibited in the office of the Undertakers : 10
- (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 Undertakers' main but within the outside wall of the building : 15
- (5) When any such pipe or meter as aforesaid has been laid or placed notice thereof shall be given to the Undertakers and the pipe shall not be covered over until after the expiration of twenty-four hours from the service of such notice on the Undertakers Any officer of the Undertakers 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 Undertakers' specification or if the meter is not placed as required by this section the Undertakers may refuse to supply gas to the premises until the provisions of this section have been complied with : 20 25 30
- (6) Any person to whom the Undertakers refuse 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 Undertakers' 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. 35

Anti-fluctuators for gas engines.

37. Every consumer of gas supplied by the Undertakers who uses a gas engine shall if required to do so by the Undertakers use an anti-fluctuator and shall at all times at his own expense keep such anti-fluctuator in proper order and if any consumer shall make default in complying with the provisions of this section the Undertakers may 40

cease to supply him with gas The Undertakers shall have access to and be at liberty to take off remove test inspect and replace any such anti-fluctuator at all reasonable times such taking off removal testing inspecting and replacing to be done at the expense of the Undertakers
 5 if the anti-fluctuator be found in proper order but otherwise at the expense of such consumer.

A.D. 1910.

*Burnham
(Somerset).*

38. Twenty-four hours' notice in writing shall be given to the Undertakers by every gas consumer before he shall quit any premises supplied with gas by meter by the Undertakers and in default of such
 10 notice the consumer so quitting shall be liable to pay to the Undertakers 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 Undertakers to supply gas to such premises
 15 whichever shall first occur Provided that notice of the provisions of this section shall be endorsed upon every demand note for gas rent payable to the Undertakers.

Gas consumers to give notice to Undertakers before removing.

39. A notice to the Undertakers from a consumer for the discontinuance of a supply of gas shall not be of any effect unless it be in
 20 writing signed by or on behalf of the consumer and be left at or sent by post to the office for the time being of the Undertakers.

Notice of discontinuance.

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

Period of error in defective meters.

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

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

42. The Undertakers may on any land for the time being belonging to or leased by them erect fit up and maintain houses cottages and buildings for the officers and servants employed by the Undertakers
 40 for the purposes of their undertaking.

Power to erect &c. cottages for officers and servants.

43. No penalty shall be incurred by the Undertakers for insufficiency of pressure defect of illuminating power or excess of impurity in the gas supplied by them in any case in which it is

Exemption from penalties in certain cases.

A.D. 1910. proved that such insufficiency defect or excess was produced by any
Burnham circumstances beyond the control of the Undertakers Provided that
(Somerset). the want of sufficient funds shall not be held to be a circumstance
beyond the control of the Undertakers.

Undertakers 44. Where any money is deposited by any person by way of 5
to pay security with the Undertakers for the payment by them of any moneys
interest on which may become due to them from such person in respect of any
deposits. 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 10
six months during which the same remains in their hands.

8 Vict. c. 16, 45. Section 140 of the Companies Clauses Consolidation Act 1845
s. 140 incor- shall be and is hereby incorporated with this Order Provided that
porated. for the purpose of such incorporation the expression "the Company"
in the said section shall be construed to mean the Undertakers. 15

Costs of 46. All the costs charges and expenses of and incidental to the
Order. applying for preparing obtaining and confirming this Order and
otherwise in relation thereto shall be paid by the Undertakers.

SCHEDULE.

GAS LANDS.

20

A piece or parcel of land belonging or reputed to belong to and in
the occupation of the Undertakers and upon which their existing gas-
works are erected situate in the parish and urban district of Burnham
in the county of Somerset containing 2a. 0r. 28p. or thereabouts bounded
on the south and east by lands and premises belonging or reputed to 25
belong to Isaac Widgery William Walter Mear Samuel Charles Mear
and Frederick James Thatcher; on the north by lands and premises
belonging or reputed to belong to Holt Brothers Limited Frederick
James Keats and Edmund Comer Board Benjamin Comer Board and
Martha Agnes Gertrude Board; on the west by lands and premises 30
belonging or reputed to belong to the said Holt Brothers Limited and
the highway known as Oxford Street Burnham aforesaid.

DINNINGTON AND DISTRICT GAS.

A.D. 1910.

*Dinnington
and District.*

*Order empowering the Dinnington and District Gas Company
Limited to maintain and continue gasworks and to manufacture
and supply gas in the parishes or townships of Dinnington
5 North and South Anston Saint John's with Throapham
 Brampton-en-le-Morthen Hooton Levett and
 Laughton-en-le-Morthen in the West Riding of the county
 of York and for other purposes.*

1. This Order may be cited as the Dinnington and District Gas Short title.
10 Order 1910.

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

3. The provisions of the Lands Clauses Acts (except with respect Incorpora-
15 to the purchase and taking of lands otherwise than by agreement and tion of Acts.
with respect to the entry upon lands by the promoters of the under-
taking) of the Gasworks Clauses Act 1847 (except sections 30 to 34
both inclusive) and of the Gasworks Clauses Act 1871 are hereby
20 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
25 or constructed under the authority of this Order.

Provided that section 13 of the Gasworks Clauses Act 1847 shall be
read as if the words "or any premises" were inserted after the words
"private building" and as if the words "Provided also that every
such contract entered into by the Undertakers shall be alike in terms
30 and amount under like circumstances to all consumers" were added at
the end of that section and also that section 35 of such Act shall be
read and construed as if the words from "in case the whole" down to
the words "have been paid" were omitted therefrom and as though
the expression "the prescribed rate" included the prescribed rates as
35 defined by this Order together with any sum which under the pro-
visions of this Order may lawfully be carried to the special purposes
fund.

4. In this Order the expression "the prescribed rates" means the rates Interpreta-
of dividend authorised by this Order on the capital of the Undertakers tion.
40 or such rates as reduced or increased in accordance with the provisions

A.D. 1910. of this Order and the several words terms and expressions to which
Dinnington by any Act in whole or in part incorporated with this Order and by the
and District. Gas and Water Works Facilities Act 1870 meanings are assigned have
 in this Order the same respective meanings unless there be something
 in the subject or context repugnant to such construction and in the 5
 construction of this Order or of any such Act for the purposes of
 this Order the expression "the undertaking" shall include the gas-
 works and works connected therewith by this Order authorised to be
 maintained and continued.

Limits of 5. The limits within which the provisions of this Order shall be 10
Order. in force and have effect (in this Order referred to as "the limits of
 supply") shall be the parishes or townships of Dinnington North and
 South Anston Saint John's with Throapham Brampton-en-le-Morthen
 Hooton Levett and Laughton-en-le-Morthen in the West Riding of the
 county of York. 15

Undertakers.

Undertakers. 6. The Dinnington and District Gas Company Limited shall be the
 Undertakers for the purposes of this Order and are in this Order
 referred to as "the Undertakers."

Capital.

Capital. 7. The share capital of the Undertakers for the purposes of the 20
 undertaking shall not exceed thirty thousand pounds consisting of the
 ordinary share capital already raised by the Undertakers of twelve
 thousand pounds (in this Order referred to as "the original capital")
 and of additional share capital (in this Order referred to as "the 25
 additional capital") not exceeding eighteen thousand pounds including
 any premium which may be obtained on the sale of any shares or stock
 under the provisions of this Order unless the Undertakers are hereafter
 authorised to raise for such purposes further additional share capital
 by Provisional Order under the Gas and Water Works Facilities Act 30
 1870 or by Act of Parliament.

New shares 8.—(1) All shares or stock forming part of the additional capital
or stock to shall be issued in accordance with the provisions of this section.
be sold by

(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 35
 to such conditions of sale as the Undertakers shall by special
 resolution determine Provided as follows:—

(A) Notice of the intended sale shall be given in writing to the
 clerk of every local authority having jurisdiction within
 the limits of supply and to the secretary of the London 40
 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:

A.D. 1910.
Dinnington
and District.

- 5 (B) A reserve price shall be fixed and notice thereof shall be sent by the Undertakers 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:
- 10 (c) No lot offered for sale shall comprise shares or stock of greater nominal value than one hundred pounds:
- (d) In the case of a sale by tender no preference shall be given to one of two or more persons tendering the same sum. In the case of a sale by auction a bid shall not be recognised unless it is in advance of the last preceding bid:
- 15 (e) It shall be one of the conditions of sale that the total sum payable by the purchaser shall be paid to the Undertakers within three months after the date of the auction or of the acceptance of the tender as the case may be.
- 20 (3) Any shares or stock which have been so offered for sale and are not sold may be offered at the reserve price to the holders of ordinary or preference shares or stock of the Undertakers in manner prescribed by a resolution passed by the directors of the Undertakers and to the employees of the Undertakers and to the consumers of
- 25 gas supplied by the Undertakers in such proportions as the directors of the Undertakers may think fit or to one or more of these classes of persons only. Provided in the case of an offer to holders of shares or stock that if the aggregate amount of shares or stock applied for shall exceed the aggregate amount so offered as aforesaid the same shall be
- 30 allotted to and distributed amongst the applicants as nearly as may be in proportion to the amounts applied for by them respectively.
- (4) Any shares or stock which have been offered for sale in accordance with the foregoing provisions of this section and are not sold shall be again offered for sale by public auction or by tender in
- 35 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
- 40 Undertakers shall send a report thereof to the Board of Trade stating the total amount of the respective shares or stock sold the total amount obtained as premium (if any) and the highest and lowest prices obtained for the respective shares or stock.

A.D. 1910.

*Dinnington
and District.*Application
of premium
arising on
issue of
shares or
stock.Limits of
dividend on
capital.Dividends
on different
classes of
shares or
stock to be
paid propor-
tionately.Limit of
borrowing
powers.Power to
purchase
additional
land.

9. All money raised under this Order including any premiums shall be applied only to purposes to which capital is properly applicable and any sum of money which may arise from the issue of any shares or stock under the provisions of this Order by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as part of the capital of the Undertakers entitled to dividend. 5

10. Except as in this Order otherwise provided the profits of the Undertakers to be divided among the shareholders in any year shall not exceed the following rates that is to say on the original capital the rate of ten pounds in respect of every one hundred pounds of such capital and on the additional capital the rate of seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital and the rate of six pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as preference capital. 10 15

11. In case in any year or in any half-year if the Undertakers declare a dividend half-yearly the funds of the Undertakers applicable to dividend shall be insufficient to pay the prescribed rates on each class of ordinary stock or shares in the original capital and the additional capital a proportionate reduction shall be made in the dividends payable on each class. 20

12. 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 one-third of the amount of the capital of the Undertakers at the time actually raised by the issue of shares or stock including any premium that may be obtained on the sale of any shares or stock under the provisions of this Order 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. 25 30

Purchase of Lands.

13. The Undertakers may for the purposes of the undertaking purchase or take on lease (by agreement but not otherwise) and hold in addition to the lands described in the schedule 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 in addition to 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. 35 40

*Maintenance and Continuance of Gasworks Manufacture and
Sale of Gas Coke and Residual Products.*

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14. The Undertakers on the lands shown on the map deposited for the purposes of this Order and described in the schedule to this Order
- 5 while they are possessed of the same may maintain and continue alter enlarge improve re-erect renew or discontinue their existing gasworks and works connected therewith for the manufacture utilisation distribution and storage of gas and of coal tar coke and ammoniacal liquor and they may subject to the provisions of this Order manufacture and
- 10 store gas on such lands and supply and sell the same within the limits of supply and may on the same lands store coal tar coke pitch and asphaltum and manufacture and store ammoniacal liquor and sulphate of ammonia and may sell and dispose of the same at their works and elsewhere and they may also deal in and sell lime at their works and
- 15 elsewhere and they may also construct and maintain alter enlarge renew or discontinue houses offices buildings and other works connected with the undertaking.

Undertakers
may main-
tain and
continue
gasworks
on lands
described in
schedule and
may make
and sell gas
&c.

- 15.—(1) The Undertakers may sell let for hire fix repair and remove but shall not manufacture engines stoves ranges pipes and other
- 20 fittings for lighting for motive power for the warming and ventilating of houses and buildings for the cooking of food and for all other purposes for which gas can or may be used and may provide all materials and do all work necessary or proper in that behalf and with respect thereto may demand and take such remuneration in money or
- 25 such rents and charges for and make such terms and conditions as may be agreed upon and such remuneration rents and charges shall be recoverable in the same manner as rents or sums due to the Undertakers for gas.

Power to
supply gas
fittings.

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

Fittings not
to be subject
to distress.

16. 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
- 40 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 supply

Power to
take licences
for patents
&c.

A.D. 1910. or distribution of gas or the conversion manufacture or utilisation of
Dinnington any product obtainable in or arising from such manufacture or from
and District. the materials used therein.

Undertakers
 may contract
 with local
 authority &c.
 for supply
 in bulk.

17. The Undertakers may contract with any local authority company
 or person authorised to supply gas under parliamentary powers in any 5
 district adjacent to the limits of supply for the supply to them respec-
 tively of gas in bulk upon such terms and conditions and for such
 periods not exceeding in any case seven years from the making of the
 contract as may be agreed upon but nothing in this section shall
 authorise the Undertakers to lay any mains or interfere with any street 10
 beyond their limits of supply.

For pro-
 tection of
 West Riding
 County
 Council.

18. In executing the works and exercising the powers by this
 Order authorised so far as they affect main roads and county bridges
 of the West Riding of the county of York the following provisions for
 the protection of the county council of the said West Riding (in this 15
 section called "the county council") shall have effect unless otherwise
 agreed on in writing between the county council and the Undertakers
 that is to say:—

- (1) All mains pipes or works not being service pipes or renewals
 of existing mains pipes or works to be laid in or along 20
 any main road or above or alongside of any county or
 main road bridge or the approaches thereto shall be
 constructed and laid in such position having regard to
 all the circumstances as the county council shall by writing
 under the hand of their surveyor reasonably direct and in 25
 such manner and according to such plan as is herein-after
 mentioned and the gradient of such bridge and of the
 respective approaches thereto shall not be altered:
- (2) All works to be constructed or laid in or along or across or
 in any way affecting any main road or affecting or near 30
 to any county or main road bridge or any approach thereto
 shall be executed at the expense of the Undertakers under
 the superintendence if the same be given and to the
 reasonable satisfaction of the said surveyor and in accordance
 with plans sections and specifications to be submitted to 35
 and reasonably approved of by him in writing before the
 commencement of any such work (except in case of emergency
 when the Undertakers may proceed forthwith with the
 work after giving such notice as the circumstances admit)
 Provided that if the said surveyor shall not within twenty-one 40
 days after the same shall have been submitted so express his
 approval or disapproval thereof or signify his requirements
 in relation thereto he shall be deemed to have approved
 thereof:

- (3) The works shall be so executed as not in any way to stop or unreasonably interfere with the traffic of any main road or county or main road bridge or of any approach thereto and all such works shall be proceeded with and completed with all possible dispatch :
- (4) Nothing in this Order contained shall interfere with the right of the county council at any time or times to divert widen or improve any such main road or to remove alter widen or renew any such county or main road bridge or the approaches thereto alongside or near to which any such mains pipes or works are carried without making any compensation to the Undertakers for any expense or loss to which the Undertakers may be put in consequence of such diversion widening improvement removal alteration or renewal and in the event of any such main road or bridge or the approaches thereto being diverted widened or improved removed altered or renewed as aforesaid so as to involve interference with any main pipe or work of the Undertakers the Undertakers shall at their own expense after receiving notice in writing under the hand of the said surveyor remove or alter the position of such mains pipe or work in such manner and to such extent as may be reasonably prescribed by such notice and shall where necessary replace the same to the reasonable satisfaction of the said surveyor Provided that before and during any such diversion widening improvement removal alteration or renewal as aforesaid the county council shall afford reasonable facilities for temporarily carrying such mains or pipes along the main road or across the stream so as not to interrupt the continuous supply of gas :
- (5) Notwithstanding anything in this Order contained if any difference arise between the Undertakers and the county council touching this section or anything to be done or not to be done thereunder such difference shall be settled by an engineer to be agreed upon or failing agreement to be appointed by the President of the Institution of Civil Engineers on the application of either party and his decision shall be conclusive and the costs of the reference shall be borne as he shall direct.
19. In executing the works and exercising the powers by this Order authorised so far as they affect any road or bridge or the approaches to any bridge maintainable by the Rotherham Rural District Council the following provisions for the protection of the said

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*Dinnington
and District.*For pro-
tection of
Rotherham
Rural Dis-
trict Council.

A.D. 1910. Rotherham Rural District Council (in this section called "the rural council") shall have effect unless otherwise agreed on in writing between *Dinnington and District.* the rural council and the Undertakers (that is to say):—

- (1) All mains pipes or works not being service pipes or renewals of existing mains pipes or works to be laid in or along any such road or bridge or the approaches thereto shall be constructed and laid in such position having regard to all the circumstances as the rural council shall by writing under the hand of their surveyor reasonably direct: 5
- (2) All works to be constructed or laid in along or across or in any way affecting any such road or bridge or any approach thereto shall be executed at the expense of the Undertakers under the superintendence if the same be given and to the reasonable satisfaction of the said surveyor and in accordance with plans sections and specifications to be submitted to and reasonably approved of by him in writing before the commencement of any such work (except in case of emergency when the Undertakers may proceed forthwith with the work after giving such notice as the circumstances admit) Provided that if the said surveyor shall not within twenty-one days after the same shall have been submitted so express his approval or disapproval thereof or signify his requirements in relation thereto he shall be deemed to have approved thereof Before proceeding to execute any such works as aforesaid the Undertakers shall except in case of emergency give to the said surveyor in the case of works not being service pipes fourteen days' notice and in the case of service pipes three days' notice: 10 15 20 25
- (3) The works shall be so executed as not in any way to stop or unreasonably interfere with the traffic of any such road bridge or of any approach thereto and all such works shall be proceeded with and completed with all possible despatch: 30
- (4) Nothing in this Order contained shall interfere with the right of the rural council at any time or times to divert widen or improve any such road in alongside or near to which any such mains pipes or works are carried without making any compensation to the Undertakers for any expense or loss to which the Undertakers may be put in consequence of such diversion widening improvement removal alteration or renewal and in the event of any such road or bridge or the approaches thereto being diverted widened or improved removed altered or renewed as aforesaid so as to involve interference with any main pipe or work of the Undertakers the Undertakers shall at their own expense after receiving 35 40

notice in writing under the hand of the said surveyor remove or alter the position of such mains pipe or work in such manner and to such extent as may be reasonably prescribed by such notice and shall where necessary replace the same

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and District.

5 that before and during any such diversion widening improvement removal alteration or renewal as aforesaid the rural council shall afford reasonable facilities for temporarily carrying such mains or pipes along such road or across the stream so as not to interrupt the continuous supply of gas :

10 (5) Whenever the Undertakers shall have opened or broken up any such road in the exercise of any of their statutory powers they shall complete the work and fill in the ground to the reasonable satisfaction of the rural council or of their surveyor for the time being and the reinstatement and making good of the road shall include the application of a sufficient layer of surface metalling of the specification as that employed by the rural council for the particular road and shall include the use of a steam roller on the places where the road has been broken up until the surface thereof has been made uniform with the unbroken surface adjoining the same to be done at the expense of the Undertakers and to the reasonable satisfaction of the rural council or of their surveyor for the time being :

25 (6) Notwithstanding anything in this Order contained if any difference arise between the Undertakers and the rural council touching this section or anything to be done or not to be done thereunder such difference shall be settled by an engineer to be agreed upon or failing agreement to be appointed by the President of the Institution of Civil Engineers on the application of either party and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference.

35 20. The following provisions for the protection of the Great Central Railway Company the Great Central and Midland Joint Committee the Great Central Hull and Barnsley and Midland Committee and the South Yorkshire Joint Line Committee (all or either of whom as the case may be are in this section referred to as and included in the expression "the railway company") shall unless otherwise agreed in writing between the railway company and the Undertakers apply and have effect (that is to say):—

For protection of
railway
companies.

(1) The execution of any works in the exercise by the Undertakers of the powers conferred upon them by this Order upon across or in any way affecting the railways and other

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*Dinnington
and District.*

property of or any road repairable by the railway company (all or any part whereof as the case may be is in this section included in the expression "the property of the railway company") shall be done and completed with all dispatch after the commencement thereof under the superintendence and to the reasonable satisfaction of the engineer of the railway company and only according to such plans and sections and in such manner as shall previously be reasonably approved by him in writing or in case of difference as may be determined by arbitration in the manner herein-after provided. Provided that if such engineer shall not approve or disapprove any plans and sections so submitted to him within fourteen days after the same are delivered to him or shall refuse or neglect to superintend the work the Undertakers may proceed without the approval of the plans and sections and without the superintendence of the said engineer:

- (2) All such works shall be done by and at the expense of the Undertakers (except as in this section otherwise provided) who shall also at the like expense restore and make good to the reasonable satisfaction of the said engineer the roads over or under any bridge or level crossing of the railway of the railway company or the approaches thereto so far as the same may be disturbed or interfered with by or owing to any operations of the Undertakers: Provided always that should the railway company elect so to do where any mains pipes or other works require to be laid renewed or repaired under or across any level crossing of their railway they may themselves carry out such work at the costs charges and expenses of the Undertakers but so nevertheless that any mains or pipes so laid by the railway company shall only be laid under the superintendence and to the reasonable satisfaction of the engineer of the Undertakers:
- (3) All such works and operations and all matters incidental thereto shall be constructed executed and done so as to cause as little injury as may be to the property of the railway company and so as to cause no interruption to the passage or conduct of the railway company's traffic and if any injury or interruption as aforesaid shall arise from or in any way be owing to the act or default or the works or operations of the Undertakers or to the leakage or failure of any such mains pipes or works in under or near to the property of the railway company the Undertakers

shall make compensation to the railway company in respect thereof the amount of such compensation unless agreed upon to be determined by arbitration in the manner herein-after provided : A.D. 1910.
*Dinnington
and District.*

- 5 (4) The Undertakers shall bear and on demand pay to the railway company all reasonable costs of the superintendence by them of the construction or repair of any of the works of the Undertakers affecting the property of the railway company and in the case of any level crossing being broken
10 up all reasonable costs of watching lighting signalling and protecting the property of the railway company with reference to and during such construction or repair but such superintendence by the railway company or their
15 neglect to superintend shall not alter or affect any liability to which the Undertakers may be subject for any accident which may be occasioned by the works or operations or by the act or default of the Undertakers or of their contractors servants or workmen or any of them :
- 20 (5) If at any time it is found necessary in order to enable the railway company to carry out any alterations or extensions of their railways or works to alter the position of the said mains pipes or works the Undertakers shall on receiving notice in writing from the railway company so to do at their own cost and to the reasonable satisfaction of the engineer
25 of the railway company alter the position of the said mains pipes or works so far as may be necessary to enable the railway company to carry out such alterations or extensions of their railway or works and the provisions of this section shall apply to the said mains pipes or works in their
30 altered position :
- 35 (6) Any difference arising between the Undertakers and the railway company under this section shall be determined by an engineer or other fit person to be appointed failing agreement by the President of the Institution of Civil Engineers at the request of either party.

21. If any difference arise between the Undertakers and any road authority or 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 main
40 pipes or other works in over or upon such lands or works or the facilities to be afforded for the same such difference unless the same be otherwise specially provided for by the provisions of this Order shall be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party.
- Differences
with road
authorities
or railway
or other
companies.

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*Price of Gas &c.**Dinnington
and District.
Price of gas.*

22. The standard price to be charged by the Undertakers for gas supplied by them shall be four shillings per thousand cubic feet and so in proportion for any less quantity required :

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 capital of the Undertakers 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 standard 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 with a ten per centum standard rate of dividend and by three shillings and sixpence on every hundred pounds of ordinary paid-up capital with a seven 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 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 with a ten per centum standard rate of dividend and by three shillings and sixpence on every hundred pounds of ordinary paid-up capital with a seven per centum standard rate of dividend and so in proportion for any fraction of one hundred pounds.

*Power to
create a
special pur-
poses fund.*

23.—(1) The directors may if they think fit in any year appropriate out of the revenue of the Undertakers 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 Undertakers including premiums to a fund to be called “the special purposes fund.”

(2) The special purposes fund shall be applicable only to meet such charges as a chartered accountant or incorporated accountant being the auditor of the Undertakers or 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. A.D. 1910.
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(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 Undertakers including premiums.

(4) The moneys forming the special purposes fund or any portion thereof may be invested in securities in which trustees are authorised by law to invest or may be applied for the general purposes of the Undertakers 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.

24. If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the dividend on the preference capital and the dividend at the authorised rate on the ordinary capital of the Undertakers the excess shall be carried to the credit of the divisible profits of the undertaking for the next following year: *Application of excess of profits over authorised rates of dividend.*

Provided that the sum standing to the credit of such divisible profits shall not at any time exceed the amount required to pay one year's dividend at the authorised rates.

25. Where in any year the dividends on the ordinary capital of the Undertakers shall exceed the standard rate 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 shall think fit and all sums (if any) so set apart by the Undertakers and any reserve or other fund of the Undertakers existing at the commencement of this Order 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 be insufficient to enable the Undertakers in such year to pay the dividend at the authorised rates on the ordinary capital of the Undertakers and save as in this Order provided no sum shall in any year be carried by the Undertakers to any reserve fund. *Power to create a reserve fund.*

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*Dinnington
and District.*Charge for
gas supplied
by means of
prepayment
meters.

26.—(1) The Undertakers may demand for any gas supplied through a prepayment meter a not greater charge than for gas supplied to private consumers within their limits of supply through any other kind of meter or by any other method of supply.

(2) The Undertakers shall not charge for the hire of any prepayment meter and fittings to be used therewith any sum other than a sum of money, calculated according to the quantity of gas supplied through such prepayment meter and the maximum sum to be so charged shall be at the rate of 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.

The said charge shall include the providing letting fixing repairing and maintenance of the meters and fittings and the cost of collection and other costs incurred by the Undertakers in connexion with the meter and fittings.

(3) The maximum charge for the hire of a prepayment meter without fittings shall be at the rate of ten per centum per annum on the cost of the meter.

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

Price of gas
for public
lighting.

27. The price to be charged by the Undertakers for gas supplied for public lighting within the limits of supply shall be such a price as may be determined in accordance with the provisions of the Gasworks Clauses Act 1871 not exceeding three shillings and sixpence per thousand cubic feet.

*Quality and Testing of Gas.*Quality of
gas.

28. The prescribed number of candles shall be not less than fourteen.

Testing-
place.

29. For the purposes of the Gasworks Clauses Act 1871 the prescribed testing-place shall be a testing-place which shall be provided by the Undertakers on the lands described in the schedule to this Order within six months after the commencement of this Order.

Testing
quality.

30.—(1) The quality of the gas supplied by the Undertakers shall with respect to its illuminating power be such as to produce at the testing-place when burned at the rate of five cubic feet per hour a light equal in intensity to the light produced by fourteen sperm candles of six to the pound each consuming one hundred and twenty grains of sperm per hour and shall be in all respects in accordance with the provisions of the Gasworks Clauses Act 1871.

(2) For testing the illuminating power of the gas the burner to be used shall be that known as the Metropolitan Argand No. 2 the photometer shall be the Bar photometer the standard light shall be that supplied by Harcourt's ten-candle pentane lamp and in making the test
 5 the burner shall be so used as to obtain from the gas when burned at the rate aforesaid the greatest amount of light Provided that the Board of Trade may on the application of the Undertakers or the local authority approve the use of any other burner photometer or standard light which may appear to the Board to be equally or more
 10 suitable for the testing.

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(3) The Undertakers shall within six months after the commencement of this Order provide all the apparatus required by this Order for the testing of gas and shall at all times keep the same in proper order and repair.

15 31.—(1) All gas supplied by the Undertakers to any consumer of gas shall be supplied at such pressure as to balance a column of water not less than eight-tenths of one inch in height at the main or as near as may be to the junction therewith of the service pipe supplying the consumer.

Pressure.

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

30 32. No penalty shall be incurred by the Undertakers for insufficiency of pressure defect of illuminating 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 circumstances beyond the control of the Undertakers Provided that the want of sufficient funds shall not be held to be a circumstance beyond the control of the Undertakers.

Saving as to penalties.

Miscellaneous.

35 33. In order to enable the Undertakers 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 Undertakers may specify the size and material of the pipes with the fittings thereof which are to be laid by the consumer either in the first instance or on the occasion of any renewal
 40 between the Undertakers' mains and the meter and (so far as the same are intended to be covered over) on the consumer's premises:

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and District.*

- (2) The Undertakers 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 once in each of two 5
newspapers circulating within the limits of supply and a
copy thereof shall be kept exhibited in the office of the
Undertakers :
- (4) Every meter to be used in a new building or a building not
previously supplied with gas or in connexion with a new 10
or substituted pipe laid by the consumer between the main
and the consumer's meter shall be placed as near as reason-
ably practicable to the Undertakers' main but within the
outside wall of the building ;
- (5) When any such pipe or meter as aforesaid has been laid or 15
placed notice thereof shall be given to the Undertakers and
the pipe shall not be covered over until after the expiration
of twenty-four hours from the service of such notice on the
Undertakers Any officer of the Undertakers duly appointed
may between nine o'clock in the morning and five o'clock in 20
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 Undertakers' specification or if the meter
is not placed as required by this section the Undertakers 25
may refuse to supply gas to the premises until the provisions
of this section have been complied with :
- (6) Any person to whom the Undertakers refuse 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 30
hearing the parties and considering any questions as to the
reasonableness of the Undertakers' 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. 35

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

34. The Undertakers may but only with the consent of the owner
of the soil of such street or road upon the application of the owner
or occupier of any premises abutting on or being erected in any street
or road laid out or made but not dedicated to public use supply
such premises with gas and may lay and take up alter re-lay or 40
renew in across or along such street or road such pipes and apparatus
as may be requisite or proper for furnishing such supply and the pro-
visions 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.

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- 5 35. Every consumer of gas supplied by the Undertakers who uses a gas engine shall if required to do so by the Undertakers use an anti-fluctuator and shall at all times at his own expense keep such anti-fluctuator in proper order and if any consumer shall make default in complying with the provisions of this section the Undertakers may
- 10 cease to supply him with gas The Undertakers shall have access to and be at liberty to take off remove test inspect and replace any such anti-fluctuator at all reasonable times such taking off removal testing inspecting and replacing to be done at the expense of the Undertakers if the anti-fluctuator be found in proper order but otherwise at the
- 15 expense of such consumer.

Anti-fluctuators for gas engines.

36. At least twenty-four hours' notice in writing shall be given to the Undertakers by every consumer of gas before he shall quit any premises supplied with gas by meter by the Undertakers and in default of such notice the consumer so quitting shall be liable to pay to the
- 20 Undertakers 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 Undertakers to supply gas to such premises whichever shall first occur Notice of the effect of this enactment shall
- 25 be endorsed upon every demand note for charges payable to the Undertakers.

Gas consumers to give notice to Undertakers before removing.

37. A notice to the Undertakers from a consumer for the discontinuance of a supply of gas shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent
- 30 by post to the office for the time being of the Undertakers.

Notice to discontinue supply of gas.

38. If a person requiring a supply of gas from the Undertakers has previously quitted premises at which gas was supplied to him by them without paying to them all gas charges and meter rent or other moneys due from him to the Undertakers they may refuse to furnish
- 35 to him a supply of gas until he pays the same.

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

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

Period of error in defective meters.

- A.D. 1910. consumer by the Undertakers shall be paid by or to the Undertakers to or by the consumer as the case may be and shall be recoverable in like manner as gas charges are recoverable by the Undertakers.
- Dinnington and District.*
- Dwelling-houses for workmen. 40. The Undertakers may on any land for the time being belonging to or leased by them erect fit up and maintain houses cottages and buildings for the officers and servants employed by the Undertakers for the purposes of their undertaking. 5
- Undertakers to pay interest on money deposited as security for gas meter, &c. 41. If any person is required by the Undertakers to give to them security for any supply of gas or for the payment of the price or rent of a meter and such security is made by way of deposit the Undertakers shall pay interest after the rate of four pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands. 10
- 8 Vict. c. 16. s. 140 incorporated. 42. Section 140 of the Companies Clauses Consolidation Act 1845 shall be and is hereby incorporated with this Order Provided that for the purposes of such incorporation the expression "the Company" in the said section shall be construed to mean the Undertakers. 15
- Costs of Order. 43. 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. 20

The SCHEDULE to which this Order refers.

GAS LANDS.

A piece of land containing by admeasurement 3 acres 2 roods 23 perches or thereabouts bounded on or towards the north-east by Eels Mire Dyke on or towards the east partly by Dinnington Lane and partly by lands belonging or reputed to belong to James Turner Joseph Lidster and William Michael Hargreaves respectively on or towards the south by land belonging or reputed to belong to James Turner and on or towards the west by land belonging or reputed to belong to the Reverend George Middleton Athorpe. 25 30

DUNBLANE GAS.

A.D. 1910.

Dunblane.

Order empowering the Dunblane Gas Company Limited to maintain and continue their existing gasworks to construct and maintain additional gasworks and to manufacture store
 5 *and supply gas to and within the parish of Dunblane in the county of Perth and for other purposes.*

Preliminary.

1. This Order may be cited as the Dunblane Gas Order 1910. Short title.
2. This Order shall come into force and have effect upon the day
 10 when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order." Commence-
ment of
Order.
- 3.—(1) The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agree-
 15 the Undertaking) of the Gasworks Clauses Act 1847 (except sections 30 to 34 both inclusive) and of the Gasworks Clauses Act 1871 are hereby incorporated with this Order except where the same are expressly varied by or are inconsistent with the provisions hereof. Incorporation of Acts.
- (2) The said provisions of the said Gasworks Clauses Acts shall
 20 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. Provided that for the purpose of such
 25 incorporation section 35 of the said Gasworks Clauses Act 1847 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 that section 13 of the said Act shall be read as if the words "or any premises" were inserted after the words "private building" and
 30 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 and as though the expression "the prescribed rate" included the prescribed rates as defined by this Order together with any sum
 35 which under the provisions of this Order might lawfully be carried to the insurance fund.
4. In this Order "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
 40 and the several words terms and expressions to which by any Act in

Interpreta-
tion.

A.D. 1910. whole or in part incorporated with this Order and by the Gas and
Dunblane. Waterworks Facilities Act 1870 meanings are assigned have in this
 Order the same respective meanings unless there be something in the
 subject or context repugnant to such construction and in the con-
 struction of this Order or of any such Act for the purposes of this 5
 Order the expression "the Undertaking" shall mean the undertaking
 by this Order authorised (including the gasworks and works connected
 therewith by this Order authorised to be continued constructed and
 maintained).

Limits of
 Order.

5. The limits within which the provisions of this Order shall be 10
 in force and have effect (in this Order referred to as "the limits of
 supply") shall be the parish of Dunblane and Lecropt in the county
 of Perth except so much thereof as formerly constituted the parish of
 Lecropt and so much of the old parish of Dunblane as is situate to
 the south and west of an imaginary line commencing at Murdoch's 15
 Ford on the old Doune Road and continuing in an easterly direction
 to the junction of that road with the road known as Baxter's Loan
 and along that road in a south-easterly direction to the junction
 therewith of the public road leading from Dunblane to the Bridge of
 Allan thence along that road in a southerly direction to the junction 20
 therewith of the Park of Kier farm road and along that road and the
 continuation thereof in an easterly and southerly direction to the
 boundary of the old parish of Lecropt.

Undertakers.

Undertakers. 6. The Dunblane Gas Company Limited shall be the Undertakers 25
 for the purposes of this Order and are in this Order referred to as "the
 Undertakers."

Capital.

Capital. 7. The share capital of the Undertakers shall not for the purposes of
 the undertaking exceed thirteen thousand pounds consisting of the 30
 ordinary share capital already raised by the Undertakers of six
 thousand pounds (in this Order referred to as "the original capital")
 and of seven thousand pounds additional share capital (in this Order
 referred to as "the additional capital") to be issued subject to the
 provisions of this Order including any premium which may be obtained 35
 on the sale of any shares under the provisions of this Order unless
 the Undertakers are hereafter authorised to raise for such purposes
 further additional share capital by Provisional Order under the Gas
 and Water Works Facilities Act 1870 or by Act of Parliament.

Additional capi-
 tal to be sold by
 auction or tender.

8.—(1) All shares or stock forming part of the additional capital 40
 shall be issued in accordance with the provisions of this section.

(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 Undertakers shall by special resolution determine :

A.D. 1910.

Dunblane.

5 Provided as follows :—

10 (A) Notice of the intended sale shall be given in writing to the clerk of every local authority within the limits of supply and to the secretary of the Edinburgh 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 :

15 (B) A reserve price shall be fixed by the directors of the Undertakers and notice thereof shall be sent by the Undertakers 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 :

20 (C) No lot offered for sale shall comprise shares or stock of greater nominal value than one hundred pounds :

25 (D) In the case of a sale by tender no preference shall be given to one of two or more persons tendering the same sum. 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 Undertakers within three months after the date of the auction or of the acceptance of the tender as the case may be.

30 (3) Any shares or stock which have been so offered for sale and are not sold may be offered at the reserve price to the holders of ordinary shares or stock of the Undertakers in manner prescribed by a resolution passed by the directors of the Undertakers and to the employees of the Undertakers and to the consumers of gas supplied
35 by the Undertakers in such proportions as the directors of the Undertakers may think fit or to one or more of these classes of persons only. Provided that in 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
40 and distributed amongst the applicants as nearly as may be in proportion to the amounts applied for by them respectively.

A.D. 1910.
Dunblane.

(4) Any shares or stock which have been offered in accordance with the foregoing provisions of this section and are not sold shall be again offered for sale by public auction or by tender in accordance with the provisions of this section and any such shares or stock then remaining unsold may be otherwise disposed of at such price and in such manner as the directors may determine for the purpose of realising the best price obtainable. 5

(5) As soon as possible after the conclusion of the sale or sales the Undertakers shall send a report thereof to the Board of Trade stating the total amount of the shares or stock sold the total amount obtained as premium (if any) and the highest and lowest prices obtained for the shares or stock as the case may be. 10

Application
of money.

9. All money raised under this Order including any premiums shall be applied only to purposes to which capital is properly applicable and any sum of money which may arise from the issue of any shares under the provisions of this Order by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as part of the capital of the Undertakers entitled to dividend. 15

Limit of
dividends on
capital.

10. Except as by this Order expressly provided the Undertakers shall not in any year declare or make out of their profits any larger dividends than ten pounds in respect of every one hundred pounds of the original capital and seven pounds in respect of every one hundred pounds actually paid up of the additional capital. 20

Dividends on
different
classes of ordi-
nary shares to
be paid propor-
tionately.

11. In case in any year or in any half-year when a half-yearly dividend is declared the net revenues of the Undertakers applicable to dividend are insufficient to pay the full amount of the prescribed rates on each class of ordinary shares in the original and additional capital of the Undertakers a proportionate reduction shall be made in the dividends payable on each class. 25 30

Limit of
borrowing
powers.

12. The amount of all moneys to be hereafter borrowed by the Undertakers and secured by mortgage of the undertaking shall not at any time exceed in the whole one-third of the amount of the capital at any time actually raised by the issue of shares or stock including any premiums that may be obtained on the sale of any shares or stock under the provisions of this Order 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. 35 40

Purchase of Lands.

A.D. 1910.

13. The Undertakers may for the purposes of the gas undertaking purchase or take on lease (by agreement but not otherwise) and hold in addition to the lands described in the schedule to this Order annexed 5 any lands which they may require (in this Order the term "the additional lands" shall mean any lands so acquired under the powers of this section) provided that they shall not at any time hold for such purposes more than five acres of land in the whole in addition to the lands described in the said schedule and that they shall not create or 10 permit a nuisance on any such lands and that the Undertakers shall not manufacture gas or residual products or store gas upon any part of the additional lands.

Dunblane.
Power to purchase additional land by agreement.

14. The Undertakers may on any land for the time being belonging to or leased by them erect fit up maintain and let houses cottages and 15 buildings for the officers and servants employed by the Undertakers for the purposes of their undertaking.

Power to erect &c. cottages for officers and servants.

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

20 15. The Undertakers may on the lands shown on the map deposited for the purposes of this Order and firstly described in the schedule to this Order annexed while they are possessed of the same maintain and continue alter extend enlarge renew and discontinue their existing gas-works and works connected therewith and may on the lands secondly 25 and thirdly described in the said schedule while they are possessed of the same construct erect make and maintain alter extend enlarge renew and discontinue additional gasworks retorts gasholders reservoirs purifiers meters apparatus and works for the manufacture and storing of gas and of coke coal-tar ammoniacal liquor and other residual products 30 necessarily resulting from the manufacture of gas and they may subject to the provisions of this Order make and store gas on all such lands or any part thereof and supply and sell the same within the limits of supply and may on the same lands or any part thereof manufacture and store coke coal-tar ammoniacal liquor and all such other residual 35 products as aforesaid and may sell and dispose of the same at their works and elsewhere and they may also construct and maintain alter enlarge extend and renew or discontinue houses offices buildings tram-lines sidings and other works connected with the undertaking.

Power to continue existing gas-works and construct new gasworks on lands described in schedule and to make and sell gas &c.

16.—(1) The Undertakers may sell let for hire fix repair and remove 40 but shall not manufacture engines stoves ranges pipes and other fittings (in this section called "fittings") for lighting for motive power for the warming and ventilating of houses and buildings for the cooking of

Power to supply gas fittings. Fittings not to be subject to distress.

A.D. 1910.
Dunblane.

food and for all other purposes for which gas can or may be used and may provide all materials and work necessary or proper in that behalf and with respect thereto may demand and take such remuneration or such rents and charges for and make such terms and conditions as may be agreed upon. 5

(2) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's hypothec or remedy for rent or be liable to be taken in execution under process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be. Provided that such fittings are marked or impressed with a sufficient mark or brand indicating the Undertakers as the actual owners thereof. 10

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

17.—(1) Subject as herein-after provided all engines motors fittings apparatus and appliances of the Undertakers now out on hire or let by the Undertakers on hire under the provisions of this Order 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 Undertakers. Provided that nothing in this subsection shall affect the amount of the assessment for rating of any premises upon which any such engines motors fittings apparatus and appliances are or shall be fixed. 15 20

(2) The Undertakers shall only be entitled to the privileges and exemptions conferred by this section in respect of such engines motors fittings apparatus and appliances 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 Undertakers as the actual owners thereof. 25

Charge for
gas supplied
by means of
prepayment
meters.

18.—(1) The Undertakers may demand for any gas supplied through a prepayment meter a not greater charge than for gas supplied to private consumers within their limits of supply through any other kind of meter or by any other method of supply. 30

(2) The Undertakers shall not charge for the hire of any prepayment meter and fittings to be used therewith any sum other than a sum of money calculated according to the quantity of gas supplied through such prepayment meter and the maximum sum to be so charged shall be at the rate of 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. 35 40

The said charge shall include the providing letting fixing repairing and maintenance of the meter and fittings and the cost of collection and other costs incurred by the Undertakers in connexion with the meter and fittings. A.D. 1910.
Dunblane.

- 5 (3) The maximum charge for the hire of a prepayment meter without fittings shall be at the rate of ten per centum per annum on the cost of the meter.

- (4) For the purpose of this section the expression "prepayment meter" means any meter or appliance by which the quantity of gas supplied is regulated according to the amount of money prepaid therefor.
10

19. 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 or 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 supply or distribution of gas or the conversion manufacture or utilisation of any products obtainable in or arising from such manufacture or from the materials used therein.
15
20

Power to
take licences
for use of
patents.

20. The Undertakers may contract with any local authority company or persons supplying gas under parliamentary powers in any district adjacent to the limits of supply for the supply to them respectively of gas in bulk upon such terms and conditions and for such periods not exceeding in any case seven years from the making of the contract as shall be agreed upon but nothing in this section shall authorise the Undertakers to lay any main or interfere with any street beyond the limits of supply.
25

Power to
contract for
sale of gas in
bulk.

21. For the protection of the Caledonian Railway Company (in this section called the "railway company") the following provisions unless otherwise agreed upon between the Undertakers and the railway company shall apply:—
30

For pro-
tection of
Caledonian
Railway
Company.

- (1) Before commencing any works or operations affecting any railway siding station approaches bridge or tunnel of the railway company or works connected therewith or the roadway on such bridge or thereunder or the approaches thereto the Undertakers shall submit plans sections working drawings and specifications of such works or operations to the railway company for their approval and the said works and operations shall be constructed and carried on in conformity only with the said plans sections working drawings and specifications at the sole cost of the Undertakers and at the sight and to the reasonable satisfaction of the railway
35
40

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Dunblane.

company's engineer and such works shall thereafter be maintained and repaired by the Undertakers under his superintendence. Provided that the approval of the railway company as aforesaid shall not be unreasonably withheld and that it shall be deemed to have been given unless the railway company signify their disapproval and the ground thereof within twenty-one days after submission of the said plans sections working drawings and specifications: 5

- (2) The Undertakers shall not in the construction laying maintenance or use of the mains pipes or other works over or under any railway of the railway company injure alter or interfere with the structure of any bridge or tunnel of the railway company or of any of the sidings or works of the railway company or cause any interruption to or interference with the traffic of the railway company: 10 15
- (3) If for any reason arising from the construction or existence of any of the said mains pipes or other works it may be necessary to reconstruct or alter or strengthen the structure of any bridge belonging to or maintainable by the railway company the Undertakers shall bear the whole expense of such reconstruction alteration or strengthening and the work thereof shall be carried out by the railway company: 20
- (4) If any injury to or interference with any railway siding station approaches bridge tunnel or works of the railway company or any interruption to the traffic on the railways shall arise or be occasioned at any time by the works or operations of the Undertakers they shall forthwith make good or remove such injury interference or interruption at their own expense or the railway company in their option may execute the necessary works for that purpose at the expense of the Undertakers and the Undertakers shall repay to the railway company all costs and expenses incurred by them in so doing and shall make full compensation to the railway company for all loss or damage sustained by the railway company in consequence of such injury interference or interruption: 25 30 35
- (5) Nothing in this Order contained or which may be done in pursuance thereof shall prevent the railway company from maintaining and repairing and when necessary deviating repairing altering or reconstructing their railway sidings station approaches tunnel or bridges or other works of the railway company without interference on the part of the Undertakers and without incurring any liability to the Undertakers or to any party using their mains or pipes for any 40

loss injury damage or expense which may arise from such maintenance deviation repair alteration or reconstruction and any extra expense which the railway company may incur in such maintenance deviation repair alteration or reconstruction

A.D. 1910.
Dunblane.

5 by reason of the laying construction or existence of the said pipes mains or other works of the Undertakers shall be paid by the Undertakers. Provided that all such operations shall be executed by the railway company in such manner as to cause as little interruption or inconvenience as practicable to the Undertakers and the railway company shall give fourteen days' notice in writing to the Undertakers before commencing any such operations and the same so far as interfering with the mains pipes or other works of the Undertakers shall be conducted at the sight and to the reasonable satisfaction of the engineer of the Undertakers:

10 (6) Any question or difference between the Undertakers and the railway company or their respective engineers or any of them arising under the foregoing provisions of this section shall be determined by an arbiter to be agreed upon between the Undertakers and the railway company or failing agree-
20 ment to be nominated by the Board of Trade on the application of either party:

(7) The Undertakers shall not without the consent in writing of the railway company exercise the rights conferred upon them by the Railways (Private Sidings) Act 1904 in respect
25 of the existing siding of the railway company adjoining the property of the Undertakers.

22. If any difference arise between the Undertakers and any road authority or railway or other company whose lands or works the Under-
30 takers have power to cross or otherwise interfere with 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 unless otherwise provided by this Order be settled by an engineer or
35 other fit person to be appointed by the Board of Trade at the request of either party.

Differences
with road
authority or
railway or
other com-
pany.

Quality of Gas.

23.—(1) The quality of the gas supplied by the Undertakers shall with respect to its illuminating power be such as to produce at the testing
40 place when burned at the rate of five cubic feet per hour a light equal in intensity to the light produced by fourteen sperm candles of six to the pound each consuming one hundred and twenty grains of sperm per hour and shall be in all respects in accordance with the provisions of the Gasworks Clauses Act 1871.

Quality of
gas.

- A.D. 1910. (2) For testing the illuminating power of the gas the burner to be
 Dunblane. used shall be that known as the Metropolitan Argand No. 2 the photo-
 meter shall be the Bar photometer the standard light shall be that
 supplied by Harcourt's ten-candle pentane lamp and in making the test
 the burner shall be so used as to obtain from the gas when burned at 5
 the rate aforesaid the greatest amount of light Provided that the Board
 of Trade may on the application of the Undertakers or the local authority
 approve the use of any other burner photometer or standard light which
 may appear to the Board to be equally or more suitable for the testing.
 (3) The Undertakers shall within six months from the commence- 10
 ment of this Order provide all the apparatus required by this Order for
 the testing of gas and shall at all times keep the same in proper order
 and repair.

Pressure of Gas.

- Pressure of 24.—(1) All gas supplied by the Undertakers to any consumer of 15
 gas. gas shall be supplied at such pressure as to balance a column of water
 not less than eight-tenths of an inch in height at the main or as near
 as may be to the junction therewith of the service pipe supplying the
 consumer.
 (2) Any gas examiner appointed under the Gasworks Clauses Act 20
 1871 may for the purposes of this Order subject to the terms of his
 appointment at the testing place or at any public lamp as and when
 he thinks fit test the pressure at which the gas is supplied The
 Undertakers shall afford to the examiner all reasonable facilities for
 making the test. 25

Testing Gas.

- Testing gas. 25. For the purposes of the Gasworks Clauses Act 1871 the
 prescribed testing place shall be a testing-place provided by the
 Undertakers at their works within six months of the commencement
 of this Order. 30

Price of Gas.

- Price of gas 26. The standard price to be charged by the Undertakers for gas
 with sliding supplied by them to private consumers by meter shall be five shillings
 scale as to per thousand cubic feet :
 dividend. Provided that the Undertakers may increase or reduce the price so 35
 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 capital of the Undertakers as follows :—
 In respect of any half-year during any part of which the price
 charged by the Undertakers shall have been one penny or part of 40
 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 rates of dividend by five shillings on every one hundred pounds of ordinary paid-up capital with a ten per centum standard rate of dividend and by three shillings and sixpence on every one hundred pounds of ordinary paid-up capital with a seven per centum standard rate of dividend and so in proportion for any fraction of one hundred pounds :

A.D. 1910.

Dunblane.

And in respect of any half-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 rates by five shillings on every one hundred pounds of ordinary paid-up capital with a ten per centum standard rate of dividend and by three shillings and sixpence on every one hundred pounds of ordinary paid-up capital with a seven per centum standard rate of dividend and so in proportion for any fraction of one hundred pounds.

27.—(1) The directors of the Undertakers may if they think fit in any year appropriate out of the revenue of the Undertakers 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 Undertakers 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 a chartered accountant or incorporated accountant being the auditor of the Undertakers or 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 Undertakers including premiums.

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

A.D. 1910. (5) Resort may from time to time be had to the special purposes
 Dunblane. 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.

Application of excess of profits over authorised rates of dividend. 28. If the clear profits of the undertaking of the Undertakers in 5
 any year amount to a larger sum than is sufficient to pay the dividend
 at the authorised rate on the ordinary capital of the Undertakers the
 excess shall be carried to the credit of the divisible profits of such
 undertaking for the next following year :

Provided that the sum so carried forward shall not in any case 10
 exceed the amount required to pay one year's dividend at the authorised
 rate.

Power to create a reserve fund and application thereof. 29. Where in any year the dividend of the Undertakers on the
 ordinary share capital of the Undertakers shall exceed the standard
 rate by reason of the price charged by the Undertakers for gas in 15
 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 sums as they think fit and all sums (if any) so set apart by the
 Undertakers and any reserve or other fund of a similar character of 20
 the Undertakers existing at the commencement of this Order 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 com-
 pound interest and the fund so formed shall be called the "reserve 25
 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 dividend at the authorised rate
 on the ordinary capital of the Undertakers and save as in this Order
 otherwise provided no sum shall in respect of the undertaking in any 30
 year be carried by the Undertakers to any reserve fund.

Miscellaneous.

No penalty in case of unavoidable cause. 30. 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 which it is proved that 35
 such insufficiency defect or excess was produced by any circumstance
 beyond the control of the Undertakers Provided that the want of
 sufficient funds shall not be held to be a circumstance beyond the
 control of the Undertakers.

Undertakers to pay interest on deposit. 31. Where any money is required to be deposited by any person 40
 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 four pounds per centum per annum on every sum of ten shillings deposited by way of such
 5 security for every six months during which the same remains in their hands.

A.D. 1910.
 Dunblane.

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

Period of
 error in
 defective
 meters.

33. If a person requiring a supply of gas from the Undertakers has previously quitted premises at which gas was supplied to him by them without paying to them all gas or meter rent or other moneys
 20 due from him to the Undertakers they may refuse to furnish to him a supply of gas until he pay the same.

Power to
 refuse to
 supply per-
 sons in debt
 for other
 property.

34. At least twenty-four hours' notice in writing shall be given to the Undertakers by every gas consumer before he shall quit any premises supplied with gas by meter by the Undertakers and in default of such
 25 notice the consumer so quitting shall be liable to pay to the Undertakers 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 Undertakers to supply gas to such premises whichever shall first
 30 occur Provided that notice of the provisions of this section shall be endorsed upon every demand note for gas rent payable to the Undertakers.

Gas con-
 sumers to
 give notice
 to Under-
 takers before
 removing.

35. Every consumer of gas supplied by the Undertakers who uses a gas engine shall if required to do so by the Undertakers use an efficient
 35 anti-fluctuator and shall at all times at his own expense keep such anti-fluctuator in proper order and if any consumer shall make default in complying with the provisions of this section the Undertakers may cease to supply him with gas The Undertakers shall have access to and be at liberty to take off remove test inspect and replace any such anti-
 40 fluctuator at all reasonable times such taking off removal testing inspecting and replacing to be done at the expense of the Undertakers if the anti-fluctuator be found in proper order but otherwise at the expense of such consumer.

Anti-fluctua-
 tors for gas
 engines.

- A.D. 1910. 36. A notice to the Undertakers from a consumer for the discontinuance of a supply of gas shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office for the time being of the Undertakers.
- Dunblane.*
Notice of discontinuance.
- 8 & 9 Vict.
c. 17. s. 142
incorporated.
37. 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.
- Time for making up and forwarding accounts to local authorities.
38. Notwithstanding anything contained in section 35 of the Gasworks Clauses Act 1871 the annual statement of accounts of the Undertakers shall be made up to the thirty-first day of May in each year and forwarded to the local authority within the limits of supply on or before the first day of September next following and the said section shall for the purposes of this Order be read and construed as though in lieu of the thirty-first day of December and the twenty-fifth day of March being named therein the thirty-first day of May and the first day of September had been so named.
- Power to lay pipes in streets not dedicated to public use.
39. The Undertakers may but only with the consent of the owner of the soil of such street on the application of the owner or occupier of any premises within the limits of supply of the Undertakers abutting on or being erected in any street laid out but not dedicated to public use supply such premises with gas and may lay down take up alter relay and renew in across or along such street such pipes and apparatus as may be requisite or proper for furnishing such supply.
- Costs of Order.
40. All the costs charges and expenses of and incident to the applying for preparing obtaining and confirming this Order or otherwise in relation thereto shall be paid by the Undertakers.

SCHEDULE.

GAS LANDS.

- (1) A piece or parcel of land reputed to belong to the Undertakers upon which the existing gasworks of the Undertakers are constructed containing by admeasurement one rood fourteen poles and five square yards or thereabouts situate in the parish and burgh of Dunblane in the county of Perth bounded on the south by property reputed to belong to the trustees of the late John McLaren on the west by the Tail Race of Meal Mill reputed to belong to Henry Hay and Mrs. Ann Hay on the north partly by property reputed to belong

to Mrs. J. R. MacLaren or Hay and partly by property reputed to belong to the said Henry Hay and Mrs. Ann Hay and on the east by the public road known as Millrow. A.D. 1910.
Dunblane.

(2) A piece or parcel of land reputed to belong to the Undertakers containing by admeasurement two roods twenty-eight poles and eight square yards or thereabouts situate in the parish and burgh aforesaid bounded on the south and west by the lands of Kippendavie reputed to belong to Ralph Dundas William John Dundas and George Morison Paul and on the north and east by property reputed to belong to the provost magistrates and councillors of the burgh of Dunblane.

(3) A piece or parcel of land reputed to belong to the Undertakers containing by admeasurement one rood eleven poles and twenty-two and one-quarter square yards or thereabouts situate in the parish and burgh aforesaid bounded on the south by property reputed to belong to the provost magistrates and councillors of the burgh of Dunblane on the west and north by the said lands of Kippendavie and on the east by property reputed to belong to the Caledonian Railway Company.

Order authorising the maintenance and continuance of existing gasworks and works connected therewith and the manufacture and supply of gas in the urban district of Highbridge and parts of the parishes of Burnham Without and Huntspill all in the county of Somerset. Highbridge.

Preliminary.

1. This Order may be cited as the Highbridge Gas Order 1910. 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 (except sections 31 to 34) and of the Gasworks Clauses Act 1871 are hereby incorporated with this Order except so far as the same are expressly varied by or are inconsistent with the provisions hereof. Incorporation of Acts.

A.D. 1910. Provided that section 13 of the former Act shall be read as if the
Highbridge. words "or any premises" were inserted after the words "private
 building" and as if the words "Provided also that every such
 "contract entered into by the Company shall be alike in terms and
 "amount under like circumstances to all consumers" were added at 5
 the end of that section. Provided also that for the purposes of such
 incorporation section 35 of the said Gasworks Clauses Act 1847 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 10
 prescribed rates of dividend as defined by this Order together with
 any sum which under the provisions of this Order might lawfully be
 carried to the special purposes fund.

The said provisions of the Gasworks Clauses Acts shall apply as
 well to the mains pipes and works of the Undertakers laid down or 15
 constructed before the commencement of this Order as to any mains
 pipes or works which may be laid down or constructed under the
 authority of this Order.

Interpreta-
 tion.

4. In this Order the several words terms and expressions to
 which by any Act in whole or in part incorporated with this Order 20
 and by the Gas and Water Works Facilities Act 1870 meanings are
 assigned have the same respective meanings unless there be something
 in the subject or context repugnant to such construction and in the
 construction of this Order or of any such Act for the purposes of this
 Order the expression "the undertaking" shall mean the undertaking 25
 by this Order authorised (including the gasworks and works connected
 therewith by this Order authorised to be continued and maintained)
 and the expression "the prescribed rates" means the rate of dividend
 authorised by this Order on the capital of the Undertakers for the
 purposes of the undertaking or such rates as reduced or increased in 30
 accordance with the provisions of this Order.

Limits of
 Order.

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 parishes of Highbridge North and Highbridge
 South in the urban district of Highbridge and so much of the parishes 35
 of Burnham Without and Huntspill in the county of Somerset as lies
 within an imaginary line commencing at a point on the northern
 boundary of the urban district of Highbridge where the boundary
 between the parishes of Burnham and Burnham Without touches such
 boundary thence in a northerly direction along that boundary to a 40
 point on that boundary in a straight line with the northernmost point
 of Board's Lane thence from that point in a straight line to the south-
 east end of Edithmead Lane at its junction with the highway leading
 from Bristol to Bridgwater thence across that highway and continuing in

a north-easterly direction along the eastern side thereof to Burnham Moor Lane thence along and including Burnham Moor Lane to Pitmoor or Pillmore Lane thence in a south-westerly direction in a straight line to a point where the boundaries of the parishes of Highbridge North and Burnham Without meet the boundary of the parish of Huntspill thence in a south-westerly direction in a straight line to the northern end of Newbridge Lane thence along and including Newbridge Lane to New Road across that road and continuing in a straight line to the eastern end of Withy Bridge over the Great Western Railway thence in a westerly direction in a straight line to a point on the boundary of the parish of Huntspill where Slow Way Drove joins Slow Way Lane thence in a northerly direction along and including Slow Way Lane and Cadwell's Drove to its junction with Cadwell's Lane and thence in a like direction in a straight line to the most westerly point of the urban district of Highbridge.

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Highbridge.*Undertakers.*

6. The Highbridge Gas Company Limited shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Capital.

7. The share capital of the Undertakers shall not exceed eleven thousand pounds consisting of the ordinary share capital already raised by the Undertakers of three thousand five hundred pounds (herein-after called "the original capital") and of additional capital (in this Order called "the additional capital") to be issued subject to the provisions of this Order not exceeding seven thousand five hundred pounds including any premium that may be obtained on the sale of any shares or stock under the provisions of this Order unless the Undertakers are hereafter authorised to raise for the purposes of the undertaking further additional capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

8.—(1) All shares or stock forming part of the additional capital shall be issued in accordance with the provisions of this section.

Additional capital to be sold by auction or tender.

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

(A) Notice of the intended sale shall be given in writing to the clerk of every local authority 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

(44) H

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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 directors of the Undertakers in a sealed letter to 5 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 : 10

(D) In the case of a sale by tender no preference shall be given to one of two or more persons tendering the same sum 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 15 payable by the purchaser shall be paid to the Undertakers within three months 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 been so offered for sale and are not sold may be offered at the reserve price to the holders of 20 the ordinary shares or stock of the Undertakers in such manner as may be prescribed in a resolution passed by the directors of the Undertakers and to the employees of the Undertakers and to the consumers of gas supplied by the Undertakers in such proportion as the directors of the Undertakers may think fit or to one or more of 25 these classes of persons only provided that in 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 30 them respectively.

(4) Any shares or stock which have been offered in accordance with the foregoing provisions of this Order and are not sold shall be again offered for sale by public auction or by tender in accordance with the provisions of this section and any such shares or stock then 35 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 Undertakers shall send a report thereof to the Board of Trade 40 stating the total amount of the shares or stock sold the total amount obtained as premium (if any) and the highest and lowest prices obtained for the shares or stock as the case may be.

9. All money raised under this Order including premiums shall be applied only to purposes to which capital is properly applicable and any sum of money which may arise from the issue of any shares or stock under the provisions of this Order by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as part of the capital of the Undertakers entitled to dividend.
10. Except as by this Order otherwise provided the Undertakers shall not in any year declare or make out of their profits any larger dividends than ten pounds in respect of every one hundred pounds of the original capital and seven pounds in respect of every one hundred pounds actually paid up of the additional capital.
11. In case in any year or in any half-year (if the Undertakers declare a dividend half-yearly) the net revenue of the Undertakers applicable to dividend is insufficient to pay the full amount of the prescribed rates on each class of ordinary shares or stock in the original capital and additional capital of the Undertakers a proportionate reduction shall be made in the dividends payable on each class.
- 12.—(1) The directors of the Undertakers may if they think fit in any year appropriate out of the revenue of the Undertakers 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 Undertakers including premiums to a fund called "the special purposes fund."
- (2) The special purposes fund shall be applicable only to meet such charges as a chartered accountant or incorporated accountant being the auditor of the Undertakers or 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:
- (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 Undertakers including premiums.
- (4) The money forming the special purposes fund or any portion thereof may be invested in securities in which trustees are authorised by law to invest or may be applied for the general purposes of the Undertakers to which capital is properly applicable or may be used partly in the one way and partly in the other.

A.D. 1910.
Highbridge.
 Application of premium arising on issue of shares or stock.

Limits of dividend on capital.

Dividends on different classes of ordinary shares or stock to be paid proportionately.

Power to create a special purposes fund.

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Highbridge.

(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.

Application
of excess of
profits over
authorised
rates of
dividend.

13. If the clear profits of the undertaking of the Undertakers in any year amount to a larger sum than is sufficient to pay the dividend 5 at the authorised rate on the ordinary capital of the Undertakers the excess shall be carried to the credit of the divisible profits of such Undertaking for the next following year Provided that the fund standing to the credit of such divisible profits shall not at any time exceed the amount required to pay one year's dividend at the authorised rates. 10

Power to
create a
reserve fund
and applica-
tion thereof.

14. Where in any year the dividend of the Undertakers on the ordinary share capital of the Undertakers shall 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 15 such excess of dividends the Undertakers may in such year set apart such sum that 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 commencement of this Order may be invested in Government or other 20 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 dividends in any year in which the clear profits of the 25 Undertakers shall be insufficient to enable the Undertakers in such year to pay the dividend at the authorised rates on the ordinary capital of the Undertakers and save as by this Order specially provided no sum shall in any year be carried by the Undertakers to any reserve fund. 30

Limit of
borrowing
powers.

15. 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 one-third of the amount of the capital of the Undertakers at the time actually raised by the issue of shares or stock including any premium that may be obtained on the sale of any shares or stock 35 under the provisions of this Order 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. 40

Lands.

Power to
purchase
lands by
agreement.

16. The Undertakers may for the purposes of the undertaking purchase take on lease or acquire (by agreement but not otherwise) and hold in addition to the lands described in the schedule to this

Order annexed any lands which they may require Provided that they shall not at any time hold for such purposes more than five acres of land in addition to the lands described in the said schedule and that they shall not create or permit a nuisance on any such
 5 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.

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Highbridge.

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

- 10 17. The Undertakers may on the lands described in the schedule to this Order annexed so long as they are possessed of the same maintain and continue and alter enlarge improve or discontinue their existing gasworks and works connected therewith and may construct
 15 erect make and maintain alter enlarge improve or discontinue additional gasworks retorts retort-houses gasholders receivers purifiers meters apparatus and works for the manufacture distribution storage conversion and sale of gas and of coke and other residual products obtained in the manufacture of gas and matters producible from or used in such manufacture and they may subject to the provisions of this Order
 20 make and store gas on such lands or any part thereof and supply and sell the same within the limits of supply and may on the same lands or any part thereof manufacture convert and store coke asphaltum and pitch coal-tar ammoniacal liquor oil and all such other residual products as aforesaid and may sell and dispose of the same at their works and
 25 elsewhere and they may also construct and maintain alter enlarge renew or discontinue houses offices buildings and other works connected with the undertaking.

Power to continue existing gasworks on lands described in schedule and to make and sell gas &c.

18. For the protection of the Somersetshire Drainage Commissioners (in this section referred to as "the commissioners") the following
 30 provisions shall apply:—

For protection of Somersetshire Drainage Commissioners.

- (1) Where any works done under the authority of this Order will interfere with the banks or beds of the rivers Parrett or Brue or any rhine watercourse bridge culvert or other work under the jurisdiction of the commissioners the Undertakers shall not commence such work until they have given to the commissioners fourteen days' notice in writing of their intention to commence the same (except in cases of emergency arising from defects in any of the pipes or other works and then so soon as possible after the beginning of the work or necessity for the same shall have arisen) by leaving such notice at the office of the clerk to the commissioners with plans sections and other necessary particulars of the said works and the commissioners have signified

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Highbridge.

their approval of the same or on their failure so to do within five weeks after the service of the said notice until the said plans and sections have been approved by an arbitrator to be appointed as herein-after provided and all such works shall be executed by the Undertakers 5 according to such approved plans sections and other particulars :

- (2) Any question which may arise between the Undertakers and the commissioners shall be referred to and determined by an arbitrator to be agreed upon between the Undertakers 10 and the commissioners or failing agreement to be appointed by the Board of Trade.

For pro-
 tection of
 Bridgewater
 Corporation.

19. Nothing in this Order shall in any way affect or prejudice any of the powers rights or jurisdictions of the Bridgewater Corporation as the port and navigation authority within the limits of the jurisdiction 15 of the said corporation as such authority.

For pro-
 tection of
 Great West-
 ern Railway
 Company

20. For the protection of the Great Western Railway Company (herein-after referred to as "the Great Western Company") the following provisions shall apply :—

- (A) In laying down altering improving enlarging extending main- 20
 taining or renewing or in executing or effecting the repairs
 or renewals of any mains pipes or other works in the
 exercise of the powers contained in this Order upon across
 under or adjoining or in any way affecting the railways
 lands and property now or hereafter belonging to or used 25
 or occupied by the Great Western Company or the bridges
 approaches viaducts stations or other works or any level
 crossings over the railways of the Great Western Company
 the same shall be done under the superintendence and to
 the reasonable satisfaction of the principal engineer of the 30
 Great Western Company and only according to such plans
 and in such manner as shall be submitted to and as shall
 be previously reasonably approved by him in writing or
 in case of difference as may be determined by arbitration
 in manner herein-after provided Provided that if such 35
 principal engineer shall not approve or disapprove any plans
 or proposals so submitted to him within twenty-eight days
 after the same are delivered or shall refuse or neglect to
 superintend the work or in case of emergency arising from
 defects in any of the pipes or other works the Undertakers 40
 may proceed with the same without the approval of the
 plans as aforesaid or without the superintendence of the
 said engineer :

- (B) All such works shall be done by and at the expense of the Undertakers except as in this section otherwise provided who shall also restore and make good to the reasonable satisfaction of the said engineer the roads over or under any bridge or over any level crossing of the railway of the Great Western Company or over the approaches to any such bridge or level crossing so far as the same may be disturbed or interfered with by or owing to any operations of the Undertakers. Provided always that should the Great Western Company elect so to do where any mains or pipes require to be laid under or across any level crossing of their railway they may themselves lay the same at the costs charges and expenses of the Undertakers but so nevertheless that any mains or pipes so laid by the Great Western Company shall be laid under the superintendence and to the reasonable satisfaction of the Undertaker's engineer: A.D. 1910.
Highbridge.
- (c) All such works and operations and all matters incidental thereto shall be constructed executed and done so as to cause as little injury as may be to such railways bridges level crossings approaches viaducts stations works lands or property and so as to cause no interruption to the passage or conduct of traffic over such railways or at to or from any station thereon:
- (d) If any injury or interruption as aforesaid shall arise from or in any way be owing to any of the acts works operations and matters aforesaid or the leakage or failure of any such mains pipes or works in under or near to any railway bridge level crossing embankment cutting approach viaduct station land works or property of the Great Western Company the Undertakers shall make compensation to the Great Western Company in respect thereof the amount of such compensation unless agreed upon to be determined by arbitration in the manner herein-after provided:
- (E) If the Great Western Company at any time or times hereafter require of which they shall be the sole judges to construct any additional or other works upon their lands or railways or to alter or repair their railways bridges viaducts or works upon across over or under which any of the works of the Undertakers may have been constructed or laid the Great Western Company may on giving to the Undertakers fourteen days' notice in writing under the hand of their secretary or general manager and in case of emergency of which their engineer shall be the sole judge then on

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giving as long a notice as possible divert support or carry the said works of the Undertakers across over or under their lands railways bridges or works at any other point or otherwise deal with the same in as convenient a manner as circumstances will admit and doing as little damage 5 as may be without being liable to pay compensation in respect of such diversion supporting carrying or dealing with such works Provided that such works shall be done subject to the reasonable satisfaction of the engineer of the Undertakers and without unduly interfering with the 10 supply of gas by the Undertakers:

- (F) Any dispute or difference which may arise between the Great Western Company and the Undertakers 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 15 thereof shall be settled by arbitration by an engineer or other fit person to be appointed by the Board of Trade on the application of the Great Western Company and the Undertakers or either of them.

For pro-
tection of
London and
South West-
ern and Mid-
land Railway
Companies.

21. For the protection of the London and South-Western Railway 20 Company and the Midland Railway Company as lessees of the Somerset and Dorset Railway (herein-after referred to as the "lessee companies") the following provisions shall unless otherwise agreed between the lessee companies and the Undertakers apply and have 25 effect:—

- (A) In laying down repairing or removing any gas mains or pipes or executing any other works in the exercise of the powers relative to the supply of gas contained in this Order upon across over under or in any way affecting the Somerset and Dorset Railway or any bridge over or 30 under such railway or any approaches to any such bridge maintained by or within the lessee companies' boundary (herein-after called the "railway works") the same shall be done under the superintendence and to the reasonable satisfaction of the engineer of the lessee companies 35 and (except in cases of emergency arising from defects in any of the pipes or other works) according to such plans sections and specifications and at such times as shall be previously submitted to and as shall be reasonably approved in writing by him or in the event of disapproval then in 40 such manner as shall be determined by arbitration in manner herein-after provided and all such works shall be executed by and at the expense in all things of the Undertakers and so as to cause as little injury as may be to the

railway works and the Undertakers shall within the lessee
companies' boundary so execute any works as having regard
to the existing level of the roadway shall interfere with as
little as possible any improvement or widening of such
railway or bridge or the introduction of side openings to
such bridge. Provided that if the said engineer does not
express his approval or disapproval of the said plans sections
and specifications within twenty-one days after the same
have been submitted to him he shall be deemed to have
approved thereof and if the said engineer shall refuse or
neglect to superintend any operations the Undertakers may
execute the works without his superintendence. Provided
also that where there is not sufficient space on any bridge
to lay any mains or pipes between the road surface and the
structure of any such bridge the lessee companies may require
such mains or pipes to be carried outside the structure of
any such bridge and shall afford all reasonable facilities for
the purpose subject to the conditions herein-before contained
so far as the same may be applicable thereto:

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Highbridge.

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- b) The Undertakers shall (except in cases of emergency arising from defects in any of the pipes or other works) give fourteen days' notice in writing to the lessee companies before commencing any works affecting the railway works or within ten feet of the lessee companies' boundary:
- (c) If any injury or damage to the railway works or property of the lessee companies or any interruption to the lessee companies' traffic shall be in any way occasioned by the construction maintenance or user of the works of the Undertakers or by their contractors agents or workmen the Undertakers shall forthwith make full compensation to the lessee companies' in respect thereof and the amount of such compensation shall in failure of agreement be determined by arbitration in manner herein-after provided:
- (d) All gas mains or pipes and other works of the Undertakers upon across over under or in any way affecting the railway works shall be at all times maintained in good repair by the Undertakers and in default of their being so maintained the lessee companies may from time to time by notice in writing signed by their said engineer and delivered at the principal office for the time being of the Undertakers require the Undertakers to forthwith put the same into good repair and if the Undertakers for fourteen days after the receipt of such notice refuse or neglect to proceed with the repair of the same or do not dispute the necessity thereof the lessee companies may without further notice to the

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Highbridge.

Undertakers repair the same and all expenses reasonably incurred by them in or about such repair shall be repaid to them by the Undertakers provided that in case of accidents happening or immediate danger being apprehended to the railway works by reason of any such gas main pipe 5 or other work as aforesaid being in want of repair the lessee companies may execute such repairs as may be immediately necessary. Provided also that the lessee companies shall as soon as possible give notice to the Undertakers of their intention to commence the same and any reasonable 10 expenses to which the lessee companies may be put by reason of any such repairs shall be repaid to them by the Undertakers the amount of such expenses if disputed to be settled by arbitration as herein-after provided :

(E, If the lessee companies at any time or times hereafter require 15 to construct any additional or other works upon their lands or railway or to widen or alter the Somerset and Dorset Railway or to widen lengthen strengthen reconstruct alter repair lift or support any bridge over or under such railway or the approaches to such bridge the Undertakers shall afford 20 to the lessee companies all reasonable and proper facilities for the purpose and the Undertakers shall pay to the lessee companies any additional expense which the lessee companies may incur in effecting such widening lengthening strengthening reconstructing altering repairing lifting or 25 supporting or in the maintenance of any bridge approach or other work of the lessee companies by reason of the existence or user of the mains pipes or other works constructed under the powers of this Order :

(F) The Undertakers shall bear and on demand pay to the lessee 30 companies all reasonable costs of the superintendence by them of the construction of the works and repairs thereof and all reasonable costs of watching lighting and protection of the railway works with reference to and during such construction and repairs so far as such costs may in 35 case of difference be determined by the arbitrator to have been necessary :

(G) Any difference which may arise between the lessee companies and the Undertakers touching any of the matters referred to in this section shall be decided by a single arbitrator 40 to be appointed on the application of either party by the President for the time being of the Institution of Civil Engineers and the provisions of the Arbitration Act 1889 shall apply to such arbitration.

22. In executing the works and exercising the powers by this Order authorised so far as they affect roads repairable by the Highbridge Urban District Council (in this section called "the council") the following provisions shall have effect unless otherwise agreed on in writing between the council and the Undertakers (that is to say):—

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Highbridge.
For protec-
tion of High-
bridge Urban
District
Council.

- (1) The notice required to be given by section 8 of the Gasworks
Clauses Act 1847 and the plan to be approved under
section 9 of the same Act before breaking up any streets
for the purpose of laying mains or pipes or maintaining
altering repairing or removing the same shall with respect
to any streets or roads under the control or management
of the council and with respect to any mains pipes or
other works which the Undertakers may lay down or
execute under or over any tram-road or any works mains
or pipes of the council be given to and approved by the
engineer or surveyor of the council and the work referred
to in such notice and plans shall except in cases of
emergency be executed maintained altered and repaired or
removed to the reasonable satisfaction of such engineer:
- (2) Nothing in this Order contained shall interfere with the right
of the council to widen alter the level or deviate alter or
improve in any manner they may think fit any road in or
along which any mains pipes or works of the Undertakers
shall have been laid and the Undertakers shall forthwith
on receiving notice in writing from the clerk or surveyor
of the council so to do alter the position of any such
mains pipes or works in such manner and to such extent
as may be prescribed by such notice and the expenses of
any such alteration shall be paid to the Undertakers by
the council:
- (3) The council shall not except in case of their negligence be
under any liability to the Undertakers for any damage
done to any of the property of the Undertakers (at any
time laid or to be laid) caused by or resulting from the
execution by the council or any person on their behalf
of any reasonable work of repair or maintenance of any
road within the limits of supply or the reasonable use by
or on behalf of the council of any steam roller or other
engine not exceeding twelve tons in weight:
- (4) If in the exercise of the powers of this Order any road is
broken up by the Undertakers or any culvert drain pipe
or other property of the council is damaged by the
Undertakers the Undertakers shall repair such road culvert
drain pipe or other property to the reasonable satisfaction

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Highbridge.

of the council and if the same is not so repaired the council may cause the necessary repairs to be done and may charge the reasonable costs thereof against the Undertakers and the same shall be a debt due from the Undertakers to the council :

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- (5) If any difference arise between the Undertakers and the council touching this section or anything to be done or not to be done thereunder such difference shall be settled by an arbitrator to be agreed upon between the parties or in default of agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 or any statutory modification thereof shall apply to any such reference to arbitration :

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- (6) All the rights or obligations conferred or imposed by this clause shall be in addition to and not in substitution for any rights or obligations conferred or imposed by such of the provisions of the Gasworks Clauses Acts 1847 and 1871 with respect to breaking up streets as are incorporated in this Order :

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- (7) Nothing in this section contained shall extend to affect or apply to any existing mains or lines of pipes of the Undertakers except in cases of the renewal of any such mains or lines of pipes.

For pro-
tection of
Bridgwater
Rural Dis-
trict Council.

23. In executing the works and exercising the powers by this Order authorised so far as they affect roads repairable by the Bridgwater Rural District Council (in this section called "the council") the following provisions shall have effect unless otherwise agreed on in writing between the council and the Undertakers (that is to say) :—

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30

- (1) All mains or lines of pipes to be laid in or along any road shall be constructed and laid at such depth and in such position at the side thereof or under the greensward or footpath as the council shall by writing under the hand of their surveyor reasonably direct and the Undertakers shall at their own expense reinstate any road drain goit or culvert which may be interfered with :
- (2) All mains or lines of pipes to be constructed or laid in along or across or in any way affecting any road shall be executed at the expense of the Company to the reasonable satisfaction of the surveyor to the council and except in cases of emergency arising from defects in any of the pipes or other works in accordance with plans to be submitted to and

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approved of by him in writing before the commencement of any such work Provided that if he shall not within twenty-one days after the same shall have been submitted to him so express his approval or disapproval thereof or signify his requirements in relation thereto he shall be deemed to have approved thereof :

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- 5
- (3) All such works shall be executed so as not to unreasonably interfere with or entirely stop the traffic of any such road :
- 10
- (4) Nothing in this Order contained shall interfere with the right of the council to alter the level or deviate improve or renew in any manner they think fit any road in or along which any main or line of pipes of the Undertakers shall be laid and the Undertakers shall on the expiration of fourteen days after receiving notice in writing under the hand of
- 15
- the clerk of the council so to do proceed to alter the position of any such pipes in the manner and to the extent prescribed by such notice or as in case of difference shall be determined by arbitration in the manner herein-after prescribed and the council shall repay to the Undertakers
- 20
- the expense reasonably incurred by the Undertakers in effecting any such alteration of the position of any such pipes :
- (5) If in the exercise of the powers of this Order any road is broken up by the Undertakers or any culvert drain pipe or other property of the council is damaged by the Under-
- 25
- takers the Undertakers shall at their own expense repair such road culvert drain pipe or other property to the reasonable satisfaction of the council and if the same is not so repaired the council may cause the necessary repairs to be done and may charge the reasonable costs thereof
- 30
- against the Undertakers and the same shall be a debt due from the Undertakers to the council :
- (6) If any difference arise between the Undertakers and the council touching this section or anything to be done or not to be done thereunder such difference shall be settled by an
- 35
- arbitrator to be agreed upon between the parties or in default of agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 or any statutory modification thereof
- 40
- shall apply to any such reference to arbitration :
- (7) All the rights or obligations conferred or imposed by this clause shall be in addition to and not in substitution for any rights or obligations conferred or imposed by such of the

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*Highbridge.*For pro-
tection of
Somerset
County
Council.

provisions of the Gasworks Clauses Acts 1847 and 1871 with respect to breaking up streets as are incorporated in this Order.

24. In executing the works and exercising the powers by this Order respectively authorised and conferred so far as the same affect 5
main roads and county or main road bridges (in this section the expression "bridge" shall be deemed to include the approaches thereto) of the county of Somerset and sewers drains tunnels and other property vested in or under the jurisdiction of the Somerset County Council (in this section referred to as "the council") the 10
following provisions for the protection of the council shall unless otherwise agreed in writing between the Undertakers and the council have effect (that is to say):—

- (1) All mains pipes conduits and works to be laid in or along any main road or in or upon or across any county or main road 15
bridge shall be laid in such position and at such depth in or at the side thereof as the council in writing under the hand of their surveyor may reasonably direct Provided nevertheless that in the event of the Undertakers renewing or replacing any existing mains or pipes by new mains or 20
new pipes such new mains or new pipes shall wherever practicable be laid in the same position and at the same depth as the existing mains or pipes which may be so renewed or replaced accordingly:
- (2) Section 8 of the Gasworks Clauses Act 1847 incorporated with 25
this Order shall be read and have effect as if the period of seven clear days were inserted therein instead of the period of three clear days in the said section mentioned and the notice therein mentioned shall be given to the surveyor of the council: 30
- (3) The plan required by section 9 of the Gasworks Clauses Act 1847 shall be accompanied in the case of a county or main road bridge by a section of the proposed works and shall be delivered (except in cases of emergency) to the council or their surveyor by the Undertakers not less than in case 35
of a bridge twenty-one days and in all other cases ten days before the Undertakers commence to open or break up any main road or interfere with any county or main road bridge or sewer drain or tunnel or other property of the council for the purpose of executing the works Pro- 40
vided that if the council or their surveyor shall not within one month after the same shall have been submitted to them or him so express their or his approval or disapproval thereof or signify their or his requirements in relation thereto 45
they or he shall be deemed to have approved thereof.

- (4) Nothing in this Order shall authorise the Undertakers to interfere with the structural part of any county or main road bridge without the consent in writing of the surveyor of the council which consent may be given upon such condition as the council or such surveyor may reasonably determine : A.D. 1910.
Highbridge.
- 5
- (5) Nothing in this Order contained shall interfere with the right of the council at any time or times in any manner they may think fit to remove alter rebuild widen or repair any county or main road bridge or the roadway over the same over or near or attached to which any pipes or other works of the Undertakers are carried and in the event of any such removal alteration rebuilding widening or repair as aforesaid being intended by the council the Undertakers shall at their own cost in all things on receiving ten days' notice (or shorter in case of emergency) in writing under the hand of the clerk or surveyor to the council so to do with all convenient speed alter the position of any such pipes or works in such manner and to such extent as such notice may reasonably prescribe and sections 11 and 12 of the Gasworks Clauses Act 1847 shall (*mutatis mutandis*) apply to any delay on the part of the Undertakers in complying with such notice and any additional expense in relation to such removal alteration rebuilding widening or repair as aforesaid incurred by the council in protecting the pipes or works of the Undertakers or otherwise by reason of the existence of such pipes or works shall be paid to the council by the Undertakers and the council shall not be liable to make any compensation to the Undertakers for any expense or loss to which the Undertakers may be put in consequence of any such removal alteration rebuilding widening or repair as aforesaid Provided that during such removal alteration rebuilding widening or repair as aforesaid the council shall at the cost of the Undertakers afford all reasonable facilities for temporarily carrying or supporting such pipes and other works so as not to interrupt the continuous supply of gas or to diminish the pressure of such supply through such pipes :
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- 15
- 20
- 25
- 30
- 35
- (6) All works shall be so executed by the Undertakers as far as possible 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 bridge and the Undertakers shall not open or break up at one time a greater length than one hundred yards of any such road :
- 40

A.D. 1910.
Highbridge.

- (7) All reasonable expenses incurred by the council by reason of the exercise of any of the powers of this Order in carrying out any works or repairs rendered necessary by the acts or defaults of the Undertakers their contractors officers and servants or workmen and all monies penalties and forfeitures payable by the Undertakers to the council shall be paid by the Undertakers to the council within twenty-one days after demand in writing 5
- (8) The council shall not except in the case of negligence be liable for or in respect of any damage or injury done to any work of the Undertakers by reason of such work being laid at a depth below the surface of any main road insufficient for its protection from injury arising from the use of any steam or other roller not exceeding eighteen tons in weight for the repair of such road or from the passage of the traffic in such road or by reason of the non-repair of any county or main road bridge : 10 15
- (9) Any difference at any time which arises between the council and the Undertakers touching this section or anything to be done or not to be done thereunder such difference shall be referred to and determined by an arbitrator to be agreed upon between them or failing such agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers and the provisions of the Arbitration Act 1889 or any statutory modification thereof shall apply to any such arbitration. 20 25

Differences
with road
authority &c

25. If any difference arise between the Undertakers and any road authority or 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 or to the facilities to be afforded for the same such difference shall unless otherwise provided by this Order be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party. 30

Quality of Gas.

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Quality of
gas.

26. The prescribed number of candles shall be not less than fourteen.

Testing for Quality.

Testing for
quality.

27.—(1) The quality of the gas supplied by the Undertakers shall with respect to its illuminating power be such as to produce at the testing-place when burned at the rate of five cubic feet per hour a light equal in intensity to the light produced by fourteen sperm 40

candles of six to the pound each consuming one hundred and twenty grains of sperm per hour and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act 1871. A.D. 1910.
Highbridge.

(2) For testing the illuminating power of the gas the burner to be used shall be that known as the Metropolitan Argand No. 2 the photometer shall be the Bar photometer the standard light shall be that supplied by Harcourt's ten-candle pentane lamp and in making the test the burner shall be so used as to obtain from the gas when burned at the rate aforesaid the greatest amount of light Provided that the Board of Trade may on the application of the Undertakers or the local authority approve the use of any other burner photometer or standard light which may appear to the Board to be equally or more suitable for the testing.

(3) The Undertakers shall within six months from the commencement of this Order provide all the apparatus required by this Order for the testing of gas and shall at all times keep the same in proper order and repair.

Pressure of Gas.

28.—(1) All gas supplied by the Undertakers to any consumer of gas shall be supplied at such pressure as to balance 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.

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

30 *Testing-place.*

29. For the purposes of the Gasworks Clauses Act 1871 the testing-place shall be a testing-place provided by the Undertakers at the gasworks within six months from the commencement of this Order. Testing-place.

35 *Price of Gas.*

30. The standard price to be charged by the Undertakers for gas supplied by them to private consumers by ordinary meters shall be three shillings and ninepence per thousand cubic feet: Price of gas with sliding scale as to dividend.

40 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 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

(44) K

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Highbridge.

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 one hundred pounds of ordinary paid-up capital with a ten per centum standard rate of dividend and three shillings and sixpence on every one hundred pounds of ordinary paid-up capital with a seven 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 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 one hundred pounds of ordinary paid-up capital with a ten per centum standard rate of dividend and three shillings and sixpence on every one hundred pounds of ordinary paid-up capital with a seven per centum standard rate of dividend and so in proportion of any fraction of one hundred pounds.

Charge for
gas supplied
by means of
prepayment
meters.

31.—(1) The Undertakers may demand for any gas supplied through a prepayment meter a not greater charge than for gas supplied to private consumers within their limits of supply through any other kind of meter or by any other method of supply.

(2) The Undertakers shall not charge for the hire of any prepayment meter and fittings to be used therewith any sum other than a sum of money calculated according to the quantity of gas supplied through such prepayment meter and the maximum sum to be so charged shall be at the rate of 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:

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

(3) The maximum charge for the hire of a prepayment meter without fittings shall be at the rate of ten per centum per annum on the cost of the meter.

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

Miscellaneous.

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- 32.—(1) The Undertakers may sell let for hire fix repair and remove but shall not manufacture engines stoves ranges pipes and other fittings (in this section called "fittings") for lighting for motive
 5 power for the warming and ventilating of houses and buildings for the cooking of food and for all other purposes for which gas can or may be used and may provide all materials and work necessary or proper in that behalf and with respect thereto may demand and take such remuneration in money or rents and charges and make such
 10 terms and conditions as may be agreed.
- (2) Any fittings now out on hire or let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under process of any court or any proceedings in bankruptcy against
 15 the persons in whose possession the same may be Provided that such fittings are marked or impressed with a sufficient mark or brand indicating the Undertakers as the actual owners thereof.
- 33.—(1) Subject as herein-after provided all engines motors fittings apparatus and appliances of the Undertakers now out on
 20 hire or let by the Undertakers on hire under the provisions of this Order 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 Undertakers Provided that nothing in this
 25 subsection shall affect the amount of the assessment for rating of any premises upon which any such engines motors fittings apparatus and appliances are or shall be fixed.
- (2) The Undertakers shall only be entitled to the privileges and exemptions conferred by this section in respect of such engines motors
 30 fittings apparatus and appliances 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 Undertakers as the actual owners thereof.
34. The Undertakers may but only with the consent in writing of
 35 the owner of the soil of such street or road on the application of the owner or occupier of any premises within the limits of supply abutting on or being erected in any street laid out but not dedicated to public use supply such premises with gas and may lay down take up alter or
 40 renew in across or along such street such pipes and apparatus as may be requisite or proper for furnishing such supply.
35. 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
 (44)

Highbridge.

Power to
 supply gas
 fittings.
 Fittings not
 to be subject
 to distress.

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

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

Power to
 take licences
 for use of
 patents.

A.D. 1910. for take and use any leave licence or authority to work use exercise
Highbridge. 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
 storage supply utilisation or distribution of gas or the conversion 5
 manufacture or utilisation of any product obtainable in or arising
 from such manufacture or from the materials used therein.

Power to
 contract for
 sale of gas
 in bulk. 36. The Undertakers may contract with any local authority
 company or persons supplying gas under parliamentary powers in any
 district adjacent to the limits of supply for the supply of gas in 10
 bulk to them respectively upon such terms and conditions and for such
 periods not exceeding in any case seven years from the contract as
 may be agreed upon but nothing in this section shall authorise the
 Undertakers to lay down any mains or interfere with any street beyond
 the limits of supply. 15

As to supply
 to users of
 suction gas
 plant. 37. No penalty shall be incurred by the Undertakers for neglect
 or refusal to give a supply of gas in accordance with the provisions
 of this Order to any company body or person who uses or is in the
 habit of using machinery or apparatus for making and utilising
 suction gas if and so long as in the opinion of the Undertakers the 20
 giving of a supply by them to such company body or person would
 interfere with or jeopardise the supply of gas by the Undertakers for
 public and private lighting and to consumers not using such machinery
 or apparatus as aforesaid.

As to con-
 struction and
 placing of
 pipes &c.
 between
 mains and
 meters. 38. In order to enable the Undertakers to ensure a satisfactory 25
 supply of gas to their consumers the following provisions shall have
 effect:—

- (1) The Undertakers may specify the size and material of the
 pipes with the fittings thereof which are to be laid by the
 consumer between the Undertakers' mains and the meter and 30
 (so far as the same are intended to be covered over) on the
 consumer's premises :
- (2) The Undertakers may if they think fit make different specifica-
 tions for different classes of premises having regard to the
 probable maximum consumption of gas thereon at any one 35
 time :
- (3) The specification shall be published once in each of two news-
 papers circulating within the limits of supply and a copy
 thereof shall be kept exhibited in the office of the Under-
 takers : 40
- (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 Undertakers' main but within the outside wall of the building : A.D. 1910.
Highbridge.

5 (5) When any such pipe or meter as aforesaid has been laid or placed notice thereof shall be given to the Undertakers and the pipe shall not be covered over until after the expiration of twenty-four hours from the service of such notice on the Undertakers. Any officer of the Undertakers 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 Undertakers' specification or if the meter is not placed as required by this section the Undertakers may refuse to supply gas to the premises until the provisions of this section have been complied with :

10 (6) Any person to whom the Undertakers refuse 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 Undertakers' 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.

25 39. Every consumer of gas supplied by the Undertakers who uses a gas engine shall if required to do so by the Undertakers use an anti-fluctuator and shall at all times at his own expense keep such anti-fluctuator in proper order and if any consumer shall make default in complying with the provisions of this section the Undertakers may
30 cease to supply him with gas. The Undertakers shall have access to and be at liberty to take off remove test inspect and replace any such anti-fluctuator at all reasonable times such taking off removal testing inspecting and replacing to be done at the expense of the Undertakers if the anti-fluctuator be found in proper order but otherwise at the
35 expense of such consumer.

40 40. Twenty-four hours' notice in writing shall be given to the Undertakers by every gas consumer before he shall quit any premises supplied with gas by meter by the Undertakers and in default of such notice the consumer so quitting shall be liable to pay to the Undertakers 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 Undertakers to supply gas to such

Anti-fluctua-
tors for gas
engines.

Gas consum-
ers to give
notice to
Undertakers
before re-
moving.

A.D. 1910. premises whichever shall first occur Provided that notice of the provisions of this section shall be endorsed upon every demand note for gas rent payable to the Undertakers.

Highbridge.

Notice of discontinuance.

41. A notice to the Undertakers from a consumer for the discontinuance of a supply of gas shall not be of any effect unless 5 it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office for the time being of the Undertakers.

Period of error in defective meters.

42. In the event of any meter used by a consumer of gas being tested in manner provided by the Sale of Gas Act 1859 and being 10 proved to register erroneously within the meaning of the said Act such erroneous registration shall be deemed to have first arisen during the last preceding quarter of the year unless it be proved to have first arisen during the current quarter The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the 15 Undertakers shall be paid by or to the Undertakers to or by the consumer as the case may be and shall be recoverable in like manner as gas rents are recoverable by the Undertakers.

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

43. If a person requiring a supply of gas from the Undertakers has previously quitted premises at which gas was supplied to him by 20 them without paying to them all gas charges and meter rent due from him to the Undertakers they may refuse to furnish to him a supply of gas until he pay the same.

Power to erect &c. cottages for officers and servants.

44. The Undertakers may on any land for the time being belonging to or leased by them erect fit up and maintain houses cottages and 25 buildings for the officers and servants employed by the Undertakers for the purposes of their undertaking.

Exemption from penalties in certain cases.

45. No penalty shall be incurred by the Undertakers for insufficiency of pressure defect of illuminating power or excess of impurity in the gas supplied by them in any case in which it is proved that such 30 insufficiency defect or excess was produced by any circumstances beyond the control of the Undertakers Provided that the want of sufficient funds shall not be held to be a circumstance beyond the control of the Undertakers.

Undertakers to pay interest on deposits.

46. Where any money is deposited by any person by way of 35 security with the Undertakers for the payment by them of any moneys which may become due to them from such person in respect of any supply of gas or of the purchase on 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 40 six months during which the same remains in their hands.

47. Section 140 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.

A.D. 1910.
Highbridge.
8 Vict. c. 16.
s. 140 incor-
porated.

- 5 48. 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.

Costs of
Order.

SCHEDULE.

GAS LANDS.

- 10 A piece or parcel of land belonging or reputed to belong to and in the occupation of the Undertakers and upon which their existing gasworks are erected situate in the parish of Highbridge North and urban district of Highbridge in the county of Somerset containing 5491 superficial yards or thereabouts bounded on the south and west
- 15 by lands and premises belonging or reputed to belong to Messrs. Cox and Company on the north by a public road called or known as Gas Lane Highbridge aforesaid and on the east by the Great Western Railway.

PINNER GAS.

- 20 *Order empowering the Pinner Gas Company Limited to raise additional capital for the purposes of their gas undertaking.* *Pinner.*

1. This Order may be cited as the Pinner Gas Order 1910. 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."
- 25 Commence-
ment of
Order.

3. The several words terms and expressions to which by the Gas and Water Works Facilities Act 1870 meanings are assigned shall have in this Order the same respective meanings unless there be something in the subject or context repugnant to such construction.
- 30 Interpreta-
tion.

4. The Pinner Gas Company Limited shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Undertakers.

A.D. 1910. 5. The limitation prescribed by the Pinner Gas Order 1901 (in this
Pinner. Order referred to as "the Order of 1901") with respect to the amount
 New capital. of the share capital of the Undertakers for the purposes of their gas
 undertaking shall not prevent the Undertakers from raising for such
 purposes further share capital (in this Order referred to as "the further
 new capital") not exceeding fifty thousand pounds including any
 premiums that may be obtained on the sale of any shares under the
 provisions of this Order. Provided that the share capital of the Under-
 takers in respect of their gas undertaking shall not for such purposes
 exceed in the whole ninety-two thousand eight hundred pounds unless
 the Undertakers are hereafter authorised to raise further share capital
 by Provisional Order under the Gas and Water Works Facilities Act
 1870 or by Act of Parliament.

New shares
 or stock to
 be sold by
 auction or
 tender. 6.—(1) All shares or stock forming part of the further new capital
 shall be issued in accordance with the provisions of this section.
 (2) All shares or stock so to be issued shall be offered for sale by
 public auction or by tender in such manner at such times and subject
 to such conditions of sale as the Undertakers may by special resolution
 determine.

Provided as follows:—

- (A) Notice of the intended sale shall be given in writing by the
 Undertakers to the clerk of every urban or rural district
 council having jurisdiction within the limits of supply
 and to the secretary of the committee 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 be duly advertised by the
 Undertakers 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 directors of the Undertakers 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 the last day for the reception of
 tenders as the case may be :
- (C) No single lot offered for sale shall comprise more than one
 hundred pounds nominal value of shares or stock :
- (D) In the case of a sale by tender no preference shall be given to
 one of two or more persons tendering the same sum. 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 Undertakers within three months after the date of the auction or of the acceptance of the tender as the case may be.

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Pinner.

- 5 (3) Any shares or stock which have been so offered for sale and which are not sold may be offered at the reserve price to the holders of the ordinary and preference shares or stock of the Undertakers in manner prescribed by a resolution passed by the directors of the Undertakers and to the employees of the Undertakers and to the
- 10 consumers of gas supplied by the Undertakers in such proportions as the directors of the Undertakers may think fit or to one or more of these classes of persons only. Provided in the case of an offer to holders of shares or stock that if the aggregate amount of shares or stock applied for shall exceed the aggregate amount so offered as
- 15 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) When any shares or stock which have been offered for sale in accordance with the foregoing provisions of this Order are not
- 20 sold they 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 of the Undertakers may determine for the purpose of realising the best price obtainable.

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

- 30 7. All moneys raised under this Order including premiums shall be applied only to purposes to which capital is properly applicable and any sum of money which may arise from the issue of shares or stock under the provisions of this Order by way of premium after deducting therefrom the expenses of and incident to such issue shall
- 35 not be considered as part of the capital of the Undertakers entitled to dividend.

Application
of premiums
arising on
sale of shares
or stock.

8. Except as expressly provided by the Order of 1901 and the Board of Trade Order dated the 13th day of February 1905 fixing a standard price with a sliding scale as to profits the Undertakers
- 40 shall not in any year declare or make out of their profits any larger dividends on the further new capital than seven pounds in respect of every one hundred pounds actually paid up of so much of the further new capital as may be issued as ordinary capital or

Limits of
dividend on
capital.

A.D. 1910. five pounds in respect of every one hundred pounds actually paid up
Pinner. of so much of the further new capital as may be issued as preference capital.

Dividends on different classes of shares or stock to be paid rateably. 9. In case in any year or in any half-year if the Undertakers declare a dividend half-yearly the net revenues of the Undertakers 5 applicable to dividend are insufficient to pay the full amount of the prescribed rates of dividend on each class of ordinary shares or stock in the capital of the Undertakers a proportionate reduction shall be made in the dividends payable on each class.

Limit of borrowing powers. 10. The Undertakers may borrow on mortgage of their gas under- 10 taking in addition to the sum they are already empowered to borrow any sum of money not exceeding one third of the amount of the further new capital by this Order authorised to be raised and at the time actually raised by the issue of shares or stock including any premiums that may be obtained on the sale of any shares or stock 15 under the provisions of this Order 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 so borrowed by the Undertakers in respect of the further new capital. 20

Costs of Order. 11. 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.

Gas Orders Confirmation (No. 2). [H.L.]

A

B I L L

INTITULED

An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act 1870 relating to Burnham Gas Dinnington and District Gas Dunblane Gas Highbridge Gas and Pinner Gas.

The Lord Hamilton of Dalzell.

Ordered to be Printed, 28th April 1910.

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[10 EDW. 7.] *Gas Orders Confirmation (No. 3).* [H.L.] 1

A

B I L L

INTITULED

An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act 1870 relating to Ripley Gas Rowley Regis and Blackheath Gas Sheffield Gas and Swansea Gas. A.D. 1910.

WHEREAS under the authority of the Gas and Water Works Facilities Act 1870 the Board of Trade have made the Provisional Orders set out in the schedule to this Act annexed: 33 & 34 Vict.
c. 70.

5 And whereas a Provisional Order made by the Board of Trade under the authority of the said Act is not of any validity or force whatever until the confirmation thereof by Act of Parliament:

10 And whereas it is expedient that the Provisional Orders made by the Board of Trade as aforesaid and set out in the schedule to this Act be confirmed by Act of Parliament:

Be it therefore 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 15 assembled and by the authority of the same as follows:—

1. This Act may be cited as the Gas Orders Confirmation (No. 3) Act 1910. Short title.

2. The Orders as set out in the schedule to this Act 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.

(45.)

A

A.D. 1910.

SCHEDULE.

LIST OF ORDERS.

- RIPLEY GAS.—Order empowering the Ripley Water Works and Gas Light and Coke Company Limited to maintain and continue gasworks and to manufacture and supply gas in certain parts of the township of Ripley in the county of Derby and for other purposes. 5
- ROWLEY REGIS AND BLACKHEATH GAS.—Order empowering the Rowley Regis and Blackheath Gas Company to supply gas in the township of Cakemore in the county of Worcester to raise additional capital and for other purposes. 10
- SHEFFIELD GAS.—Order making provision with respect to the quality of gas supplied by the Sheffield United Gas Light Company the holding of ordinary meetings and for other purposes.
- SWANSEA GAS.—Order to extend the limits of supply of the Swansea Gas Light Company and for other purposes. 15
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RIPLEY GAS.

Order empowering the Ripley Water Works and Gas Light and Coke Company Limited to maintain and continue gasworks and to manufacture and supply gas in certain parts of the township of Ripley in the county of Derby and for other purposes.

A.D. 1910.
Ripley.

5 *of Ripley in the county of Derby and for other purposes.*

Preliminary.

1. This Order may be cited as the Ripley Gas Order 1910. 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 Commence-
ment of
Order.
- 10 Order referred to as "the commencement of this 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 (except sections 30 to 34 both inclusive) Incorporation
of Acts.
- 15 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
- 20 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 Provided that for the purpose of such incorporation section 35 of the said Gasworks Clauses Act 1847 shall be read and construed as though the words from "in case the whole" to "have been paid" all
- 25 inclusive had been omitted therefrom and as though the expression "the prescribed rate" included the prescribed rates as defined by this Order together with any sum which under the provisions of this Order might lawfully be carried to the special purposes fund.
4. In this Order the expression "the prescribed rates" means the Interpreta-
tion.
- 30 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 or by the Gas and Water Works Facilities Act 1870 meanings are assigned
- 35 have the same respective meanings unless there be something in the subject or context repugnant to such construction 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
- 40 continued.

A.D. 1910. 5. The limits within which the provisions of this Order shall be in
 Ripley. force and have effect (in this Order referred to as "the limits of supply")
 Limits of shall be so much of the township and urban district of Ripley in the
 Order. county of Derby as is not included within the limits of supply of the
 Riddings District Gas Company under the provisions of the Riddings 5
 District Gas Order 1903.

Undertakers.

Undertakers. 6. The Ripley Water Works and Gas Light and Coke Company
 Limited shall be the Undertakers for the purposes of this Order and
 are in this Order referred to as "the Undertakers." 10

Capital.

Capital. 7. The share capital of the Undertakers for the purposes of the
 undertaking shall not exceed nineteen thousand pounds consisting of
 the sum of fourteen thousand pounds share capital already raised by
 the Undertakers (in this Order referred to as "the original capital") 15
 and of the additional capital (in this Order referred to as "the
 additional capital") to be issued subject to the provisions of this
 Order not exceeding five thousand pounds including any premium
 which may be obtained on the sale of any shares or stock under the
 provisions of this Order unless the Undertakers are hereafter authorised 20
 to raise for such purposes further additional share capital by Provisional
 Order under the Gas and Water Works Facilities Act 1870 or by Act
 of Parliament.

Additional 8.—(1) All shares or stock forming part of the additional capital
 capital to be shall be issued in accordance with the provisions of this section. 25
 sold by
 auction or
 tender.

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

(a) Notice of the intended sale shall be given in writing to the 30
 clerk of the local authority of every district 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 35
 each of two consecutive weeks in one or more local news-
 papers circulating within the limits of supply :

(b) A reserve price shall be fixed by the directors of the Undertakers
 and notice thereof shall be sent by the Undertakers in a sealed
 letter to be received by the Board of Trade not less than 40
 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 :

[10 EDW. 7.] *Gas Orders Confirmation (No. 3).*

5

(c) No lot offered for sale shall comprise shares or stock of greater nominal value than one hundred pounds : A.D. 1910.
Ripley.

(d) In the case of a sale by tender no preference shall be given to one of two or more persons tendering the same sum In the case
5 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 Undertakers within three months after the date of the auction or of the acceptance
10 of the tender as the case may be.

(3) Any shares or stock which have been so offered for sale and are not sold may be offered at the reserve price to the holders of ordinary or preference shares or stock of the Undertakers in manner prescribed by resolution passed by the directors of the Undertakers and to the
15 employees of the Undertakers and to the consumers of gas supplied by the Undertakers in such proportions as the directors of the Undertakers may think fit or to one or more of these classes of persons only Provided in the case of an offer to holders of shares or stock that if the aggregate amount of shares or stock applied for shall exceed the aggregate amount
20 so offered as aforesaid the same shall be allotted to and distributed amongst the applicants as nearly as may be in proportion to the amounts applied for by them respectively.

(4) Any shares or stock which have been offered in accordance with the foregoing provisions of this section and are not sold shall be again
25 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 Undertakers shall send a report thereof to the Board of Trade stating the total amount of the respective shares or stock sold the total amount obtained as premium (if any) and the highest and lowest prices obtained for the respective shares or stock as the case may be.
30

9. All money raised under this Order including any premiums shall be applied only to purposes to which capital is properly applicable and any sum of money which may arise from the issue of any shares or stock under the provisions of this Order by way of premium after deducting therefrom the expenses of and incident to such issue shall
35 not be considered as profits of the Undertakers entitled to dividend. Application
of money.

10. Except as by this Order expressly provided the Undertakers shall not in any year declare out of their profits any larger dividends Limit of
dividend on
capital.

A.D. 1910. on their capital than at the following rates (in this Order referred to as the standard rates of dividend) namely :—

Ripley.

Ten pounds in respect of every one hundred pounds of so much of the original capital as has been issued as ordinary capital ;

Five pounds in respect of every one hundred pounds of so much of the original capital as has been issued as preference capital ;

Seven pounds in respect of every one hundred pounds actually paid up of so much of the additional capital as may be issued as ordinary capital ; and

Six pounds in respect of every one hundred pounds actually paid up of so much of the additional capital as may be issued as preference capital.

Dividends on different classes of ordinary shares or stock to be paid proportionately.

11. In case in any year or in any half-year (if the Undertakers declare a dividend half-yearly) the net revenue of the Undertakers applicable to dividend is insufficient to pay the full amount of the prescribed rates on each class of ordinary shares or stock in the original capital and additional capital of the Undertakers a proportionate reduction shall be made in the dividends payable on each class.

Limit of borrowing powers.

12. 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 one-third of the amount of the capital of the Undertakers at the time actually raised by the issue of shares or stock including any premium that may be obtained on the sale of any shares or stock under the provisions of this Order 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.

Power to create a special purposes fund.

13.—(1) The directors of the Undertakers may if they think fit in any year appropriate out of the revenue of the Undertakers 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 Undertakers including premiums to a fund to be called “the special purposes fund.”

(2) The special purposes fund shall be applicable only to meet such charges as a chartered accountant or incorporated accountant being the auditor of the Undertakers or 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. A.D. 1910.
Ripley.

(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 Undertakers including premiums.

(4) The moneys forming the special purposes fund or any portion thereof may be invested in securities in which trustees are authorised by law to invest or may be applied for the general purposes of the Undertakers 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.

14. 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 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 authorised rates.

Provided that the sum so carried forward shall not in any case exceed the amount required to pay one year's dividend at the authorised rate on the capital of the Undertakers.

15.--(1) Where in any year the prescribed rates on the ordinary share capital or stock of the Undertakers shall exceed the standard rates of dividend 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 dividends 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 commencement of this Order 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 Order 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.

A.D. 1910.

Ripley.

(2) Provided that the reserve fund of the Undertakers existing at the date of this Order may be and remain applied for the general purposes of the Undertakers to which capital is properly applicable.

•
Purchase of Lands.

Power to
purchase
additional
lands.

16. The Undertakers may for the purposes of the undertaking 5
purchase take on lease or acquire (by agreement but not otherwise) and
hold in addition to the lands described in the schedule 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 in addition to the lands described in the said schedule and that 10
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 except the lands described in the said schedule.

Power to
erect cottages
&c. for officers
and servants.

17. The Undertakers may on any land for the time being belong-
ing to or leased by them erect fit up maintain and let houses cottages 15
and buildings for the officers and servants employed by the Undertakers
for the purposes of their undertaking.

*Maintenance and continuance of Gasworks Manufacture and sale
of Gas and Residual Products.*

Undertakers
may maintain
and continue
existing gas-
works and
may con-
struct new
gasworks on
lands de-
scribed in
schedule and
may make
and sell gas
&c.

18. The Undertakers may on the lands described in the schedule to 20
this Order so long as they are possessed of the same maintain and
continue and alter enlarge extend improve renew or discontinue their
existing gasworks and works connected therewith and may construct
erect make maintain alter enlarge extend improve renew or discontinue
additional gasworks retorts retort houses gasholders receivers purifiers 25
meters apparatus and works for the manufacture distribution storage
conversion and sale of gas and of residual products arising in or
resulting or producible from or used in the manufacture of gas and
matters producible therefrom and they may subject to the provisions
of this Order make and store gas upon such lands or some part or 30
parts thereof and supply and sell the same and may on the same lands
make convert and store residual products as aforesaid and may sell
and dispose of the same at the works and elsewhere and they may
also construct and maintain alter enlarge renew or discontinue houses
offices buildings and other works connected with the undertaking. 35

For protec-
tion of Mid-
land Railway
Company.

19. In executing the works by this Order authorised where the
same will cross over or under or otherwise affect any railway or
canal or any part of the works or property of the Midland Railway
Company (hereinafter called "the Midland Company") the Undertakers
shall (except so far as it may be otherwise agreed between the 40

[10 Edw. 7.] *Gas Orders Confirmation (No. 3).*

9

Midland Company and the Undertakers) be subject to the following conditions:—

A.D. 1910.

Ripley.

- 5 (1) All such works shall be executed 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 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 Undertakers of his objections thereto he shall be deemed to have approved thereof:
- 10
- 15 (2) If within fourteen days after the receipt of any such plans and drawings the Midland Company give to the Undertakers notice that they desire themselves to construct so much of the works as will cross over or under any railway canal or work belonging to them the Midland Company may themselves execute such works and recover the reasonable costs thereof from the Undertakers:
- 20
- 25 (3) All works which the Undertakers may execute under this section shall be so constructed as to cause no avoidable injury to the railways canal works and property of the Midland Company or avoidable interruption to the passage or conduct of traffic over the same and if in consequence of the execution of such works any injury be caused to the said railways canal works and property or any interruption be caused to the traffic the Undertakers 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:
- 30
- 35 (4) The Undertakers shall bear and on demand pay to the Midland Company the reasonable expense of the employment by that Company during the execution of any work affecting their Buckland Hollow Branch tramway where the same crosses the bridle lane leading from Lower Hartshay to Upper Hartshay of a sufficient number of inspectors watchmen and signalmen to be appointed by that company for watching and signalling the same with reference to and during the execution of any such work of the Undertakers 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 Undertakers or their contractors in connection with such work:
- 40

(45.)

B

A.D. 1910.

Ripley.

- (5) Any dispute or difference which may arise between the Midland Company and the Undertakers 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 5 fit person to be appointed (in default of agreement) by the Board of Trade on the application of the Midland Company or the Undertakers and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

For protec-
tion of
Derbyshire
County
Council.

20. In executing the works and exercising the powers by this 10 Order respectively authorised and conferred so far as the same affect main roads and sewers drains tunnels and other property vested in or under the jurisdiction of the Derbyshire County Council (in this section referred to as "the Council") the following provisions for the protection of the Council shall unless otherwise agreed in 15 writing between the Undertakers and the Council have effect (that is to say) :—

- (1) All mains pipes conduits and works to be laid in or along any main road shall so far as practicable be laid in such position in or at the side thereof as the Council in writing 20 under the hand of their surveyor may reasonably direct and in the case of mains pipes and conduits at a depth of two feet at least from the top of the socket thereof to the surface of the roadway unless otherwise agreed to in writing by the surveyor of the Council : 25
- (2) Section 8 of the Gasworks Clauses Act 1847 incorporated with this Order shall be read and have effect as if the words "seven clear days" were inserted therein instead of the words "three clear days" and the notice therein mentioned shall be given to the surveyor of the Council : 30
- (3) The plan required by section 9 of the Gasworks Clauses Act 1847 shall when required by the Council be accompanied by a description of the proposed works and shall be delivered (except in cases of emergency) to the Council or their surveyor by the Undertakers not less than ten days before they com- 35 mence to open or break up any main road or interfere with any sewer drain or tunnel or other property of the Council for the purpose of executing the works :
- (4) Nothing in this Order contained shall interfere with the right of the Council to alter the level of or deviate or improve any 40 main road in or along which any pipes or other works of the Undertakers shall have been laid and in the event of any such alteration deviation or improvement being intended by the Council the Undertakers shall at the reasonable expense

of the Council in all things on receiving ten days' notice (or shorter in case of emergency) in writing under the hand of the clerk or the surveyor to the Council so to do with all

A.D. 1910.

Ripley.

5 of the Council in all things on receiving ten days' notice (or shorter in case of emergency) in writing under the hand of the clerk or the surveyor to the Council so to do with all convenient speed alter the position of any such pipes or works in such manner and to such extent as such notice may reasonably prescribe and sections 11 and 12 of the Gasworks Clauses Act 1847 shall (*mutatis mutandis*) except as to expense apply in the case of any delay on the part of the Undertakers in complying with such notice and the Council shall not except as above mentioned be liable to make any compensation to the Undertakers for any expense or loss to which the Undertakers may be put in consequence of any such alteration deviation or improvement as aforesaid Provided that during such alteration deviation or improvement as aforesaid the Council shall afford all reasonable facilities for temporarily carrying or supporting such pipes and other works so as not to interrupt the continuous supply of gas or to diminish the pressure of such supply through such pipes Provided also that in the case of any main road vested in some authority other than the Council such authority shall for the purposes of this paragraph be substituted for the Council :

25 (5) All works shall be so executed by the Undertakers 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 and the Undertakers shall not open or break up at one time a greater length than one hundred yards of any such road nor more than fifty yards thereof where their works do not leave sufficient space for two carts to pass All extensions of mains and important renewals shall so far as reasonably practicable be executed at the period of the year when they shall occasion the least possible damage to the surface of the roadways :

35 (6) The Undertakers shall pay to the road authority the reasonable costs which the road authority may incur in the repair and reinstatement of so much of any main road in which the pipes of the Undertakers 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 :

40 (7) The filling in reinstatement and making good pursuant to section 10 of the Gasworks Clauses Act 1847 shall be executed by the Undertakers to the reasonable satisfaction and in accordance with the requirements of the surveyor

(45.)

B 2

A.D. 1910.

Ripley.

of the Council and the said section and section 11 of the said Act shall be read and have effect as if six months were mentioned therein instead of three months:

- (8) The Council shall not except in case of negligence be liable for or in respect of any damage or injury done to any work of 5 the Undertakers by reason of such work being laid at a depth below the surface of any main road insufficient for its protection from injury arising from the use of any stream or other roller not exceeding 15 tons in weight for the repair of such road or from the passage of the traffic on 10 such road:

- (9) If any difference at any time arises between the Council or their surveyor and the Undertakers touching this section or anything to be done thereunder or the giving or withholding thereunder of any consent or the conditions of 15 giving the same or any direction such difference shall be settled by an engineer to be appointed by agreement or in default of agreement by the Board of Trade on the application of either party and the provisions of the Arbitration Act 1889 shall apply to every such arbitration. 20

Differences
with railway
and other
companies.

21. If any difference arise between the Undertakers and any 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 25 afforded for the same such difference (unless the same be otherwise specially provided for by the provisions of this Order) shall be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party.

Testing of Gas.

30

Testing
place.

22. For the purposes of the Gasworks Clauses Act 1871 the prescribed testing place shall be a testing place which shall be provided by the Undertakers at their works within six months from the commencement of this Order.

Quality.

- 23.—(1) The quality of the gas supplied by the Undertakers shall 35 with respect to its illuminating power be such as to produce at the testing place when burned at the rate of five cubic feet per hour a light equal in intensity to the light produced by fourteen sperm candles of six to the pound each consuming 120 grains of sperm per hour and shall be in all respects in accordance with the provisions of 40 the Gasworks Clauses Act 1871.

(2) For testing the illuminating power of the gas the burner to be used shall be that known as the Metropolitan Argand No. 2 the photometer shall be the bar photometer the standard light shall be that supplied by Harcourt's ten-candle pentane lamp and in making the test the burner shall be so used as to obtain from the gas when burned at the rate aforesaid the greatest amount of light. Provided that the Board of Trade may on the application of the Undertakers or the local authority approve the use of any other burner photometer or standard light which may appear to the Board to be equally or more suitable for the testing.

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Ripley.

(3) The Undertakers shall within six months from the commencement of this Order provide all the apparatus required by this Order for the testing of gas and shall at all times keep the same in proper order and repair.

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

Pressure.

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

Price of Gas.

25. The standard price to be charged by the Undertakers for gas supplied by them shall be three shillings and eightpence per thousand cubic feet and so in proportion for any less quantity supplied. 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:—

Price of gas
with sliding
scale as to
dividend.

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 one hundred pounds of ordinary paid-up capital with a ten per centum standard rate of dividend and three shillings and sixpence on every one hundred pounds of ordinary paid-up capital with a seven per centum standard rate of dividend and so in proportion for any fraction of one hundred pounds:

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Ripley.

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 5
by five shillings on every hundred pounds of ordinary paid-up capital with a ten per centum standard rate of dividend and three shillings and sixpence on every one hundred pounds of ordinary paid-up capital with a seven per centum standard rate of dividend and so in proportion for any fraction of one 10
hundred pounds.

Miscellaneous.

Undertakers
to pay
interest on
deposit.

26. 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 15
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.

Power to
supply gas
fittings.
Fittings not
to be subject
to distress &c.

27.—(1) The Undertakers may sell let for hire and otherwise 20
deal in fix repair and remove but shall not manufacture meters engines stoves ranges pipes fittings and other apparatus appliances and things (in this section called "fittings") for lighting for motive power for the warming and ventilating of houses and buildings for the cooking 25
of food and for all other purposes for which gas can or may be used and may provide all materials and do all work necessary or proper in that behalf and with respect thereto may demand and take such remuneration in money or such rents and charges for and make such terms and conditions as may be agreed upon between the Undertakers and the persons to or for whom the same are sold let fixed repaired 30
or removed and such remuneration rents and charges shall be recoverable in the same manner as rents or sums due to the Undertakers for gas.

(2) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or 35
be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the person in whose possession the same may be.

(3) All fittings let by the Undertakers for hire as aforesaid shall notwithstanding that they be fixed or fastened to any part of any 40
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 Undertakers 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. 45

(4) The Undertakers shall only be entitled to the privileges and exemptions conferred by subsections (2) and (3) of 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 Undertakers as the actual owners thereof.

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28.—(1) Every consumer of gas supplied by the Undertakers who uses a gas engine shall if required to do so by the Undertakers use an effective anti-fluctuator of approved make or pattern and shall at all times at his own expense keep such anti-fluctuator in proper order and if any consumer shall make default in complying with the provisions of this section the Undertakers may cease to supply him with gas.

Anti-fluctua-
tors for gas
engines

(2) The Undertakers shall have access to and be at liberty to take off remove test inspect and replace any such anti-fluctuator at all reasonable times such taking off removal testing inspecting and replacing to be done at the expense of the Undertakers if the anti-fluctuator be found in proper order but otherwise at the expense of such consumer.

29.—(1) At least twenty-four hours' notice in writing shall be given to the Undertakers by every gas consumer before he shall quit any premises supplied with gas by meter by the Undertakers and in default of such notice the consumer so quitting shall be liable to pay to the Undertakers 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 Undertakers to supply gas to such premises whichever shall first occur.

Gas con-
sumers to
give notice to
Undertakers
before re-
moving.

(2) Notice of the effect of this enactment shall be endorsed on every demand note for gas rent.

30. A notice to the Undertakers from a consumer for the discontinuance of a supply of gas shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office for the time being of the Undertakers.

Notice of dis-
continuance.

31. If a person requiring a supply of gas from the Undertakers for any premises occupies or has occupied other premises at which gas was supplied to him by the Undertakers and has not paid all gas and meter rent or other moneys due from him to the Undertakers they may refuse to furnish to him a supply of gas until he pays the same.

Power to
refuse to
supply per-
sons in debt
for other
premises.

32.—(1) In the event of any meter used by a consumer of gas being tested in manner provided by the Sale of Gas Act 1859 and being proved to register erroneously within the meaning of the said Act such erroneous registration shall be deemed to have first arisen during the

Period of
error indefec-
tive meters.

A.D. 1910. then last preceding quarter of the year unless it be proved to have
 Ripley. first arisen during the then current quarter.

(2) The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Undertakers shall be paid by or to the Undertakers to or by the consumer as the case may be and shall 5
 be recoverable in the like manner as gas rents are recoverable by the Undertakers.

No penalty in case of unavoidable cause.

33. No penalty shall be incurred by the Undertakers for insufficiency of pressure defect of illuminating power or excess of impurity in the gas supplied by them in any case in which it is proved that such 10
 insufficiency defect or excess was produced by any circumstance beyond the control of the Undertakers Provided that the want of sufficient funds shall not be held to be a circumstance beyond the control of the Undertakers.

Undertakers may contract with local authority and others for supply in bulk.

34. The Undertakers may enter into and carry into effect contracts 15
 with any local authority company or persons supplying gas under parliamentary powers in any district adjacent to the limits of supply for the supply to them respectively of gas in bulk upon such terms and conditions and for such periods as may be agreed upon not exceeding in any case seven years from the making of the contract as may be 20
 agreed upon but nothing in this section shall authorise the Undertakers to lay any mains or interfere with any street beyond their limits of supply.

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

35. The Undertakers may but only with the consent of the owner of the soil of any street or road laid out or made but not dedicated 25
 to public use upon the application of the owner or occupier of any premises abutting on or being erected in such street or road supply such premises with gas and may lay down and take up alter relay or renew in across or along such street or road such pipes as may be requisite or proper for furnishing such supply. 30

Power to take licences for use of patents.

36. 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 or put in practice any invention under letters patent heretofore made 35
 or hereafter to be made granting any right or privilege of working using or vending any invention in relation to the manufacture supply or distribution of gas or the conversion manufacture or utilisation of any products obtainable in or arising from such manufacture or from the materials used therein. 40

8 Vict. c. 16. s. 140 incorporated.

37. Section 140 (Proof of debts in bankruptcy) of the Companies Clauses Consolidation Act 1845 shall be and is hereby incorporated with this Order Provided that for the purpose of such incorporation

[10 EDW. 7.] *Gas Orders Confirmation (No. 3).*

17

the expression "the company" in the said section shall be construed A.D. 1910.
to mean the Undertakers.

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

The SCHEDULE referred to in the foregoing Order.

GAS LANDS.

A piece of land containing five thousand eight hundred and sixty-
five square yards or thereabouts belonging to and in the occupation of
10 the Undertakers and upon which their existing works are situate
bounded on or towards the northerly and westerly sides by lands
belonging or reputed to belong to the Butterley Company Limited on
or towards the southerly side by Station Road and on or towards the
easterly side by the private railway line of the said Butterley Company
15 Limited.

ROWLEY REGIS AND BLACKHEATH GAS.

*Rowley Regis
and Black-
heath.*

*Order empowering the Rowley Regis and Blackheath
Gas Company to supply gas in the township of Cakemore in the
county of Worcester to raise additional capital and
20 for other purposes.*

1. This Order may be cited as the Rowley Regis and Blackheath *Short title.*
Gas Order 1910 and the Rowley Regis and Blackheath Gas Act 1886
(in this Order referred to as "the Act of 1886") and this Order may
be cited together as the Rowley Regis and Blackheath Gas Act and
25 Order 1886 and 1910.

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

3.—(1) So far as the same relate to the powers conferred by this *Incorporation of Acts.*
30 Order 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
35 payment of calls;

(45.)

C

- A.D. 1910, *Rowley Regis and Blackheath.*
- 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; 5
 - 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 10
by all parties interested:

and 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 the Companies Clauses Act 1869 the Gasworks Clauses Act 1847 and the Gasworks Clauses Act 15
1871 are hereby incorporated with this Order (except where the same are expressly varied by or are inconsistent with the Act of 1886 or this Order) and form part of this Order and the said provisions of the said Gasworks Clauses Acts shall apply as well to the mains pipes and 20
works of the Undertakers in the township of Cakemore laid down or constructed before the commencement of this Order as to any mains pipes or works which may be laid down or constructed under the authority of this Order.

(2) For the purposes of such incorporation the term "special Act" in the said Acts shall mean this Order and the term "the company" 25
shall mean the Undertakers.

Interpreta- 4. The several words terms and expressions to which by any Act
tion. in whole or in part incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have in this Order the same respective meanings unless there be something in the 30
subject or context repugnant to such construction and in the construction of this Order or of any such Act for the purposes of this Order the expression "the undertaking" shall mean the undertaking of the Rowley Regis and Blackheath Gas Company as extended by this Order. 35

Undertakers.

Undertakers. 5. The Rowley Regis and Blackheath Gas Company shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Extension of Limits of Supply. 40

Extension of limits of supply. 6. The limits of supply of the Undertakers are hereby extended so as to include the township of Cakemore in the rural district of

Halesowen in the county of Worcester (in this Order called "the additional limits of supply") and the Undertakers shall have and may exercise within the additional limits of supply all and the like powers privileges and authorities and shall be subject to all and the like
 5 duties liabilities and obligations in respect thereof as they now have and are subject to within the limits of supply as defined by the Act of 1886.

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 and Black-
 heath.*

Additional Capital.

7. In addition to the capital authorised by the Act of 1886 (in
 10 this Order referred to as "the existing capital") the Undertakers may raise additional capital not exceeding in the whole twelve thousand five hundred pounds (in this Order referred to as "the additional capital") by the creation and issue of new ordinary shares or stock or new preference shares or stock or wholly or partly by one of those
 15 modes and partly by another or others of them but the Undertakers shall not issue any share of a less nominal value than ten pounds nor shall any such share or stock vest in the person or corporation accepting the same unless and until the full price of such share or stock including any premium obtained upon the sale thereof shall
 20 have been paid in respect thereof Provided that it shall not be lawful for the Undertakers to create and issue under the powers of this Order any greater nominal amount of share capital than will be sufficient to produce including any premium which may be obtained on the sale thereof the sum of twelve thousand five
 25 hundred pounds.

Additional
 capital.

8. Except as by this Order otherwise provided the additional capital and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as
 30 if the additional capital were part of the existing capital of the Undertakers of the same class or description and the new shares or stock were shares or stock in that capital.

Except as
 otherwise
 provided new
 shares or
 stock to be
 subject to
 same inci-
 dents as other
 shares or
 stock.

9.—(1) All shares or stock forming part of the additional capital shall be issued in accordance with the provisions of this section.

35 (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 Undertakers shall determine Provided as follows:—

Additional
 capital to
 be sold by
 auction or
 tender.

40 (a) Notice of the intended sale shall be given in writing to the clerk of the local authority of every district within the limits of supply of the Undertakers 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

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heath.

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 said limits :

- (b) A reserve price shall be fixed by the directors of the Undertakers and notice thereof shall be sent by the Undertakers 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 : 5
 - (c) No lot offered for sale shall comprise shares or stock of greater nominal value than one hundred pounds : 10
 - (d) In the case of a sale by tender no preference shall be given to one of two or more persons tendering the same sum In the case of a sale by auction a bid shall not be recognised unless it is in advance of the last preceding bid : 15
 - (e) It shall be one of the conditions of sale that the total sum payable by the purchaser shall be paid to the Undertakers within three months 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 been so offered for sale and are not sold may be offered at the reserve price to the holders of ordinary and preference shares or stock of the Undertakers in accordance with the provisions of sections 18 19 and 20 of the Companies Clauses Act 1863 and to the employees of the Undertakers and to the consumers of gas supplied by the Undertakers in such proportions as the directors of the Undertakers may think fit or to one or more of these classes of persons only Provided in the case of an offer to holders of shares or stock that 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. 20 25 30
- (4) Any shares or stock which have been offered in accordance with the foregoing provisions of this section and are not sold shall be again offered for sale by public auction or by tender in accordance with the provisions of this section and any such shares or stock then remaining unsold may be otherwise disposed of at such price and in such manner as the directors may determine for the purpose of realising the best price obtainable. 35
- (5) As soon as possible after the conclusion of the sale or sales the Undertakers shall send a report thereof to the Board of Trade stating the total amount of the respective shares or stock sold the total amount obtained as premium (if any) and the highest and lowest prices obtained for the respective shares or stock as the case may be. 40

10. All money raised under this Order including any premiums shall be applied only to purposes to which capital is properly applicable and any sum of money which may arise from the issue of any shares or stock under the provisions of this Order by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as part of the capital of the Undertakers entitled to dividend. Provided that all such sums shall be deemed to be part of the paid-up or nominal capital of the Undertakers for the purpose of determining the amount which the Undertakers may borrow under this Order and the amount which the Undertakers may invest to form a special purposes fund.
11. The Undertakers shall not in any year declare or make out of their profits any larger dividend on the additional capital than seven pounds in respect of every one hundred pounds actually paid up of so much thereof as may be issued as ordinary capital and five pounds in respect of every one hundred pounds actually paid up of so much of the additional capital as may be issued as preference capital.
12. In case in any year or in any half-year (if the Undertakers declare a dividend half-yearly) the net revenues of the Undertakers applicable to dividend are insufficient to pay the full amount of the dividend at the authorised rate on each class of ordinary shares or stock in the capital of the Undertakers a proportionate reduction shall be made in the dividends payable on each class.
13. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any shares or stock in the additional capital to which a preferential dividend shall be assigned.
14. The Undertakers may subject to the provisions of this Order borrow on mortgage of the undertaking such further sum as together with the amount already borrowed by the Undertakers under the powers of the Act of 1886 shall not exceed in the whole one-third part of the amount of the original capital authorised by the Act of 1886 and of the additional capital by this Order authorised to be raised and at the time actually issued by shares or stock but no part thereof shall be borrowed until the whole of the shares or stock at the time issued together with the premium (if any) realised on the sale thereof shall have been fully paid up and the Undertakers have proved to the justice who is to certify under section 40 of the Companies Clauses Consolidation Act 1845 before he so certifies that such shares or stock and premium (if any) have been issued and fully paid up and upon production to such justice of the books of the Undertakers and of such other evidence as he shall think sufficient he shall grant
- A.D. 1910.
Rowley Regis and Blackheath.
Application of premium arising on issue of shares or stock.
- Limit of dividend on additional capital.
- Dividend on different classes of ordinary shares to be paid proportionately.
- Restriction as to votes in respect of preference shares or stock.
- Power to borrow.

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Rowley Regis and Blackheath.

Priority of principal moneys secured by existing mortgages.

Debenture stock.

Priority of mortgages and debenture stock over other debts.

For appointment of receiver.

Power to create a special purposes fund.

a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

15. The principal moneys secured by all mortgages granted by the Undertakers in pursuance of the powers of any Act of Parliament before the commencement of this Order and subsisting at the commencement hereof shall during the continuance of such mortgages have priority over the principal moneys secured by any mortgages granted by virtue of this Order. 5

16. The Undertakers may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 and of section 27 (Debenture stock) of the Act of 1886. 10

17. All money raised or to be raised by the Undertakers on mortgage or debenture stock under the provisions of the Act of 1886 or under this Order shall have priority against the Undertakers and the property from time to time of the Undertakers over all other claims on account of any debts incurred or engagements entered into by them after the commencement of this Order. Provided always that this priority shall not affect any claim against the Undertakers or their property in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved by or payable under any lease granted or made to the Undertakers which is entitled to rank in priority to or *pari passu* with the interest on their mortgages or debenture stock. 15 20

18. The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principle the amount owing to the mortgagees by whom the application for a receiver is made shall be not less than one-tenth part of the total amount for the time being owing by the Undertakers on mortgage. 25 30

19.—(1) The directors of the Undertakers may if they think fit in any year appropriate out of the revenue of the Undertakers 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 Undertakers including premiums to a fund to be called "the special purposes fund." 35

(2) The special purposes fund shall be applicable only to meet such charges as a chartered accountant or incorporated accountant being the auditor of the Undertakers or appointed for the purpose by the Board of Trade shall approve as being:— 40

(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. A.D. 1910.
Rowley Regis and Blackheath.

(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 Undertakers including premiums.

(4) The moneys forming the special purposes fund or any portion thereof may be invested in securities in which trustees are authorised by law to invest or may be applied for the general purposes of the Undertakers 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.

20. Notwithstanding anything contained in the Gasworks Clauses Act 1871 the following provisions as to the supply of gas to public lamps within the portion of the urban district of Rowley Regis situate within the limits of supply of the Undertakers shall have effect (that is to say) :— For protection of Rowley Regis Urban District Council.

The ordinary public lamps shall be supplied by the Undertakers at their own cost with properly governed batswing or fishtail burners to pass five cubic feet of gas per hour and the Undertakers shall supply the same with gas at a charge of two pounds ten shillings for each lamp so supplied if lighted during eight months in the year and if the Rowley Regis Urban District Council shall at any time desire to extend the period for lighting for a longer period than eight months they shall give notice thereof to the Undertakers and shall pay to the Undertakers a proportionate increase in price in respect of such extended period for each public lamp within the said district. The Undertakers shall for the several payments aforesaid provide the ordinary public lamps burning the quantity of gas aforesaid and furnish them and keep them furnished with all necessary and suitable columns burners pipes glass and fittings and shall light and extinguish such public lamps and substantially and properly maintain and clean the same. The time of lighting such public lamps shall be one hour after sunset and the time for extinguishing them shall be one hour before sunrise. Any of the provisions of this section may from time to time be modified by agreement between the Undertakers and the said council under their respective common seals. If any dispute shall arise between the Undertakers and the said council

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and Black-
heath.*For protec-
tion of Wor-
cestershire
County
Council.

touching the provisions of this section such dispute shall be settled by arbitration in manner provided by the Arbitration Act 1889.

21. The following provisions for the protection of the county council of the administrative county of Worcester (in this section referred to as the "county council") shall have effect unless otherwise agreed between the Undertakers and the county council (that is to say):—

- (1) All mains pipes and works to be laid in or along any main road or in or upon or across any county or main road bridge shall be laid in such position in or at the side thereof and at such depth as the county council in writing under the hand of their surveyor may reasonably direct: 10
- (2) The notice required by section 8 of the Gasworks Clauses Act 1847 with respect to the breaking up of streets shall as regards any main road or any county or main road bridge be not less than seven days instead of three days: 15
- (3) The plan required by section 9 of the last-mentioned Act shall as regards any county or main road bridge be accompanied by sections to suitable scales to clearly show the proposed works and shall be delivered (except in cases of emergency) to the county council or their surveyor by the Undertakers not less than in the case of a bridge one month and in all other cases seven days before the Undertakers commence to open or break up any main road or interfere with any county or main road bridge or other property of the county council for the purpose of executing the works: 20 25
- (4) Nothing in this Order shall authorise the Undertakers to interfere with the structural part of any county or main road bridge without the consent in writing of the surveyor to the county council. Such consent shall not be unreasonably withheld and may be given upon such conditions as the county council may reasonably determine: 30
- (5) The county council may alter the level of or deviate drain widen reconstruct or improve in any manner they think fit any main road in or along which any main pipes or works of the Undertakers shall have been laid or remove alter widen raise or rebuild any county or main road bridge or the approaches thereto over near or attached to which any mains pipes or works of the Undertakers are carried as if this Order had not been made and the Undertakers shall forthwith on receiving notice in writing under the hand of the clerk or surveyor to the county council so to do alter the level or position of any such mains pipes or works or 35 40

temporarily or permanently support the same in the manner and to such extent as may reasonably be prescribed by such notice or as in case of difference shall be determined by arbitration in the manner herein-after prescribed and the county council shall not be liable to make any compensation to the Undertakers for any expense or loss to which the Undertakers may be put in consequence of any such alteration deviation improvement or other work of the county council Provided that during the removal alteration widening raising or rebuilding of such county or main road bridge or the approaches thereto as aforesaid the county council shall at the cost of the Undertakers afford all reasonable facilities for temporarily carrying such mains pipes and works across any stream or river :

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and Black-
heath.*

- 5
- 10
- 15 (6) All works shall be so executed by the Undertakers as not to stop or (so far as reasonably practicable) impede or interfere with the traffic on any main road or over any county or main road bridge or the approaches thereto and the Undertakers shall not break up at any one time a greater length than one hundred yards of any main road :
- 20
- 25 (7) The Undertakers 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 or main road bridge or the approaches thereto in which the mains pipes or other works of the Undertakers 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 mains pipes or other works :
- 30
- 35 (8) If the Undertakers in the execution of any works in or affecting any such road or bridge as aforesaid shall cause any damage injury or disturbance to such road or bridge and shall neglect or refuse to make good all such damage injury or disturbance in accordance with the provisions of the Gasworks Clauses Act 1847 then it shall be lawful for the county council after fourteen days' notice to the Undertakers of the alleged neglect or refusal and of the works which they propose to execute to do all works necessary for making good all such damage injury or disturbance and the Undertakers shall repay to the county council all costs charges and expenses which the county council shall reasonably and properly incur in carrying out such works including all reasonable expenses of superintendence :
- 40
- (9) The county council shall not except in the case of their negligence be liable for any claim for damages in respect of
- (45.)

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heath.*

any injury which may be caused to any mains pipes or other works belonging to the Undertakers through the reasonable and proper use by the county council of any steam-roller scarificer or other similar appliance :

- (10) If any difference arises at any time between the county council 5
and the Undertakers touching this section or anything to be
done or not to be done thereunder or the giving or with-
holding of any such consent or the conditions of giving the
same or any direction such difference shall be settled by
arbitration by an engineer to be agreed upon between the 10
county council and the Undertakers and failing agreement
to be appointed by the President of the Institution of Civil
Engineers on the application of either party and the
Arbitration Act 1889 or any statutory modification thereof
shall apply to the arbitration. 15

For protec-
tion of Great
Western
Railway
Company.

22. For the protection of the Great Western Railway Company
(herein-after referred to as "the Great Western Company") the following
provisions shall apply :—

- (a) In laying down altering improving enlarging extending main-
taining or renewing or in executing or effecting the repairs 20
or renewals of any mains pipes or other works in the
exercise of the powers contained in this Order upon across
under or adjoining or in any way affecting the railways
now or hereafter belonging to or used or occupied by the
Great Western Company or the bridges approaches viaducts 25
stations or other works or any level crossings over the said
railways the same shall be done under the superintendence
(if the same shall be given) and to the reasonable satis-
faction of the principal engineer of the Great Western
Company and only according to such plans and in such 30
manner as shall be submitted to and as shall be previously
reasonably approved by him in writing Provided that if
for twenty-eight days after such plans shall have been
submitted to the said engineer he shall fail to give notice
to the Undertakers of his disapproval thereof he shall be 35
deemed to have given his approval :
- (b) All such works shall be done by and at the expense of the
Undertakers who shall also restore and make good to the
reasonable satisfaction of the said engineer the roads over
or under any bridge or over any level crossing of the 40
railway of the Great Western Company or over the
approaches to any such bridge or level crossing so far as
the same may be disturbed or interfered with by or owing
to any operations of the Undertakers Provided always that

if within fourteen days after the receipt of the plans referred to in subsection (a) hereof the Great Western Company give notice to the Undertakers that they themselves desire where any mains or pipes require to be laid under or across any level crossing of their railway to lay the same the Great Western Company may do so at the costs charges and expenses of the Undertakers:

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and Black-
heath.

- 5 (c) All such works and operations and all matters incidental thereto shall be constructed executed and done so as to cause as little injury as may be to such railways bridges level crossings approaches viaducts stations and works and so as to cause no interruption to the passage or conduct of traffic over such railways or at to or from any station thereon:
- 10 (d) If any injury or interruption as aforesaid shall arise from or in any way be owing to any of the acts works operations and matters aforesaid or the leakage or failure of any such mains pipes or works in under or near to any railway bridge level crossing embankment cutting approach viaduct station or works property of the Great Western Company the Undertakers shall make compensation to the Great Western Company in respect thereof the amount of such compensation unless agreed upon to be determined by arbitration in the manner herein-after provided:
- 15 (e) If the Great Western Company at any time or times hereafter require of which they shall be the sole judges to construct any additional or other works upon their lands or railways or to alter or repair their railways bridges viaducts or works upon across over or under which any of the works of the Undertakers may have been constructed or laid the Great Western Company may on giving to the Undertakers fourteen days' notice in writing under the hand of their secretary or general manager and in case of emergency without notice divert support or carry the said works of the Undertakers across over or under their lands railways bridges or works at any other point or otherwise deal with the same in as convenient a manner as circumstances will admit and doing as little damage as may be without being liable to pay compensation in respect of such diversion supporting carrying or dealing with such works Provided that in such construction alteration or repair of their own works and in diverting supporting or carrying or otherwise dealing with the works of the Undertakers the Great Western Company shall not unnecessarily interfere with the supply of gas by the Undertakers through their said works:
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- A.D. 1910. (f) Any dispute or difference which may arise between the Great Western Company and the Undertakers with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer or other fit person to be appointed by the Board of Trade on the application of the Great Western Company and the Undertakers or either of them and subject thereto the provisions of the Arbitration Act 1889 shall apply to any such arbitration. 5
- Rowley Regis and Blackheath.*
- Differences with road authority or railway or other company. 23. If any difference arise between the Undertakers and any road authority or railway or other company whose lands or works the Undertakers have power to cross or otherwise interfere with 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 unless otherwise provided by this Order be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party. 10 15
- Power to lay pipes in streets not dedicated to public use. 24. The Undertakers may but only with the consent in writing of the owner of such street or road upon the application of the owner or occupier of any premises within the limits of supply of the Undertakers abutting on or being erected in any street or road laid out or made but not dedicated to public use supply such premises with gas and may lay and take up alter relay or renew in across or along such street or road such pipes and apparatus as may be requisite or proper for furnishing such supply. 20 25
- Exemption of fittings from distress. 25. Any fittings let for hire under the provisions of section 41 (Power to supply gas fittings &c. for heating cooking and motive power) of the Act of 1886 shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under process of any court or proceedings in bankruptcy against the person in whose possession the same may be Provided that such fittings are marked or impressed with a sufficient mark or brand indicating the Undertakers as the actual owners thereof. 30
- Anti-fluctuators for gas engines. 26. Every consumer of gas supplied by the Undertakers who uses a gas engine shall if required to do so by the Undertakers use an anti-fluctuator and shall at all times at his own expense keep such anti-fluctuator in proper order and if any consumer shall make default in complying with the provisions of this section the Undertakers may cease to supply him with gas The Undertakers shall have access to and be at liberty to take off remove test inspect and replace any such anti-fluctuator at all reasonable times such taking off removal testing inspecting and replacing to be done at the expense of the Undertakers 35 40

[10 EDW. 7.] *Gas Orders Confirmation (No. 3).*

29

A.D. 1910.

if the anti-fluctuator be found in proper order but otherwise at the expense of such consumer.

Rowley Regis and Blackheath.

27. At least twenty-four hours' notice in writing shall be given to the Undertakers by every consumer of gas supplied by the Undertakers before he shall quit any premises supplied with gas by meter by the Undertakers and in default of such notice the consumer so quitting shall be liable to pay to the Undertakers 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 Undertakers to supply gas to such premises whichever shall first occur. Notice of the effect of this enactment shall be endorsed upon every demand note for gas charges payable to the Undertakers.

Gas consumers to give notice to Undertakers before removing.

- 28.—(1) A notice to the Undertakers from a consumer for the discontinuance of a supply of gas shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office for the time being of the Undertakers.

Notice to discontinue supply of gas.

(2) Section 55 (Notice to company to discontinue supply) of the Act of 1886 is hereby repealed.

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

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

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

Period of error in defective meters.

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

Undertakers may contract with local authority and others for supply in bulk.

A.D. 1910.
Rowley Regis
and Black-
heath.
 Charge for
 gas supplied
 by means of
 prepayment
 meters.

32.—(1) The Undertakers may demand for any gas supplied through a prepayment meter a not greater charge than for gas supplied to private consumers within their limits of supply through any other kind of meter or by any other method of supply.

(2) The Undertakers shall not charge for the hire of any prepayment meter and fittings to be used therewith any sum other than a sum of money calculated according to the quantity of gas supplied through such prepayment meter and the maximum sum to be so charged shall be at the rate of 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.

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

(3) The maximum charge for the hire of a prepayment meter without fittings shall be at the rate of ten per cent. per annum on the cost of the meter.

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

Costs of
 Order.

33. 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.

Sheffield.

SHEFFIELD GAS.

Order making provision with respect to the quality of gas supplied by the Sheffield United Gas Light Company the holding of Ordinary Meetings of the Company and for other purposes.

Preliminary.

Short and
 collective
 titles.

1. This Order may be cited as the Sheffield Gas Order 1910 and the Sheffield Gas Act 1855 (in this Order referred to as "the Act of 1855") the Sheffield Gas Act 1866 (in this Order referred to as "the Act of 1866") the Sheffield Gas Order 1882 the Sheffield Gas Order 1890 (in this Order referred to as "the Order of 1890") the Sheffield Gas Order 1893 (in this Order referred to as "the Order of 1893") and this Order may be cited together as the Sheffield Gas Acts and Orders 1855 to 1910.

[10 EDW. 7.] *Gas Orders Confirmation (No. 3).*

31

A.D. 1910.

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."

Sheffield.
Commence-
ment of
order.

3. In the construction of this Order the expression "the Corporation" shall mean the Lord Mayor aldermen and citizens of the city of Sheffield the expression "the directors" shall mean the directors of the Sheffield United Gas Light Company and the expression "the auditor" shall mean the auditor appointed by the corporation under section 68 (Appointment of auditor) of the Act of 1855.

Interpreta-
tion.

10

Undertakers.

4. The Sheffield United Gas Light Company shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Undertakers.

Quality of Gas.

5.—(1) The quality of gas supplied by the Undertakers shall with respect to its illuminating power be such as to produce at the testing place provided by the Undertakers under the Act of 1855 when burned at the rate of five cubic feet per hour a light equal in intensity to the light produced by fifteen sperm candles of six to the pound each consuming one hundred and twenty grains of sperm per hour and shall be in all respects in accordance with the provisions of the Gasworks Clauses Act 1871.

Quality of
gas.

(2) For testing the illuminating power of the gas the burner to be used shall be that known as the Metropolitan Argand No. 2 the photometer shall be the bar photometer the standard light shall be that supplied by Harcourt's ten candle pentane lamp and in making the test the burner shall be so used as to obtain from the gas when burned at the rate aforesaid the greatest amount of light Provided that the Board of Trade may on the application of the Undertakers or the corporation approve the use of any other burner photometer or standard light which may appear to the Board to be equally or more suitable for the testing.

(3) The Undertakers shall within three months from the commencement of this Order provide all the apparatus required by this Order for the testing of gas and shall at all times keep the same in proper order and repair.

(4) Section 90 (Experimental meter) of the Act of 1855 section 20 (Quality of company's gas) of the Act of 1866 and section 16 (Quality of gas) of the Order of 1893 shall as from the expiration of three months from the commencement of this Order be repealed and from and after such date section 91 (Power to enter gasworks to examine quality of gas) of the Act of 1855 and section 21 (Experimental meters

A.D. 1910. to be provided in certain places) of the Act of 1866 shall apply and
Sheffield. have effect as if the references in those sections to the experimental
meter and apparatus provided in pursuance of or mentioned in the
said section 90 of the Act of 1855 meant the burner photometer
standard light and apparatus required to be provided under the 5
provisions of subsections (2) and (3) of this section.

Undertakers 6. The Undertakers if and when required at any time within two
to supply years after the commencement of this Order by any consumer of gas
suitable supplied by the Undertakers shall supply him and fix free of charge
burners a sufficient number of flat flame burners suitable in all respects for 10
gratis in the consumption of gas of the illuminating power prescribed by this
exchange for those in use. Order in substitution for the burners (not being incandescent burners)
in use at the commencement of this Order.

Notice of the provisions of this section shall be given on each
demand note of the Undertakers during the period of two years 15
herein-before mentioned.

No penalty 7. No penalty shall be incurred by the Undertakers for defect of
in case of illuminating power or excess of impurity in the gas supplied by them
unavoidable in any case in respect of which it is proved that such defect or excess 20
cause. was caused by circumstances beyond the control of the Undertakers
Provided that the want of sufficient funds shall not be held to be a
circumstance beyond the control of the Undertakers.

Meetings Interim Dividends and Audit.

Date of 8.—(1) From and after the commencement of this Order section 52
ordinary (Ordinary meetings to be held half-yearly in Sheffield) of the Act of 25
meeting. 1855 shall be read and have effect as if the words “and the future
“ ordinary meetings shall be held in the month of March in every
“ year or at such other time as shall be appointed for that purpose
“ by an order of a general meeting” were inserted in that section in
lieu of the words “and the future general meetings shall be held in 30
“ the months of April and October in every year.”

(2) Section 6 (Amendment of section 52 of the Act of 1855) of
the Order of 1890 is hereby repealed.

Retirement 9. The directors holding office at the commencement of this Order
of directors. shall continue in office until the ordinary meeting to be held in the 35
year one thousand nine hundred and eleven under the provisions
of this Order and after the commencement of this Order the meeting
for the retirement rotation and election of directors subject to and in
accordance with the provisions of the Act of 1855 and of the
Companies Clauses Consolidation Act 1845 so far as applicable shall 40
in every year be the ordinary meeting to be held under the provisions
of this Order.

10. The directors may in any year without calling a meeting of shareholders and stockholders for the purpose declare an interim half-yearly dividend out of the then ascertained profits of the Undertakers provided that the amount of any interim half-yearly dividend so declared shall not exceed in any half year one half of the respective prescribed rates of the profits divisible amongst the respective classes of shareholders and stockholders under the provisions of section 42 (Prescribing rate of profits to shareholders) of the Act of 1855 and section 10 (Limiting dividend on new shares) of the Act of 1866. A.D. 1910.
Sheffield.
Interim
dividends.
- 10 11. The directors may close the register of transfers for a period not exceeding fourteen days previous to a declaration of any interim dividend and they may fix a day for closing the same of which seven days' notice shall be given by advertisement in some newspaper published or circulating in the city of Sheffield and any transfer made Closing of
transfer
books
previous to
declaring
interim
dividend.
- 15 during the time when the transfer books are so closed shall as between the Undertakers and the person claiming under the same but not otherwise be considered as made subsequently to the declaration of any such dividend.
- 20 12. Section 70 (Delivery of balance sheet to auditor) of the Act of 1855 shall from and after the commencement of this Order be read and have effect as if the words "or the declaration of any interim dividend as the case may be" were inserted in that section at the end thereof. Delivery of
balance sheet
to auditor.
- 25 13. Section 72 (Powers of auditor) of the Act of 1855 shall from and after the commencement of this Order be read and have effect as if the words "or the declaration of any interim dividend as the case may be" were inserted in that section after the words "before every ordinary meeting" and the word "next" were inserted before the words "ordinary meeting" at the end of the section. Examination
of accounts
by auditor.

30 *Issue of Debenture Stock.*

- 14.—(1) Sections 9 10 11 and 12 of the Order of 1893 are hereby repealed and in lieu thereof the following provisions shall have effect with respect to the issue after the commencement of this Order of any debenture stock authorised to be created and issued under the powers of the Order of 1893. Issue of
debenture
stock by
auction or
tender.

(2) All debenture 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 Undertakers shall determine Provided as follows:—

- 40 (a) Notice of the intended sale shall be given in writing to the town clerk of the city of Sheffield and to the secretary of the London Stock Exchange at least twenty-eight days

A.D. 1910.

Sheffield.

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 said city :

- (b) A reserve price shall be fixed by the directors and notice 5 thereof shall be sent by the Undertakers 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 : 10
- (c) No lot offered for sale shall comprise debenture stock of greater nominal value than one hundred pounds :
- (d) In the case of a sale by tender no preference shall be given to one of two or more persons tendering the same sum In the case of a sale by auction a bid shall not be recognised 15 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 Undertakers within three months after the date of the auction or of the acceptance of the tender as the case may be. 20

(3) Any debenture stock which has been so offered for sale and is not sold may be offered at the reserve price to the holders of debenture stock or of ordinary shares or stock of the Undertakers in accordance with the provisions of sections 18 19 and 20 of the Companies Clauses Act 1863 (as if in those provisions the expression "new stock" meant 25 debenture stock and the expression "stockholders" included debenture stockholders) and to the employees of the Undertakers and to the consumers of gas supplied by the Undertakers in such proportions as the directors may think fit or to one or more of these classes of persons only Provided in the case of an offer to holders of debenture stock 30 or of ordinary shares or stock that if the aggregate amount of debenture 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. 35

(4) Any debenture stock which has been offered in accordance with the foregoing provisions of this section and 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 debenture stock then remaining unsold may be otherwise disposed of at such price and 40 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 Undertakers shall send a report thereof to the Board of Trade stating the total amount of the debenture stock sold the total amount obtained as premium (if any) and the highest and lowest prices obtained for the debenture stock.

A.D. 1910.

Sheffield.

15. 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.

Costs of Order.

SWANSEA GAS.

Swansea.

10 *Order to extend the Limits of Supply of the Swansea Gaslight Company and for other purposes.*

1. This Order may be cited as the Swansea Gas Order 1910 and the Swansea Gas Act 1861 the Swansea Gas Order 1888 and the Swansea Gas Act 1898 (herein-after collectively referred to as "the Acts and Order 1861 to 1898") as amended by this Order and this Order may be referred to as "the Swansea Gas Acts and Orders 1861 to 1910."

Short title.

2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed.

20 3. The Gasworks Clauses Acts 1847 and 1871 are (except where the same are expressly varied by the Acts and Order 1861 to 1898 or this Order incorporated with and form part of this Order Provided that section thirteen of the former Act shall be read as if the words "or any premises" were inserted after the words "private building" and as if the words "Provided also that every such contract entered into by the company shall be alike in terms and amount under like circumstances" to all consumers" were added at the end of that section.

Commencement of Order.

Incorporation of Acts.

30 In this Order the several words terms and expressions to which by any Act in whole or in part incorporated with this Order or by the Gas and Water Works Facilities Act 1870 meanings are assigned shall have the same respective meanings unless there be something in the subject or context repugnant to such construction.

4. The Swansea Gaslight Company shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Undertakers.

5. The limits within which the Undertakers may supply gas and shall have and may exercise the powers privileges and authorities and shall be subject to the duties and obligations in relation thereto of the

Definition and extension of limits of supply.

A.D. 1910. Swansea Gas Acts and Orders 1861 to 1910 shall be the borough of Swansea and all places and lands wholly or partly within a distance of one mile from the present boundary of the said borough (in this Order referred to as "the existing limits of supply") and the district herein-after more particularly described (in this Order referred to as "the new limits of supply") namely :—

Such portion of the parish of Llansamlet as is not included within the existing limits of supply or within the authorised limits of supply of any statutory gas company such portion of the parish of Clase Rural as lies within an area lying on the north and west of the existing limits of supply which area is bounded by an imaginary line commencing at the northern boundary of the existing limits of supply at a point seven hundred feet or thereabouts east of Dorg-lwyd (house) continuing along Rhydybandy Road in a northerly direction to the bridge over the River Llan called "Pont Felin Wen" then following the course of the river in a south-westerly direction to Ford Pontbren Llwyd down to the remains of Brynwilach tramway bridge over the said river thence turning westerly along the road north of Brynwilach pits and house and continuing along such road to the junction of such road with the road leading from Llangyfelach to Velindre thence continuing in a southerly direction along the parish boundary which separates the parish of Penderry from the parish of Clase Rural until it joins the existing limits of supply at a point distant three hundred feet or thereabouts from the Bench mark 369·8 north-west of Heol ddu the parish of Penderry and the parish of Cockett all in the rural district of Swansea in the county of Glamorgan.

The area comprised within the new limits of supply is more particularly delineated upon a map deposited with the Board of Trade and signed by an assistant secretary to the Board and if there should be any difference between the description contained in this section and the area delineated upon such map the latter shall prevail.

Price of gas in the new limits of supply.

6. The Undertakers may charge for gas supplied by them within the new limits of supply a price not exceeding by more than fourpence per thousand cubic feet the price for the time being charged by them for gas supplied within the borough of Swansea.

For protection of Midland Railway Company Great Western Railway Company and London and North

7. In executing the works authorised by this Order 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 the Great Western Railway Company or the London and North Western Railway Company respectively (herein-after separately referred to as "the railway company") the Undertakers shall (except so far as it

may be otherwise agreed between the railway company and the Undertakers) be subject to the following conditions:—

A.D. 1910.

Swansea.
Western
Railway
Company.

- 5 (1) All such works shall be executed under the superintendence (if the same be given) and to the reasonable satisfaction of the principal engineer for the time being of the railway company and 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 twenty-eight days after

10 such plans and drawings shall have been submitted to the said engineer he shall fail to give notice to the Undertakers of his objections thereto he shall be deemed to have approved thereof.
- 15 (2) If within twenty-eight days after the receipt of any such plans and drawings the railway company give to the Undertakers notice that they desire themselves to execute any part of the work (other than the actual laying down of the mains which shall be done by the Undertakers) which will cross over or under any railway or work belonging to them

20 the railway company may themselves execute such part of the work and recover the reasonable costs thereof from the Undertakers:
- 25 (3) All works which the Undertakers may execute under this section shall be so constructed as to cause no injury to the railways works and property of the railway company or interruption to the passage or conduct of traffic over the same and if in consequence of the execution of such works any injury be caused to the said railways works and property or any interruption be caused to the traffic the Undertakers

30 shall make full compensation to the railway company in respect of such injury or interruption the amount of such compensation unless agreed upon to be determined by arbitration:
- 35 (4) The Undertakers shall bear and on demand pay to the railway company the reasonable expense of the employment by the railway company during the execution of any work affecting their railways of a sufficient number of inspectors watchmen and signalmen to be appointed by the railway company for watching and signalling the same with reference to and

40 during the execution of any such work of the Undertakers 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 Undertakers or their contractors:

A.D. 1910.
Swansea.

(5) Any dispute or difference which may arise between the railway company and the Undertakers 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 5 to be appointed (in default of agreement) by the Board of Trade on the application of the railway company or the Undertakers and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

Differences
with road
authorities
or railway
or other
companies.

8. If any difference arise between the Undertakers and any road 10 authority or railway canal or other company or person 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 unless 15 otherwise provided by this Order be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party.

Power to
contract for
sale of gas
in bulk.

9. The Undertakers may contract with any local authority company or persons authorised to supply gas under parliamentary powers in any 20 district adjacent to the limits of supply for the supply to them respectively of gas in bulk upon such terms and conditions and for such periods not exceeding in any case seven years from the making of the contract as shall be agreed upon but nothing in this section shall authorise the Undertakers to lay any mains or interfere with any 25 street beyond their limits of supply.

Costs of
Order.

10. All 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.

**Gas Orders Confirmation
(No. 3). [H.L.]**

A
B I L L

INTITULED

An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act 1870 relating to Ripley Gas Rowley Regis and Blackheath Gas Sheffield Gas and Swansea Gas.

The Lord Hamilton of Dalzell.

Ordered to be printed 28th April 1910.

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[Price 4d.]

[10 EDW. 7.] *Glasgow University (Chair of Clinical
Medicine and Chair of Clinical Surgery) Order
Confirmation.* [H.L.] 1

A

B I L L

INTITULED

An Act to confirm a Provisional Order under the Private A.D. 1910.
Legislation Procedure (Scotland) Act 1899 relating
to Glasgow University (Chair of Clinical Medicine and
Chair of Clinical Surgery).

WHEREAS His Majesty's Secretary for Scotland has after
inquiry held before Commissioners made the Provisional
Order set forth in the schedule hereunto annexed under the
provisions of the Private Legislation Procedure (Scotland) Act 62 & 63 Vict.
5 1899 and it is requisite that the said Order should be confirmed c. 47.
by Parliament:

Be it therefore 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
10 assembled and by the authority of the same as follows:—

1. The Provisional Order contained in the schedule hereunto Confirmation
annexed shall be and the same is hereby confirmed. of Order in
schedule.

2. This Act may be cited as the Glasgow University (Chair Short title.
of Clinical Medicine and Chair of Clinical Surgery) Order
15 Confirmation Act 1910.

*Glasgow University (Chair of Clinical [10 EDW. 7.]
Medicine and Chair of Clinical Surgery) Order
Confirmation.*

A.D. 1910.

S C H E D U L E.

GLASGOW UNIVERSITY (CHAIR OF CLINICAL
MEDICINE AND CHAIR OF CLINICAL SURGERY).

*Provisional Order to vary and extend the deeds of Foundation
of the existing Chairs of Clinical Medicine and of Clinical
Surgery in the University of Glasgow to extend
prescribe and regulate the duties of the said Chairs to
provide for the election of the holders thereof and
for other purposes.*

WHEREAS by Deed of Foundation dated the twenty-sixth and 10
twenty-seventh days of May one thousand eight hundred and
seventy-four the Senatus Academicus of the University of Glasgow
(in this Order referred to as "the Senatus") on the narrative
that John Matheson junior Merchant in Glasgow (who died on
the twelfth day of November 1878) had intimated that he was 15
prepared in conjunction with others taking an interest in the
matters to guarantee the endowment of a Chair or Professorship
of Clinical Medicine in the said University with a capital sum
sufficient to yield at least one hundred pounds per annum and
had paid over the sum of two thousand five hundred pounds 20
to found the said Chair and on the further narrative that the
Senatus had agreed to accept the said sum for the said purpose
subject to conditions contained in the said deed and herein-after
mentioned and had by a Minute dated the nineteenth day of
May one thousand eight hundred and seventy-four resolved to 25
found the said Chair did with the consent of the said John
Matheson thereby found the said Chair or Professorship of Clinical
Medicine in the said University and declared that the said
endowment and the said Chair or Professorship should be governed
by and be subject to the conditions and regulations following 30
viz. (First) That the said Chair or Professorship should be
called the Chair of Clinical Medicine in the University of
Glasgow and the holder thereof for the time being should
be a Professor in the Faculty of Medicine therein (Second)
That the right of nomination or presentation to the said Chair 35
should be vested then and in time coming in the University
Court of the said University of Glasgow reserving always to the

[10 EDW. 7.] *Glasgow University (Chair of Clinical
Medicine and Chair of Clinical Surgery) Order
Confirmation.* 3

Senatus the right of induction thereto as in the case of other A.D. 1910.
Chairs in the said University (Third) That the Professor
for the time being occupying the said Chair should teach
clinical medicine by lectures and other instruction therein
5 without prejudice to the claims of any of the other Professors
in the Faculty of Medicine to similar teaching (Fourth) That
the net annual income or proceeds of the foresaid sum of
two thousand five hundred pounds invested as in the said
deed mentioned should be paid as a salary to the Professor for
10 the time being occupying the said Chair (Fifth) That the fees
to be paid to the said Professor the duties of the Chair and
the arrangements connected therewith should be regulated from
time to time by the University authorities :

And whereas by another Deed of Foundation dated the
15 twenty-sixth and twenty-seventh days of May one thousand
eight hundred and seventy-four the Senatus on the narrative
that the family of the late Doctor Moses Steven Buchanan
surgeon in Glasgow (who died in the year 1860) had intimated
that in memory of their said father they were prepared to offer
20 to the said University the sum of two thousand five hundred
pounds for the Foundation and Endowment of a Chair or
Professorship of Clinical Surgery in the said University and
that the now deceased William Leechman Buchanan accountant
in Glasgow son of the said Doctor Moses Steven Buchanan as
25 representing the family of the said Doctor Moses Steven
Buchanan had paid over the said sum of two thousand five hundred
pounds to found the said Chair and on the further narrative that
the Senatus had agreed to accept the said sum for the said
purpose subject to the conditions contained in the said deed and
30 herein-after mentioned and had by a minute dated the nineteenth
day of May one thousand eight hundred and seventy-four resolved
to found the said Chair did with the consent of the said William
Leechman Buchanan thereby found the said Chair or Professorship
of Clinical Surgery in the said University and declared that the
35 said Endowment and the said Chair or Professorship should be
governed by and be subject to the conditions and regulations
following viz. (First) That the said Chair or Professorship should
be called the Chair of Clinical Surgery in the University of
Glasgow and the holder thereof for the time being should be a
40 Professor in the Faculty of Medicine therein (Second) That the

*Glasgow University (Chair of Clinical [10 EDW. 7.]
Medicine and Chair of Clinical Surgery) Order
Confirmation.*

A.D. 1910. right of nomination or presentation to the said Chair should be
vested then and in time coming in the University Court of
the said University of Glasgow reserving always to the Senatus
the right of induction thereto as in the case of other
Chairs in the said University (Third) That the Professor for 5
the time being occupying the said Chair should teach clinical
surgery by lectures and other instruction therein without pre-
judice to the claims of any of the other Professors in the Faculty
of Medicine to similar teaching (Fourth) That the net annual
income or proceeds of the foresaid sum of two thousand five 10
hundred pounds invested as in the said deed mentioned should
be paid as a salary to the Professor for the time being occupying
the said chair (Fifth) That the fees to be paid to the said
Professor the duties of the Chair and the arrangements connected
therewith should be regulated from time to time by the 15
University authorities :

And whereas the aforesaid capital sums mentioned respec-
tively in the said two Deeds of Foundation were duly received
by the Senatus and were invested in terms of the provisions in
that behalf of the said deeds and the net annual incomes have 20
been paid and applied in accordance therewith :

And whereas since the institution of the said Chairs by the
said respective Deeds of Foundation the successive occupants
of the said Chairs have continued to teach clinical medicine
and clinical surgery respectively in terms thereof: 25

And whereas under the Universities (Scotland) Act 1889 the
whole funds of the said University including the funds above
mentioned for the foundation of the said Chair of Clinical
Medicine and the said Chair of Clinical Surgery have been
transferred to and are now vested in and held by the Univer- 30
sity Court of the said University :

And whereas additional funds consisting of two annual
sums of not less than four hundred pounds each have been
offered to the said University Court by the Trustees of the late
Henry Muirhead and St. Mungo's College respectively for the 35
purpose of augmenting the emoluments of the said Chairs subject
to the conditions that the occupant of the Chair of Clinical
Medicine shall give instruction in medicine both clinical and
systematic to students of the University without distinction of
sex in connection with the Royal Infirmary of Glasgow and 40

[10 EDW. 7.] *Glasgow University (Chair of Clinical
Medicine and Chair of Clinical Surgery) Order
Confirmation.* 5

that the occupant of the Chair of Clinical Surgery shall give instruction in surgery both clinical and systematic to students of the University without distinction of sex in connection with the Royal Infirmary and it is expedient that the University
5 Court should be authorised to agree with the Managers of the Royal Infirmary that the occupants of the said Chairs respectively shall be provided with all proper facilities and accommodation at the Royal Infirmary for conducting such teaching of medicine and surgery respectively both systematic and clinical in the
10 lecture rooms or theatres and in the wards thereof:

And whereas having regard to the augmented emoluments of the said respective Chairs it is expedient that the said University Court should be authorised to prescribe the mode of election of the Professors to the said Chairs and to vary define
15 and regulate their duties and emoluments and the disposal of the fees payable by students attending their classes and to designate the Chair of Clinical Medicine by a distinctive title and the Chair of Clinical Surgery by another distinctive title:

20 And whereas it would be of advantage to the said University as a place of medical study and research that the University Court should be authorised to make better provision for the instruction of students of the said University in the said Royal Infirmary and that Professors of the University
25 should obtain proper facilities therein for the teaching of medicine and surgery:

And whereas for carrying out the aforesaid purposes it is expedient that the provisions of the said Deeds of Foundation should be varied and extended as in this Order provided:

30 And whereas the objects aforesaid cannot be effected without an Order of the Secretary for Scotland confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1899:

Now therefore in pursuance of the powers contained in the
35 last-mentioned Act the Secretary for Scotland orders as follows:—

1. This Order may be cited as the Glasgow University (Chair of Clinical Medicine and Chair of Clinical Surgery) Order 1910 and shall commence and have effect on and from

Short title
and com-
mencement
of Order.

*Glasgow University (Chair of Clinical [10 Edw. 7.]
Medicine and Chair of Clinical Surgery) Order
Confirmation.*

A.D. 1910. — the date of the passing of the Act confirming the same which date is herein-after referred to as "the commencement of this Order."

Interpre-
tation of
terms.

2. In this Order unless there be something in the subject or context repugnant to such construction the following expressions shall have the meanings respectively assigned to them namely :—

"The University" means the University of Glasgow;

"The Senatus" means the Senatus Academicus of the University; 10

"The University Court" means the University Court of the University;

"The Deed of Foundation No. 1" means the Deed executed by the Senatus dated the twenty-sixth and twenty-seventh days of May one thousand eight hundred and seventy-four founding the Chair of Clinical Medicine in the University; 15

"The Deed of Foundation No. 2" means the Deed executed by the Senatus dated the twenty-sixth and twenty-seventh days of May one thousand eight hundred and seventy-four founding the Chair of Clinical Surgery in the University; 20

"The Chair of Clinical Medicine" means the Chair in the University founded by the Senatus by the Deed of Foundation No. 1; 25

"The Chair of Clinical Surgery" means the Chair in the University founded by the Senatus by the Deed of Foundation No. 2;

"The Muirhead Trustees" mean the Trustees of the late Henry Muirhead M.D. LL.D. of Longdales and Bushy Hill in the County of Lanark; 30

"St. Mungo's College" means St. Mungo's College Glasgow incorporated under the Companies Acts 1862 to 1886 on the twenty-ninth day of April one thousand eight hundred and eighty-nine; 35

"The Royal Infirmary" means the Royal Infirmary of Glasgow.

[10 EDW. 7.] *Glasgow University (Chair of Clinical
Medicine and Chair of Clinical Surgery) Order
Confirmation.*

7

A.D. 1910.

3. Notwithstanding anything contained in the Deed of Foundation No. 1 of the Chair of Clinical Medicine or in any ordinance following thereon the University Court may by an ordinance or ordinances approved by His Majesty in Council
5 where an ordinance or ordinances may be necessary and where an ordinance or ordinances may be unnecessary by any competent procedure provide:—

Provisions
as to Chair
of Clinical
Medicine.

(A) That the Chair of Clinical Medicine shall be called the
10 "Muirhead Chair of Medicine" or described by such other distinctive title as may be agreed upon by the University Court and the Muirhead Trustees;

(B) That the Professor for the time being occupying the
15 said Chair shall give both clinical and systematic instruction in medicine to students of the University without distinction of sex in accordance with the regulations for Degrees in Medicine in the University;

(C) That the net annual income or proceeds of the funds
20 now representing the sum of two thousand five hundred pounds provided under the Deed of Foundation No. 1 invested as in the said Deed prescribed or so much thereof as may be required together with the aforesaid additional emoluments provided by the Muirhead Trustees shall be applied to the payment
25 of a salary of five hundred pounds to the Professor for the time being occupying the said Chair and that any balance of the said net annual income or proceeds shall be applied as the University Court may from time to time direct;

(D) That the election or presentation to the said Chair shall
30 be vested in a Board of Curators consisting of eleven members nominated as follows that is to say:—

Seven by the University Court;

Two by the Managers of the Royal Infirmary;

Two by the Muirhead Trustees;

35 And that the said Board shall appoint their own chairman who shall have a deliberative as well as a casting vote;

*Glasgow University (Chair of Clinical [10 EDW. 7.]
Medicine and Chair of Clinical Surgery) Order
Confirmation.*

A.D. 1910.
—

- (E) That the University Court shall regulate the disposal of the fees paid for the instruction given by the holder of the said Chair (whether for systematic or for clinical instruction or both) the duties of the Chair and the arrangements connected therewith. 5

Provisions
as to Chair
of Clinical
Surgery.

4. Notwithstanding anything contained in the Deed of Foundation No. 2 of the Chair of Clinical Surgery or in any ordinance following thereon the University Court may by an ordinance or ordinances approved by His Majesty in Council where an ordinance or ordinances may be necessary and where an ordinance or ordinances may be unnecessary by any competent procedure provide:— 10

- (A) That the Chair of Clinical Surgery shall be called the “St. Mungo Chair of Surgery” or described by such other distinctive title as may be agreed upon by the University Court and St. Mungo’s College; 15
- (B) That the Professor for the time being occupying the said Chair shall give both clinical and systematic instruction in surgery to students of the University without distinction of sex in accordance with the regulations for Degrees in Medicine in the University; 20
- (c) That the net annual income or proceeds of the funds now representing the sum of two thousand five hundred pounds provided under the Deed of Foundation No 2. invested as in the said Deed prescribed or so much thereof as may be required together with the afore- 25
said additional emoluments provided by St. Mungo’s College shall be applied to the payment of a salary of five hundred pounds to the Professor for the time being occupying the said Chair and that any balance 30
of the said net annual income or proceeds shall be applied as the University Court may from time to time direct;
- (D) That the election or presentation to the said Chair shall be vested in a Board of Curators consisting of eleven 35
members nominated as follows that is to say:—

Seven by the University Court;

Two by the Managers of the Royal Infirmary;

Two by the Governors of St. Mungo’s College;

[10 EDW. 7.] *Glasgow University (Chair of Clinical
Medicine and Chair of Clinical Surgery) Order
Confirmation.* 9

And that the said Board shall nominate their own chairman who shall have a deliberative as well as a casting vote; A.D. 1910.

- 5 (E) That the University Court shall regulate the disposal of the fees paid for the instruction given by the holder of the said Chair (whether for systematic or for clinical instruction or both) the duties of the Chair and the arrangements connected therewith.

- 10 5. The University Court may enter into and carry out agreements with the Royal Infirmary the Muirhead Trustees and St. Mungo's College or some one or more of them in relation to all or some of the purposes of this Order and as to the provisions of any ordinance or ordinances to be made or applied for by the University Court for giving effect to the purposes of this Order and for more effectually carrying out the same. Agreement powers.

- 20 6. The costs charges and expenses of and incidental to the preparing for obtaining and confirming this Order or otherwise in relation thereto shall be paid in equal parts out of the funds held by the University Court as aforesaid applicable to the said respective Chairs. Costs.

**Glasgow University
(Chair of Clinical
Medicine and Chair of
Clinical Surgery)
Order Confirmation.
[H.L.]**

A

B I L L

INTITLED

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Glasgow University (Chair of Clinical Medicine and Chair of Clinical Surgery).

The Lord Pentland.

Ordered to be printed 27th April 1910.

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[Price 1½d.]

(36.)

[10 EDW. 7 & *Govan Burgh Order Confirmation.* [H.L.] 1
1 GEO. 5.]

A

B I L L

INTITULED

An Act to confirm a Provisional Order under the Burgh A.D. 1910.
Police (Scotland) Act 1892 relating to Govan Burgh.

WHEREAS His Majesty's Secretary for Scotland has made
the Provisional Order set forth in the schedule hereunto
annexed under the provisions of the Burgh Police (Scotland) 55 & 56 Vict.
c. 55.
Act 1892 and it is requisite that the said Order should be
5 confirmed by Parliament:

Be it therefore 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:—

- 10 **1.** The Provisional Order contained in the schedule hereunto Confirmation
of Order in
schedule.
annexed shall be and the same is hereby confirmed.
- 2.** This Act may be cited as the Govan Burgh Order Short title.
Confirmation Act 1910.

A.D. 1910.

SCHEDULE.

GOVAN BURGH.

Provisional Order.

Preamble.
55 & 56 Vict.
c. 55.

WHEREAS by the Burgh Police (Scotland) Act 1892 it is (inter alia) provided (section 45) that whenever it shall appear to the commissioners 5 of any burgh to which that Act applies that they require additional powers for the better carrying out of the purposes of that Act and specially powers relating to the supply of gas or water or to the roads and streets or to drainage or sewers or the utilisation of sewage in addition to the powers conferred by the Public Health Acts or for the 10 repeal or amendment of any local Acts of Parliament relating to such subjects or their adaptation and adjustment to the provisions of the Act now in recital or for the other purposes therein mentioned they may apply to the Secretary for Scotland for a Provisional Order and (section 46) that after such inquiry as the Secretary for Scotland may 15 direct it shall be lawful for him to issue a Provisional Order either in accordance with the prayer of the application or with such modifications or alterations as may appear to him requisite but no such Provisional Order shall be of any validity unless the same has been confirmed by Act of Parliament: 20

And whereas the Burgh Police (Scotland) Act 1892 is in force within the burgh of Govan (herein-after called "the burgh") and the powers authorities and duties of the commissioners under that Act within the burgh are now vested in and incumbent on the provost magistrates and councillors of the burgh (herein-after in this Order called "the 25 Town Council"):

61 & 62 Vict.
c. cexliiii.

And whereas by the Glasgow Corporation (Sewage &c.) Act 1898 (herein-after in this Order referred to "as the Act of 1898") the Corporation of the City of Glasgow (herein-after called "the Corpo- 30 ration") were empowered with a view to the further purification of the River Clyde to construct an extensive system of sewers and other works for the disposal and treatment of the sewage of the portion of the said city lying on the south side of the said river and of the districts (including the burgh) through or in the vicinity of which the said sewers would pass: 35

And whereas in connexion with and as part of the sewage scheme contemplated by the Act of 1898 and in order to provide for the interception and treatment of the sewage of the burgh by means of

[10 EDW. 7 & *Govan Burgh Order Confirmation.*
1 GEO. 5.]

3

the sewers and works to be constructed by the Corporation it was provided by section 35 of the Act of 1898 that the Town Council (under their then designation of the commissioners of the burgh) should within one year from the date at which the sewer described in
5 the said Act as sewer (No. 7) and the sewage disposal works of the Corporation at Braehead authorised by the said Act had been completed and made ready to receive the sewage of the burgh make and thereafter maintain such sewers and works within the burgh as might be necessary for the collection and interception of the whole sewage
10 present and future of the burgh and should deliver such sewage into the said sewer (No. 7) at the commencement thereof at the then western boundary of the burgh for conveyance to and purification at the said sewage disposal works at Braehead and should pay to the Corporation annually for such conveyance and purification the sums
15 mentioned in the said section And by the same section (subsections (4) and (5)) the Town Council were authorised for the purpose of constructing the works to be constructed by them under that section to impose an annual assessment (therein called "the sewage purification assessment") and to borrow any sums not exceeding in the whole the
20 sum of twenty thousand pounds :

A.D. 1910.

And whereas in the year 1901 the boundary of the burgh was extended in a westerly direction in consequence whereof the length of sewer required to be constructed by the Town Council in terms of section 35 of the Act of 1898 has been materially increased :

25 And whereas by the Glasgow Corporation (Sewage) Order 1904 the Corporation were authorised to transfer their sewage disposal works from Braehead to certain lands at Shieldhall described in the said Order and to deviate the said sewer (No. 7) and to abandon the construction of portions thereof including the portion authorised to be
30 constructed within the district added to the burgh in the year 1901 as herein-before mentioned :

And whereas the sewage works of the Corporation are approaching completion and the Town Council require to commence the construction of the necessary sewers and works for dealing with the sewage of
35 the burgh in accordance with the provisions of the Act of 1898 :

And whereas estimates have been prepared of the expense of constructing such sewers and works from which it appears that owing among other things to the additional length of sewer required to be constructed by the Town Council in consequence of the extension of
40 the burgh as herein-before recited and to the general increase in the cost of labour and materials since the passing of the Act of 1898 such expense will largely exceed the amount which the Town Council are by the said Act authorised to borrow for the purpose of constructing

A.D. 1910. the said sewers and works and it is accordingly necessary and expedient that the borrowing powers conferred upon the Town Council by the Act of 1898 should be increased to such an amount as is required to enable them to carry out the construction of such sewers and works: 5

And whereas it is expedient to further amend section 35 of the Act of 1898 as provided in this Order:

And whereas the Town Council have presented to me as Secretary for Scotland a petition setting forth the matters herein-before recited:

And whereas after due inquiry I have resolved to issue a Provisional Order in the terms herein-after expressed: 10

Now therefore in pursuance of the powers vested in me by the Burgh Police (Scotland) Act 1892 I as Secretary for Scotland do by this Provisional Order direct as follows:—

Short title.

1. This Order may be cited as the Govan Burgh Order 1910. 15

Increase of borrowing powers under Glasgow Corporation (Sewage &c.) Act 1898.

2. From and after the passing of the Act confirming this Order section 35 subsection (5) (A) of the Act of 1898 shall be read as if the words "seventy-three thousand pounds" had been inserted therein instead of the words "twenty thousand pounds."

Further amendment of section 35 of Act of 1898.

3.—(1) Section 35 subsection (4) of the Act of 1898 shall be read as if the words "public health general assessment" were substituted for the words "special sewer assessment under the Public Health (Scotland) Act 1897" occurring therein. 20

(2) The provisions of section 139 of the Public Health (Scotland) Act 1897 shall apply to the borrowing by the Town Council of the money which by section 35 of the Act of 1898 as amended by this Order the Town Council are authorised to borrow for the purposes specified in that section but subject to the provisions of the said last-mentioned section relating to the period and method of repayment of borrowed money and the application thereof Provided that in the application of the said section 139 for the purposes of such borrowing by the Town Council as aforesaid the expression "the local authority" means the Town Council and the expressions "the special sewer assessments" "the public health general assessments" and "the assessments" mean the sewage purification assessment which the Town Council are by the Act of 1898 authorised to impose. 30 35

(3) All bonds assignations conveyances instruments agreements receipts or other writings made or granted by or to or in favour of the Town Council under or for the purposes of the Act of 1898 as amended by this Order shall without prejudice to the provisions of that Act or this Order be deemed to have been made or granted under the Public Health (Scotland) Act 1897. 40

[10 EDW. 7 & *Govan Burgh Order Confirmation.*

5

1 GEO. 5.]

4. The costs charges and expenses of and incidental to the preparing A.D. 1910.
for obtaining and confirming this Order shall be paid by the Town Council out of the said sewage purification assessment which the Town Council are authorised to impose by the Act of 1898 or out of money
5 borrowed by the Town Council under the authority of that Act as amended by this Order Provided that any money borrowed for the purpose of paying such costs charges and expenses shall be repaid within five years from the passing of the Act confirming this Order.

10 Given under my hand and seal at Whitehall this eighth day of
November one thousand nine hundred and ten.

(L.S.)

PENTLAND.

Govan Burgh Order Confirmation. [H.L.]

A

B I L L

INTITULED

An Act to confirm a Provisional Order
under the Burgh Police (Scotland)
Act 1892 relating to Govan Burgh.

The Lord Pentland.

Ordered to be printed 16th November 1910.

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(165.)

[1 GEO. 5.] *Highland Railway Order Confirmation.*

1

A

B I L L

INTITULED

An Act to confirm a Provisional Order under the Private A.D. 1910.
Legislation Procedure (Scotland) Act 1899 relating to
the Highland Railway.

WHEREAS His Majesty's Secretary for Scotland has made
the Provisional Order set forth in the Schedule hereunto
annexed under the provisions of the Private Legislation Pro- 62 & 63 Vict.
cedure (Scotland) Act 1899 and it is requisite that the said c. 47.
5 Order should be confirmed by Parliament:

Be it therefore 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:—

10 **1.** The Provisional Order contained in the schedule hereunto Confirmation
annexed shall be and the same is hereby confirmed. of Order in
schedule.

2. This Act may be cited as the Highland Railway Order Short title.
Confirmation Act 1910.

A.D. 1910.

SCHEDULE.HIGHLAND RAILWAY.

Provisional Order to extend the time for the completion of certain Railways authorised by the Highland Railway (Additional Powers) Act 1897 and for other purposes. 5

WHEREAS the Highland Railway Company (herein - after called "the Company") were authorised by the Highland Railway (Additional Powers) Act 1897 (herein-after referred to as "the Act of 1897") to construct certain railways therein described: 10

And whereas it is expedient that the period limited by the Act of 1897 as extended by the Highland Railway Order 1901 and the Highland Railway Act 1905 for the completion of the said railways by the Act of 1897 authorised should be further extended: 15

And whereas it is expedient that the other powers in this Order contained should be conferred on the Company:

And whereas the purposes aforesaid cannot be effected without an Order of the Secretary for Scotland confirmed by Parliament under the provisions of the Private Legislation 20 Procedure (Scotland) Act 1899:

Now therefore in pursuance of the powers contained in the last-mentioned Act the Secretary for Scotland orders as follows:—

Short title.

1. This Order may be cited as the Highland Railway Order 1910. 25

Incorporation of Act.

2. Part II. (relating to extension of time) of the Railways Clauses Act 1863 is incorporated with and forms part of this Order.

Interpretation.

3. In this Order the several words and expressions to which meanings are assigned by the Act partially incorporated herewith 30 have the same respective meanings unless there be something in the subject or context repugnant to such construction In this Order the expression—

"The Company" means the Highland Railway Company;

"The Act of 1897" means the Highland Railway 35 (Additional Powers) Act 1897;

[1 GEO. 5.] *Highland Railway Order Confirmation.*

3

“The Order of 1901” means the Highland Railway Order A.D. 1910.
1901;

“The Act of 1905” means the Highland Railway Act
1905.

- 5 4. The time limited by the Act of 1897 as extended by the Extension of
Order of 1901 and the Act of 1905 for the completion of time for
Railways Nos. 1 2 and 3 authorised by section 4 of the Act of completion
1897 is hereby further extended for a period of five years from the of railways
sixth day of August one thousand nine hundred and ten and on authorised
10 the expiration of that period those powers shall cease except for by Act of
so much of those railways as shall then have been completed. 1897.
- 15 5. Notwithstanding anything contained in the Companies Period for
Clauses Consolidation (Scotland) Act 1845 and section 17 (Power closing
to close transfer books at certain periods) of the Highland Railway registers of
15 Act 1865 the directors of the Company may close the registers transfers.
of transfers of shares and stock for any period not exceeding
meeting of the Company and may close the registers of transfers
of debenture stock for any period not exceeding twenty-eight
20 days prior to each date at which the interest thereon shall be
payable.
- 25 6. Section 4 (Amendment of section 17 of Highland Railway Repeat of sec-
Act 1865) of the Highland and Invergarry and Fort Augustus tion 4 of High-
Railway Companies Act 1903 is hereby repealed. land and Inver-
garry and Fort
Augustus Rail-
way Companies
Act 1903.
- 25 7. The Company may apply to the purposes of this Order Power to
to which capital is properly applicable any moneys which they apply corpo-
now have in their hands or which they have power to raise by rate funds to
shares or mortgage by virtue of any Acts or Orders relating to purposes of
the Company and which may not be required for the purposes Order.
30 to which they are by any such Acts or Orders made specially
applicable.
- 35 8. Nothing in this Order contained shall exempt the Com- Provision as
pany or their railway from the provisions of any general Act to general
relating to railways or the better or more impartial audit of Railway
the accounts of railway companies now in force or which may Acts.
hereafter pass during this or any future Session of Parliament
or from any future revision or alteration under the authority
of Parliament of the maximum rates of fares and charges or

Highland Railway Order Confirmation.

A

B I L L

INTITLED

An Act to confirm a Provisional Order
under the Private Legislation Pro-
cedure (Scotland) Act 1899 relating
to the Highland Railway.

(*Brought from the Commons 26th July 1910.*)

Ordered to be printed 26th July 1910.

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[*Price 3d.*]

(136)

4 *Highland Railway Order Confirmation.* [1 GEO. 5.]

A.D. 1910. of the rates for small parcels authorised to be taken by the
Company.

Expenses of 9. All costs charges and expenses of and incident to the
Order. preparing for obtaining and confirming of this Order or other-
wise in relation thereto shall be paid by the Company. 5

A

B I L L

INTITULED

An Act to remove certain Disabilities and Restrictions attaching to Hotels and Restaurants in the Police District of Dublin Metropolis. A.D. 1910.

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:—

5 **1.** This Act may be cited as the Hotels and Restaurants (Dublin) Act, 1910. Short title.

2.—(1) If the holder of a licence for any hotel or restaurant within the police district of Dublin metropolis applies to a divisional justice for that district for an order exempting him on
 10 any special occasion from the provisions of the Licensing Acts relating to the closing of premises, it shall be lawful for the divisional justice, if he in his discretion thinks fit so to do, to grant the applicant such an order, upon such conditions as he thinks proper, exempting him during the hours and on the special
 15 occasion to be specified in the order, and the holder of any such licence to whom an order has been granted under this Act shall not, if and so long as he complies with the conditions upon which the order has been granted, be subject to any penalty for the contravention of the provisions of the Licensing Acts relating to
 20 the closing of premises during the time to which the order extends, but he shall not be exempted by any such order from any penalty to which he may be subject by any other provisions of these Acts or by any other Act.

Divisional justices may grant orders exempting from provisions relating to closing during certain hours.

(2) An order granted with respect to any Saturday shall not
 25 extend beyond twelve o'clock on Saturday night.

A.D. 1910.
—

(3) Section sixty-four of the Licensing Act, 1872, which relates to the production of licences and penalties for non-production, shall apply to all orders granted under this Act.

(4) In this section the expression "Licensing Acts" means the Licensing (Ireland) Acts, 1833 to 1905, and the Intoxicating 5 Liquors (Ireland) Act, 1906.

Notice to
police
authority.

3. An order shall not be granted under this Act unless the applicant has, not less than twenty-four hours before making the application, served upon the superintendent of police for the division in which the hotel or restaurant is situated, a notice of 10 his intention to apply for the order, setting out his name and address, and the place, occasion, and time, for which the order is sought.

Hotels and Restaurants (Dublin).

A

B I L L

INTITULLED

An Act to remove certain Disabilities
and Restrictions attaching to Hotels
and Restaurants in the Police District
of Dublin Metropolis.

(Brought from the Commons 28th July 1910.)

Ordered to be printed 28th July 1910.

PRINTED BY EYRE AND SPOTTISWOODE, LTD.,
PRINTERS TO THE KING'S MOST EXCELLENT MAJESTY.
And to be purchased either directly or through any Bookseller, from
WYMAN and SONS, LTD., Fetter Lane, E.C., and
32, Abingdon Street, Westminster, S.W., or
OLIVER and BOYD, Tweeddale Court, Edinburgh; or
E. PONSORBY, LTD., 116, Grafton Street, Dublin.

[Price 3d.]

(149)

**Indecent Advertisements (Amendment)
Bill. [H.L.]**

MEMORANDUM.

The object of this Bill is to strengthen the law against the publication of improper advertisements. The Indecent Advertisements Act of 1889 has had considerable effect in preventing the distribution of certain classes of unsavoury advertisements; but the definition of indecent advertisements in that Act has been found not to be wide enough to cover a number of advertisements of a character similar to those struck at by the Act. And while powers exist under the Post Office Protection Act of 1884 for preventing the circulation of such matter by post, there are no adequate or summary means of suppressing the publication in newspapers of advertisements which it is illegal to distribute in the streets.

[1 GEO. 5.] *Indecent Advertisements (Amendment)*. [H.L.] 1

A

B I L L

INTITULED

An Act to amend the Indecent Advertisements
Act, 1889.

A.D. 1910.

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:—

- 5 **1.** Section five of the Indecent Advertisements Act of 1889 is hereby repealed from the commencement of the section down to and including the words “sexual intercourse,” and the following words are hereby substituted in the said section for the words hereby repealed:—
- 10 “Any advertisement relating to any disease affecting the generative organs of either sex or to any complaint or infirmity arising from or relating to sexual intercourse or to the treatment of any complaint or condition peculiar to females, or to the removal of irregularities in menstrua-
- 15 tion, and any advertisement relating to drugs, medicines, appliances or treatment for procuring abortion or promoting miscarriage or preventing conception, or which might reasonably be construed as relating to any illegal medical treatment or to any illegal surgical operation.”
- 20 **2.** Whosoever shall exhibit to public view in any house or shop any appliance for procuring abortion or promoting miscarriage or preventing conception, shall, on conviction in manner provided by the Summary Jurisdiction Acts, be liable to a penalty not exceeding five pounds, or, at the discretion of the court, to
- 25 imprisonment with or without hard labour for a term not exceeding three months.

Amendment of the definition of indecent matter in s. 5 of the Indecent Advertisements Act, 1889.
52 & 53 Vict. c. 18.

Penalty for exhibiting certain appliances of an improper character.

(58.)

A

A.D. 1910.

Indecent
advertise-
ments in
newspapers.**3.—(1) Whosoever shall—**(a) publish in any newspaper any indecent advertisement ;
or(b) deliver to any other person any indecent advertisement
for the purpose of procuring the publication thereof 5
in any newspaper,

shall be liable, on conviction in manner provided by the Summary Jurisdiction Acts, to a penalty not exceeding five pounds, or, in the discretion of the court, to imprisonment with or without hard labour for a term not exceeding three months: Provided that 10
on the conviction of a body corporate of an offence against this section the court may impose a penalty not exceeding twenty-five pounds.

(2) An advertisement shall be deemed to be "indecent" within the meaning of this section if it relates to any of the 15
matters specified in section one of this Act.

(3) The term "newspaper" in this section shall include any newspaper or supplement within the meaning of any Act for the time being in force relating to the printing, publication, or registration of newspapers, or to the Post Office. 20

(4) A prosecution under this section shall not be instituted against the proprietor, editor, or publisher of a newspaper without the previous consent in writing of the chief officer of police of the district in which the offence is alleged to have been committed, or of two justices of the peace, or a stipendiary magistrate having 25
jurisdiction in such district: Provided that a justice or magistrate who consents to such prosecution shall not adjudicate therein.

(5) Nothing in this section shall be construed to apply to an advertisement relating to a bonâ fide medical or scientific treatise, or to a work of recognised literary merit: Provided that 30
the burden of proof as to the literary character of the work or the bonâ fide medical or scientific character of the treatise shall be upon the defendant.

Short title
and com-
mencement.

4. This Act may be cited as the Indecent Advertisements Act, 1910, and shall come into operation on the first day of 35
January nineteen hundred and eleven.

Indecent Advertisements (Amendment).
[H.L.]

A

B I L L

INTITLED

An Act to amend the Indecent
Advertisements Act, 1889.

The Lord Bryce.

Ordered to be printed 16th June 1910.

PRINTED BY EYRE AND SPOTTISWODE, LTD.,
PRINTERS TO THE KING'S MOST EXCELLENT MAJESTY.

And to be purchased either directly or through any Bookseller, from
WYMAN and SONS, LTD., Rector Lane, R.G., and
32, Abingdon Street, Westminster, S.W.; or
OLIVER and BOYD, Tweeddale Court, Edinburgh; or
E. PONSOMBY, 116, Grafton Street, Dublin.

[Price 1d.]

(58.)

A

B I L L

INTITULED

An Act to amend the Law with respect to Customs in the Isle of Man. A.D. 1910.

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:—

- 5 1. The additional duty of Customs on tea removed or im-
 ported into the Isle of Man imposed by section one of the Isle of
 Man (Customs) Act, 1906, and the additional duties of Customs
 on tobacco and spirits removed or imported into the Isle of Man
 imposed by section one of the Isle of Man (Customs) Act, 1900,
 10 and the additional duty on ale and beer removed or imported
 into the Isle of Man imposed by the second paragraph of section
 two of that Act, shall continue to be charged, levied, and paid
 as from the first day of August nineteen hundred and ten until
 the first day of August nineteen hundred and eleven.
- 15 2. Section two of the Customs (Isle of Man) Tariff Act,
 1874 (which relates to the exemption of goods on which duty
 has been paid in Great Britain or Ireland, from duty in the Isle
 of Man unless otherwise directed by Order in Council), shall
 apply to any goods, wares, and merchandize which are chargeable
 20 with duty for the time being in the Isle of Man, and to any
 duties so chargeable, in the same manner as it applies to the
 goods, wares, and merchandize enumerated in that Act, and to
 the duties chargeable by that Act.

Continuance
 of additional
 duties on tea,
 tobacco,
 spirits, ale,
 and beer.
 6 Edw. 7.
 c. 18.
 63 & 64 Vict.
 c. 31.

Amendment
 of s. 2 of
 37 & 38 Vict.
 c. 46.

- 25 3. This Act may be cited as the Isle of Man (Customs) Act, 1910 Short title.

Isle of Man (Customs).

A

B I L L

INTITULED

An Act to amend the Law with respect
to Customs in the Isle of Man.

(Brought from the Commons 27th July 1910.)

Ordered to be printed 27th July 1910.

PRINTED BY EYRE AND SPOTTISWODE, LTD.,
PRINTERS TO THE KING'S MOST EXCELLENT MAJESTY.

And to be purchased, either directly or through any Bookseller, from
WYMAN and SONS, LTD., Rother Lane, R.G., and
38, Abchurch Lane, Westminster, S.W.; or
OLIVER and BOYD, Tweeddale Court, Edinburgh; or
E. POSONSBY, LTD., 116, Grafton Street, Dublin.

[Price 3d.]

(139.)

[1 GEO. 5.]

Jury Trials (Scotland).

1

A

B I L L

INTITULED

An Act to amend the Law of Scotland relating to Jury Trials in Civil Causes. A.D. 1910.

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:—

- 5 **1.** The words, “and, except upon special cause shown”
 “not later than three weeks from the date of such motion”
 occurring in section forty of the Court of Session (Scotland)
 Act, 1850, are hereby repealed. Repeal.
13 & 14 Vict.
c. 36.
- 10 **2.** If, after hearing parties upon (a) a rule to show cause
 why a new trial should not be granted in terms of section six
 of the Jury Trials (Scotland) Act, 1815, on the ground that the
 verdict is contrary to evidence, or (b) an appeal in terms of
 head (2) of section thirty-one of the Sheriff Courts (Scotland)
 Act, 1907, the Court are unanimously of opinion that the verdict
 under review is contrary to evidence, and, further, that they
 have before them all the evidence that could be reasonably
 expected to be obtained relevant to the cause, they shall be
 entitled to set aside the verdict and, in place of granting a new
 trial, to enter judgment for the party unsuccessful at the trial. Cases where
Court may
set aside
verdict.
55 Geo. 3.
c. 42.
7 Edw. 7.
c. 51.
- 20 **3.** The Court of Session may from time to time make such
 regulations by Act of Sederunt as shall be necessary for carrying
 into effect the purposes of this Act. Power to
make regu-
lations.
- 4.** This Act may be cited as the Jury Trials Amendment
 (Scotland) Act, 1910. Short title.

Jury Trials (Scotland).

A

B I L L

INTITLED

An Act to amend the Law of Scotland
relating to Jury Trials in Civil
Causes.

(Brought from the Commons 29th July 1910.)

Ordered to be printed 29th July 1910.

PRINTED BY **BYRE AND SPOTTSWODE, LTD.**,
PRINTERS TO THE KING'S MOST EXCELLENT MAJESTY.

And to be purchased, either directly or through any Bookseller, from
WYMAN and BONS, LTD., Peter Lane, E.C., and
32, Abingdon Street, Westminster, S.W.; or
OLIVER and BOYD, Tweeddale Court, Edinburgh; or
E. PONSOMBY, LTD., 116, Grafton Street, Dublin.

[*Price ½d.*]

(153)

[10 EDW. 7. & *Kirkcaldy Corporation Order*
1 GEO. 5.] *Confirmation.*

1

A

B I L L

INTITULED

An Act to confirm a Provisional Order under the Private A.D. 1910.
Legislation Procedure (Scotland) Act 1899 relating to —
Kirkcaldy Corporation.

WHEREAS His Majesty's Secretary for Scotland has after
inquiry held before Commissioners made the Provisional
Order set forth in the schedule hereunto annexed under the
provisions of the Private Legislation Procedure (Scotland) Act 62 & 63 Vict.
5 1899 and it is requisite that the said Order should be confirmed c. 47.
by Parliament :

Be it therefore 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
10 and by the authority of the same as follows:—

1. The Provisional Order contained in the schedule hereunto Confirmation
annexed shall be and the same is hereby confirmed. of Order in
schedule.

2. This Act may be cited as the Kirkcaldy Corporation Short title.
Order Confirmation Act 1910.

A.D. 1910.

SCHEDULE.

KIRKCALDY CORPORATION.

Provisional Order to authorise the Corporation of the Burgh of Kirkcaldy to construct and work additional tramways in and adjacent to the Burgh to authorise the Dysart Corporation to contribute to the working of the said tramways to extend the limits for compulsory supply of water by the Waterworks Commissioners of Kirkcaldy and Dysart to authorise the Corporation to acquire lands for the extension of their gasworks to confer further powers on the Corporation in relation to their electricity and gas undertakings to raise additional money for harbour purposes and to purchase and maintain as open spaces the strand of seashore and waste ground adjoining and for other purposes.

WHEREAS the burgh of Kirkcaldy in the county of Fife is a royal burgh under the municipal administration of the provost magistrates and council thereof (herein-after called "the burgh" and "the Corporation" respectively):

And whereas by the Kirkcaldy and Dysart Waterworks Act 1867 (herein-after called "the 1867 Water Act") the limits for the compulsory supply of water by the said Commissioners were declared to be the Parliamentary Burghs of Kirkcaldy and Dysart:

And whereas by the Kirkcaldy Burgh and Harbour Act 1876 (herein-after called "the 1876 Act") the limits for the compulsory supply of water as defined by the 1867 Water Act were extended so as to include such portions of the burgh as extended by the 1876 Act as were not then situated within the said limits:

And whereas the boundaries of the burgh have since been extended by the sheriff of Fife under the Burgh Police (Scotland) Act 1892 conform to deliverance dated the tenth and recorded in the Sheriff Court Books of Fife twenty-ninth July one thousand eight hundred and ninety-three and it is expedient that the said limits should be extended so as to include therein such portions of the burgh as are beyond the same:

[10 EDW. 7. & *Kirkcaldy Corporation Order* 3
1 GEO. 5.] *Confirmation.*

And whereas by the Kirkcaldy Corporation and Tramway Act 1899 (herein-after called the "1899 Act") the Corporation were authorised to construct and work certain tramways in the burgh and in the adjoining burgh of Dysart : A.D. 1910.

5 And whereas by the Kirkcaldy Corporation Order 1904 (herein-after called the "1904 Order") the period for the completion of tramways Nos. 6 and 7 authorised by the 1899 Act which tramways are the tramways Nos. 1 and 2 by this Order authorised was extended till first August one thousand nine
10 hundred and seven :

And whereas these tramways have not been constructed :

And whereas it is expedient that the Corporation should be authorised to construct and work the said tramways :

And whereas the Corporation have entered into an agreement
15 with the provost magistrates and councillors of the burgh of Dysart (herein-after called "the Dysart Corporation") whereby in respect that the working of the said tramways will be a public advantage to the burgh of Dysart and in respect of the maintenance by the Kirkcaldy Corporation of a considerable
20 portion of the road within the burgh of Dysart under the provisions of the Tramways Act 1870 the Dysart Corporation undertakes to make an annual contribution to the Corporation of one hundred and fifty pounds a year for ten years :

And whereas it is expedient that the Dysart Corporation
25 should be authorised to made the said contribution out of the common good of the burgh of Dysart the burgh general assessment and the roads and bridges assessment of that burgh or any of them :

And whereas by the 1904 Order the Corporation were
30 empowered to make and maintain certain works for improving and extending the harbour of Kirkcaldy and to borrow for that purpose the sum of one hundred and forty thousand pounds :

And whereas a considerable portion of the harbour works which the Corporation were authorised to execute under the
35 1904 Order have not yet been constructed and the moneys which the Corporation were authorised to borrow under the 1904 Order are insufficient for the completion thereof and it is expedient that the Corporation should be authorised to borrow a further sum of money to enable them to complete the said works and
40 for the general purposes of the harbour undertaking :

A.D. 1910.

And whereas the Corporation supply electricity within the burgh under and by virtue of the powers conferred on them by the Kirkcaldy Electric Lighting Order 1899 and it is expedient that they should be authorised to supply electrical fittings as in this Order provided: 5

And whereas the Corporation recently adopted the Burghs Gas Supply (Scotland) Act 1876 and have entered into a contract for the purchase of the undertaking of the Kirkcaldy Gas Light Company Limited under the said Act:

And whereas it is expedient that the Corporation should be 10 authorised to purchase additional lands for the purposes of their gas undertaking and that the further powers in this Order contained should also be conferred on the Corporation in regard to the said gas undertaking:

And whereas the loans contracted by the Corporation in 15 connection with their electricity undertaking have in terms of the schedule annexed to the Electric Lighting (Scotland) Act 1890 been contracted on the security of the burgh general assessment:

And whereas owing to the Corporation having entered into 20 a contract to acquire the gas undertaking doubts have arisen as to the application of the said schedule annexed to the Electric Lighting (Scotland) Act 1890 which doubts it is expedient to remove:

And whereas the seashore has from time immemorial been 25 used by the inhabitants of the burgh for purposes of walking and recreation:

And whereas immediately adjoining the seashore on the landward side there are spaces of strand and waste ground which for many years have been lying waste: 30

And whereas it would be of public and local advantage that the Corporation should be authorised to acquire the said strand and waste ground and maintain the same as open spaces for public resort and recreation:

And whereas plans and sections showing the lines situations 35 and levels of the tramways authorised by this Order and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the land and property which may be used for tramway purposes under the powers of this Order were duly deposited with the 40 sheriff clerk for the county of Fife at his offices at Cupar and Kirkcaldy and also with the town clerk of Kirkcaldy at his

[10 EDW. 7. & *Kirkcaldy Corporation Order*
1 GEO. 5.] *Confirmation.*

5

office in Kirkcaldy and also with the town clerk of Dysart at his office in Dysart and are in this Order referred to as the tramway deposited plans sections and book of reference : A.D. 1910.

And whereas plans of the lands proposed to be acquired for the gas undertaking and plans of the strand and waste ground adjoining proposed to be acquired and books of reference to such plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of such lands were duly deposited with the sheriff clerk for the county of Fife at his offices in Cupar and Kirkcaldy and also with the town clerk of Kirkcaldy at his office in Kirkcaldy and are in this Order referred to respectively as the gas deposited plans and book of reference and the strand deposited plans and book of reference :

And whereas estimates have been prepared showing that the Corporation will or may require to borrow the following sums for the following purposes :—

TRAMWAYS.

TRAMWAY NO. 1.

20		£
	Permanent way including overhead system and feeders and paving - - - -	100

TRAMWAY NO. 2.

25	Permanent way including overhead system and feeders and paving - - - -	8,900
		<u>£9,000</u>

HARBOUR.

		£
30	Jetties and concrete banks - - -	7,000
	Railways and coal loading scheme - -	9,500
	Paving and macadam - - -	3,500
	Warehouses offices &c. - - -	3,000
	Cranes motors and other apparatus - -	5,000
	Engineers' fees - - -	2,000
35		<u>£30,000</u>

STRAND.

	Purchase of strand and waste ground - -	£1,430
--	---	--------

A.D. 1910.

And whereas the said harbour and tramway works are permanent works and it is expedient that the cost thereof should be spread over a term of years :

And whereas the purposes aforesaid cannot be effected without an Order of the Secretary for Scotland confirmed by Parliament 5 under the provisions of the Private Legislation Procedure (Scotland) Act 1899 :

Now therefore in pursuance of the powers contained in the last-mentioned Act the Secretary for Scotland orders as follows :—

Short title
and com-
mencement.

1. This Order may be cited as the Kirkcaldy Corporation 10 Order 1910 and shall come into operation at the date of the passing of the Act confirming the same which date is herein-after referred to as the commencement of this Order.

Order
divided into
parts.

2. This Order is divided into parts as follows :—

I.—Preliminary.

15

II.—Water and Cemetery.

III.—Tramways.

IV.—Electricity.

V.—Gas.

VI.—Electricity and Gas.

20

VII.—Strand Purchase.

VIII.—Gas and Strand Purchase.

IX.—Financial.

PART I.

PRELIMINARY.

25

Interpreta-
tion.

3. In this Order the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated with this Order have the same respective meanings unless there be something in the subject or context repugnant to such construction Provided that in the Acts wholly or partially incor- 30 porated herewith the following words and expressions have for the purposes of this Order the meanings hereby assigned to them (that is to say):—

“The promoters of the undertaking” “the undertakers”
and “the company” respectively mean the Corporation. 35

[10 EDW. 7. & *Kirkcaldy Corporation Order*
1 GEO. 5.] *Confirmation.*

7

In this Order unless there be something in the subject or context repugnant to such construction the following words and expressions shall have the following meanings (that is to say):—

A.D. 1910.

- 5 “The burgh ” means the municipal burgh of Kirkcaldy as constituted at the commencement of this Order.
- “The Corporation ” means the provost magistrates and councillors of the burgh.
- “The county ” means the county of Fife.
- 10 “Sheriff ” means the sheriff of the county or any of his substitutes.
- “The tramways ” means the tramways authorised by this Order.
- “The Corporation tramways ” means the tramways and also
- 15 the existing tramways belonging to the Corporation.
- “The harbour ” means the harbour of Kirkcaldy.
- “Harbour revenue ” means and includes all moneys received for or in relation to the harbour other than borrowed moneys and other moneys which ought to be carried
- 20 to the account of capital.

PART II.

WATER AND CEMETERY.

4. From and after Whitsunday one thousand nine hundred and eleven the limits for the compulsory supply of water as
- 25 defined in the 1867 Water Act and extended by the 1876 Act shall be and are hereby extended so as to include such portions of the burgh as are not at present situated within the said limits and all the provisions of the Kirkcaldy and Dysart Waterworks Acts 1867 to 1908 applicable to the present limits for compulsory
- 30 supply shall apply to the extended limits in the same manner and to the same effect in all respects as if they formed part of the present limits for compulsory supply.

Limits of
compulsory
supply of
water ex-
tended.

5. The cemetery provided by the Corporation as the parochial
- board under the provisions of the Burial Ground (Scotland) Act
- 35 1855 shall be managed by the Corporation for behoof of the first and second wards of the burgh and the burial grounds assessment shall be leviable over that area.

Cemetery.

A.D. 1910.

PART III.

TRAMWAYS.

Incorporation of portions of Tramways Act 1870.

6. Section 3 (Interpretation of terms) section 19 (Local authority may lease or take tolls) and Parts II. and III. of the Tramways Act 1870 so far as they are applicable for the purposes of and are not varied by or inconsistent with this Order are hereby incorporated with and form part of this Part of this Order.

Power to make tramways.

7. Subject to the provisions of this Order the Corporation may make form lay down work use and maintain the tramways herein-after described in the lines and according to the levels and within the limits of deviation shown on the tramway deposited plans and sections and in all respects in accordance with those plans and sections with all proper rails plates works and conveniences connected therewith Provided that nothing in this Order shall authorise any interference with electric lines and works of any undertakers under the Electric Lighting Acts 1882 to 1909 to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section.

The tramways herein-before referred to and authorised by this Order are—

Tramway No. 1 (1·2 chains in length single line) situate wholly in the parish of Kirkcaldy and Dysart and burgh of Kirkcaldy commencing in St. Clair Street by a junction with an existing tramway belonging to the Corporation passing in a south-easterly direction along Saint Clair Street thence into and along Dysart Road to and terminating by a junction with Tramway No. 2.

Tramway No. 2 (1 mile 1 furlong 3·5 chains in length whereof 1 mile 0 furlong 3·5 chains will be single and 1 furlong will be double line) situate wholly in the parish of Kirkcaldy and Dysart commencing in the burgh of Kirkcaldy by a junction with an existing tramway belonging to the Corporation in Dysart Road passing thence in an easterly direction along Dysart Road and thence into and along the road or street known as the Town Head and thence into and along Normand Road

[10 EDW. 7. & *Kirkcaldy Corporation Order*
1 GEO. 5.] *Confirmation.*

9

and terminating therein in the burgh of Dysart at a point A.D. 1910.
0·8 chain measured in a southerly direction from the
centre of the mineral railway crossing Normand Road.

The whole of the said tramways are situated in the parish
5 of Kirkcaldy and Dysart and county of Fife Tramway No. 1
is wholly situated within the burgh of Kirkcaldy Tramway
No. 2 as to 1 furlong 3·5 chains is situated in the burgh of
Kirkcaldy and as to 1 mile in the burgh of Dysart.

8.—(1) The Corporation may in under or over the surface As to elec-
10 of the streets or roads in which the tramways by this Order trical works
authorised will be situate or in which it may be necessary so to &c.
do in order to connect the tramways with any generating station
construct lay down erect maintain renew and repair electric
wires conductors posts tubes boxes and other electrical apparatus
15 and may make and maintain openings and ways for the purpose
of working the tramways by electrical power and may for that
purpose subject to the provisions contained in Part II. of the
Tramways Act 1870 and to the provisions of this Order open
and break up any such street or road and any sewers drains
20 water or gas pipes tubes wires telephonic and telegraphic
apparatus therein or thereunder Provided as follows:—

(A) All posts and apparatus erected by the Corporation under
the powers of this Order in any street or road shall
be of such design as the local authority may approve
25 and shall be placed in such position as the local
authority and road authority may approve Provided
that no post or other apparatus shall be erected on
the carriageway except with the consent of the Board
of Trade;

30 (B) The route in which any electrical apparatus is to be
laid or erected for the purpose of connecting the
tramways with a generating station shall be approved
by the local authority and the road authority within
whose jurisdiction each portion of the route is situate.

35 (2) Nothing in this section shall extend to or authorise any
interference with any works of any undertakers within the
meaning of the Electric Lighting Acts 1882 to 1909 to which
the provisions of section 15 of the Electric Lighting Act 1882
apply.

(91)

B

A.D. 1910.
Temporary
tramways
may be made
when neces-
sary.

9. When by reason of the execution of any work affecting the surface or soil of any road along or across the carriageway of which any of the tramways are or is laid it shall in the opinion of the road authority be expedient temporarily to remove or discontinue the use of such tramway or any part thereof the Corporation may with the consent of the road authority and subject to such conditions as the road authority may impose construct in the same or any adjacent road and (so long as occasion may require) maintain a temporary tramway in lieu of the tramway or part of the tramway so removed or discontinued. 5 10

If any difference arises between the Corporation and the road authority with respect to any conditions or with respect to the mode of constructing any temporary tramway under the authority of this section the same shall be settled by arbitration under this Order. 15

Corporation
may reduce
footpath for
constructing
tramway.

10. The Corporation may increase the roadway of any street in which any of the tramways are authorised to be laid to such extent as may be necessary to leave a space of nine feet and six inches between the outside of the footpath on each or either side of such street and the nearest rail of the tramway by reducing the width of the footpath on each or either side of such street. Provided that any footpath shall not be reduced in width without the consent of the local authority and the road authority or other person in whom it is vested nor to such an extent as to be less than six feet wide. 20 25

Shelters or
waiting
rooms.

11. The Corporation may erect and maintain shelters or waiting rooms for the accommodation of passengers and may with the consent of the local authority and road authority use for that purpose portions of the public streets or roads.

Incorporation of certain sections of 1899 Act.

12. The following sections of the 1899 Act (that is to say):— 30

Section 9. (Inspection by Board of Trade.)

Section 12. (Gauge and rails of tramways.)

Section 17. (Power to Corporation to work tramways.)

Section 18. (Rates for passengers.)

Section 19. (Passengers' luggage.)

Section 22. (As to fares on Sundays or holidays.)

Section 25. (Provisions as to motive power.)

Section 31. (Temporary use of omnibuses.)

Section 34. (Application of money from sale). 35

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1 GEO. 5.] *Confirmation.*

Section 35. (Statement and balance-sheet and estimates A.D. 1910.
to be laid before Corporation.)

Section 36. (Application of tramway revenue.)

Section 37. (Byelaws.)

5 Section 38. (Amendment of Tramways Act 1870 as to
byelaws by Corporation.)

Section 39. (Orders &c. of Board of Trade.)

Section 40. (Recovery of penalties.)

10 Section 41. (Agreements for construction &c. of tram-
ways.)

Section 42. (Lease of tramways &c.)

shall so far as the same are applicable in that behalf and are
not inconsistent with the provisions of this Order extend and
apply mutatis mutandis to and in relation to the tramways.

15 13. So much of section 34 of the Tramways Act 1870 as Width of
limits the extent of the carriage used on any tramway beyond carriages.
the edge of the wheels of such carriage shall not apply to
carriages used on the Corporation tramways but no carriage or
engine shall exceed six feet three inches in width or such other
20 width as may from time to time be prescribed by the Board of
Trade.

14. In addition to the requirements of section 26 of the Plan of pro-
Tramways Act 1870 the Corporation shall lay before the Board posed mode
of Trade and the road authority a plan showing the proposed of construc-
25 mode of constructing laying down and renewing such tramways
and a statement of the materials intended to be used therein
and the Corporation shall not commence the construction laying
down and renewal of any of the tramways or part of any of
the tramways respectively until such plan and statement have
30 been approved by the Board of Trade and after such approval
the works shall be executed in accordance in all respects with
such plan and statement and under the superintendence and to
the reasonable satisfaction of the surveyor of the road authority
as provided by section 26 of the said Act.

35 15.—(1) The Corporation shall at all times maintain and Penalty for
keep in good condition and repair and so as not to be a danger not maintain-
or annoyance to the ordinary traffic the rails of the tramways ing rails and
by this Order authorised and of all other tramways of the roads.

A.D. 1910. Corporation and the substructure upon which the same rest and if the Corporation at any time fail to comply with this provision or with the provisions of section 28 of the Tramways Act 1870 they shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding five pounds The tramways of the Corporation for the purposes of this section include any tramways purchased by the Corporation or taken on lease by them during the continuance of any such lease. 5

Board of
Trade may
on complaint
inspect tram-
ways.

(2) In case it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate or by twenty inhabitant ratepayers of such district that the Corporation have made default in complying with the provisions in this section contained or with any of the requirements of section 28 of the Tramways Act 1870 the Board of Trade may if they think fit direct an inspection by an officer to be appointed by the said Board and if the officer reports that the default mentioned in such representation has been proved to his satisfaction then and in every such case a copy of such report certified by a secretary or an assistant secretary of the Board of Trade may be adduced as evidence of such default and of the liability of the Corporation to such penalty or penalties in respect thereof as is or are by this section imposed. 10 15 20

Tramways
to be kept
on level of
surface of
road.

16. If and whenever after the commencement of this Order any road authority alters the level of any road along or across which any part of the tramways is laid or authorised to be laid the Corporation may and shall from time to time alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered. 25 30

Sanitary
authority to
have access
to sewers.

17. Every sanitary authority shall at all times have free access to and communication with all their sewers and drains and power to lay lateral and private drains to communicate therewith without the consent or concurrence of the Corporation and the provisions contained in sections 32 and 33 of the Tramways Act 1870 shall be applicable in the case of any sewer or private drain of or under the control of the said authority as if the same were a pipe for the supply of gas or water. 35

[10 EDW. 7. & *Kirkcaldy Corporation Order*
1 GEO. 5.] *Confirmation.*

13

18. The following provisions shall apply to the use of electrical power under this Order unless such power is entirely contained in and carried along with the carriages:—

A.D. 1910.
Special provision as to
use of electrical power.

- 5 (1) The Corporation shall employ either insulated returns or uninsulated metallic returns of low resistance:
- 10 (2) The Corporation shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances or to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electrical power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus:
- 15 (3) The electrical power shall be used only in accordance with the Board of Trade regulations and in such regulations provision shall be made for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return:
- 20 (4) The Corporation shall be deemed to take all reasonable precautions against interference with the working of any wire line or apparatus if and so long as they adopt and employ at the option of the Corporation either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as may be prescribed by the Board of Trade regulations and in prescribing such means the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking:
- 30
- 35
- 40

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(5) At the expiration of two years from the commencement of this Order the provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wire line or apparatus or the currents therein unless in the construction erection maintaining and working of such wire line and apparatus all reasonable precautions including the use of an insulated return have not been taken to prevent injurious interference there-with and with the currents therein by or from other electric currents: 5

(6) If any difference arises between the Corporation and any other party with respect to anything herein-before in this section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbiter to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbiter as the case may be: 15

Observa-
tories protec-
tion.

(7) When any department of His Majesty's Government represents to the Board of Trade that the use of electrical power under this Order injuriously affects or is likely to injuriously affect any instruments or apparatus whether electrical or not used in any observatory or laboratory belonging to or under the control of that department the Board of Trade after such inspection or inquiry as they may think proper may by their regulations require the Corporation to use such reasonable and proper precautions including insulated returns as the Board of Trade may deem necessary for the prevention of such injurious affection 20
For the purposes of this subsection any inspector of the Board of Trade may during his inspection of the Corporation's works and apparatus be accompanied by any person or persons appointed in that behalf by the Government department concerned and the Corporation shall give all due facilities for the inspection 25
Provided always that in the case of any observatory or laboratory established after the commencement of this Order or of any instruments or apparatus here- 30
after used in any existing observatory or laboratory 40

[10 EDW. 7. & *Kirkcaldy Corporation Order*
1 GEO. 5.] *Confirmation.*

15

which may be of greater delicacy than those used A.D. 1910.
therein at the commencement of this Order the Board
of Trade shall consider to what extent if any it is
expedient in the interests of the public that the
5 powers of this subsection should be exercised regard
being had to the site of the observatory or laboratory
or the purposes of the instruments or apparatus as
the case may be :

- 10 (8) The expression "Corporation" in this section shall include
lessees licensees and any person owning working or
running carriages over any tramway of the Corpo-
ration.

19. Notwithstanding anything in this Order contained if any
of the works authorised to be executed by this Order involves
15 or is likely to involve any alteration of any telegraphic line
belonging to or used by the Postmaster-General the provisions of
section 7 of the Telegraph Act 1878 shall apply (instead of the
provisions of section 30 of the Tramways Act 1870) to any such
alteration.

Alteration of
telegraph
lines of
Postmaster-
General.

20 20. In the event of any tramways of the Corporation being
worked by electricity the following provisions shall have effect :—

For protec-
tion of post
office tele-
graph lines.

- 25 (1) The Corporation shall construct their electric lines and
other works of all descriptions and shall work their
undertaking in all respects with due regard to the
telegraphic lines from time to time used or intended
to be used by His Majesty's Postmaster-General and
the currents in such telegraphic lines and shall use
every reasonable means in the construction of their
electric lines and other works of all descriptions and
30 the working of their undertaking to prevent injurious
affection whether by induction or otherwise to such
telegraphic lines or the currents therein Any difference
which arises between the Postmaster-General and the
Corporation as to compliance with this subsection shall
35 be determined by arbitration :

- (2) If any telegraphic line of the Postmaster-General is
injuriously affected by the construction by the
Corporation of their electric lines and works or by
the working of the undertaking of the Corporation

A.D. 1910.

the Corporation shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection:

- (3) Before any electric line is laid down or any act or work 5
for working the Corporation tramways by electricity
is done within ten yards of any part of a telegraphic
line of the Postmaster-General (other than repairs)
the Corporation or their agents not more than
twenty-eight nor less than fourteen days before com- 10
mencing the work shall give written notice to the
Postmaster-General specifying the course of the line
and the nature of the work including the gauge of
any wire and the Corporation and their agents shall
conform with such reasonable requirements (either 15
general or special) as may from time to time be
made by the Postmaster-General for the purpose of
preventing any telegraphic line of the Postmaster-
General from being injuriously affected by the said
act or work Any difference which arises between 20
the Postmaster-General and the Corporation as to
any requirements so made shall be determined by
arbitration:
- (4) If any telegraphic line of the Postmaster-General situate 25
within one mile of any portion of the works of the
Corporation is injuriously affected and he is of opinion
that such injurious affection is or may be due to
the construction of the Corporation's works or to the
working of the undertaking the engineer-in-chief of
the Post Office or any person appointed in writing by 30
him may at all times when electrical energy is being
generated by the Corporation enter any of the
Corporation's works for the purpose of inspecting the
Corporation's plant and the working of the same and
the Corporation shall in the presence of such 35
engineer-in-chief or such appointed person as afore-
said make any electrical tests required by the
Postmaster-General and shall produce for the inspec-
tion of the Postmaster-General the records kept by
the Corporation pursuant to the Board of Trade 40
regulations;

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1 GEO. 5.] *Confirmation.*

- (5) In the event of any contravention of or wilful non-compliance with this section by the Corporation or their agents the Corporation shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues : A.D. 1910.
- (6) Provided that nothing in this section shall subject the Corporation or their agents to a fine under this section if they satisfy the court having cognisance of the case that the immediate doing of any act or the execution of any work in respect of which the penalty is claimed was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or subpostmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice :
- (7) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work :
- (8) For the purposes of this section and subject as therein provided sections 2 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Order :
- (9) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882 :
- (10) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Corporation or
- (91) C

their agents were a company within the meaning of that Act:

- (13) Subsection (B) of section 12 of the 1904 Order is hereby repealed.

21.—(1) It shall be lawful for the Postmaster-General in any street or public road or part of a street or public road in 15 which he is authorised to place a telegraph to use for the support of such telegraph any posts and standards (with the brackets connected therewith) erected in any such street or public road by the Corporation in connexion with the tramways and to lengthen adapt alter and replace such posts standards 20 and brackets for the purpose of supporting any telegraph and from time to time to alter any telegraph so supported subject to the following conditions:—

- (A) In placing maintaining or altering such telegraph no obstruction shall be caused to the traffic along or the 25 working or user of the tramways:
- (B) The Postmaster-General shall give to the Corporation not less than twenty-eight days' notice in writing of his intention to exercise any of the powers of this section and shall in such notice specify the streets or 30 public roads or parts of streets or public roads along which it is proposed to exercise such powers and the manner in which it is proposed to use the posts standards and brackets and also the maximum strain and the nature and direction of such strain Any 35 difference as to any matter referred to in such notice shall be determined as herein-after provided:
- (c) Unless otherwise agreed between the Postmaster-General and the Corporation the Postmaster-General shall pay

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- the expense of lengthening adapting altering or replacing under the provisions of this section any post standard or bracket and the expense of providing and maintaining any appliances or making any alteration rendered necessary in consequence of the exercise of the powers of this section for the protection of the public or the unobstructed working or user of the tramways or to prevent injurious affection of the Postmaster-General's telegraphs or any telegraphic or telephonic line or electrical apparatus of the Corporation or by any regulations which may from time to time be made by the Board of Trade arising through the exercise by the Postmaster-General of the powers conferred by this section:
- 5
- 10
- 15 (D) Unless otherwise agreed or in case of difference determined as herein-after provided all telegraphs shall be attached to the posts standards or brackets below the level of the trolley wires and on the side of such posts or standards farthest from the trolley wires
- 20 Any difference as to the conditions of attachment shall be determined as herein-after provided:
- (E) Unless otherwise agreed no telegraph shall be attached to any post or standard placed in or near the centre of any street or public road:
- 25 (F) The Postmaster-General shall cause all attachments to posts standards or brackets used by him under the powers of this section to be from time to time inspected so as to satisfy himself that the said attachments are in a proper condition and state of repair:
- 30 (G) The Postmaster-General shall make good to the Corporation and shall indemnify them against any loss damage or expense which may be incurred by them through or in consequence of the exercise by the Postmaster-General of the powers conferred upon him by this section unless such loss damage or expense be caused by or arise from gross negligence on the part of the Corporation their officers or servants:
- 35
- 40 (H) The Postmaster-General shall make such reasonable contribution to the original cost of providing and placing any post standard or bracket used by him and also

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—

to the annual cost of the maintenance and renewal of any such post standard or bracket as having regard to the respective interests of the Corporation and the Postmaster-General in the use of the post standard or bracket and to all the circumstances 5 of each case may be agreed upon between the Postmaster-General and the Corporation or failing agreement determined as herein-after provided:

(I) The Corporation shall not be liable for any interference with or damage or injury to the telegraphs of the 10 Postmaster-General arising through the exercise by the Postmaster-General of the powers conferred by this section and caused by the maintaining and working of the tramways or by any accident arising thereon or by the authorised use by the Corporation 15 of electrical energy unless such interference damage or injury be caused by gross negligence on the part of the Corporation their officers or servants:

(J) If it shall become necessary or expedient to alter the position of or remove any post standard or bracket 20 the Postmaster-General shall upon receiving twenty-eight days' notice thereof at his own expense alter or remove the telegraph supported thereby or at his option retain the post standard or bracket and pay the Corporation the value of the same Provided 25 that if the Corporation or the body having the control of the street or public road object to the retention of the post standard or bracket by the Postmaster-General a difference shall be deemed to have risen and shall be determined as herein-after 30 provided.

(2) Nothing in this section contained shall prevent the Corporation from using their posts standards or brackets for the support of any of their electric wires and apparatus whether in connexion with their tramways or other municipal undertakings 35 or shall take away any existing right of the Corporation of permitting the use by any company or person of their posts standards or brackets in connexion with the lighting of the streets or otherwise Provided that any difference between the Postmaster-General and such company or person in relation to 40

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1 GEO. 5.] *Confirmation.*

21

the use of the posts standards or brackets by the Postmaster-General and such company or person respectively shall be determined as herein-after provided. A.D. 1910. —

(3) All differences arising under this section shall be determined in manner provided by sections 4 and 5 of the Telegraph Act 1878 for the settlement of differences relating to a street or public road.

(4) In this section the expression "Corporation" includes their lessees the expression "telegraph" has the same meaning as in the Telegraph Act 1869 and other expressions have the same meaning as in the Telegraph Act 1878.

22. The provisions of sections 26 to 33 of the Tramways Act 1870 (except so much of section 28 as relates to the repair of the road between and on each side of the rails of a tramway) shall apply as if all posts tubes pipes wires and other apparatus used or to be used by the Corporation for the purposes of mechanical power were parts of the tramway. Apparatus used for mechanical power to be deemed part of the tramway.

23. The tramways shall be completed within four years from the commencement of this Order and on the expiration of that period the powers by this Order granted to the Corporation for executing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed. Period for completion of works.

24. If at any time after three years from the opening for public traffic of the tramways or any portion thereof or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion thereof it is represented in writing to the Board of Trade by the local authority of any district in which the tramways or such portion are or is wholly or partly situate or by twenty inhabitant rate-payers of that district or by the Corporation that under the circumstances then existing all or any of the fares or other charges demanded and taken in respect of the traffic on the tramways or on such portion should be revised the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act 1870 and if the referee reports that it has been proved to his satisfaction that all or any of the fares or charges should be revised the said Board may subject to the maximum fares and charges authorised by this Order by order in writing alter modify reduce or increase all or any of the Periodical revision of rates and charges.

A.D. 1910. fares or charges to be taken in respect of the tramways or on any portion thereof and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section. Provided that a copy of this section shall be annexed to every table or list of 5 fares published or exhibited by the Corporation.

Consents of
local or road
authority.

25. Where the consent or approval of any local or road authority is by this Part of this Order required before the exercise of any powers by the Corporation such consent or approval shall not be unreasonably withheld and if any difference 10 arises as to whether any consent or approval is unreasonably withheld that difference shall be referred to arbitration.

References
to arbitra-
tion.

26. Where under this Part of this Order any question or dispute is to be referred to arbitration then unless other provision is made the reference shall be to an arbiter appointed by the 15 Board of Trade.

Incorporation of certain sections of 1904 Order.

27. The following sections of the 1904 Order (that is to say):—

Section 11 (Repeal of existing provisions as to cheap fares for labouring classes and enactment of new provisions) 20

Section 13 (Corporation not to carry goods)

Section 15 (Power to make additional crossovers and to double tramway lines)

Section 16 (Attachment of brackets to buildings)

Section 17 (Penalty for malicious mischief) 25

shall so far as the same are applicable in that behalf and are not inconsistent with the provisions of this Order extend and apply mutatis mutandis to and in relation to the tramways.

As to gene-
rating
stations.

28. The Corporation shall not erect any generating station or take a supply of energy from any generating station other 30 than a generating station consented to by the Board of Trade under section 2 of the Electric Lighting Act 1909 unless the site for such generating station is specified by an Act of Parliament or in an Order confirmed by or having the effect of an Act of Parliament. Provided always that this section shall 35 not apply to any sub-station for the transformation and distribution of electrical power or to any generating station which may

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1 GEO. 5.] *Confirmation.*

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be in existence and which shall not be extended beyond the limits of the site occupied by the buildings of such station at the time of the commencement of this Order. A.D. 1910.

29. The provisions of section 43 (Future purchase of under-
5 taking by local authority) of the Tramways Act 1870 shall extend and apply to and in relation to so much of Tramway No. 2 by this Order authorised as will be situated within the burgh of Dysart and in construing that section for the purpose of this Order the period of forty-two years shall be substituted
10 for the period of twenty-one years mentioned in that section.

Future purchase by local authority of Dysart of portion of tramway in that burgh.

30. The following provisions for the protection of the Dysart Corporation shall apply and take effect (that is to say):—

For protection of Dysart Corporation.

(1) As soon as possible after the commencement of this
15 Order the Corporation shall construct Tramway No. 1 by this Order authorised and Tramway No. 2 from its commencement in the burgh of Kirkcaldy to a point in Normand Road in the burgh of Dysart 80 feet or thereby east of the centre of the East Port of Dysart the said point being herein-after called
20 "the terminus":

(2) The space between the rails of Tramway No. 2 so far as within the burgh of Dysart and for a distance of 18 inches outside the rails shall be laid with granite causeway blocks:

25 (3) The Corporation shall deliver to Dysart Corporation the surplus metalling or material excavated in the construction of Tramway No. 2 so far as within the burgh of Dysart:

30 (4) On the construction of the tramways specified in subsection (1) of this section the Corporation shall run a suitable service of cars between the corner of Junction Road and St. Clair Street in the Burgh of Kirkcaldy and the terminus having due regard to the quantity of traffic thereon and shall give similar facilities in regard to workmen's cars between Junction
35 Road and the terminus to those given in Kirkcaldy:

(5) The through fare from Junction Road to the terminus shall be a penny without any halfpenny stage but it shall be in the option of the Corporation to introduce

A.D. 1910.

halfpenny stages if and when they think desirable
The fare for the workmen's cars shall be one half-
penny for the whole distance :

- (6) Upon the opening of the tramways specified in the said subsection (1) for traffic and on condition that the Corporation shall implement the obligations undertaken by them the Dysart Corporation shall make an annual payment to the Corporation of one hundred and fifty pounds for a period of ten years and any burgh rates levied upon the part of the tramway undertaking within the burgh of Dysart during the said period of ten years shall be refunded to the Corporation A proportion of the said sum of one hundred and fifty pounds shall be payable at the first fifteenth day of May that shall occur after the opening of the said tramways for traffic corresponding to the period between the date of opening and the said fifteenth May The subsequent annual payments shall be made at fifteenth May in each year the last payment being only for the proportion necessary to make up the complete ten years' payments On the expiry of the said period of ten years Dysart Corporation shall not be required to contribute the said annual sum of one hundred and fifty pounds (or any reduced sum) and the Corporation shall thereafter be bound to maintain and work the tramways specified in the said subsection (1) without any payment from Dysart Corporation :
- (7) In the event of the Corporation finding at the end of five years after the opening of the said tramways for traffic that after including the said one hundred and fifty pounds (or any reduced sum) as part of the income of Dysart section the said tramways are earning a profit after paying all charges the Corporation shall reconsider the said figure of one hundred and fifty pounds and make such reduction thereon as they see just :
- (8) The Dysart Corporation shall not be responsible for any loss or damage to persons or property by or through the construction maintenance or working of the said tramways.

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1 GEO. 5.] *Confirmation.*

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31. The Dysart Corporation may out of the burgh general assessment and roads and bridges assessment levied in the burgh and the common good or any two of them in such proportions as they may determine or out of any one of them pay to the Corporation of Kirkcaldy in respect of the formation and working of the tramways an annual sum of one hundred and fifty pounds and that for a period of not longer than ten years from the completion and opening for traffic of the tramways without prejudice to any right at present inherent in the Dysart Corporation to make such or similar payments out of the said assessments or common good.

A.D. 1910.
Burgh of
Dysart
authorised to
contribute.

32. Nothing in this Order contained shall exempt the Corporation or the tramways from the provisions of any general Act relating to tramways now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates or charges authorised by this Order.

Provision as
to general
Tramway
Acts.

PART IV.

ELECTRICITY.

33.—(1) The Corporation may provide let for hire and fix repair and remove but shall not manufacture lamps meters electric lines fuses switches fittings lamp-holders motors and other fittings for lighting and motive power and for all other purposes for which electrical energy can or may be used and may provide all materials and work necessary or proper in that behalf and with respect thereto may demand and take such remuneration or rents and charges and make such terms and conditions as may be agreed upon:

Power to
provide elec-
trical fit-
tings.

Provided that—

(A) The Corporation shall so adjust the charges to be made by them for any such fittings or for the fixing repairing or removal thereof as to meet any expenditure by them under the powers of this section in connexion therewith (including interest upon moneys borrowed for those purposes and all sums applied to sinking fund for repayment of moneys so borrowed):

(91)

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A.D. 1910.

- (B) Every sum charged by the Corporation to a consumer in respect of the provision of such fittings or the fixing repairing or removal thereof shall be separately stated on every demand note delivered by the Corporation to the consumer: 5
- (c) The total sums expended and received by the Corporation in connexion with the purposes in this section mentioned in each year (including interest and sinking fund) shall be separately shown in the published accounts of the electricity undertaking 10 of the Corporation for that year:
- (D) If the Corporation fail to comply with the provisoes (A) (B) and (c) of this section they shall on conviction under the Summary Jurisdiction (Scotland) Act 1908 be liable to a fine not exceeding ten 15 pounds and to a further fine not exceeding five pounds for each day on which the offence is continued after conviction therefor.

(2) Any such fittings as aforesaid let for hire by the Corporation shall not be subject to distress or to the landlord's 20 remedy for rent or liable to be taken in execution under process of law or proceedings in bankruptcy against the person in whose possession the same may be Provided that such fittings are marked or impressed with a sufficient mark or brand indicating the Corporation as the actual owners thereof. 25

PART V.

GAS.

Incorporation of Acts.

34. The following Acts and parts of Acts (so far as the same respectively are applicable for the purposes and are not inconsistent with the provisions of this Order) are hereby 30 incorporated with this Part of this Order (that is to say):—

The Lands Clauses Acts;

The Gasworks Clauses Act 1847 (except the provisions with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for 35 their benefit) Provided that section 13 of that Act shall be read as if the words “or any premises” were inserted after the words “private building” and as if the words

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“ provided also that every such contract entered into by A.D. 1910.
“ the Corporation shall be alike in terms and amount
“ under the like circumstances to all consumers ” were
added at the end of that section;

5 The Gasworks Clauses Act 1871 (except section 35 (Accounts
&c.)).

35. Subject to the provisions of this Order the Corporation may enter upon take hold and use for the gasworks purposes of this Order and of their gas undertaking such of the lands
10 delineated on the gas deposited plans and books of reference as are described in the First Schedule to this Order and as they may require for those purposes. Power to take lands.

36. The provisions of section 57 of the Burgh Police (Scotland) Act 1903 shall apply in all cases of disputed com-
15 pensation in regard to lands acquired by the Corporation under this Order in connexion with the gas undertaking. Provisions of section 57 of Burgh Police (Scotland) Act 1903 to apply in certain cases.

37. Subject to the provisions of this Order the Corporation may upon the lands described in the First Schedule to this Order as well as upon the lands already belonging to the Corporation
20 in connexion with the gas undertaking which lands are described in the Second Schedule to this Order erect maintain alter improve enlarge extend and renew or discontinue gasworks retorts gasometers receivers mains pipes meters lamps lamp-posts burners stop-cocks machinery rails roads approaches and other works and
25 apparatus and conveniences and may do all such acts as they may think proper for making and storing gas and may manufacture sell provide supply and deal in coke tar and all other residual products employed in or resulting from the manufacture of gas Nothing in this Order shall authorise the Corporation
30 to manufacture gas or residual products elsewhere than on the lands described in the First and Second Schedules to this Order. Powers as to construction and maintenance of gas-works &c.

38. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Part of this Order shall cease after the expiration of three years from the passing
35 of the Act confirming this Order. Period for compulsory purchase.

39. Sections 8 10 11 and 12 of the Burghs Gas Supply (Scotland) Act 1876 shall not apply to the gas undertaking and in place thereof sections 68 to 77 of the Town Councils (Scotland) Act 1900 shall apply. Committees and their proceedings regulated by Town Councils Act.

A.D. 1910.

Accounts
audit &c.
regulated by
Town Coun-
cils Act.

40. Sections 15 16 and 17 of the Burghs Gas Supply (Scotland) Act 1876 shall not apply to the gas undertaking and in place thereof sections 91 to 96 inclusive of the Town Councils (Scotland) Act 1900 shall apply.

Illuminating
power of gas.

41. Notwithstanding anything contained in sections 57 and 58 of the Burghs Gas Supply (Scotland) Act 1876 the following provisions shall have effect:—

- (1) The quality of the gas supplied by the Corporation shall with respect to its illuminating power be such as to produce at the testing place when burned at 10 the rate of five cubic feet per hour a light equal in intensity to the light produced by fourteen sperm candles of six to the pound each consuming 120 grains of sperm per hour and shall be in all respects in accordance with the provisions of the Gasworks 15 Clauses Act 1871:
- (2) For testing the illuminating power of the gas the burner to be used shall be that known as the Metropolitan Argand No. 2 the photometer shall be the bar photometer the standard light shall be that 20 supplied by Harcourt's ten-candle pentane lamp and in making the test the burner shall be so used as to obtain from the gas when burned at the rate afore-said the greatest amount of light Provided that the Board of Trade may on the application of the 25 Corporation or any five consumers approve the use of any other photometer or standard light which may appear to the Board to be equally or more suitable for the testing:
- (3) The Corporation shall within three months after the 30 commencement of this Order provide the apparatus required by this Order for the testing of gas and shall at all times keep the same in proper order and repair.

No penalty
in case of
unavoidable
cause.

42. No penalty shall be incurred by the Corporation for 35 insufficiency of pressure defect of illuminating 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 occasioned by any circumstance beyond the control of the Corporation Provided that want of sufficient funds shall not 40

[10 EDW. 7. & *Kirkcaldy Corporation Order*
1 GEO. 5.] *Confirmation.*

29

be held to be a circumstance beyond the control of the Corporation. A.D. 1910.

43. In order to enable the Corporation to ensure a satisfactory supply of gas to their consumers the following provisions shall have effect: -

As to specification of internal fittings &c.

- (1) The Corporation may specify the size and material of the pipes with the fittings thereof which are to be laid by the consumer either in the first instance or on the occasion of any renewal between the Corporation's mains and the meter and (so far as the same are intended to be covered over) on the consumer's premises: 10
 - (2) The Corporation 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: 15
 - (3) The specifications shall be published twice in some newspaper circulating within the limits of the Corporation for the supply of gas and a copy thereof shall be kept exhibited in the office of the gas department of the Corporation: 20
 - (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 between the Corporation's mains and the meter shall be placed as near as reasonably practicable to such main but within the outside wall of the building: 25
 - (5) When any such pipe or meter as aforesaid has been laid or placed notice thereof shall be given to the Corporation at the office of the gas department of the Corporation and the pipes shall not be covered over until after the expiration of twenty-four hours from the giving of such notice to the Corporation; 30
- Any officer of the Corporation 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 Corporation's 35

A.D. 1910.

specification or if the meter is not placed as required by this section the Corporation may refuse to supply gas to the premises until the provisions of this section have been complied with:

- (6) Any person to whom the Corporation refuses a supply 5 of gas under the provisions of this section may appeal to the sheriff against such refusal and the sheriff may after hearing the parties and considering any questions as to the reasonableness of the Corporation's specification make such order as seems to him proper in 10 the circumstances and may order by which of the parties the costs of and incident to the appeal shall be paid and the decision of the sheriff shall be final.

Antiflu-
tuators for gas
engines.

44. Every consumer of gas supplied by the Corporation 15 who uses a gas engine shall if required to do so by the Corporation use an effective antiflu-tuator and shall at all times at his own expense keep such antiflu-tuator in proper repair and in default of his so using or keeping such antiflu-tuator in proper repair the Corporation may cease to supply gas to 20 such consumer. The Corporation shall have access to and be at liberty to take off remove test inspect and replace any such antiflu-tuator at all reasonable times such taking off removing testing inspecting and replacing to be done at the expense of the Corporation if the antiflu-tuator be found in proper order but 25 otherwise at the expense of the consumer.

Power to re-
fuse to sup-
ply per-
sons in debt
for other
premises.

45. If a person requiring a supply of gas from the Corporation has previously quitted premises at which gas was supplied to him by the Corporation without paying to them all gas rates and charges and meter rent due from him to the Corporation 30 the Corporation may refuse to furnish to him a supply of gas until he pays the same.

Period of
error in
defective
meters.

46. In the event of any meter used by a consumer of gas being tested in manner provided by the Sale of Gas Act 1859 and being proved to register erroneously within the mean- 35 ing of the said Act such erroneous registration shall be deemed to have arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter. The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the 40

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1 GEO. 5.] *Confirmation.*

Corporation shall be paid by or to the Corporation to or by A.D. 1910.
the consumer as the case may be and shall be recoverable in —
the like manner as gas rates are recoverable by the Corporation.

PART VI.

5 ELECTRICITY AND GAS.

47. The Corporation may on application of the owner or occupier of any premises abutting on or being erected in any street laid out but not dedicated to the public use within the limits of the Corporation for the supply of gas or electrical energy supply such premises with gas or electrical energy and may lay down alter relay or renew in across or along such street such pipes cables service lines and other works as may be requisite or proper for the furnishing such supply and the provisions of the Gasworks Clauses Act 1847 and of the Kirkcaldy Electric Lighting Order 1899 with respect to the breaking up of the streets for the purpose of laying pipes cables service lines and other works and for the protection of pipes cables service lines and other works when so 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.

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

PART VII.

STRAND PURCHASE.

48. Subject to the provisions of this Order the Corporation may purchase all or any part of the strand and waste ground described in the Third Schedule to this Order (in this part of this Order referred to as "the strand and waste ground") in the same manner as if the Secretary for Scotland had under the Public Parks (Scotland) Act 1878 by Provisional Order empowered the Corporation to put in force with reference to the said lands the powers of the Lands Clauses Acts and as if such Provisional Order had been duly confirmed by Parliament.

Corporation empowered to purchase strand and waste ground.

49. In the application of the Public Parks (Scotland) Act 1878 to the purchase of the strand and waste ground it shall be construed as if the provisions of the Railway Clauses Consolidation (Scotland) Act 1845 with respect to mines lying under or near the railway were incorporated therein Provided that the expression "railway" occurring therein shall mean the strand and

Provisions as to mines in Railway Clauses Act applied.

Strand and
waste ground
to be kept as
open spaces.

50. Subject to the provisions of this Order the Corporation shall keep the strand and waste ground acquired by them under the same as open spaces for public resort and recreation.

Period for compulsory purchase.

51. The powers of the Corporation for the purchase of lands for the purposes of this Part of this Order shall cease after the expiration of four years from the passing of the Act confirming this Order.

For protec-
tion of
Michael
Nairn and
Company
Limited.

52. The following provisions for the protection of Michael 10
Nairn and Company Limited herein-after called "Nairn and
Company" shall apply and have effect (that is to say):—

(1) The Corporation shall not under the powers of this Order take or acquire by compulsion any land belonging to Nairn and Company lying to the landward 15 of the line marked AB on the plan relative to this section signed in triplicate by the town clerk of the burgh :

(2) In the event of the Corporation acquiring the ground belonging to Nairn and Company lying between high- 20 water mark and the said line marked AB or any part thereof the following conditions shall apply and have effect :

(A) There shall be reserved to Nairn and Company right as at present to lay drains from their property to the sea unless and until the Corporation constructs an adequate public sewer along the ground acquired from Nairn and Company in front of their remaining property. In the event of Nairn and Company having owing to the absence of such public sewer to construct drains of their own to the sea through the property acquired from them by the Corporation they shall if the Corporation so desire lay such drains below the surface of the ground acquired by the Corporation and restore the surface and so far as such drains are below high-water mark they shall be laid below the surface of the foreshore if at the time of such laying the drains belonging to the Corporation have been relaid and placed below the surface of the foreshore ;

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1 GEO. 5.] *Confirmation.*

33

(B) There shall be reserved to Nairn and Com-
pany power to lay pipes for drawing water from
the sea such pipes to be laid under the surface of
the ground acquired by the Corporation and under
the surface of the foreshore and such pipes to be
laid to the satisfaction of the burgh surveyor and
to be maintained in good repair by Nairn and
Company so as to prevent damage either to the
ground acquired by the Corporation or to the
foreshore.

A.D. 1910.

53. The following provisions for the protection of Robert
Hutchison and Company Limited herein-after called "Hutchison
and Company" shall apply and have effect (that is to say):—

For protec-
tion of
Robert
Hutchison
and Com-
pany
Limited.

(1) The Corporation shall not under the powers of this Order
take or acquire by compulsion any land belonging
to Hutchison and Company lying to the landward of
the line marked CD on the plan referred to in the
preceding section:

(2) In the event of the Corporation acquiring the ground
belonging to Hutchison and Company lying between
high-water mark and the said line marked CD or any
part thereof the following conditions shall apply and
have effect:

(A) There shall be reserved to Hutchison and
Company right as at present to lay drains from
their property to the sea unless and until the Cor-
poration constructs an adequate public sewer along
the ground acquired from Hutchison and Company
in front of their remaining property In the event
of Hutchison and Company having owing to the
absence of such public sewer to construct drains of
their own to the sea through the property acquired
from them by the Corporation they shall if the
Corporation so desire lay such drains below the
surface of the ground acquired by the Corporation
and restore the surface and so far as such drains
are below high-water mark they shall be laid below
the surface of the foreshore if at the time of such
laying the drains belonging to the Corporation

(91)

E

A.D. 1910.

have been relaid and placed below the surface of the foreshore ;

(B) There shall be reserved to Hutchison and Company power to lay pipes for drawing water from the sea such pipes to be laid under the surface 5 of the ground acquired by the Corporation and under the surface of the foreshore and such pipes to be laid to the satisfaction of the burgh surveyor and to be maintained in good repair by Hutchison and Company so as to prevent damage either to the 10 ground acquired by the Corporation or to the foreshore.

Byelaws for
preserving
amenity of
seashore and
strand.

54. The powers to make byelaws conferred on the Corporation by section 303 of the Burgh Police (Scotland) Act 1892 shall apply to making byelaws for all or any of the following purposes 15 (that is to say):—

For preventing the putting into the waters of the Forth within fifty yards of low-water mark where it forms the boundary of the burgh the solid refuse of any manufactory or any rubbish cork dust or other waste matter. 20

Application
of Housing
&c. Act
1909.

55. For the purpose of the Housing of the Working Classes Act 1903 as applied to Scotland by the Housing Town Planning &c. Act 1909 any lands purchased by the Corporation for the purposes of this Part of this Order shall be deemed to have been acquired under the powers of this Order. 25

Crown
rights.

56. Nothing in this Order shall affect prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Corporation or any other body or person to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river 30 channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods 35 or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent the said Commissioners and Board are hereby respectively authorised to give).

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1 GEO. 5.] *Confirmation.*

35

57. The Corporation or any body or person shall not under the powers of this Order construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and
5 reflows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval
10 being signified as last aforesaid and where any such work may have been constructed the Corporation or other body or person as the case may be shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals If any such work be
15 commenced or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost and charge of the Corporation or other body or person as the case may be and the amount of such costs and charges shall be a debt due from
20 the Corporation or other body or person as the case may be to the Crown and shall be recoverable as a Crown debt or summarily.

A.D. 1910.

Work below
high water
mark not to
be com-
menced with-
out consent
of Board of
Trade.

PART VIII.

GAS AND STRAND PURCHASE.

25 58. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the strand deposited plans or gas deposited plans or specified in the deposited books of reference the Corporation after giving ten days' notice to the owners lessees
30 and occupiers of the lands in question may apply to the sheriff for the correction thereof and if it appears to the sheriff that the omission misstatement or wrong description arose from mistake he shall certify the same accordingly and shall in such certificate state the particulars of the omission and in what
35 respect any such matter is misstated or wrongly described and the decision of the sheriff in such matter shall be final and such certificate shall be deposited with the principal sheriff-clerk for the county and a duplicate thereof shall also be deposited with the clerk of the parish council of the parish in
40 which the lands affected thereby are situate and such certificate

Correction of
errors in de-
posited plans
and in books
of reference.

A.D. 1910. and duplicate respectively shall be kept by such sheriff-clerk and the clerk of such parish council respectively along with the other documents to which the same relate and thereupon the deposited plans and the books of reference shall be deemed to be corrected according to such certificate and it shall be lawful 5 for the Corporation to enter on purchase take hold and use for the purposes of this Order any lands in accordance with such certificate as if such omission misstatement or wrong description had not been made.

PART IX.

10

FINANCIAL.

Power to
borrow for
tramway
purposes.

59. The Corporation in addition to any money which they may lawfully have borrowed or which they are or may be authorised to borrow under the provisions of any Act of Parliament may from time to time borrow at interest on the credit and 15 security of the tramway revenue and of the burgh general assessment leviable by them under the Police Acts or partly of the tramway revenue and partly of the said burgh general assessment as they may resolve such sums of money not exceeding in the whole the sum of thirteen thousand pounds as shall be necessary 20 for the construction of the tramways and works by this Order authorised including the necessary tramway plant and rolling stock and for paying the costs charges and expenses of and incident to the preparing for obtaining and confirming of this Order or otherwise in relation thereto or so much of said costs charges 25 and expenses as the Corporation may allocate to the tramway undertaking (all in this Order called "tramway purposes") and if after having borrowed the said sums or any part thereof the Corporation pay off the same otherwise than by means of the sinking fund or instalments they may again borrow the amount 30 so paid off and so from time to time Provided that if the burgh general assessment is by reason of its limitation insufficient along with the tramway revenue to enable the Corporation to raise the moneys required for tramway purposes on advantageous terms the Board of Trade may extend the limit of such assessment 35 to such amount as they shall think fit.

Additional
borrowing
powers for
harbour pur-
poses.

60. In addition to the moneys which the Corporation are authorised to borrow under the 1904 Order for the harbour undertaking the Corporation may from time to time borrow at interest on the credit and security of the harbour revenue and 40

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of the special harbour assessment by the 1904 Order authorised or partly of the harbour revenue and partly of the said harbour assessment as they may resolve such sums of money not exceeding in whole the sum of thirty thousand pounds as shall
5 be necessary for completing the harbour works by the 1904 Order authorised and paying the costs of this Order or so much of the said costs as the Corporation may allocate to the harbour undertaking and if after having borrowed the said sums or any part thereof the Corporation pay off the same otherwise than by
10 means of the sinking fund or instalments they may again borrow the amount paid off and so from time to time.

A.D. 1910.

61. The following sections of the 1899 Act (that is to say):—

Section 61 (Bonds for borrowed money);

Section 65 (Rates to include interest and sinking fund);

15 shall so far as the same are applicable in that behalf and are not inconsistent with the provisions in this Order apply mutatis mutandis to and in relation to the moneys borrowed and re-borrowed by the Corporation for tramway purposes under the powers of this Order.

Certain sections of 1899 Act applicable to moneys borrowed for tramway purposes.

20 62. The following sections of the 1899 Act (that is to say):—

Section 62 (Interest warrants);

Section 63 (Borrowing on cash account);

Section 64 (Register of bonds);

25 Section 66 (Present bonds and securities by Corporation not to be prejudiced);

Section 67 (Protection of lenders from inquiry);

Section 68 (Application of money borrowed);

Section 69 (Act not to restrict borrowing powers of Corporation);

30 Section 73 (Annual return to Secretary for Scotland with respect to sinking fund);

Section 75 (For appointment of judicial factor);

Section 76 (Powers of judicial factor);

35 shall so far as the same are applicable in that behalf and are not inconsistent with the provisions of this Order apply mutatis mutandis to and in relation to the moneys borrowed and re-borrowed by the Corporation both for tramway purposes and for harbour purposes under the powers of this Order.

Certain sections of 1899 Act applicable to moneys borrowed both for tramway purposes and for harbour purposes.

A.D. 1910. 63. The bonds to be granted for money borrowed for
 Bonds to be harbour purposes under this Order shall until repayment thereof
 lien on har- form a lien not only on the harbour revenue but also on the
 bour revenue special harbour assessment and shall entitle the creditor under
 and special the same to recover the contents thereof from the Corporation 5
 harbour and their officers out of the first and readiest of such assessment
 assessment. without prejudice to the remedy provided in sections 75 and 76
 of the 1899 Act.

64. The bonds to be granted for money borrowed for tramway
 Bonds to be purposes under this Order shall until repayment thereof form a lien 10
 lien on tram- not only on the tramway revenue but also on the burgh general
 way revenue assessment and shall entitle the creditor under the same to recover
 and burgh the contents thereof from the Corporation and their officers out
 general of the first and readiest of such assessment without prejudice to
 assessment. the remedy provided in sections 75 and 76 of the 1899 Act. 15

Certain sec-
 tions of 1904
 Order appli-
 cable to
 money bor-
 rowed for
 harbour pur-
 poses.

65. The following sections of the 1904 Order (that is to say):—

Section 81 (Power to Corporation to impose and levy
 special harbour rate or assessment for
 harbour purposes);

Section 85 (Annual return to Board of Trade with 20
 respect to sinking fund on money borrowed
 for harbour purposes);

Section 86 (Annual account to be sent to Board of Trade
 25 & 26 Vict. c. 19.);

Section 88 (Bonds for money borrowed for harbour 25
 purposes);

shall so far as the same are applicable in that behalf and are
 not inconsistent with the provisions of this Order apply mutatis
 mutandis to and in relation to the moneys borrowed by the
 Corporation for harbour purposes under the powers of this 30
 Order.

Application
 of section 91
 of 1904
 Order.

66. The following section of the 1904 Order (that is to say):—

Section 91 (Sinking fund);

shall apply to and in relation to the moneys borrowed by the
 Corporation both for tramway purposes and for harbour purposes 35
 under the powers of this Order.

[10 EDW. 7. & *Kirkcaldy Corporation Order*
1 GEO. 5.] *Confirmation.*

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67. The Corporation shall pay off all moneys borrowed by them under this Order within the respective periods following (that is to say) :—

A.D. 1910.
Period of re-
payment of
moneys bor-
rowed under
this Order.

5 As to moneys borrowed under this Order for tramway purposes (other than the payment of the costs charges and expenses of this Order) within such period as the Corporation may fix but not exceeding thirty years from the date of borrowing.

10 As to moneys borrowed under this Order for harbour purposes within such period as the Corporation may fix but not exceeding fifty years from the date of borrowing.

As to moneys borrowed for payment of the costs charges and expenses of this Order within five years from the commencement of this Order.

15 68. The security upon which loans in connexion with the electricity undertaking shall continue to be contracted shall be the burgh general assessment.

Security for
electricity
loans defined.

20 69. Notwithstanding the provisions of section 31 (Manner in which mortgages and orders on bank account to be signed and executed) of the Burghs Gas Supply (Scotland) Act 1876 mortgages granted by the Corporation under the said Act shall be good valid and effectual if subscribed in the manner provided in the Town Councils (Scotland) Act 1900 The mortgages granted by the Corporation under the said Act shall be in the name of
25 the Corporation.

Execution of
gas mort-
gages.

70. Notwithstanding anything contained in section 14 (Power of borrowing money for the purposes of this Act) of the Public Parks (Scotland) Act 1878—

Borrowing
power in
Parks Act
to apply to
retaining
walls and
period for
loans there-
under ex-
tended.

30 (1) The borrowing powers thereunder shall extend and apply to defraying the expense of retaining walls or embankments which the Corporation may make in virtue of the provision to that effect contained in section 79 of the Burgh Police (Scotland) Act 1903 :

35 (2) The loans incurred by the Corporation for the purchase of the strand and waste ground and the construction of retaining walls and embankments may be repaid within a period not exceeding forty years.

71. The costs charges and expenses of and incident to the preparing obtaining and confirming of this Order or otherwise in
40 relation thereto shall be paid by the Corporation out of the

Costs.

A.D. 1910. — revenue of the tramway undertaking or of the harbour undertaking or of the gas undertaking or out of money which the Corporation are authorised to borrow on the security thereof respectively or out of one or other or all of them in such proportions as the Corporation may determine. 5

The SCHEDULES referred to in the foregoing Order.

THE FIRST SCHEDULE.

LANDS ON WHICH THE CORPORATION MAY CONSTRUCT AND MAINTAIN NEW
GASWORKS AND GAS HOLDERS AND MANUFACTURE AND STORE GAS
AND MANUFACTURE AND CONVERT RESIDUAL PRODUCTS. 10

That piece of ground containing 12 decimal or one thousandth parts of an acre or thereby situated in the burgh of Kirkcaldy and parish of Kirkcaldy and Dysart and county of Fife now belonging or reputed to belong to Mrs. Jestina E. Lockhart or Anderson bounded as follows:—on the west by Links Street and on the north east and 15 south by the property of the Corporation.

THE SECOND SCHEDULE.

LANDS ON WHICH OR ON PARTS OF WHICH THE EXISTING GASWORKS AND GAS
HOLDERS OF THE CORPORATION ARE SITUATED.

1. That piece of land within the burgh of Kirkcaldy bounded on 20 the north by School Wynd on the south by Gas Wynd on the east by the sea flood the Sands Road intervening and on the west by Links Street but excepting from the area now described that piece of ground described in the First Schedule which the Corporation is by this Order authorised to purchase The area of the ground under description 25 within the boundaries of the Links Street Gas Wynd the Sands Road and School Wynd but excluding as aforesaid is two acres and thirty-four decimal or thousandth parts of an acre or thereby.

2. That piece of ground within the burgh of Kirkcaldy bounded on the north by the property of Mrs. Marianne Reynolds Heggie or 30 Melville on the south by School Wynd on the east by the sea flood the Sands Road intervening and on the west by the property of N. Lockhart and Sons The area of the ground under description within the boundaries of the property of Mrs. Marianne Reynolds

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Heggie or Melville School Wynd the Sands Road and the property of N. Lockhart and Sons is thirty decimal or thousandth parts of an acre or thereby. A.D. 1910.

3. That piece of ground situated in the burgh of Kirkcaldy containing thirty-eight decimal or one thousandth parts of an acre or thereby bounded on the north-west by Victoria Road on the north-east by Mitchell Place on the south-east by the burial yard of Dunnikier and the properties of Michael Nairn and Company Limited Mrs. Janet Christie and the trustees of the Evangelical Union Church and on the south-west by the property of Robert Hutchison.

THE THIRD SCHEDULE.

DESCRIPTION OF THE STRAND AND WASTE GROUND TO BE ACQUIRED AND MAINTAINED AS OPEN SPACES.

1. The strand adjoining the seashore and waste ground adjoining the strand lying in the burgh of Kirkcaldy parish of Kirkcaldy and Dysart and county of Fife between the Sands Road on the west the high-water mark of ordinary spring tides on the east the Tiel Burn on the south and the harbour of Kirkcaldy on the north being the lands coloured red and marked No. 1 on the strand deposited plans.
2. The strand adjoining the seashore and waste ground adjoining the strand lying in the burgh of Kirkcaldy parish of Kirkcaldy and Dysart and county of Fife and extending from the Tiel Burn on the north to the boundary of the burgh on the south bounded on the east by the high-water mark of ordinary spring tides and bounded on the west partly by the Sands Road partly by the Forth and Clyde Ropework belonging to the Forth and Clyde Ropery Company and partly by the road leading to Seafeld Café but excepting therefrom (1) the premises formerly occupied as a chemical work and now used as stables and (2) a store used in connexion with the said ropework being the lands coloured red and marked No. 2 on the strand deposited plans.
3. The strand of the seashore of Pathhead Sands and waste ground adjoining the strand lying in the burgh of Kirkcaldy parish of Kirkcaldy and Dysart and county of Fife between the buildings and enclosures on the north-west and high-water mark of ordinary spring tides on the south-east the East Denburn on the south-west and the rock on which Ravenscraig Castle is built on the north-east being the lands coloured red and marked No. 3 on the strand deposited plans.

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Kirkcaldy Corporation Order Confirmation.

A

B I L L

INTITULED

An Act to confirm a Provisional Order under
the Private Legislation Procedure (Scotland)
Act 1899 relating to Kirkcaldy Corporation.

(Brought from the Commons 7th July 1910.)

Ordered to be printed 7th July 1910.

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