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ARRANGED IN VOLUMES.

VOL. V.

PUBLIC BILLS,

(Six Volumes.)

CONTINUED.

THE SUBJECTS ALPHABETICALLY ARRANGED:

GAS - - KIR

1914.

PUBLIC BILLS, 1914.

(SIX VOLUMES.)

CONTENTS OF THIS VOLUME.

NOTE.—*The* FIGURES *placed at the* END OF THE TITLES *in Parentheses* (148.) *correspond with the Number at the Foot of each Bill; and the* FIGURES *at the* END OF THE LINES *refer to the Manuscript Paging of the Volume as arranged for the House.*

A

B I L L

INTITULED

An Act to confirm a Provisional Order made by the Board of Trade under the Gas and Water Works Facilities Act 1870 relating to Balcombe Petrol Gas. A.D. 1914.

WHEREAS under the authority of the Gas and Water Works Facilities Act 1870 the Board of Trade have made the Provisional Order set out in the schedule to this Act annexed: 33 & 34 Vict. c. 70.

And whereas a Provisional Order made by the Board of Trade under the authority of the 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 Order 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 assembled and by the authority of the same as follows:—

1. This Act may be cited as the Gas Order Confirmation (No. 2) Act 1914. Short title.

2. The Order as amended and set out in the schedule to this Act shall be and the same is hereby confirmed and all the provisions thereof in manner and form as they are set out in the said schehule shall from and after the passing of this Act have full validity and effect Provided that the powers so conferred shall not entitle the Undertakers under the Order to be heard on the ground of competition against any Bill or Provisional Order applied for in the future for the supply of coal gas within the limits of supply as defined in the Order. Confirmation of Order in schedule.

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SCHEDULE.

Balcombe.

BALCOMBE PETROL GAS.

Order authorising the construction and maintenance of Gasworks and Works connected therewith and the supply of Petrol Gas in part of the Parish of Balcombe within the Rural District of Cuckfield in the County of Sussex.

Preliminary.

Short title.

1. This Order may be cited as the Balcombe Petrol Gas Order 1914.

Commencement of Order.

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."

Incorporation of Acts.

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 (except as hereinafter provided) 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 as to any mains pipes or works which may have been laid down or constructed under the authority of this Order:

Provided always that sections 12 28 and 32 of the Gasworks Clauses Act 1871 and so much of the provisions of the said Act as relate to the presence of sulphuretted hydrogen and the tests to be made in respect thereof shall not apply to the Undertakers and for the purpose of its incorporation with this Order the Gasworks Clauses Act 1871 shall be read and construed as if the said sections and provisions were omitted therefrom:

Provided also 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.

Interpretation.

4. In 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 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 and of any such Act for the purposes of this Order the expression "gas" shall mean petrol vapour mixed with air.

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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 whole of the parish of Balcombe in the rural district of Cuckfield in the county of Sussex except the detached part of the said parish lying to the north of the parish of Cuckfield Rural and to the north-east of the parish of Slaugham.

Undertakers.

Undertakers.

6. The Balcombe 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 four thousand five hundred pounds consisting of ordinary share capital of three thousand five hundred pounds (hereinafter 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 one thousand 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.

Additional capital 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 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:

(*c*) No lot offered for sale shall comprise shares or stock of greater nominal value than one hundred pounds:

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(*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 ordinary or preference shares or stock of the Undertakers in manner prescribed by 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 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.

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 by way of premium from the issue of any shares or stock under the provisions of this Order shall 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 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 or 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 (which are in this Order referred to as "the standard rates of dividend").

Dividends on different classes of ordinary shares to be paid proportionately.

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 dividend at the prescribed maximum rate on each class of ordinary shares or stock in the original capital and the 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 their 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.

Lands.

Power to purchase lands by agreement.

13. The Undertakers may for the purposes of the undertaking purchase take and hold (by agreement but not otherwise) in addition to the lands described in Schedule A to this Order annexed any lands which they may require Provided that they shall not create or permit a nuisance on any such lands and that 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 and they shall not at any time hold for such purposes more than three acres of land in the whole in addition to the land described in the said schedule.

Powers as to construction and maintenance of gasworks &c.

14.—(1) Subject to the provisions of this Order and to all such regulations touching the manufacture and supply of gas as the Board of Trade may make at any time by order in writing signed by a secretary or assistant secretary of the said Board the Undertakers may upon the lands described in Schedule A to this Order annexed so long as they are in possession of the same erect maintain alter improve extend and renew works for the manufacture of gas with all necessary machinery and apparatus and do all such acts as may be proper for making and storing petrol and gas and for supplying gas within the limits of supply and may on the said lands convert and manufacture residual products resulting from the manufacture of gas.

(2) Nothing in this Order shall exempt the Undertakers from any of the provisions of the Petroleum Act 1871.

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(3) The petrol used in the manufacture of gas supplied under this Order shall be so stored and the gas shall be so manufactured as to comply with the conditions of a licence granted under the Petroleum Act 1871.

Power to supply gas fittings &c.

15.—(1) The Undertakers may purchase sell or let on hire fix repair and remove (but shall not manufacture) engines stoves ranges pipes and other gas fittings suitable for being used in connection with gas for lighting motive heating ventilating cooking or any other purposes and may provide all materials and work necessary or proper in that behalf and with respect thereto may demand and take such remuneration or rents and charges and make such terms and conditions as may be agreed upon.

(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 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.

Power to use patent.

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 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.

Pressure and Quality 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 three inches 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 place.

18. For the purposes of the Gasworks Clauses Act 1871 the testing place shall be a testing place which shall be provided by the Undertakers on the lands described in Schedule A to this Order annexed within three months after beginning to supply gas under the authority of this Order.

Testing for quality.

19.—(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 in a mantle with a suitable burner at the rate of five cubic feet per hour a light equal in intensity to the light produced by thirty-five sperm candles of six to the pound each containing 120 grains of sperm per hour.

(2) The apparatus for and mode of testing shall be such as shall be prescribed by the Board of Trade by order in writing signed by a secretary or assistant secretary of the said Board.

(3) The Undertakers shall 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.

Price of Gas.

Maximum price of gas.

20. The price to be charged by the Undertakers for gas supplied by them to consumers shall not exceed three shillings and ninepence per thousand cubic feet:

Provided that at any time after the expiration of five 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 three shillings and ninepence or by fixing a standard price with sliding scale as to profits and as from the date specified in such order (in this Order 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 and in the latter alternative the provisions set forth in Schedule B to this Order annexed shall be in force and have effect and this Order shall be read and construed accordingly A copy of any such order 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.

As to construction and placing of pipes &c. between mains and meters.

21. 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 on his own premises either in the first instance or on the occasion of any renewal between the Undertakers' mains and the meter so far as the same are intended to be covered over:

(2) The Undertakers may if they think fit make different specifications for different classes of premises having regard to the

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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 connection with a new or substituted pipe laid by the consumer between the main and the consumer's meter shall be placed as near as reasonably practicable to the 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 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 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.

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

22. The Undertakers may but only with the consent in writing 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 abutting on or being erected in any street laid out but not dedicated to public use supply those premises with gas and for that purpose the Gasworks Clauses Act 1847 shall apply as if section 7 of that Act were excepted from incorporation in this Order.

Supply of gas where consumer has separate supply.

23. Notwithstanding anything contained in the Gasworks Clauses Act 1871 or any other Act a person shall not be entitled to demand or to continue to receive from the Undertakers a supply of gas for

any premises for which he has at the same time a supply of gas from an installation other than that of the Undertakers unless he shall have agreed to pay to the Undertakers such minimum annual sum as will give to them a reasonable return on the capital expenditure and will cover other standing charges incurred by them in order to meet the possible maximum demand for those premises and the sum to be paid shall be determined in default of agreement by arbitration in manner provided by the Arbitration Act 1889.

Charge for gas supplied by means of prepayment meters.

24.—(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 charge for the hire of any prepayment meter and fittings to be used therewith shall be a sum of money calculated according to the quantity of gas supplied through the prepayment meter and the maximum charge shall be at the rate of tenpence per one thousand cubic feet supplied in manner aforesaid such sum to include the hire of meter and the fittings used therewith or at the rate of one shilling per one thousand cubic feet if such fittings include a cooking stove.

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

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

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

Gas consumers to give notice to Undertakers before removing.

25. At least twenty-four hours' notice shall be given to the Undertakers by every gas consumer in writing or in person at the Undertakers' office 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 effect of this enactment

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shall be endorsed upon every demand note for gas charges payable to the Undertakers.

Notice of discontinuance.

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 or be given personally at the office of the Undertakers.

Period of error in defective meters.

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 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.

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

28. 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.

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

29.—(1) Subject as hereinafter provided all engines fittings apparatus and appliances of the Undertakers let by the Undertakers on hire 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 section shall affect the amount of the assessment for rating of any premises upon which any such engines 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 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.

Board of Trade in certain events may modify or suspend powers of Undertakers.

30. The Board of Trade at any time upon sufficient cause shown to their satisfaction by any local authority having jurisdiction within the limits of supply or by twenty or more inhabitant householders within the said limits that the Undertakers have made default in manufacturing or supplying gas in accordance with the provisions of this Order or with a due regard to the public safety may

(after notice to the Undertakers and hearing any objections they may have to make in regard thereto) upon such terms and conditions as the Board of Trade think fit and for any limited or unlimited period suspend or modify any power or obligation of the Undertakers with respect to the supply of gas under this Order and any such terms and conditions shall be binding on and observed by the Undertakers and shall be of the like force and effect in every respect as though they were contained in this Order If the Undertakers do not carry out the powers under this Order within three years from the commencement of this Order the Board of Trade may at the expiration of that period revoke the Order but in the event of the Undertakers carrying out such powers within any part of the district the Board of Trade may at any time impose such regulations and restrictions as regards price illuminating power and for the safety of the public and consumers as they think proper.

No penalty in case of unavoidable cause.

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 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.

Recovery of penalties.

32. All penalties under this Order the recovery of which is not otherwise specially provided for may be recovered in a summary manner before any court of competent jurisdiction.

Undertakers to pay interest on deposits.

33. 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 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.

Incorporation of section 140 of 8 Vict. c. 16.

34. 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.

For the protection of the London Brighton and South Coast Railway Company.

35. For the protection of the London Brighton and South Coast Railway Company (hereinafter referred to as "the Brighton Company") the following provisions shall have effect:—

(1) All works executed in pursuance of this Order or of any Act incorporated therewith and involving interference with or in any way affecting the railways bridges roads approaches level crossings works lands and property of the Brighton

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Company (hereinafter together referred to as "the railways of the Brighton Company") and all works of maintenance repair renewal and removal involving such interference or affection (the said works executed in pursuance of this Order or of the incorporated Acts and the said works of maintenance repair renewal or removal being hereinafter referred to as "the said works") shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the Brighton Company (hereinafter referred to as "the engineer") and according to plans to be previously submitted to and reasonably approved by him in writing within one month after such submission or in case of difference as may be determined by arbitration in manner hereinafter provided Provided that in any case of urgent necessity the Undertakers may carry out works of maintenance repair or renewal without the submission of plans but shall give immediate written notice to the engineer of any such case of urgent necessity having arisen:

(2) The said works shall be done by and at the expense of the Undertakers who shall restore and make good to the reasonable satisfaction of the engineer any portion of the railways of the Brighton Company which may be disturbed or interfered with and the said works shall be carried out so as to cause as little injury as may be to the railways of the Brighton Company and so as not to cause any interference with the passage or conduct of traffic thereover Provided nevertheless that if the engineer shall think it necessary that the said works or any of them shall be done or carried out by the Brighton Company and shall notify such desire to the Undertakers the said works in respect of which the engineer shall have notified such desire shall be done or carried out by the Brighton Company accordingly at the cost of the Undertakers but to the reasonable satisfaction of the Undertakers or their engineer:

(3) The Undertakers shall bear and on demand pay to the Brighton Company all costs of the superintendence by the engineer of the said works when the same are done or carried out by the Undertakers and all proper costs of watching lighting and protection of the railways of the Brighton Company during the carrying out of the said works but such superintendence by the Brighton Company shall not relieve the Undertakers from liability for any accident which may be occasioned by or through the said works or by their contractors agents and workmen;

(4) If any injury or interruption of traffic shall arise from or be in any way owing to the said works or to the bursting leakage or failure of any mains pipes apparatus or works of the Undertakers the Undertakers shall make full compensation to the Brighton Company in respect thereof:

(5) The Undertakers shall from time to time pay to the Brighton Company any additional expense which the Brighton Company may reasonably incur in effecting any repair renewal widening alteration or extension of the railways of the Brighton Company by reason of the existence of any mains pipes apparatus or works of the Undertakers in over upon across or under the railways of the Brighton Company:

(6) The Brighton Company may at any time or times hereafter upon giving to the Undertakers not less than seven days' notice thereof in writing signed by the engineer call upon the Undertakers to divert or alter the level of any main pipe apparatus or other work of the Undertakers passing in over upon across or under or in any way affecting the railways of the Brighton Company so as to admit of any repairs renewals widenings alterations or extensions of the railways of the Brighton Company which they may think necessary without being liable to pay the costs of such diversion or alteration or to pay any compensation in respect thereof:

(7) Notwithstanding anything contained in this Order or in any Act incorporated therewith the Undertakers shall not enter upon take or use for any purpose the railways of the Brighton Company or any part thereof without the consent in writing of the Brighton Company first obtained:

(8) Any dispute or difference which may arise between the Undertakers and the Brighton Company with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer to be agreed upon between the Undertakers and the Brighton Company or failing agreement by an engineer to be appointed by the Board of Trade on the application of the Undertakers and the Brighton Company or either of them.

Costs of Order.

36. All the costs 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.

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The SCHEDULES referred to in the foregoing Order.

SCHEDULE A.

GAS LANDS.

A piece of land containing by admeasurement ·17 of an acre or thereabouts situate and fronting to a road called Bramble Hill or Short Lane in the parish of Balcombe in the county of Sussex which together with the messuage or tenement erected thereon is known as "Hill View."

SCHEDULE B.

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

Sections 30 to 34 of Gasworks 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 rates of dividend authorised 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 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 the original capital of the Undertakers issued as ordinary capital and by three shillings and sixpence on every one hundred pounds of the additional capital of the Undertakers issued as ordinary capital and so in proportion for any fraction of one hundred pounds;

And in respect of any year during the whole of which the price charged by the Undertakers shall have been one penny or more below the standard price the dividend payable by the Undertakers may in respect of each penny by which the standard price shall have been reduced be increased above the standard rates of dividend by five shillings on every one hundred pounds of the original capital of the Undertakers issued as ordinary capital and by three shillings and sixpence on every one hundred pounds of the additional capital of the Undertakers issued as ordinary capital and so in proportion for any fraction of one hundred pounds.

Power to create a special purposes fund.

(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":

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

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

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

(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 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.

A.D. 1913.

Balcombe.

(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 rates authorised by the foregoing Order 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 rates.

Power to create a reserve fund and application thereof.

(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 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 dividends 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 rates authorised by the foregoing Order 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.

(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

Gas Provisional Order (No. 2).

A

B I L L

INTITULED

An Act to confirm a Provisional Order made by the Board of Trade under the Gas and Water Works Facilities Act 1870 relating to Balcombe Petrol Gas.

(*Brought from the Commons* 6*th July* 1914.)

Ordered to be printed 6th July 1914.

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(148)

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 East Kent Gas Garstang Gas Harpenden District Gas St. Ives (Hunts) Gas and Swansea Gas. A.D. 1914.

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.

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:

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 assembled and by the authority of the same as follows:—

1. This Act may be cited as the Gas Orders Confirmation (No. 3) Act 1914. Short title.

2. The Orders as amended and 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.

A.D. 1914.

SCHEDULE.

LIST OF ORDERS.

East Kent Gas.—Order authorising the construction of gasworks for the manufacture of gas for the supply of certain parishes in the rural district of Elham in the eastern division of the county of Kent. 5

Garstang Gas.—Order authorising the Garstang Gas Company Limited to extend their limits of supply and to raise additional capital and for other purposes.

Harpenden District Gas.—Order empowering the Harpenden District Gas Company to extend their limits of supply and to raise additional capital and for other purposes. 10

St. Ives (Hunts) Gas.—Order extending the limits of supply of the St. Ives (Hunts) Gas Company Limited empowering the Company to acquire additional lands to construct additional gasworks and to raise additional capital and for other purposes. 15

Swansea Gas.—Order to empower the Swansea Gas Light Company to construct and maintain further works for the manufacture and storage of gas and to repeal the Swansea Gas Order 1912.

EAST KENT GAS.

A.D. 1914.

East Kent.

Order authorising the construction of gasworks for the manufacture of gas for the supply of certain parishes in the rural district of Elham in the eastern division of the county of Kent.

Short title.

1. This Order may be cited as the East Kent Gas Order 1914.

Commencement.

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."

Incorporation of Acts.

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 for the purposes of incorporation with this Order 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.

Interpretation.

4. In this Order "the authorised rate" means the rate of dividend authorised on the capital of the Undertakers or such rate 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.

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 Lyminge Elham Postling and Stanford in the rural district of Elham in the eastern division of the county of Kent.

Undertakers.

Undertakers.

6. John Francis Kelley of the Homestead Sutton Surrey Gentleman and Cornelius Brittiffe Tully of Hythe Kent Gas Engineer and

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their heirs executors administrators and assigns shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers" Provided always that the powers conferred by this Order shall not be exercised unless and until a company shall have been formed and duly constituted under the Companies Acts 1908 to 1913 for the purpose of carrying on the undertaking and exercising the powers authorised by this Order and as from the date of the transfer of the undertaking to such company that company shall be the Undertakers for the purposes of this Order in lieu of the person or persons above mentioned but no such transfer shall have any validity or effect until after the approval of the Board of Trade to such transfer has been signified in writing signed by a secretary or assistant secretary of the said Board.

Capital.

Capital.

7. The capital of the Undertakers shall not for the purposes of the undertaking authorised by this Order exceed twelve thousand pounds unless the Undertakers are hereafter authorised to raise additional capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

Borrowing powers.

8. The amount of all moneys which the Undertakers may borrow and secure by mortgage of the undertaking shall not at any time exceed in the whole one third part of the capital of the Undertakers at the time actually raised by the creation and issue of shares or stock and except with the sanction of the Board of Trade no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers in respect of any moneys borrowed by them and secured as aforesaid after the commencement of this Order.

Purchase of Lands &c.

Power to purchase lands by agreement.

9. The Undertakers may for the purposes of the undertaking purchase take and hold (by agreement but not otherwise) in addition to the lands described in Schedule A to this Order annexed any lands and hereditaments not exceeding in the whole three acres which the Undertakers may from time to time require for the purposes of the undertaking Provided that the Undertakers 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 Schedule A to this Order annexed.

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

Undertakers may construct gas-

10. Subject to the provisions of this Order the Undertakers may on the lands shown on the map deposited for the purposes of this

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Order and described in Schedule A to this Order annexed while they are possessed of the same erect maintain alter improve extend and renew gasworks with all necessary machinery and apparatus and do all such acts as may be proper for making and storing gas and for supplying gas within the limits of supply and may on the said lands convert and manufacture residual products resulting from the manufacture of gas.

works on lands described in schedule and may make and sell gas &c.

11. For the protection of the South Eastern Railway Company and the South Eastern and Chatham Railway Companies' Managing Committee and the East Kent Light Railways Company (hereinafter respectively referred to as "the railway company") the following provisions shall (unless otherwise agreed) apply and have effect (that is to say):—

For protection of South-Eastern Railway Company and South-Eastern and Chatham Railway Companies' Managing Committee and East Kent Light Railways Company.

(A) In laying down altering improving enlarging extending maintaining or renewing or in executing or effecting the repairs or renewals of any mains pipes culverts or other works in the exercise of the powers contained in this Order upon across over under or adjoining or in any way affecting the railways lands and property now or hereafter belonging to or used or occupied by the 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 such plans and in such manner as shall be submitted to and as shall be previously reasonably approved by such engineer in writing:

(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 railways lands roads and property including the roads over or under any bridge or over any level crossing of the railway of the railway 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 railway company elect so to do where any mains or pipes are required to be laid under or across any level crossing of their railway they may themselves lay the same and the reasonable costs charges and expenses thereof shall be paid by the Undertakers:

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(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 bursting leakage or failure of any such mains culverts pipes or works in under or near to any railway bridge level crossing embankment cutting approach viaduct station lands works or 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 hereinafter provided:

(E) If the railway company at any time or times hereafter of which they shall be the sole judges require to construct any additional or other works upon their lands or railways or to alter or repair their railways bridges viaducts roads or works upon across over or under which any of the works of the Undertakers may have been constructed or laid the railway company may on giving to the Undertakers fourteen days' notice in writing under the hand of their secretary or general manager for the time being 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 roads 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 diversions supporting carrying or dealing with such works The Undertakers shall on demand repay to the railway company the costs charges and expenses incurred by the railway company in or in connection with such diversion supporting or carrying of or other dealing with works of the Undertakers as aforesaid:

(F) The Undertakers shall bear and on demand pay to the railway company the expense of the employment by the railway company with reference to and during the execution by the Undertakers of any works interfering with or

affecting the railway or works of the railway company of a sufficient number of inspectors watchmen and signalmen to be appointed by the railway company for watching and signalling the same and for preventing as far as may be all interference obstruction danger or accident from any of the operations or from the acts or defaults of the Undertakers or their contractors or any person in the employ of the Undertakers or of their contractors with reference thereto or otherwise:

(G) Except as in this section otherwise provided 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.

For protection of Kent County Council.

12. In executing the works and exercising the powers authorised by this Order so far as they affect any road which may now or hereafter be or become a main road (hereinafter in this section referred to as "any main road") or any county or main road bridge (which expression shall in this section include the road over such bridge and the approaches thereto and any culvert) in the county of Kent the following provisions for the protection of the county council of the administrative county of Kent (in this section referred to as "the county council") shall unless otherwise agreed in writing apply and have effect (that is to say):—

(1) All mains pipes and works of the Undertakers 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 not exceeding three feet as the county council in writing under the hand of their surveyor (hereinafter in this section referred to as "the county surveyor") may direct:

(2) In the application of the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes the notice required by section 8 of that Act shall in the case of any county or main road bridge be fourteen days instead of three days and in all other cases seven days instead of three days:

(3) The plan required by section 9 of the Gasworks Clauses Act 1847 shall be accompanied by a description of the proposed

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works and shall be delivered to the county council or the county surveyor by the Undertakers not less than in the case of any county or main road bridge twenty-one days and in all other cases fourteen days before the Undertakers commence to interfere with any such county or main road bridge or open or break up any main road for the purpose of executing the works and any difference as to any such plan or description or as to the temporary or other works referred to in the said section 9 shall be determined by arbitration under this section instead of in the manner prescribed by the said section 9:

(4) The surplus paving metalling or materials removed during the laying renewal or repair of the mains pipes and works of the Undertakers shall not be placed on the metalled portion of any main road or in or upon any county or main road bridge without the written consent of the county surveyor and subject to such conditions and directions as he may reasonably require or give:

(5) All surplus paving metalling or materials removed during the laying of the mains pipes or works on any main road or in upon or across any county or main road bridge and not required by the Undertakers for the purpose of reinstating and making good the said road or bridge may be used by the county council for the maintenance and repair of any main or other road and the Undertakers shall on receiving notice from the county surveyor forthwith remove the same to such place or places not more than one mile from the place of excavation as the county surveyor may direct and if the Undertakers fail to do so the county surveyor may remove the same at the expense of the Undertakers:

(6) If the Undertakers in the execution of any works in or affecting any main road or county or main road bridge shall cause any damage injury or disturbance thereto and shall neglect or refuse to make good all such damage injury or disturbance to the reasonable satisfaction of the county council then it shall be lawful for the county council after reasonable notice to the Undertakers of the alleged neglect or refusal and of the works 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 expense of superintendence:

(7) 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 county surveyor which may be given upon such conditions as the county council or the county surveyor may reasonably determine:

(8) Nothing in this Order contained shall prejudice or affect the right of the county council at any time or times to divert widen alter the levels of or otherwise alter and improve any main road and to remove alter rebuild widen or repair any county or main road bridge in under over or attached to which any mains pipes or works of the Undertakers are carried in the same manner as the county council might have diverted improved or removed altered rebuilt widened or repaired any such main road or county or main road bridge if this Order had not been passed and such mains pipes and works had not been constructed or laid in under over or attached to such main road or bridge respectively and the county council shall not make any compensation to the Undertakers for any expense or loss to which the Undertakers may be put by reason or in consequence of any such diversion improvement removal alteration rebuilding widening or reparation And in the event of any such main road or bridge in under over or attached to which any such mains pipes or other works are laid being diverted improved removed altered rebuilt widened or repaired as aforesaid in such manner as to require the removal or alteration of any such mains pipes or works the Undertakers shall at their own cost in all things as and when requested by the county surveyor remove or alter the position of the said mains pipes and works and the works by which the same are carried in under over or attached to any such main road or bridge as aforesaid and replace the same to the satisfaction of the county surveyor Provided that during any such diversion improvement removal alteration rebuilding widening or reparation of such main road or bridge as aforesaid the county council shall afford to the Undertakers all reasonable facilities for temporarily carrying such mains pipes and works along the main road or across any stream or river so as not to interrupt the continuous supply of gas or to diminish the pressure of such supply through such mains or pipes and the Undertakers may carry such mains and pipes accordingly and shall reimburse the county council all reasonable expenses incurred by the county council in affording such facilities:

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(9) 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 or over any county or main road bridge and the Undertakers shall not open or break up at any one time a greater length than one hundred yards of any main road and shall leave an interval of at least one hundred yards between any two places at which they may open or break up such road:

(10) All costs charges amounts and expenses payable by the Undertakers to the county council under the provisions of this section shall be recoverable as a debt due from the Undertakers to the county council:

(11) If any difference at any time arises between the county council and the Undertakers 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 them or failing such 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 shall apply to any such reference to arbitration as aforesaid.

For protection of Elham Rural District Council.

13. The following provisions for the protection of the Elham Rural District Council (in this section referred to as "the council") shall have effect unless otherwise agreed between the Undertakers and the council (that is to say):—

(1) All mains pipes and works to be laid in or along any road or street or in or upon or across any bridge belonging to the council shall be laid in such position in or at the side thereof as the council in writing under the hand of their surveyor may reasonably direct:

(2) The notice required by section 8 of the Gasworks Clauses Act 1847 with respect to the breaking up of streets shall (except for laying connecting or repairing consumers' service pipes as to which three days' notice shall be sufficient and except in cases of emergency) as regards any such road street or bridge be not less than seven days instead of three days:

(3) The plan required by section 9 of the last-mentioned Act if demanded by the said surveyor in writing shall as regards any such road street or bridge be on a scale of not less than six inches to a mile and shall be accompanied by sections to suitable scales to show clearly the proposed works and shall (except in cases of emergency) be delivered

to the said surveyor by the Undertakers not less than seven days before the Undertakers commence to open or break up such road street or bridge and if the said surveyor shall not within seven days after the plan has been delivered to him express his disapproval and his requirements in relation thereto the council shall be deemed to have approved thereof:

(4) Nothing in this Order shall authorise the Undertakers to interfere with the structural part of any such bridge without the consent in writing of the said surveyor Such consent shall not be unreasonably withheld and may be given upon such conditions as the council may reasonably determine:

(5) All works shall be so executed by the Undertakers as not (without the consent in writing of the council) to stop or (so far as reasonably practicable) impede or interfere with the traffic on any such road street or bridge or the approaches thereto and the Undertakers shall not break up a greater consecutive length than one hundred yards of any such road or street and where they break up any road or street in more places than one at any one time they shall leave a length of one hundred yards of road or street between the lengths which they are breaking up:

(6) The Undertakers shall pay to the council the reasonable costs which the council may incur in the repair and reinstatement of so much of any such road street bridge or approaches 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:

(7) If the Undertakers in the execution of any works in or affecting any such road street bridge or approaches as aforesaid shall cause any damage injury or disturbance to such road street bridge or approaches 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 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 council all costs charges and expenses

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which the council shall reasonably and properly incur in carrying out such works including all reasonable expenses of superintendence:

(8) If any difference arises at any time between the council and the Undertakers touching the foregoing provisions of this section or anything to be done or not to be done thereunder or the giving or withholding of any such consent or the conditions of giving the same or any direction such difference shall be determined by arbitration by an engineer to be agreed upon between the council and the Undertakers or 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 any such arbitration.

Differences with railway and other companies.

14. 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 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 unless otherwise by this Order provided 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 Place.

Testing place.

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 before commencing to supply gas under the powers of this Order.

Pressure of Gas.

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 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.

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 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 before commencing to supply gas under the powers 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.

Price of gas.

18. The price to be charged by the Undertakers for gas supplied by them shall not exceed five shillings per thousand cubic feet and so in proportion for any less quantity Provided that at any time after the expiration of five years from the commencement of this Order the Board of Trade may if they think fit by order in writing to be signed by a secretary or assistant secretary of the said Board alter the said maximum price either by substituting any other sum for the said sum of five shillings or by giving a standard price with sliding scale as to profits and as from the date specified in such order (hereinafter 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.

Charge for gas supplied by means of

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

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East Kent.

prepayment meters.

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

(2) The charge for the hire of any prepayment meter and fittings to be used therewith shall be a sum of money calculated according to the quantity of gas supplied through the prepayment meter and the maximum charge shall be at the rate of tenpence per one thousand cubic feet supplied in manner aforesaid such sum to include the hire of meter and the fittings used therewith or at the rate of one shilling per one thousand cubic feet if such fittings include a cooking stove.

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 incurrred by the Undertakers in connection with the meter and fittings.

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

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

(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.

No penalty in case of unavoidable cause.

20. 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.

Undertakers to pay interest on deposit.

21. Where any money is deposited by any person by way of security with the Undertakers for the payment to them of all 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.

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Power to supply fittings.

22.—(1) The Undertakers may purchase sell let for hire fix repair and remove but shall not manufacture engines stoves ranges pipes and other gas fittings for lighting motive heating ventilating cooking or any other purposes and may provide all materials and work necessary or proper in that behalf and with respect thereto may demand and take such remuneration or rents and charges and make such terms and conditions as may be agreed upon.

(2) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under process of any court or proceedings in bankruptcy against the 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.

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

23. 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 abutting on or being erected in any street laid out but not dedicated to public use supply these premises with gas and for that purpose the Gasworks Clauses Act 1847 shall apply as if section 7 of that Act were excepted from incorporation with this Order.

Power to contract for sale of gas in bulk.

24. 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 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 pipes or interfere with any street beyond the limits of supply.

Gas consumers to give notice to Undertakers before removing.

25.—(1) At least twenty-four hours' notice shall be given to the Undertakers by every gas consumer either personally at the office of the Undertakers or in writing 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.

(2) Notice of the effect of this enactment shall be endorsed on every demand note for gas charges payable to the Undertakers.

Notice of discontinuance.

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

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or sent by post to the office of the Undertakers or be given by the consumer personally at the office of the Undertakers.

Period of error in defective meters.

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 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.

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

28. If a person requiring a supply of gas has previously quitted premises at which gas was supplied to him by the Undertakers without paying all gas charges or meter rent due from him to the Undertakers they may refuse to furnish to him a supply of gas until he pays the same.

Incorporation of section 140 of 8 Vict. c. 16.

29. Section 140 of 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.

Costs of Order.

30. 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.

The SCHEDULES referred to in the foregoing Order.

SCHEDULE A.

Site of Gasworks.

A piece or parcel of land containing by admeasurement three and three-quarter acres or thereabouts situate at Lyminge in the rural district of Elham in the county of Kent belonging or reputed to belong to Richard Hogben numbered 455 on the 25-inch Ordnance map for the parish of Lyminge bounded on the north and east by other land belonging or reputed to belong to the said Richard Hogben on the west by the South-Eastern and Chatham Railway and on the south by a bridle road leading from Lyminge to Shuttlesfield.

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SCHEDULE B.

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

Sections 30 to 34 of Gasworks Clauses Act 1847 shall cease to be incorporated.

(i) Sections thirty to thirty-four (both inclusive) of the Gasworks Clauses Act 1847 shall not continue to be incorporated with or form part of the foregoing Order and in construing the said Act for the purposes of the foregoing Order section thirty-five of the said Act shall be read and construed as though the words from "in case the whole" down to "have been paid" all inclusive had been omitted therefrom and as though the expression "the prescribed rate" included the authorised rate 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.

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

Provided that the Undertakers may increase or reduce the price so charged by them for gas above or below the standard price subject to a reduction or increase in the dividend payable by the Undertakers on the ordinary 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 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 share capital and so in proportion for any fraction of one hundred pounds;

And in respect of any year during the whole of which the price charged by the Undertakers shall have been one penny or more below the standard price the dividend payable by the Undertakers may in respect of each penny by which the standard price has been reduced be increased

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above the standard rate of dividend by five shillings on every one hundred pounds of ordinary share capital and so in proportion for any fraction of one hundred pounds.

Power to create a special purposes fund.

(iii)—(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 to a fund to be called "the special purposes fund":

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

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

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

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

(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.

Application of excess of profits over authorised rate of dividend.

(iv) 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:

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.

(v) Where in any year the dividend of the Undertakers on the ordinary share capital of the Undertakers shall exceed the standard rate of dividend by reason of the price charged

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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 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 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 contract.

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

GARSTANG GAS.

Garstang.

Order authorising the Garstang Gas Company Limited to extend their limits of supply and to raise additional capital and for other purposes.

Preliminary.

Short title.

1. This Order may be cited as the Garstang Gas Order 1914 and the Garstang Gas Order 1880 (in this Order referred to as "the Order of 1880") and this Order may be cited together as the Garstang Gas Orders 1880 and 1914.

Commencement of Order.

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."

Incorporation of Acts.

3. The provisions 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 the Order of 1880 or this Order) and form part of this Order:

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Provided that section 13 of the Gasworks Clauses Act 1847 shall for the purposes of its incorporation with the Order of 1880 or this Order 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.

Interpretation.

4. 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 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 mean the undertaking authorised by the Order of 1880 as extended by this Order and the expression "the authorised 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.

Extension of limits of supply.

5. The limits of supply of the Undertakers are hereby extended so as to include the township of Claughton in the rural district of Garstang in the county palatine of Lancaster (in this Order called "the additional limits of supply") and subject to the provisions of this Order 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 duties liabilities and obligations in respect thereof as they now have may exercise and are subject to within the limits of supply defined by the Order of 1880.

Undertakers.

Undertakers

6. The Garstang Gas Company Limited shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Capital.

Additional capital.

7. The limitation prescribed by the Order of 1880 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 called "the new capital") not exceeding three thousand pounds including any premiums that may be obtained on the sale of any shares or stock under the provisions of this Order Provided that the share capital of the Undertakers for the purposes of the undertaking shall not exceed in the whole six thousand five 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.

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New capital to be sold by auction or tender.

8.—(1) All shares or stock forming part of the 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 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 the Garstang Rural District Council 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 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:

(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.

(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 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

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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 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.

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 or stock under the provisions of this Order by way of premium shall not be considered as part of the capital of the Undertakers entitled to dividend.

Limit of dividend on capital.

10. The Undertakers shall not in any year declare out of their profits any larger dividends on the additional capital authorised by the Order of 1880 than seven pounds in respect of every one hundred pounds actually paid up of such capital and on the new capital 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.

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 maximum rates 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.

12. Notwithstanding anything contained in section 7 (Limit of borrowing powers) of the Order of 1880 the Undertakers may borrow on mortgage of the undertaking any sum of money not exceeding one-third of the amount of the capital of the Undertakers for the purposes of the undertaking 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 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.

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Price of Gas.

13. As from the first quarter day after the commencement of this Order section 14 of the Order of 1880 shall be repealed and in lieu thereof the following provisions shall be in force and have effect:

Price of gas.

(1) The price to be charged by the Undertakers for gas supplied by them shall not exceed six shillings per thousand cubic feet and so in proportion for any less quantity 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 substituting any other sum for the said sum of six shillings or by fixing a standard price with sliding scale as to profits and as from the date specified in such order (hereinafter referred to as "the specified date") the provisions set forth in the Schedule to this Order annexed shall be in force and have effect and this Order shall be read and construed accordingly:

(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.

Testing of Gas.

14. As from the first day of July nineteen hundred and sixteen section 13 (Quality of gas) section 15 (Pressure of gas) and section 16 (Test meter) of the Order of 1880 shall be repealed and the following provisions shall be in force and have effect in lieu thereof:—

Testing of gas.

(1) 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:

Testing place.

(2) 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

Quality.

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hour 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 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 of the Garstang Rural District Council 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:

(4) The Undertakers shall provide all the apparatus required by this section for the testing of gas and shall at all times keep the same in proper order and repair:

(5) 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:

(6) 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.

Miscellaneous.

Power to supply gas fittings. Fittings not to be subject to distress &c.

15.—(1) The Undertakers may purchase sell let for hire fix repair and remove but shall not manufacture engines stoves ranges pipes and other gas fittings (in this section called "fittings") for lighting motive warming heating ventilating cooking or any other purposes and may provide all materials and work necessary or proper in that behalf and with respect thereto may demand and take such remuneration or rents and charges and make such terms and conditions as may be agreed upon.

(2) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under process of any court or proceedings in bankruptcy against the person in whose possession the same may be.

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(3) All fittings let by the Undertakers for hire as aforesaid shall notwithstanding that they be fixed or fastened to any part of any premises in which they may be situate or to the soil under any such premises at all times continue to be the property of and removable by the 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.

(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.

Anti-fluctuators for gas engines.

16.—(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 efficient 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.

(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.

Gas consumers to give notice to Undertakers before removing.

17. At least twenty-four hours' notice shall be given to the Undertakers by every gas consumer in writing or in person at the Undertakers' office 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 effect of this enactment shall be endorsed upon every demand note for gas charges payable by the Undertakers.

Notice of discontinuance.

18. 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 or be given personally at the office of the Undertakers.

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

19. 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 pays the same. 5

Period of error in defective meters.

20.—(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 10 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 charges are 15 recoverable by the Undertakers.

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

21. 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 abutting on or being erected in any street laid out but not dedicated to public use supply 20 those premises with gas and for that purpose the provisions of the Gasworks Clauses Act 1847 shall apply as if section 7 of that Act were excepted from incorporation in the Order of 1880 and this Order.

Power to lay down and utilise pipes for ancillary purposes.

22. The Undertakers having first obtained the consent in writing of the local authority of the district may lay down place repair alter 25 remove and renew mains pipes and culverts for the purpose of procuring conducting or disposing of any oil or other materials used by them or resulting from the manufacture of gas or any residual products thereof or for any purpose connected with their business and the provisions of the Gasworks Clauses Act 1847 with respect to the 30 breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid shall so far as applicable extend and apply mutatis mutandis to and for the purposes thereof.

As to construction and placing of pipes &c. between mains and meters.

23. In order to enable the Undertakers to ensure a satisfactory supply of gas to their consumers the following provisions shall have 35 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 on his own premises either in the first instance or on the occasion of any renewal between the Undertakers' 40 mains and the meter so far as the same are intended to be covered over:

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(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 connection with a new or substituted pipe laid by the consumer between the main and the consumer's meter shall be placed as near as reasonably practicable to the Undertakers' main but within the outside wall of the building:

(5) When any 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 pipe 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:

(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 incidental to the appeal shall be paid.

Power to erect cottages &c. for officers and servants.

24. The Undertakers may on any land for the time being belonging to or leased by them erect fit up maintain and let and may also purchase and take on lease houses cottages and buildings for the officers and servants employed by the Undertakers for the purposes of their undertaking.

Recovery of demands.

25. Proceedings for the recovery of any demand made under the authority of the Order of 1880 or this Order or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having

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otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

Authentication and service of notices.

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

Recovery of penalties &c.

27. Save as otherwise by this Order expressly provided all offences against the Order of 1880 or this Order and all penalties forfeitures costs and expenses imposed or recoverable under the Order of 1880 or this Order or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner: Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may recovered summarily as civil debts.

Time for making up accounts.

28. 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 thirtieth day of June in each year and forwarded to the local authority of every district within the limits of supply on or before the thirtieth day of September then next following and the said section shall for the purposes of this Order be read and construed as though the thirtieth of June and the thirtieth day of September had been named therein instead of the thirty-first day of December and the twenty-fifth day of March.

For the protection of the Manchester Corporation.

29. Nothing in this Order shall affect the status rights powers and privileges of the Lord Mayor aldermen and citizens of the city of Manchester under the Manchester Corporation Waterworks Act 1879 or any Act or Acts amending that Act in connection with the laying and maintenance of water mains pipes and other works within the limits of supply of the Undertakers under the Order of 1880 and this Order.

For protection of Lancashire County Council.

30. For the protection of the county council of the County Palatine of Lancaster (in this section called the "county council") the following

provisions shall unless otherwise agreed between the county council and the Undertakers apply and have effect (that is to say):—

(1) Nothing in the Order shall in any way limit or affect the powers of the county council to rebuild alter widen or repair the structure of any of the three bridges known as "Brock Higher" "New" and "Walmsley" all being in the township of Claughton upon which any work by this Order authorised shall be constructed or impose upon the county council any liability which was not by law imposed upon them prior to the commencement of the Order:

(2) If at any time the county council require to carry out works for rebuilding altering widening or repairing any of the said bridges which might involve interference with any portion of the undertaking by the Order authorised they shall prior to the commencement of such works give the Undertakers one month's notice of their intention to carry out such works and if in order to avoid interruption to the supply by the Undertakers of gas it is in the opinion of the county bridgemaster necessary temporarily to remove the mains pipes and works belonging to the Undertakers from any of the said bridges then the Undertakers shall (and they are hereby authorised so to do) at their own expense temporarily to carry their mains pipes and works across such bridge overhead or at the side thereof in such a manner as will not be a danger or inconvenience to the public or unreasonably interfere with the works to be carried out by the county council:

(3) When the rebuilding altering widening or repairing of such bridge shall have been completed the Undertakers shall have the same rights and powers with regard to such bridge and its approaches as they had before the works were carried out:

(4) All mains pipes and works to be laid in or along any main road situate in the township of Claughton shall be laid in such position as far as practicable 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:

(5) The Undertakers shall fill in and properly ram to the satisfaction of the county surveyor any trench or excavation made by them in any main road situate in the township aforesaid including the roadway over any of the three before-mentioned county bridges and approaches in the execution or in the repair of any of the works of the Undertakers and after they have done so the county council

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if such trench or excavation is made under the metalled surface of the roadway shall make good pave or repair the surface of the roadway and for the work so carried out by the county council they may recover the reasonable costs thereof from the Undertakers and on payment by the Undertakers of the costs aforesaid the county council shall thereupon indemnify the Undertakers from any further liability or expense whatever and whether statutory or otherwise in respect of the maintenance or subsidence of the said roadway or anything whatever in relation thereto:

(6) Notwithstanding anything in this Order contained it shall be lawful for the county council at any time or times to alter the level of divert widen or improve any main road situate in the said township in or alongside which any such mains pipes or works are carried in the same manner as they might have altered the level of diverted widened or improved any main road if this Order had not been made and as if such mains pipes or works had not been laid in or alongside such main road without making any compensation to the Undertakers for any expense or loss to which the Undertakers may be put in consequence of such alterations of level diversion widening or improvement unless such expense be due to the neglect or default of the county council and in the event of any main road situate in the said township in or alongside which such mains pipes or works are laid being diverted widened or improved as aforesaid the Undertakers shall at their own expense and upon receiving sixty days' notice in writing from the county council as and when required by the said surveyor forthwith remove or alter the position of the said mains or pipes and the works by which the same are carried alongside any such main road and replace the same in the manner and to the extent required by the said surveyor and to his reasonable satisfaction:

Provided that before and during such alteration of level diversion widening or improvement of any such main road as aforesaid the county council shall afford at the cost of the Undertakers all reasonable facilities for temporarily carrying such mains or pipes along any such main road so as not to interrupt the continuous supply of gas or diminish the pressure:

(7) If any difference shall arise at any time between the county council and the Undertakers 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 by the county council and the Undertakers or failing agreement to be appointed by the President of the Institution of Civil Engineers on the application of either party and the provisions of the Arbitration Act 1889 shall apply to the arbitration.

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31. 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.

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10 The SCHEDULE referred to in the foregoing Order.

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 15 specified date be read and construed subject to the modifications following:—

I.—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 20 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 authorised rates as defined by the foregoing Order together with any sum which under the provisions of this schedule might lawfully be carried to the 25 special purposes fund;

Sections 30 to 34 of Gasworks Clauses Act 1847 to cease to be incorporated.

II.—Notwithstanding anything contained in the foregoing Order the standard price to be charged by the Undertakers for gas supplied by them to private consumers by meter shall be the price prescribed 30 by such order of the Board of Trade as aforesaid per thousand cubic feet:

Price of gas with sliding scale as to dividend.

Provided that the Undertakers may increase or reduce the price so charged by them for gas above or below the standard price subject to a reduction or increase in the dividend payable by the Undertakers 35 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 40 penny by which the price shall have been increased be reduced

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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 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 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 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 special purposes fund.

III.—(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 an accountant appointed for the purpose by the Board of Trade shall approve as being:—

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

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

(3) The maximum amount standing to the credit of the special purposes fund shall not at any time exceed an amount equal to one-tenth 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.

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IV.—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 rates 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.

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.

Power to create a reserve fund and application thereof.

V.—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 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 by the Undertakers to any reserve fund.

Saving of existing contracts.

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

HARPENDEN DISTRICT GAS.

Harpenden.

Order empowering the Harpenden District Gas Company to extend their limits of supply and to raise additional capital and for other purposes.

Preliminary.

Short and collective titles.

1. This Order may be cited as the Harpenden District Gas Order 1914 and the Harpenden District Gas Act 1901 (in this Order referred

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to as "the Act of 1901") and this Order may be cited collectively as the Harpenden District Gas Act and Order 1901 and 1914.

Commencement of Order.

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." 5

Incorporation of Acts.

3. So far as the same relate to the powers conferred by this Order the provisions of the Companies Clauses Consolidation Act 1845 with respect to the several matters following (that is to say):—

The distribution of the capital of the Company into shares;

The transfer or transmission of shares; 10

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

The forfeiture of shares for non-payment of calls;

The remedies of creditors of the Company against the shareholders;

The borrowing of money by the Company on mortgage or bond; 15

The consolidation of the shares into stock;

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

The making of dividends;

The giving of notices; and 20

The provision to be made for affording access to the special Act and Order by all parties interested;

and Part I. (relating to the cancellation and surrender of shares) and Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by 25 subsequent Acts the Gasworks Clauses Act 1847 (except sections 30 to 34 inclusive) and the Gasworks Clauses Act 1871 are except where expressly varied by this Order incorporated with and form part of this Order:

Provided that section 13 of the Gasworks Clauses Act 1847 30 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. 35

For the purposes of such incorporation the term "special Act" in the said Acts respectively shall be construed to mean this Order and the term "the Company" shall mean the Undertakers.

Interpretation.

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 40 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 the expression "the authorised rates" means the rates of dividend authorised by the Act of 1901 and this Order on the capital of the Undertakers or such rates as reduced or increased in accordance with the provisions of the Act of 1901 and the expression "the undertaking" shall mean the undertaking of the Undertakers authorised by the Act of 1901 and extended by this Order.

Undertakers.

Undertakers.

5. The Harpenden District Gas Company incorporated by the Act of 1901 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.

Extension of limits of supply.

6. The limits of supply of the Undertakers are hereby extended so as to include so much and such part of the parish of Wheathampstead in the rural district of St. Albans in the county of Hertford as is not already within the limits for the supply of gas of the Undertakers (which part of the said parish is 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 duties liabilities and obligations in respect thereof as they now have may exercise and are subject to within the limits of supply as defined by the Act of 1901.

Capital.

Additional capital.

7. In addition to the capital already authorised to be raised by the Undertakers under the Act of 1901 they may—

(1) Raise any further sums not exceeding in the whole twenty-two thousand pounds (in this Order referred to as "the additional capital") by the creation and issue of new ordinary stock or shares or new preference stock or shares or wholly or partially by one or more of those modes respectively 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 capital than will be sufficient to produce including any premiums which may be obtained on the sale thereof the sum of twenty-two thousand pounds; and

(2) Borrow on mortgage of the undertaking such sum as together with the sums which they have at the time borrowed under the powers of the Act of 1901 shall not exceed one-third part of the capital by the Act of 1901 and this Order

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authorised to be raised and at the time actually issued by shares or stock including the premiums (if any) realised on the sale thereof but no part thereof shall be borrowed until the whole of the stock or shares in respect of which the power of borrowing is being exercised including the premiums (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 the 40th section of the Companies Clauses Consolidation Act 1845 before he so certifies that such stock or shares including the premiums (if any) realised on the sale thereof have been fully paid up.

As to conversion of borrowed money into capital.

8. The Undertakers shall not have power to raise the money by this Order authorised to be borrowed on mortgage or by the issue of debenture stock or any part thereof by the creation of stock instead of borrowing or to convert into capital the amount borrowed under the provisions of this Order.

Except as otherwise provided new stock and shares to be subject to same incidents as other stock.

9. Except as by this Order otherwise provided the additional capital and the new stock and shares 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 if the additional capital were part of the share capital of the Undertakers already raised before the commencement of this Order of the same class or description and the shares or stock in the additional capital were shares or stock in that capital.

Additional capital to be sold by auction or tender.

10.—(1) All stock and shares forming part of the additional capital shall be issued in accordance with the provisions of this section.

(2) All stock and shares 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 from time to time determine Provided as follows:—

(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 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:

(c) No lot offered for sale shall comprise stock or shares 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.

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

Application of moneys.

11. 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 any stock or shares under the provisions of this Order by way of premium shall not be considered as part of the capital of the Undertakers entitled to dividend.

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Power to create debenture stock.

12. The Undertakers may create and issue debenture stock instead of and to the same amount as the whole or any part of the money borrowed or authorised to be borrowed on mortgage by this Order subject to the provisions of Part III. of the Companies Clauses Act 1863 But notwithstanding anything therein contained the interest of all debenture stock created and issued by the Undertakers under the authority of this Order shall rank pari passu with the interest of all mortgages granted by the Undertakers under the authority of this Order.

Existing mortgages to have priority.

13. All mortgages granted by the Undertakers in pursuance of the Act of 1901 shall during the continuance of such mortgages have priority over any mortgages granted under the authority of this Order but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Undertakers.

Priority of money raised on mortgage or debenture stock over certain other claims.

14. All money to be raised by the Undertakers on mortgage or by the issue of debenture stock under the provisions of 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 nor shall anything in this section contained affect any claim for land taken used or occupied by the Undertakers for the purposes of their undertaking and works or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Undertakers.

Appointment of receiver.

15. Section 37 (Appointment of a receiver) of the Act of 1901 is hereby repealed as from the commencement of this Order but without prejudice to any appointment which may have been made or to the continuance of any proceedings pending under the provisions of that section 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 and in order to authorise the appoinment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than three thousand pounds in the whole.

Limits of dividend on capital.

16. Except as by the Act of 1901 provided the Undertakers shall not in any year declare or make out of their profits any larger dividend on the additional capital than six pounds in respect of every

one hundred pounds of such additional capital actually paid up as may be issued as ordinary capital or five pounds in respect of every one hundred pounds actually paid up of such additional capital as may be issued as preference capital.

Limit of interest on borrowed moneys.

17. The Undertakers shall not without the consent of the Board of Trade pay interest at a higher rate than five pounds per centum per annum in respect of any moneys borrowed on mortgage or in respect of any debenture stock issued or raised under the authority of this Order.

Power to create a special purposes fund.

18.—(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 an accountant appointed for the purpose by the Board of Trade shall approve as being—

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

(B) Expenses incurred in the replacement or removal of plant or works other than expenses requisite for general 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 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 section 31 of the Act of 1901 authorising the formation of an insurance fund is hereby repealed.

Application of excess of profits over authorised rates of dividend.

19. 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

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rates 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 and section 32 of the Act of 1901 is hereby repealed 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.

Price of Gas.

Price of gas in additional limits.

20. The price to be charged by the Undertakers for gas supplied by them within the additional limits of supply shall be the same as the price for the time being charged by them under like circumstances within the limits of supply as defined by the Act of 1901.

Testing Place.

Testing place.

21. 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.

Quality of Gas.

Quality.

22.—(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 of Trade 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) Sections 72 and 73 of the Act of 1901 are hereby repealed.

Pressure of Gas.

Pressure of gas.

23.—(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.

(3) Section 70 of the Act of 1901 is hereby repealed.

Charge for gas supplied by means of prepayment meters.

24.—(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 charge for the hire of any prepayment meter and fittings to be used therewith shall be a sum of money calculated according to the quantity of gas supplied through such prepayment meter and the maximum charge shall be at the rate of tenpence per one thousand cubic feet supplied in manner aforesaid such sum to include the hire of meter and the fittings used therewith or at the rate of one shilling per one thousand cubic feet if such fittings include a cooking stove.

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

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

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

For protection of Hertfordshire County Council.

25. The provisions of section 56 (For protection of Hertfordshire County Council) of the Act of 1901 shall extend and apply to and enure for the protection of and benefit of the County Council of the Administrative County of Hertford in relation to the exercise by the Undertakers of the powers conferred by this Order within the additional limits of supply in the same manner and to the same extent as if such provisions were expressly re-enacted in this Order with respect thereto.

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Harpenden. For the protection of the Great Northern Railway Company.

26. The following provisions for the protection of the Great Northern Railway Company (hereinafter called "the railway company") shall unless with the previous consent of the railway company in writing apply and have effect:—

(1) All mains and pipes laid or proposed to be laid by the Undertakers under the powers of this Order over or under any bridge of the railway company shall be carried over or under the same in such a way as not to interfere with the structure of any such bridge and all other mains and pipes laid or proposed to be laid or maintained by the Undertakers under the powers of this Order which shall cross any railway of the railway company shall be carried under the same in a culvert or culverts of sufficient dimensions to admit of such mains and pipes being relaid or repaired without interference with the railway the top of any such culvert in no case being nearer the bottom of the rails of the railway than three feet:

(2) In laying and maintaining any mains pipes culverts or other works over upon or across or under any work or property of the railway company the Undertakers shall with all reasonable despatch execute and maintain their works under the directions and superintendence and to the reasonable satisfaction of the engineer of the railway company and at such times as he shall reasonably direct and (except in cases of emergency arising from defects in any of the mains pipes culverts and other works) in accordance with plans sections and specifications to be previously submitted to and approved by the said engineer or in case he shall not signify his approval thereof within twenty-eight days after the same shall have been so submitted then according to such plans sections and specifications as may be approved by an arbitrator to be appointed under subsection (5) of this section and the Undertakers shall pay and make good to the railway company all loss damages and expenses including all extra expenses of superintendence watching lighting signalling and protecting their property which the railway company shall sustain or be put to by or in consequence of the laying maintenance or user of the said mains pipes culverts and other works or by or in consequence of the bursting of or any other accident to any main or pipe of the Undertakers Provided always that if the said engineer shall refuse or neglect for the space of seven days (or in cases of emergency forthwith) after being requested so to do by the Undertakers to superintend any of the works in this section referred to the Undertakers may

proceed with such works without the superintendence of the said engineer:

(3) If at any time it is found necessary in order to enable the railway company to carry out any alterations or extensions of their railway or works that the position of such mains pipes or culverts shall be altered the Undertakers shall on receiving notice in writing from the railway company so to do at the cost of the Undertakers with all reasonable despatch alter the position of the same so far as may be necessary to enable the railway company to carry out such alterations or extensions and the provisions of this section shall apply to the said mains pipes or culverts in their altered position:

(4) If the railway company give to the Undertakers notice that they themselves desire to construct so much of the works or to carry out so much of the alterations of such mains pipes or culverts as will affect any railway or work belonging to them the railway company may themselves execute such works and alterations and recover the reasonable cost thereof from the Undertakers Provided that the actual laying in the trenches and the jointing of any mains or pipes of the Undertakers shall be executed by the Undertakers if the Undertakers' engineer so desires:

(5) Any difference arising between the Undertakers and the railway company under this section shall be determined by an engineer to be appointed failing agreement by the Board of Trade and the provisions of the Arbitration Act 1889 shall apply to any such reference.

Miscellaneous.

Directors may determine secretary's remuneration.

27. In addition to the powers which the directors may exercise under the Companies Clauses Acts 1845 to 1888 they may from time to time determine the remuneration of the secretary.

Power to purchase or take on lease houses &c. for officers and servants.

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

Supply of gas where consumer has separate supply.

29. Notwithstanding anything in the Gasworks Clauses Act 1871 or any other Act a person shall not be entitled to demand from the Undertakers a supply or the continuance of a supply of gas for premises having a supply either of gas or electricity from an installation other than that of the Undertakers unless he shall previously have agreed to pay the Undertakers such minimum annual sum as

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will give to them a reasonable return on the capital expenditure and will cover other standing charges incurred by them to meet the possible maximum demand for those premises and the minimum annual sum to be so paid shall be determined in default of agreement in manner provided by the Arbitration Act 1889. 5

Power to enter premises and remove fittings.

30. 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 10 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.

Authentication and service of notices by Undertakers.

31. Any notice to be served by the Undertakers on a person supplied with gas shall be sufficiently authenticated by the signature 15 of the secretary or other officer of the Undertakers for the time being authorised in writing by the directors being affixed thereto in writing or by a stamp or if it be a notice to pay any charge in respect of a supply of gas or gas fittings or appliances by the name either of the secretary or such other officer as aforesaid being affixed 20 thereto in writing or in print or by a stamp and any such notice may be served on such person either personally or by sending the same through the post by a prepaid letter addressed to him by name at his last known or usual place of abode or of business or by delivering the same to some inmate at his last known or usual place of abode or 25 business or to any inmate of the premises supplied or if such premises be unoccupied and the place of abode of the person to be served is after proper inquiry unknown it shall in the case of any notice not being a notice to pay any charge be sufficient to affix such notice or a copy thereof upon some conspicuous part of such premises. 30

Notice to discontinue supply of gas.

32. 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 of the Undertakers or be given personally by the consumer at such office. 35

Costs of Order.

33. 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.

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Order extending the limits of supply of the St. Ives (Hunts) Gas Company Limited empowering the Company to acquire additional lands to construct additional gasworks and to raise additional capital and for other purposes.

Preliminary.

Short and collective titles.

1. This Order may be cited as the St. Ives (Hunts) Gas Order 1914 and the St. Ives (Hunts) Gas Order 1889 (hereinafter referred to as "the Order of 1889") the St. Ives (Hunts) Gas Order 1903 (hereinafter referred to as "the Order of 1903") and this Order may be cited together as the St. Ives (Hunts) Gas Orders 1889 to 1914.

Commencement of Order.

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."

Incorporation of Acts

3. The following Acts are (except where the same are expressly varied by the Order of 1889 or this Order) incorporated with and form part of this Order) (that is to say):—

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).

The Gasworks Clauses Act 1847 (except sections 30 to 34) provided that—

(1) Section 13 for the purposes of incorporation with the Order of 1889 and this Order 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

(2) Section 35 shall for the purposes of incorporation with this Order and of its application to the Undertakers 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" meant the prescribed rates of dividend as defined by this Order.

The Gasworks Clauses Act 1871.

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Interpretation.

4. In this Order—

The several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith and by the Gas and Water Works Facilities Act 1870 have the same respective meanings unless there be something in the subject or context repugnant to such construction;

The expression "the existing limits" means the limits within which the Undertakers are authorised to supply gas by the Order of 1889;

The expression "the new limits" means the limits within which the Undertakers are authorised to supply gas by the section of this Order of which the marginal note is "Extension of limits of supply";

The expression "the limits of supply" means and includes the existing limits and the new limits;

The expression "the undertaking" means the undertaking authorised by the Order of 1889 the Order of 1903 and this Order and shall include the gasworks and works connected therewith by the Order of 1889 and this Order authorised to be maintained or constructed;

The expression "the prescribed rates" means the rates of dividend authorised by this Order on the capital of the Undertakers or such rates as reduced or increased in accordance with the provisions of section 7 of this Order.

Undertakers.

Undertakers.

5. The St. Ives (Hunts) Gas Company Limited shall be the Undertakers for the purposes of this Order and are in this Order referred to as the Undertakers.

Extension of Limits.

Extension of limits of supply.

6.—(1) From and after the commencement of this Order the limits of the Undertakers for the supply of gas shall extend to and include in addition to the existing limits the following parishes (that is to say):—

(*a*) In the county of Huntingdon:—

The parishes of Wyton Houghton Holywell with Needingworth Bluntisham with Earith Colne Pidley-cum-Fenton Somersham and Warboys in the rural district of St. Ives.

(*b*) In the county of Cambridge:—

The parishes of Over Fen Drayton and Swavesey in the rural district of Swavesey.

(2) Subject to the provisions of this Order the Undertakers shall have and may exercise within the new limits all and the like powers rights privileges and authorities for and in relation to the supply of gas and be subject to all and the like duties and obligations in respect thereof as they now have and are subject to within the existing limits.

(3) The Undertakers may continue maintain and use any mains pipes and other works laid down or constructed before the commencement of this Order within the new limits as if the same had been laid down or constructed under the powers of this Order and the provisions of this Order and of the Acts incorporated therewith shall apply to the said mains pipes and works in all respects as if the same had been laid down or constructed under the authority of this Order.

Prices of gas. Sliding scale.

7.—(1) The price to be charged by the Undertakers for gas supplied by them within the borough of St. Ives to persons who shall consume the same by ordinary meter shall be four shillings and sixpence per thousand cubic feet (which price is hereinafter referred to as "the standard price") but it shall be lawful for the Undertakers to increase or reduce the price charged by them as aforesaid above or below the standard price subject to a reduction or increase in the dividends payable by the Undertakers on their ordinary capital as follows:—

In respect of any year during any part of which the price charged by the Undertakers as aforesaid within the borough of St. Ives 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 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 such 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 as aforesaid within the borough of St. Ives 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 shall have 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

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such capital with a seven per centum standard rate of dividend and so in proportion for any fraction of one hundred pounds:

Provided that if in any year the dividends payable shall comprise a fractional amount less than one half per centum the directors may in their discretion add the same to the reserve fund or may defer the payment of such fractional amount until the payment of the next or some succeeding dividends and shall in their discretion either add such fractional amount to and pay the same with succeeding dividends accordingly or add the same to the reserve fund.

(2) The prices to be charged by the Undertakers for gas supplied by them within the remainder of the limits of supply outside the borough of St. Ives to consumers who shall burn the same by ordinary meter shall not exceed the prices for the time being charged by the Undertakers to consumers under like circumstances within the borough of St. Ives by more than the following respective amounts namely:—

Within the parishes of Fen Stanton Hemingford Grey and Hemingford Abbots sevenpence per one thousand cubic feet;

Within the parishes of Wyton Houghton Holywell-with-Needingworth and Fen Drayton tenpence per one thousand cubic feet;

Within the parishes of Bluntisham-with-Earith Colne and Swavesey one shilling and one penny per one thousand cubic feet;

Within the parish of Over one shilling and threepence per one thousand cubic feet;

Within the parish of Somersham one shilling and fivepence per one thousand cubic feet;

Within the parishes of Warboys and Pidley-cum-Fenton one shilling and sevenpence per one thousand cubic feet.

Notwithstanding anything in this section contained the Undertakers may charge in any one or more parishes outside the borough of St. Ives a price or prices less than the prices which they are authorised to charge in such parish or parishes provided that such reduced prices shall not at any time be less than the price charged during the same time within the borough of St. Ives.

Additional Lands and Gasworks.

Additional lands.

8.—(1) In addition to any other lands which the Undertakers have purchased or are authorised to purchase under the Order of 1889 they may for the purposes of the undertaking purchase by agreement and hold the following lands (that is to say):—

(A) The lands in the parish of Fen Stanton described in Part I. of the Schedule to this Order annexed;

(B) The lands in the parish of Somersham described in Part II. of the said Schedule;

(C) Any further lands not exceeding five acres in extent:

Provided that the Undertakers 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 except the lands described in the Schedule to the Order of 1889 and the lands described in the Schedule to this Order annexed.

(2) The purchase of so much of the lands described in the Schedule to this Order annexed as may have been purchased by the Undertakers prior to the commencement of this Order is hereby confirmed.

Power to construct additional gasworks &c.

9. Notwithstanding anything in section 20 (Additional lands) of the Order of 1889 the Undertakers so long as they are possessed of the lands herein-after respectively referred to may maintain and continue alter extend improve and renew or discontinue the gasworks and works in connexion therewith existing at the commencement of this Order upon the lands described in Part II. of the Schedule to this Order annexed and may upon such lands and upon the lands described in Part I. of that Schedule erect maintain alter extend improve and renew new or additional gasworks with all necessary machinery and apparatus and do all such acts as may be proper for making and storing gas and for supplying gas within the limits of supply and may on any of the said lands convert and manufacture residual products resulting from the manufacture of gas.

Storage of gas.

10. From and after the commencement of this Order section 20 (Additional lands) of the Order of 1889 shall be read and have effect as if the words "or of storing gas" were omitted from that section but nothing herein contained shall authorise the Undertakers to store gas on any lands (other than the lands described in the Schedule to the Order of 1889 or the Schedule annexed to this Order) except subject to the provisions of section 5 of the Gasworks Clauses Act 1871.

Dwelling-houses for employees offices &c.

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

New Capital.

New capital

12. The limitation prescribed by the Order of 1903 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

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purposes further share capital (in this Order referred to as "the new capital") not exceeding twelve thousand five hundred 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 Undertakers for the purposes of the undertaking shall not exceed in the whole thirty thousand pounds unless the Undertakers are hereafter authorised to raise further share capital by Provisional Order under the Gas and Waterworks Facilities Act 1870 or by Act of Parliament.

New capital to be sold by auction or tender.

13.—(1) All shares or stock forming part of the 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 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 town clerk of the borough of St. Ives and to the clerks of every rural district council having jurisdiction in 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 until 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 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.

(3) Any shares or stock which have been so offered for sale and are not sold may be offered at the reserve price to the holders of shares or stock of the 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 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 amount 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.

Limits of dividend on share capital.

14. Except as by section 7 of this Order expressly provided the Undertakers shall not in any year declare or make out of their profits any larger dividends (in this Order referred to as "the standard rates of dividend") than the following:—

On the original capital of ten thousand pounds authorised by the Order of 1889 ten pounds upon every one hundred pounds of such original capital;

On the additional capital of two thousand five hundred pounds authorised by the Order of 1889 seven pounds in respect of every one hundred pounds actually paid up of so much of such 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 such additional capital as may be issued as preference capital;

On the capital of five thousand pounds authorised by the Order of 1903 seven pounds in respect of every one hundred pounds actually paid up of so much of such capital as may be issued as ordinary capital and five pounds in respect of every one hundred pounds actually paid up of so much of such capital as may be issued as preference capital;

On the new capital seven pounds in respect of every one hundred pounds actually paid up of so much of such new capital as may

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be issued as ordinary capital and five pounds in respect of every one hundred pounds actually paid up of so much of such new capital as may be issued as preference capital.

Dividends on different classes of shares to be paid proportionately.

15. 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 dividends payable on each class.

Limit of borrowing powers.

16. The Undertakers may borrow on mortgage of their undertaking (in addition to the sums which they are already empowered to borrow under the Order of 1889 and the Order of 1903) the following sums (that is to say):—

(i) A further sum not exceeding one thousand two hundred and fifty pounds in respect of the capital authorised by the Order of 1889 and the Order of 1903; and

(ii) Any sum or sums not exceeding in the whole 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.

Other Financial Provisions.

Application of existing funds.

17. The Undertakers may from time to time apply to the purposes of this Order to which capital is properly applicable any moneys which they have already raised or are authorised to raise under the Order of 1889 and the Order of 1903.

Application of money.

18. 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 this Order by way of premium shall not be considered as part of the capital of the Undertakers entitled to dividend.

Power to create a special purposes fund.

19.—(1) The directors may if they think fit in any half-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 half 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 an accountant appointed for the purpose by the Board of Trade shall approve as being:—

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

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

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

Application of excess of profits over prescribed rates of dividend.

20. If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the dividend at the prescribed rates on the preference capital and 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 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 prescribed rates on the preference capital and the ordinary capital.

Reserve fund.

21. Where in any year the dividend of the Undertakers on the ordinary capital of the Undertakers shall exceed the standard rates of dividend by reason of the price charged by the Undertakers for gas to persons who shall consume the same by ordinary meter within the borough of St. Ives in such year being below the standard price then out of the amount of the divisible profits of the Undertakers applicable to the payment of such excess of dividend the Undertakers may in such year set apart such sum as they think fit by way of a reserve fund and all sums (if any) so set apart by the Undertakers and any reserve or other fund of 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

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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 prescribed 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.

Quality Testing and Pressure.

Quality of gas.

22. The prescribed number of candles shall not be less than fourteen.

Testing for quality.

23.—(1) 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.

(2) 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.

(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 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.

(4) The Undertakers shall provide at the testing place 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.

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 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.

Miscellaneous.

Repeal of certain sections of Orders of 1889 and 1903.

25. The following sections of the Order of 1889 and of the Order of 1903 are hereby repealed (that is to say):—

Order of 1889.

Section 14	Limits of dividend.
Section 15	Prescribed rates to be paid proportionately.
Section 17	If profits exceed the amount limited excess may be invested and form an insurance fund.
Section 18	Application of excess of profits over prescribed rates.
Section 19	Reserve fund.
Section 25	Quality of gas.
Section 26	Fixing maximum price of gas with sliding scale as to dividend.
Section 27	Pressure of gas.
Section 28	Testing of gas.

Order of 1903.

Section 10	Limits of dividend on new capital.
Section 11	Dividends on different classes of shares or stock to be paid proportionately.

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

26. 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 abutting on or being erected in any street laid out but not dedicated to public use supply such premises with gas and for that purpose the Gasworks Clauses Act 1847 shall apply as if section 7 of that Act were excepted from incorporation with the Order of 1889 and this Order.

Power to lay pipes for ancillary purposes.

27. The Undertakers having first obtained the consent in writing of the local authority of the district may lay down repair take up alter relay and renew mains pipes and culverts within the limits of supply for the purpose of procuring conducting or disposing of any oil or other materials used by them in or resulting from the manufacture of gas or any residual products thereof or for any purpose connected with their business and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid so far as they are applicable for

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the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof.

Amending section 30 of Order of 1889.

28. From and after the commencement of this Order section 30 (Undertakers to pay interest on deposit) of the Order of 1889 shall be read and have effect as if the words "four pounds" were inserted therein in lieu of the words "five pounds."

As to construction and placing of pipes &c. between mains and meters.

29. 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 either in the first instance or on the occasion of any renewal are to be laid by the consumer on his own premises between the Undertakers' mains and the meter so far as the same are intended to be covered over;

(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 twice in some newspaper or 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 connection with a new or substituted pipe laid by the consumer between the main and the consumer's meter shall be placed as near as reasonably practicable to the 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 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 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.

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

30. 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 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.

Power to enter premises and remove fittings.

31. 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.

Gas consumers to give notice to Undertakers before removing.

32. At least twenty-four hours' notice shall be given to the Undertakers by every gas consumer either personally at the office of the Undertakers or in writing 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.

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

33. 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.

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Notice to discontinue supply of gas.

34. 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 of the Undertakers or be given by the consumer personally at the office of the Undertakers. 5

Period of error in defective meters.

35. 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 10 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 the like manner as gas charges are recoverable by the 15 Undertakers.

Undertakers may contract with local authority &c. for supply in bulk.

36. 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 respectively of gas in bulk upon such terms and conditions 20 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.

Supply of gas when consumer has separate supply.

37. Notwithstanding anything contained in the Gasworks Clauses 25 Act 1871 or any other Act a person shall not be entitled to demand from the Undertakers a supply or the continuance of a supply of gas for premises having a supply of gas from an installation other than that of the Undertakers or a supply of electricity unless he shall have previously agreed to pay the Undertakers such minimum annual sum 30 as will give to them a reasonable return on the capital expenditure and standing charges incurred by them to meet the possible maximum demand for those premises and the minimum annual sum to be so paid shall be determined in default of agreement by arbitration in manner provided by the Arbitration Act 1889. 35

For protection of Cambridgeshire and Huntingdonshire county councils.

38. Notwithstanding anything contained in this Order or any enactment incorporated therewith the following provisions for the protection of the county council of the administrative county of Cambridge and the county council of the administrative county of Huntingdon respectively (which county councils and their respective 40 surveyors and clerks are in this section referred to as "the county council" "the county surveyor" and "the county clerk" respectively) shall unless otherwise agreed between the Undertakers and the county

council have effect with reference to the exercise of any powers of this Order affecting any road or bridge vested in or repairable by the county council:—

(i) The plan required by section 9 of the Gasworks Clauses Act 1847 shall be on a scale not less than $\frac{1}{2500}$ and shall be accompanied by a description of the proposed works in the case of a road and by a section on a scale not less than four feet to one inch in the case of a bridge and shall (except in cases of emergency) be delivered to the county surveyor not less than fourteen days in the case of a bridge and seven days in the case of a road before the said works are commenced The Undertakers shall not interfere with the structural part of any bridge or with any culvert drain or catchpit vested in or repairable by the county council without the previous consent in writing of the county surveyor and then only on such terms and conditions as he may consider necessary or desirable for the protection of the county council;

(ii) All works of the Undertakers (including pipes conduits service pipes sewers pillars lamps and other works) so far as they affect any road or bridge vested in or repairable by the county council shall be executed by the Undertakers so as not to stop traffic and so far as reasonably practicable as not in any way to impede or interfere with traffic At all times sufficient unobstructed roadway shall be left unopened for at least one cart to pass along the road and no trench shall be open for more than seventy-five yards in length where only one cart can pass at a time or for more than one hundred and fifty yards in length where only two carts can pass at the same time All pipes and other works shall be laid as far as practicable at the sides of any road and clear of the metalled portion;

(iii) The county council shall not be liable for or in respect of any damage or injury done to any of the works of the Undertakers by reason of such works having been laid at a depth below the surface of the road or of any bridge insufficient for its protection from injury arising from the use on the said road of any steam roller not exceeding twelve tons in weight or other engine or from the traffic using the road;

(iv) The Undertakers shall give to the county surveyor notice in writing of the filling in reinstatement and making good of any road or bridge broken up under the powers

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of this Order forthwith after the completion of such work and the county council may for a period of twelve months after such completion execute any repairs necessary to any road or bridge in consequence of such breaking up by the Undertakers and the reasonable cost of such repairs shall be paid on demand to the county council by the Undertakers;

(v) In the event of the Undertakers desiring to open or break up any road for the purpose of making connections to a main already laid or for repairs the county council shall be at liberty at the option of the county surveyor to execute the work of reinstatement at the reasonable expense of the Undertakers;

(vi) If the county council shall for the purpose of repairing altering or widening any road or bridge vested in or repairable by them or of rebuilding any bridge at any time require the position or level of any of the pipes or other works of the Undertakers laid or placed in under through or by the side of any such road or bridge or attached to any bridge to be altered either temporarily or permanently the Undertakers shall on receiving notice in writing under the hand of the county clerk alter the same with all reasonable expedition under the superintendence of the county surveyor and the Undertakers shall provide any necessary support (whether permanent or temporary) to any pipes or other works requiring support The reasonable and necessary expense of the Undertakers of such alteration shall in the case of the repairing altering widening or rebuilding of a bridge be borne and paid by the Undertakers and in the case of the repairing altering or widening of a road shall be paid by the county council to the Undertakers Any additional expense in relation to any such repairing altering widening or rebuilding as aforesaid to which the county council may be put by reason of the necessity for providing for any of the pipes or other works of the Undertakers shall be paid by the Undertakers to the county council Provided that during the repairing altering widening or rebuilding of any such bridge the county council shall afford all reasonable facilities for temporarily carrying such pipes or works across any stream or river so as not to interrupt the continuous supply of gas or to diminish the pressure of such supply through such pipes or works and the Undertakers shall reimburse the county council all reasonable expenses incurred by the county council in affording such facilities.

(vii) Provided that in case any such repairing altering widening or rebuilding of any bridge as is mentioned in subsection (vi) of this section shall be required solely for the accommodation of any light railway trolley vehicle system or tramway belonging to the county council the county council shall repay to the Undertakers the expense which the Undertakers reasonably incur in altering the position or level of or providing any permanent or temporary support to any pipes or works of the Undertakers which are laid or placed in under through or by the side of or attached to such bridge and the facilities to be afforded under the said subsection (vi) shall be afforded by the county council at their own expense ;

(viii) If the Undertakers shall neglect to do or complete any work or act required by this section to be done by the Undertakers then and in any such case the county council may do such work or act themselves with all reasonable expedition and the Undertakers shall repay to the county council the reasonable cost of doing any such work or act and all proper costs charges and expenses incurred in connection therewith or occasioned by such neglect as aforesaid The county council shall not be liable to pay to the Undertakers any compensation for injury to any of the works of the Undertakers or for any loss to the Undertakers which may be caused by or arise out of the doing by the county council of any such work as aforesaid in a proper and reasonable manner or by or out of the exercise of any of the powers for the time being vested in the county council as a road or bridge authority in a proper and reasonable manner ;

(ix) If at any time the Undertakers shall abandon their undertaking then any pipes or other works which shall at the time of such abandonment be in or under any road or bridge vested in or repairable by the county council shall become and be the absolute property of the county council and the county council may remove them if they so desire ;

(x) The Undertakers shall at all times keep the county council effectually indemnified against all actions losses costs damages claims and demands in any way arising out of or by reason or an account of anything unlawfully or negligently done or omitted to be done by the Undertakers in respect of or in connection with the works or matters arising under this Order.

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For protection of proprietor of River Ouse Navigation.

39.—(1) Any mains pipes or other works which under the authority of this Order the Undertakers may lay down or execute under over or across the River Ouse otherwise than on a bridge not repairable by the proprietor of the River Ouse Navigation shall be so laid down and executed and any subsequent works of maintenance and repair thereto shall be carried out under the superintendence and to the reasonable satisfaction of the engineer of Leonard Taylor Simpson or other the proprietor of the River Ouse Navigation and in accordance with plans and sections previously submitted to such engineer and approved by him or settled by an arbitrator under the provisions of this section but in all things at the expense of the Undertakers and so as not to cause any injury to any lock works lands or property of the said Leonard Taylor Simpson or such other proprietor as aforesaid or any impediment or interruption to the passage or conduct of traffic on the said river Provided that if the said engineer shall fail to signify to the Undertakers his approval or disapproval of any plans and sections submitted to him under this section for a period of ten days after the submission thereof he shall be deemed to have approved thereof and in the event of his disapproval of any such plans or sections the same shall be submitted to and settled by an arbitrator to be appointed as hereinafter mentioned.

(2) Any dispute between the Undertakers on the one hand and the said Leonard Taylor Simpson or other the proprietor of the River Ouse Navigation or the said engineer on the other hand and any plans and sections of which the said engineer shall have disapproved shall be referred to and settled by an arbitrator to be appointed in default of agreement between the parties by the President of the Institution of Civil Engineers and the provisions of the Arbitration Act 1889 shall apply to such reference.

For protection of Great Eastern Railway Company.

40. Notwithstanding anything in this or any other Order contained the following provisions for the protection of the Great Eastern Railway Company (hereinafter called "the railway company") shall be in force and have effect and be binding on the Undertakers.

(1) In laying down and in executing any works in connection with the laying down or the repair and renewal of any mains pipes or other works which the Undertakers may by this Order be authorised to lay down and execute upon across over under or in any way affecting the railways lands or property now or hereafter belonging to or occupied by the railway company or the bridges approaches viaducts stations or other works or any level crossings of or repairable by 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 (except in cases of emergency arising from defects in any of the pipes or other works) according to plans and sections to be previously submitted to and reasonably approved by him and in all things by and at the expense of the Undertakers who shall also restore and make good the roads over such bridges level crossings and approaches which the railway company is or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Undertakers Provided always that if such principal engineer shall not approve or disapprove any such plans or sections so submitted to him within fourteen days after the same are delivered or shall refuse or neglect for the space of seven days after being requested so to do by the Undertakers to superintend the work the Undertakers may proceed with the work without the approval of the plans and sections and without the superintendence of the said engineer respectively:

(2) 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 approaches viaducts stations works lands or property or interruption to the passage or conduct of the traffic over such railways or at any station thereon and if any 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 such bridge level crossing or other property the Undertakers shall make compensation in respect thereof to the railway company the amount of such compensation together with full costs to be recoverable from the Undertakers by all and the same means as any simple contract debt is recoverable:

(3) 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 at the request of either party.

For protection of Great Northern and Great Eastern Joint Committee.

41. The provisions of the section of this Order the marginal note whereof is "For protection of Great Eastern Railway Company" shall extend and apply to the Great Northern and Great Eastern Joint Committee as if that Joint Committee had been referred to in the said section in addition to the Great Eastern Railway Company.

A.D. 1914.

St. Ives. Differences with road authority or railway or other companies.

42. If any difference arises between the Undertakers and any road authority 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 be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party.

Costs of Order.

Costs of Order.

43. 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.

The SCHEDULE referred to in the foregoing Order.

ADDITIONAL GAS LANDS.

PART I.

In the Parish of Fen Stanton.

A plot of land abutting on the south-west side of the existing gasworks of the Undertakers in that parish and the premises in the occupation of the Star Brewery Company Limited and being the enclosure numbered on the Ordnance map scale 1/2500 (2nd edition 1901) 323 in the parish of Fen Stanton and containing by admeasurement 2 acres 2 roods and 17 perches.

PART II.

In the Parish of Somersham.

Lands forming the site of the existing gasworks of the Undertakers in that parish which lands are bounded on the north by High Street Somersham and on the east south and west by lands belonging or reputed to belong to Messrs. C. S. Lindsell and Son and contain by admeasurement 1,116 square yards or thereabouts.

SWANSEA GAS.

A.D. 1914.

Swansea.

Order to empower the Swansea Gas Light Company to construct and maintain further works for the manufacture and storage of gas and to repeal the Swansea Gas Order 1912.

Short title.

1. This Order may be cited as the Swansea Gas Order 1914.

Commencement of Order.

2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed.

Incorporation of Acts.

3. The provisions of the Gasworks Clauses Act 1847 and the Gasworks Clauses Act 1871 are hereby incorporated with this Order except where the same are expressly varied by the Swansea Gas Acts and Orders 1861 to 1910 and the Swansea Gas Act 1911.

Interpretation.

4. The several words terms and expressions to which by any Act 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.

Undertakers.

5. The Swansea Gas Light Company shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Power to use lands for manufacture of gas &c.

6.—(1) The Undertakers may upon the lands described in the Schedule to this Order annexed and upon any lands upon which they are by any Act or Order authorised to make and store gas and to convert and manufacture residual products resulting from the manufacture of gas or any part thereof erect maintain alter enlarge renew improve and use gasworks with all such erections and buildings as they may think fit and may make and store gas coke tar lime ammoniacal liquor and other residual products arising directly or indirectly from the manufacture of gas and manufacture convert and otherwise deal in such products and may do all such acts and things as they may consider necessary and proper for or in connection with the purposes aforesaid or any of them.

(2) The Undertakers may at or for use at any works erected upon the said lands—

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

(*b*) Purchase whether from other gas undertakers or elsewhere and use the materials required to work up and convert such residual products;

(*c*) Purchase the residual products arising from the manufacture of gas by other gas undertakers and therewith manufacture

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Swansea.

other products of the same kind as the Undertakers are manufacturing from their own residual products Provided that the quantity of any residual product so purchased by the Undertakers in any year shall not exceed one-third of the quantity of the like residual product which shall in that year arise directly or indirectly from the manufacture of gas by them;

(*d*) Purchase from other gas undertakers or elsewhere and use the materials required to work up and convert the residual products so purchased;

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

Repeal of Swansea Gas Order 1912.

7. The Swansea Gas Order 1912 (confirmed by the Gas and Water Orders Confirmation Act 1912) is hereby repealed.

Application of funds.

8. The Undertakers may apply for the purpose of carrying into effect the provisions of this Order any money which they have already raised or are authorised to raise under the powers of the Swansea Gas Acts and Orders 1861 to 1910 and the Swansea Gas Act 1911.

Costs of Order.

9. 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.

The SCHEDULE referred to in the foregoing Order.

GAS LANDS.

A piece or parcel of land being a part of the Forest Farm belonging or reputed to belong to His Grace the Duke of Beaufort containing twenty-five acres two roods thirty poles or thereabouts situate in the parish and county borough of Swansea in the county of Glamorgan bounded on the north and east by and adjoining land belonging or reputed to belong to the said Duke of Beaufort on the south by a further part of the Forest Farm aforesaid on the west by the Morriston Branch of the Midland Railway and on the north-west by land belonging or reputed to belong to the said Duke of Beaufort.

Gas Provisional Orders (No. 3).

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 East Kent Gas Garstang Gas Harpenden District Gas St. Ives (Hunts) Gas and Swansea Gas.

(*Brought from the Commons 6th July* 1914.)

Ordered to be printed 6th July 1914.

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(149)

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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 Dursley Gas Hayfield Gas High Wycombe Gas Amersham Beaconsfield and District Water and Elham Valley Water. A.D. 1914.

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.

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:

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 assembled and by the authority of the same as follows:—

1. This Act may be cited as the Gas and Water Orders Confirmation (No. 1) Act 1914. Short title.

2. The Orders as amended and set out in the schedule to this Act shall be and the same are hereby confirmed and 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.

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SCHEDULE.

LIST OF ORDERS.

DURSLEY GAS.—Order empowering the Dursley Gas Light and Coke Company Limited to construct additional gasworks to raise additional capital and for other purposes. 5

HAYFIELD GAS.—Order empowering the Hayfield Gas Company Limited to acquire additional lands to construct additional gasworks to raise additional capital and for other purposes.

HIGH WYCOMBE GAS.—Order authorising the High Wycombe Gas Light and Coke Company Limited to construct additional gasworks in the borough of Chepping Wycombe otherwise High Wycombe in the county of Buckingham. 10

AMERSHAM BEACONSFIELD AND DISTRICT WATER.—Order empowering the Amersham Beaconsfield and District Waterworks Company Limited to construct new works to raise additional capital and for other purposes. 15

ELHAM VALLEY WATER.—Order empowering the Elham Valley Water Company Limited to extend their limits of supply to acquire additional lands to construct and maintain additional waterworks and to raise additional capital. 20

DURSLEY GAS.

A.D. 1914.

Dursley.

Order empowering the Dursley Gas Light and Coke Company Limited to construct additional Gasworks to raise additional Capital and for other purposes.

5 *Preliminary.*

1. This Order may be cited as the Dursley Gas Order 1914 and the Dursley Gas Order 1888 (in this Order referred to as "the Order of 1888") and this Order may be cited together as "the Dursley Gas Orders 1888 and 1914." **Short titles.**

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.**

3. The provisions of the Gasworks Clauses Act 1847 (except sections 30 to 34 both inclusive) and the Gasworks Clauses Act 1871 15 are incorporated with this Order (except where expressly varied by the Order of 1888 or this Order) and form part of this Order For the purpose of its incorporation with the Order of 1888 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 20 buildings" 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 section 35 of that Act shall be read as if "the special purposes fund" were referred to instead of "the 25 insurance fund." **Incorporation of Acts.**

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 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 authorised by the Order of 1888 and this Order. **Interpretation.**

Undertakers.

35 5. The Dursley 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." **Undertakers.**

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Dursley.

New capital.

New Capital.

6. The limitation prescribed by the Order of 1888 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 new capital") not exceeding thirteen thousand pounds including any premium that may be obtained on the sale of any shares or stock under the provisions of this Order Provided that the share capital of the Undertakers for the purposes of the 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 shares or stock to be sold by auction or tender.

7.—(1) All shares or stock forming part of the 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 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 the rural district council of Dursley 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:

(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 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 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 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.

(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.

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 shall not be considered as part of the capital of the Undertakers entitled to dividend.

Limit of dividend on new capital.

9. Except as by section 27 of the Order of 1888 expressly provided the Undertakers shall not in any year declare or make out of their profits any larger dividends on the new capital 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.

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

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Dursley.

existing capital and the new capital a proportionate reduction shall be made in the dividend of each such class.

Limit of borrowing powers.

11. Notwithstanding anything contained in section 16 (Limit of borrowing powers) of the Order of 1888 the Undertakers may borrow on mortgage of the undertaking any sum of money not exceeding one-third of the amount of the capital of the Undertakers for the purposes of the undertaking at the time actually raised by the issue of shares or stock including any premium that may have been or may be obtained on the sale of any shares or stock under the provisions of the Order of 1888 or 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.

Construction of Additional Gasworks and Manufacture and Sale of Gas and Residual Products.

Undertakers may construct gasworks on lands described in schedule.

12. The Undertakers may on the lands described in the schedule to this Order annexed so long as they are possessed of the same erect maintain alter improve extend and renew gasworks with all necessary machinery and apparatus and do all such acts as may be proper for making and storing gas and for supplying gas within the limits within which they are authorised to supply gas and may on the said lands convert and manufacture residual products resulting from the manufacture of gas.

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 an accountant appointed for the purpose by the Board of Trade shall approve as being—

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

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

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

(7) The Undertakers may transfer to the credit of the special purposes fund a sum not exceeding five hundred and sixty-eight pounds out of the amount standing on the thirtieth day of June one thousand nine hundred and thirteen to the credit of the profit and loss account which was carried forward to the next account.

(8) Section 17 of the Order of 1888 is hereby repealed.

Limiting amount to be carried forward.

14. After the thirtieth day of June one thousand nine hundred and seventeen it shall not be lawful for the Undertakers at any time to permit a sum of money in excess of an amount equal to the sum which the Undertakers might have lawfully distributed as dividend in respect of the year then last completed to be carried forward to the credit of the undertaking for the next following year.

Transfer to reserve fund.

15. The Undertakers may transfer to the credit of the reserve fund a sum not exceeding five hundred and eighty-two pounds out of the amount standing on the thirtieth day of June one thousand nine hundred and thirteen to the credit of the profit and loss account which was carried forward to the next account.

Costs of Order.

Costs of Order.

16. 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 Provided always that it shall be lawful for the Undertakers to apply to the payment of the said costs charges and expenses a sum of not exceeding four hundred pounds out of the amount standing on the thirtieth day of June one thousand nine hundred and thirteen to the credit of the profit and loss account which was carried forward to the next account.

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Dursley.

The SCHEDULE referred to in the foregoing Order.

GAS LANDS.

A piece of land containing 1 rood 25 perches or thereabouts situate in the parish of Dursley in the rural district of Dursley in the county of Gloucester belonging or reputed to belong to the Undertakers and bounded on the north by the works of the Undertakers on the east by the Midland Railway and on the south and west by lands belonging or reputed to belong to Sir Robert Ashton Lister the said piece of land comprising the inclosure numbered 318 in the said parish on the $\frac{1}{2500}$ scale Ordnance map (2nd edition 1903) Gloucestershire sheet XLVIII.-15.

HAYFIELD GAS.

Hayfield.

Order empowering the Hayfield Gas Company Limited to acquire additional Lands to construct additional Gasworks to raise additional Capital and for other purposes.

Preliminary.

Short and collective titles.

1. This Order may be cited as the Hayfield Gas Order 1914 and the Hayfield Gas Order 1909 (in this Order referred to as "the Order of 1909") and this Order may be cited together as the Hayfield Gas Orders 1909 and 1914.

Commencement of Order.

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."

Incorporation of Acts.

3. The provisions of the Land 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 for the purpose of its incorporation with the Order of 1909 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.

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4. In this Order the expression "the prescribed rates" means the rates of dividend authorised by the Order of 1909 and this Order on the capital of the Undertakers 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 or by the Order of 1909 meanings are assigned have the same respective meanings unless there be something in the subject or context repugnant to such construction.

Interpretation.

Undertakers.

Undertakers.

5. The Hayfield Gas Company Limited shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Additional Capital.

Additional capital.

6. The limitation prescribed by the Order of 1909 with respect to the amount of the share capital of the Undertakers for the purposes of their undertaking shall not prevent the Undertakers from raising for such purposes further share capital (in this Order referred to as "the additional capital") not exceeding six thousand pounds including any premium that may be obtained on the sale of any shares or stock under the provisions of this Order Provided that the share capital of the Undertakers for the purposes of their undertaking shall not exceed in the whole eleven 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.

Application of section 8 of Order of 1909 as to additional capital being sold by auction or tender.

7. All shares or stock forming part of the additional capital shall be issued in accordance with the provisions of section 8 of the Order of 1909 and the provisions of that section shall apply to any such issue as fully and effectually as if they were set out in this Order.

Application of premium arising on issue 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 shall not be considered as part of the capital of the Undertakers entitled to dividend.

Limits of dividend on capital.

9. The Undertakers shall not in any year declare 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 such capital

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Hayfield.

as may be issued as ordinary capital and five pounds in respect of every one hundred pounds actually paid up of such additional capital as shall be issued as preference capital.

Restriction on making up deficiencies in dividends of previous years.

10. Unless and until the Board of Trade shall under the powers of section 26 of the Order of 1909 make an order giving a standard price with sliding scale as to profits the Undertakers may make up the deficiency of any previous dividend upon the ordinary share capital in any year within five years of the payment of such deficient dividend.

Dividends on different classes of shares or stock to be paid proportionately.

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 dividend at the prescribed rates on each class of ordinary shares or stock in the capital authorised by the Order of 1909 and the additional capital a proportionate reduction shall be made in the dividend of each such 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 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.

Purchase of Lands.

Power to purchase additional lands.

13. The Undertakers may for the purposes of their undertaking purchase take and hold (by agreement but not otherwise) in addition to the lands which they are authorised to hold under the Order of 1909 and 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 the whole in addition to the lands which they are authorised to hold under the Order of 1909 and the lands described in the schedule to this Order annexed 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 except the lands described in the schedule to the Order of 1909 and in the schedule to this Order annexed.

Power to erect cottages &c. for officers and servants.

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 buildings for the officers and servants employed by the Undertakers for the purposes of their undertaking.

Lands for Construction of additional Gasworks.

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Undertakers may construct gasworks on lands described in schedule.

15. The Undertakers notwithstanding anything in the Order of 1909 contained may on the lands described in the schedule to this Order annexed erect maintain alter extend improve and renew additional gasworks with all necessary machinery and apparatus and do all such acts as may be proper for making and storing gas and for supplying gas within the limits of supply and may on the said lands convert and manufacture residual products resulting from the manufacture of gas.

Price of Gas.

Price of gas amendment of section 26 of Order of 1909.

16. As from the first quarter-day after the commencement of this Order section 26 of the Order of 1909 shall be amended by the substitution of the words "four shillings and threepence" for the words "four shillings and sixpence" where the same occur in the said section and that section shall be read and construed accordingly

Miscellaneous.

As to construction and placing of pipes &c. between mains and meters.

17. In order to enable the Undertakers to ensure a satisfactory supply of gas to their consumers the following provisions shall have effect:—

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

(B) 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:

(C) 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:

(D) 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:

(E) 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

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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 :

(F) 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.

Costs of Order.

18. 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.

The SCHEDULE referred to in the foregoing Order.

GAS LANDS.

1. A piece or parcel of leasehold land and the two dwelling-houses (formerly one dwelling-house) and the slaughter-house and other buildings erected thereon belonging or reputed to belong to the surviving trustee of John Waterhouse deceased and his mortgagee and now contracted to be sold to the Undertakers containing by admeasurement two hundred and sixty-four square yards or thereabouts situate in the parish of Hayfield in the county of Derby bounded on the north by land belonging or reputed to belong to Daniel Clifton and Company Limited On the south by land belonging or reputed to belong to John Taylor On the east by land and buildings belonging or reputed to belong to the surviving trustee of John Waterhouse deceased and his mortgagee and secondly herein-after described And on the west by a road or way leading from Hayfield to Ridge Top.

2. A piece or parcel of leasehold land and the three dwelling-houses and other buildings erected thereon belonging or reputed to belong to the surviving trustee of John Waterhouse deceased and his mortgagee and now contracted to be sold to the Undertakers containing

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by admeasurement one thousand one hundred and thirty-two square yards or thereabouts situate in the parish of Hayfield aforesaid bounded on the north partly by a street or road leading from Hayfield to New Mills and known as Fishers Lane and partly by the land thirdly herein-after described on the south by land and buildings belonging or reputed to belong to the Undertakers and to John Taylor respectively On the east by land belonging or reputed to belong to the surviving trustee of John Waterhouse deceased and his mortgagee and thirdly herein-after described and on the west partly by the land and buildings firstly herein-before described and partly by land belonging or reputed to belong to Daniel Clifton and Company Limited.

3. A piece or parcel of leasehold land and the building erected thereon belonging or reputed to belong to the surviving trustee of John Waterhouse deceased and his mortgagee and now contracted to be sold to the Undertakers containing by admeasurement one thousand one hundred and ninety-eight square yards or thereabouts situate in the parish of Hayfield aforesaid bounded on the north by Fishers Lane aforesaid on the south partly by land belonging or reputed to belong to the Undertakers and partly by the land and buildings secondly herein-before described On the east by land belonging or reputed to belong to the trustees of Francis John Sumner deceased and on the west by the land and buildings secondly herein-before described.

HIGH WYCOMBE GAS.

High Wycombe.

Order authorising the High Wycombe Gas Light and Coke Company Limited to construct additional Gasworks in the Borough of Chepping Wycombe otherwise High Wycombe in the County of Buckingham.

Short title.

1. This Order may be cited as the High Wycombe Gas Order 1914 and the High Wycombe Gas Order 1882 (in this Order referred to as the Order of 1882) the High Wycombe Gas Order 1901 (in this Order referred to as the Order of 1901) and this Order may be cited together as the High Wycombe Gas Orders 1882 to 1914.

Commencement of Order.

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."

Incorporation of Acts.

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

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High Wycombe.

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 the Order of 1882 the Order of 1901 or this Order.

Interpretation.

4. The several words terms and expressions to which by the Acts 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.

Undertakers.

5. The High Wycombe 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."

Purchase of additional lands.

6. The Undertakers may from time to time for the purposes of their undertaking purchase take and hold (by agreement but not otherwise) for the purposes of the Order of 1882 the Order of 1901 or this Order such lands as they may require in addition to the lands which they are authorised to hold under the Order of 1882 and the lands described in the schedule to this Order annexed Provided that they shall not at any time hold for such purposes more than five acres in addition to the lands which they are authorised to hold under the Order of 1882 and the lands described in the schedule to this Order annexed and that the Undertakers 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 schedule to the Order of 1882 or in the schedule to this Order annexed.

Construction of additional gasworks.

7. The Undertakers notwithstanding anything in the Order of 1882 contained may on the lands and premises described in the schedule to this Order annexed so long as they are in possession of the same erect maintain alter improve extend and renew additional gasworks with all necessary machinery and apparatus and do all such acts as may be proper for making and storing gas and for supplying gas within the limits of supply and may on the said lands convert and manufacture residual products resulting from the manufacture of gas and they may also construct and maintain alter enlarge and renew or discontinue on the said lands houses offices buildings and other works connected with their undertaking.

Costs of Order.

8. 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.

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High Wycombe.

The SCHEDULE referred to in the foregoing Order.

Gas Lands.

Firstly—A piece of land belonging to or reputed to belong to the Marquis of Lincolnshire situate in Newland in the parish of High Wycombe and within the municipal borough of Chepping Wycombe in the county of Buckingham and containing by admeasurement one acre and bounded on or towards the north in part by a narrow strip of land belonging or reputed to belong to the Marquis of Lincolnshire and intended to be thrown into and used for the purpose of widening a public footpath separating the said piece of land from the present gasworks of the Undertakers and in other part and also on or towards the south by land belonging or reputed to belong to the said Marquis of Lincolnshire on or towards the east by a road or way leading to Loakes House and on or towards the west by a road or way leading to the barracks.

Secondly—Seven messuages cottages or tenements belonging to or reputed to belong to the Undertakers with the outbuildings gardens and appurtenances thereto belonging situate in Newland in the borough of Chepping Wycombe aforesaid bounded on or towards the north by the street there known as Desborough Road on or towards the south and east by the road or footway there and on or towards the west by the present gasworks of the Undertakers.

AMERSHAM BEACONSFIELD AND DISTRICT WATER.

Amersham, Beaconsfield and District.

Order empowering the Amersham Beaconsfield and District Waterworks Company Limited to construct new Works to raise additional Capital and for other purposes.

Preliminary.

Short and collective titles.

1. This Order may be cited as the Amersham Beaconsfield and District Water Order 1914 and the Amersham Beaconsfield and District Water Order 1896 (in this Order referred to as "the Order of 1896") the Amersham Beaconsfield and District Water Order 1903 (in this Order referred to as "the Order of 1903") the Amersham Beaconsfield and District Water Act 1904 (in this Order referred to as "the Act of 1904") and this Order may be cited together as the Amersham Beaconsfield and District Water Orders and Act 1896 to 1914.

Commencement of Order.

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."

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Amersham Beaconsfield and District.

Incorporation of Acts.

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) and of the Waterworks Clauses Acts 1847 and 1863 are (except where expressly varied by this Order) incorporated with and form part of this Order.

For the purposes of such incorporation the term "special Act" in the said Acts shall be construed to mean this Order and the term "Company" shall mean the Undertakers.

Interpretation.

4. The several words and expressions to which by any Act 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 In this Order the expressions "deposited plans" and "deposited sections" mean respectively the plans and sections deposited for the purposes of this Order.

Undertakers.

5. The Amersham Beaconsfield and District Waterworks Company Limited shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Construction of Waterworks.

Confirmation of existing works.

6. The construction by the Undertakers of the existing works or portions of works in this section described together with all incidental and ancillary works and apparatus connected therewith is hereby sanctioned and confirmed notwithstanding that part of the lands upon which the same have been constructed is not shown upon the plans deposited for the purposes of the Order of 1896 and the Undertakers may so long as they are possessed of the lands upon which the same are constructed or so long as they may be entitled to do so use and maintain and alter enlarge deepen and extend such works or any of them as if the same had been authorised by and constructed pursuant to the provisions of the Order of 1896 and may retain and hold for the purposes of their undertaking the lands which have been acquired by the Undertakers for the purposes of such works The said works are situate in the county of Buckingham and are as follows:—

The extension of the pumping station works and buildings authorised by the Order of 1896 which has been constructed upon land forming part of the field or inclosure numbered 406 on the $\frac{1}{2500}$ Ordnance map of the county of Buckingham sheet No. XLIII. 5 (1898 second edition) and the wells bores pipes and other works apparatus and conveniences situate in the said inclosure.

Power to construct new works.

7. The Undertakers may on the lands shown on the deposited plans so long as they are possessed of the said lands or so long as they may be entitled to do so under agreement make and maintain

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in the lines and according to the levels shown on the deposited plans and deposited sections the following works in the county of Buckingham:—

(1) A service reservoir situate in the parish of Amersham upon lands forming parts of the fields or inclosures numbered 359 and 361 on the $\frac{1}{2500}$ Ordnance map of the county of Buckingham sheet No. XLIII. 9 (1898 second edition):

(2) A conduit consisting of one or more line or lines of pipes situate in the parish of Amersham commencing at or in the service reservoir herein-before described and terminating by a junction with the existing main of the Undertakers in the road leading from Amersham to Beaconsfield:

Together with all such pipes mains culverts drains channels sluices valves bores adits headings water-towers filters tanks banks walls embankments pumps engines machinery and other works as may be necessary or convenient in connexion with or subsidiary to the said works.

Limits of deviation.

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

Limit of time for construction of works.

9. The works authorised by this Order shall be commenced constructed and completed within the time and subject to the conditions prescribed by section 11 of the Gas and Water Works Facilities Act 1870 Provided that subject to the restrictions and provisions of this Order the Undertakers may alter enlarge extend and renew such works in such way and manner as may be requisite or advisable for supplying water within the limits for the supply of water by the Undertakers.

Limiting powers of abstracting water.

10. The Undertakers shall not construct any works for 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 or some other Order or Act of Parliament.

Detection of waste.

11. Subject to the provisions of the Waterworks Clauses Act 1847 the Undertakers may for the purpose of preventing and detecting waste affix and maintain meters and similar apparatus on the service pipes and mains of the Undertakers and stopcocks in the pipes supplying houses with water and may insert in the roads or footways the necessary covers or boxes for giving access and protection thereto and may for that purpose stop up break up and interfere temporarily

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with public and private streets roads lanes footways sewers courts passages tramways gas or water pipes electric lines wires and apparatus Provided that the Undertakers shall not interfere with any electric lines wires and apparatus belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

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

12. The Undertakers may but only with the consent in writing of the owner of the soil of such street on the application of the owner or occupier of any premises within the limits abutting on or being erected in any street laid out but not dedicated to public use supply such premises with water and for that purpose the Waterworks Clauses Acts 1847 and 1863 shall apply as if the street were a street within the meaning of those Acts.

Additional Capital.

Additional capital.

13. Notwithstanding the limitation prescribed by section 9 of the Order of 1903 with respect to the amount of share capital of the Undertakers the share capital of the Undertakers for the purposes of their undertaking authorised by the Order of 1896 the Order of 1903 the Act of 1904 and this Order may consist of the share capital of forty-six thousand pounds mentioned in the said section 9 of the Order of 1903 and of further share capital consisting of shares or stock (in this Order referred to as "the additional capital") not exceeding in the whole thirty-four thousand pounds including any premiums which 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 in the whole eighty 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.

Additional capital to be sold by auction or tender.

14.—(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 to the district council of every district within the limits for the supply of water by 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 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 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.

(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 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 consumers of water supplied by the Undertakers in such proportion 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 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 provisions of subsection (2) or of subsections (2) and (3) and are not sold shall be again offered for sale by public auction or by tender in accordance with the provisions of this section and any such shares or stock then remaining unsold may be otherwise disposed of at such price and in such manner as the directors may determine for the purpose of realising the best price obtainable.

(5) As soon as possible after the conclusion of the sale or sales the Undertakers shall send a report thereof to the Board of Trade stating the total amount of the shares or stock sold the total amount

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obtained as premium (if any) and the highest and lowest prices obtained for the shares or stock as the case may be.

Application of moneys.

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

Limit of dividend on additional capital.

16. 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 of such capital as may be issued as ordinary capital unless a larger dividend be at any time necessary to make up the deficiency of any previous dividend which shall have fallen short of the said sum of seven pounds per centum per annum or than 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.

Limit of borrowing powers.

17. 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 actually raised by the issue of shares or stock 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.

Supply.

As to pressure.

18. Section 18 of the Order of 1896 is hereby repealed and in lieu thereof the following provisions shall be in force and have effect:—

The water supplied by the Undertakers need not at any time be delivered at a greater height than can be reached by gravitation from the service reservoir or works authorised by the Order of 1896 Provided always that from and after the completion of the service reservoir by this Order authorised this section shall be read and have effect as if the words "the service reservoir from which the supply is given" were substituted for the words "the service reservoir or works authorised by the Order of 1896."

Supply of water by hose-pipe to stables &c.

19. When water supplied for domestic purposes is used for washing horses carriages or motor cars or for other purposes in stables or premises where horses carriages or motor cars are kept the Undertakers may if a hose-pipe or other similar apparatus is used charge

such additional sum not exceeding twenty shillings per annum as they may prescribe and any sum charged under this section shall be recoverable in the same manner as water rates.

Rates payable by owners of certain houses.

20. Where a house supplied with water is let to monthly or weekly tenants or tenants holding for any other period less than a quarter of a year the owner instead of the occupier shall if the Undertakers so determine pay the rate for the supply but the rate may be recovered from the occupier and may be deducted by him from the rent from time to time due from him to the owner Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to the service upon him of a notice to pay the rate.

Supply to houses partly used for trade &c.

21.—(1) The Undertakers 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.

(2) Where a supply of water to a farmhouse is used for farming purposes the Undertakers may require that the supply for farming purposes shall be taken by meter but nothing in this section shall authorise the Undertakers to refuse a supply of water for domestic purposes to a farmhouse at the ordinary rate calculated on the rateable value thereof.

Power to sell meters &c.

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

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

Power to supply fittings.

23.—(1) The Undertakers may if requested by any person supplied or about to be supplied by them with water furnish 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 in that behalf and the reasonable charges of the Undertakers in providing such materials and executing such work shall be paid by the person requiring the same.

(2) Any fittings let for hire by the Undertakers 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 have upon them respectively

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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.

Power to remove meters and fittings.

24. The Undertakers by their agents or workmen after forty-eight hours' notice in writing under the hand of the secretary or some other officer of the Undertakers to the occupier or if there be no occupier then to the owner or lessee of any house building or land in which any pipe meter or fitting belonging to the Undertakers is laid or fixed and through or in which the supply of water is from any cause other than the default of the Undertakers discontinued for the space of forty-eight hours may enter such house building or land between the hours of nine in the morning and four in the afternoon or at any other time with the authority in writing of a justice for the purpose of removing and may remove every such pipe meter and fitting repairing all damage caused by such entry or removal.

Notice of discontinuance.

25. A notice to the Undertakers 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 Undertakers or be given by the consumer personally at the office of the Undertakers.

Notice to Undertakers of connecting or disconnecting meters.

26. Before any person connects or disconnects any meter by means of which any of the water of the Undertakers is intended to be or has been registered he shall give not less than twenty-four hours' notice in writing to the Undertakers 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 Undertakers and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Undertakers not bound to supply several houses by one pipe.

27. The Undertakers shall not be bound to supply more than one house by means of the same communication pipe and may if they think fit at any time require that a separate pipe be laid from the main pipe into each house supplied by them with water.

Maintenance of common pipe.

28. When several houses or parts of houses in the occupation of several persons are supplied by one common pipe belonging to the several owners or occupiers of such houses or parts of houses the said several owners or occupiers shall be liable to contribute the amount of any expenses from time to time incurred by the Undertakers in the maintenance and repair of such pipe and their respective proportions of contributions shall be settled by the engineer of the Undertakers.

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Amersham Beaconsfield and District.

29. For the purpose of complying with any obligation under the Waterworks Clauses Act 1847 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 and subject to the conditions of sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes.

As to communication pipes.

30. If it should appear to the Undertakers that by reason of any injury to or defect in any communication pipe which the Undertakers are not under obligation to maintain any waste of water or injury or risk of injury to person or property is caused or likely to be caused it shall be lawful for the Undertakers to execute such repairs as they may think necessary or expedient in the circumstances of the case without being requested so to do and the expense incurred by the Undertakers in executing such repairs shall be recoverable by the Undertakers from the owner of the premises supplied or in cases where the communication pipe is repairable by the occupier of such premises from the occupier Provided that except in case of emergency the Undertakers shall not under the powers of this section enter into any house or private premises unless they shall have given to the owner of such house or premises not less than twenty-four hours' previous notice of their intention so to enter.

Power to Undertakers to repair communication pipes.

31. If a person requiring a supply of water from the Undertakers has previously quitted premises at which water was supplied to him by the Undertakers without paying to them all water rates and other moneys due from him to the Undertakers they may refuse to furnish to him a supply of water until he pay the same.

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

Miscellaneous.

32.—(1) For the purpose of constructing enlarging extending repairing cleansing emptying or examining any of their waterworks the Undertakers may cause the water in such works to be temporarily discharged into any available stream or watercourse.

Temporary discharge of water into streams.

(2) In the exercise of the power conferred by this section the Undertakers shall do as little damage as may be and shall make compensation to all persons for all damage sustained by them by the exercise of such power the amount of compensation to be settled in default of agreement by arbitration in accordance with the provisions of the Arbitration Act 1889.

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.

Costs of Order.

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ELHAM VALLEY WATER.

Elham Valley.

Order empowering the Elham Valley Water Company Limited to extend their limits of supply to acquire additional Lands to construct and maintain additional Waterworks and to raise additional Capital.

Short title.

1. This Order may be cited as the Elham Valley Water Order 1914 and the Elham Valley Water Order 1904 (in this Order referred to as "the Order of 1904") and the Elham Valley Water Order 1912 (in this Order referred to as "the Order of 1912") may be cited together with this Order as the Elham Valley Water Orders 1904 to 1914.

Commencement of Order.

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."

Incorporation of Acts.

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

Interpretation.

4. The several words and expressions to which by any Act wholly or partly 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.

Undertakers.

Undertakers.

5. The Elham Valley Water Company Limited 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.

Extension of limits of supply.

6. The Undertakers shall have and may exercise within the following new limits (in this Order referred to as "the new limits") namely the parishes and places of Monks Horton Sellindge (otherwise Sellinge) and Lympne which parishes and places are within the rural district of Elham and the detached portion No. 3 of the parish of Aldington in the rural district of East Ashford (detached No. 1) in the county of Kent all the like powers privileges and authorities for or in relation to the supply of water and be subject to all the like duties liabilities and obligations in respect thereof as they now have and are subject to within the limits of the Order of 1904 and the area

defined in the Order of 1904 as the limits of supply together with the new limits is in this Order referred to as "the limits of supply."

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Elham Valley.

Where Undertakers not furnishing sufficient supply local authority or company may supply.

7. If at any time after the expiration of five years from the commencement of this Order the Undertakers are not furnishing a sufficient supply of water in accordance with the provisions of the said Order of 1904 and this Order in any part of the district of any local authority included within the new limits the local authority having jurisdiction within such part of the said district may provide such supply in accordance with the provisions of the Public Health Act 1875 or any company body or person may apply for an Act of Parliament or Provisional Order for the purpose of supplying water in such part of the said district as if in either case there were no company authorised by this Order to supply water therein.

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

Lands.

Power to acquire additional lands.

8. The Undertakers may (by agreement but not otherwise) purchase take and hold any lands and any easements rights or privileges (not being easements rights or privileges to take water in which persons other than the grantors have an interest) in over or affecting any lands which they may require for the purposes of the undertaking Provided always that they shall not create or permit a nuisance on any lands held by them and that they shall not at any time hold for such purposes more than five acres of land in addition to the land which they have acquired or have power to acquire under the Order of 1904 Provided also that no building shall be erected on such lands except such as are required for the purposes of the undertaking.

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

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

Construction of Waterworks

Powers to construct waterworks and supply water.

10. The Undertakers may on the lands herein-after described and in the positions shown on the plans and sections deposited in respect of this Order so long as they are possessed of the said lands or so

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Elham Valley.

long as they may be entitled to do so under agreement make and maintain in the lines and according to the levels shown on the plans and sections deposited as aforesaid the works herein-after described and other works and conveniences connected therewith and may enlarge renew and improve the same The works authorised by this Order will be wholly situate within the county of Kent and are as follows:—

Work No. 1.—A reservoir to be situate upon land belonging to the Undertakers in the parish of Lyminge in the rural district of Elham and situated in a field numbered 321 on the third edition one thousand nine hundred and seven of the $\frac{1}{2500}$ Ordnance map of that parish:

Work No. 2.—A conduit or line or lines of pipes commencing at the existing pumping station of the Undertakers situated upon land in the parish of Lyminge aforesaid and forming part of the field numbered 314 on the third edition one thousand nine hundred and seven of the $\frac{1}{2500}$ Ordnance map of that parish and terminating at the reservoir before described:

Work No. 3.—A conduit or line or lines of pipes commencing at the reservoir before described as Work No. 1 and terminating in the main road leading from Folkestone to Canterbury at the north-west corner of Fullers Wood in the parish of Monks Horton:

Together with all necessary cuts adits culverts drains sluices wells bore-holes tanks embankments dams filter beds main pipes apparatus approaches works appliances and conveniences in connexion with the said works.

Limits of deviation.

11. In constructing the works authorised by this Order the Undertakers may deviate laterally to any extent within the limits of deviation shown on the deposited plan and the Undertakers may deviate vertically from the level shown on the deposited section to any extent not exceeding three feet upwards or seven feet downwards Provided that the Undertakers shall not raise any aqueduct or pipe above the surface of the ground unless so shown in the section and then only to the extent shown.

Discharge water into streams.

12.—(1) For the purpose of constructing repairing cleansing emptying or examining any reservoir well adit conduit line or lines of pipes or other works authorised to be constructed and maintained the Undertakers may cause the water in any such work to be temporarily discharged into any available stream or watercourse.

(2) In the exercise of the power conferred by this section the Undertakers shall do as little damage as may be and shall make compensation to all persons for all damage sustained by them by the exercise of such power the amount of compensation to be settled in

default of agreement by arbitration in accordance with the provisions of the Arbitration Act 1889.

Power to lay mains in streets outside for purposes of supply within water limits.

13. For the purpose of laying pipes for supplying water within the limits of supply the Undertakers may but only with the consent in writing of the local authority liable to repair the said streets or roads in so much of any streets or roads in the county of Kent outside the limits of supply as the Undertakers shall require to break up for the purpose aforesaid exercise all rights powers and authorities conferred by the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and the said provisions shall apply to so much of the said streets or roads as aforesaid as if the same were within the limits of supply Provided always that in any case in which such consent has been refused and the Board of Trade are of opinion that the consent of the local authority should be dispensed with having regard to all the circumstances of the case they may by writing addressed to the Undertakers signed by an assistant secretary of the said Board dispense with the same accordingly.

Power to lay pipes in private roads.

14. The Undertakers may but only with the consent of the owner of the soil of such street on the application of the owner or the 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 those premises with water and for that purpose the Waterworks Clauses Acts 1847 and 1863 shall apply as if the streets were streets within the meaning of those Acts.

As to breaking up ground for laying communication pipes.

15. For the purpose of complying with any obligation under the Order of 1904 the Order of 1912 and 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 and subject to the conditions of sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes.

Rates payable by owners of small houses.

16. Where a house supplied with water is let to monthly or weekly tenants or tenants holding for any other period less than a quarter of a year the owner instead of the occupier shall if the Undertakers so determine pay the rate for the supply but the rate may be recovered from the occupier and may be deducted by him from the rent from time to time due from him to the owner Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to the service upon him of a notice to pay the rate.

Period for completion of works.

17. The works authorised by this Order shall be commenced constructed and completed within the time and subject to the conditions prescribed by section 11 of the Gas and Water Works Facilities

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Act 1870 Provided always that subject to the provisions and restrictions of this Order the Undertakers may alter enlarge deepen and extend their tanks wells main pipes filters filter beds and other works in such ways and manner as may be requisite or advisable for supplying water within the limits of supply. 5

For protection of Kent County Council.

18. In executing the works and exercising the powers authorised by this Order so far as they affect any road which may now or hereafter be or become a main road (herein-after in this section referred to as "any main road") or any county or main road bridge (which expression shall in this section include the road over such bridge and 10 the approaches thereto and any culvert) in the county of Kent the following provisions for the county council of the administrative county of Kent (in this section referred to as "the county council") shall unless otherwise agreed in writing apply and have effect (that is to say):— 15

(1) All main pipes and works of the Undertakers 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 not exceeding three feet as the county council in writing under the hand of their 20 surveyor (herein-after in this section referred to as "the county surveyor") may direct:

(2) In the application of the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes the notice required by section 30 25 of that Act shall in the case of any county or main road bridge be fourteen days instead of three days and in all other cases seven days instead of three days:

(3) The plan required by section 31 of the Waterworks Clauses Act 1847 shall be accompanied by a description of the 30 proposed works and shall be delivered to the county council or the county surveyor by the Undertakers not less than in the case of any county or main road bridge twenty-one days and in all other cases fourteen days before the Undertakers commence to interfere with any such county or main 35 road bridge or open or break up any main road for the purpose of executing the works and any difference as to any such plan or description or as to the temporary or other works referred to in the said section 31 shall be determined by arbitration under this section instead of in 40 the manner prescribed by the said section 31:

(4) The surplus paving metalling or materials removed during the laying renewal or repair of the mains pipes and works of

the Undertakers shall not be placed on the metalled portion of any main road or in or upon any county or main road bridge without the written consent of the county surveyor and subject to such conditions and directions as he may reasonably require or give:

(5) All surplus paving metalling or materials removed during the laying of the mains pipes or works on any main road or in upon or across any county or main road bridge and not required by the Undertakers for the purpose of reinstating and making good the said road or bridge may be used by the county council for the maintenance and repair of any main or other road and the Undertakers shall on receiving notice from the county surveyor forthwith remove the same to such place or places not more than one mile from the place of excavation as the county surveyor may direct and if the Undertakers fail to do so the county surveyor may remove the same at the expense of the Undertakers:

(6) If the Undertakers in the execution of any works in or affecting any main road or county or main road bridge shall cause any damage injury or disturbance thereto and shall neglect or refuse to make good all such damage injury or disturbance to the reasonable satisfaction of the county council then it shall be lawful for the county council after reasonable notice to the Undertakers of the alleged neglect or refusal and of the works 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 expense of superintendence:

(7) 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 county surveyor which may be given upon such conditions as the county council or the county surveyor may reasonably determine:

(8) Nothing in this Order contained shall prejudice or affect the right of the county council at any time or times to divert widen alter the levels of or otherwise alter and improve any main road and to remove alter rebuild widen or repair any county or main road or bridge in under or over or

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Elham Valley

attached to which any mains pipes or works of the Undertakers are carried in the same manner as the county council might have diverted improved or removed altered rebuilt widened or repaired any such main road or county or main road bridge if this Order had not been granted and such mains pipes and works had not been constructed or laid in under over or attached to such main road or bridge respectively and the county council shall not make any compensation to the Undertakers for any expense or loss to which the Undertakers may be put by reason or in consequence of any such diversion improvement removal alteration rebuilding widening or reparation And in the event of any such main road or bridge in under over or attached to which any such mains pipes or other works are laid being diverted improved removed altered rebuilt widened or repaired as aforesaid in such manner as to require the removal or alteration of any such mains pipes or works the Undertakers shall at their own cost in all things as and when requested by the county surveyor remove or alter the position of the said mains pipes and works and the works by which the same are carried in under over or attached to any such main road or bridge as aforesaid and replace the same to the satisfaction of the county surveyor Provided that during any such diversion improvement removal alteration rebuilding widening or reparation of such main road or bridge as aforesaid the county council shall afford to the Undertakers all reasonable facilities for temporarily carrying such mains pipes and works along the main road or across any stream or river so as not to interrupt the continuous supply of water or to diminish the pressure of such supply through such mains or pipes and the Undertakers may carry such mains and pipes accordingly and shall reimburse the county council all reasonable expenses incurred by the county council in affording such facilities:

(9) 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 or over any county or main road bridge and the Undertakers shall not open or break up at any one time a greater length than one hundred yards of any main road and shall leave an interval of at least one hundred yards between any two places at which they may open or break up such road.

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(10) All costs charges and expenses payable by the Undertakers to the county council under the provisions of this section shall be recoverable as a debt due from the Undertakers to the county council :

(11) If any difference at any time arises between the county council and the Undertakers 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 them or failing such agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid to the provisions of the Arbitration Act 1889 shall apply to any such reference to arbitration as aforesaid.

For protection of district roads.

19. The provisions of section 19 of the Order of 1904 shall extend and apply to any work done within the new limits as if the said provisions had been re-enacted in this Order.

Power to Undertakers to sell undertaking to local authority.

20. The provisions of section 20 of the Order of 1904 shall extend and apply to this Order as if the said provisions had been re-enacted in this Order.

For protection of War Office.

21. Nothing in this Order contained authorises the Undertakers to enter upon use or interfere with any land soil or water or any right in respect thereof vested in or exercised or exerciseable by His Majesty's Principal Secretary of State for the War Department or to take away lessen abridge or alter any of the rights privileges or powers vested in or exercised or exerciseable by the said Principal Secretary of State for the War Department without his previous consent signified in writing under his hand which consent the said Principal Secretary of State for the War Department is hereby authorised to give subject to such special conditions as he shall see fit to impose on the Undertakers.

For protection of South-Eastern Railway Company and South-Eastern and Chatham Railway Companies Managing Committee.

22. The provisions of section 15 of the Order of 1904 shall be deemed to apply to any works constructed by the Undertakers under the authority of this Order and the exercise of the powers of this Order as if the said provisions were re-enacted in this Order.

Limiting powers of Undertakers to abstract water.

23. The Undertakers shall not construct any works for 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 or some other Order or Act of Parliament.

Additional Capital.

Power to raise additional capital.

24. Notwithstanding the limitation prescribed by section 7 of the Order of 1904 and section 4 of the Order of 1912 with respect to the

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Elham Valley.

share capital of the Undertakers for the purposes of their water undertaking the share capital of the Undertakers for the purposes of the undertaking authorised by the Order of 1904 the Order of 1912 and this Order may consist of the share capital of seven thousand five hundred pounds mentioned in the Order of 1904 and two thousand pounds mentioned in the Order of 1912 and of further additional share capital to be issued subject to the provisions of this Order not exceeding ten thousand pounds (herein-after referred to as "the new capital") including any premiums obtained on the sale of any shares or stock under the provisions of this Order Provided that the share capital of the Undertakers for the said purposes shall not exceed in the whole the sum of nineteen thousand five 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 capital to be sold by auction or tender.

25.—(1) All shares or stock forming part of the 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 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 to the district council of every urban or rural 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 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 of supply:

(B) A reserve price which shall be not less than the nominal value thereof 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.

(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 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 consumers of water supplied by the Undertakers in such proportion 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 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 provisions of subsection (2) or of subsections (2) and (3) and are not sold shall be again offered for sale by public auction or by tender in accordance with the provisions of this section and any such shares or stock then remaining unsold may be otherwise disposed of at such price not being less than the nominal value thereof 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.

Application of money.

26. 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 by way of premium from the issue of shares or stock under the provisions of this Order shall not be considered as part of the capital of the Undertakers entitled to dividend.

Limit of borrowing powers.

27. The amount of all moneys borrowed by the Undertakers and secured by mortgage of their 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 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

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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.

Costs of Order.

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

Gas and Water Provisional Orders (No. 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 Dursley Gas Hayfield Gas High Wycombe Gas Amersham Beaconsfield and District Water and Elham Valley Water.

(*Brought from the Commons* 16*th June* 1914.)

Ordered to be printed 16th June 1914.

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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 Dronfield Gas North Middlesex Gas Uxbridge Gas Flint Gas and Water and Fisherton Anger and Bemerton Waterworks. A.D. 1914.

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.

And whereas a Provisional Order made by the Board of Trade under 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 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 assembled and by the authority of the same as follows:—

1. This Act may be cited as the Gas and Water Orders Confirmation (No. 2) Act 1914. Short title.

2. The Orders as amended and 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.

A.D. 1914.

SCHEDULE.

LIST OF ORDERS.

Dronfield Gas.—Order authorising the Dronfield Gas Light and Coke Company to construct and maintain additional gasworks and for other purposes. 5

North Middlesex Gas.—Order empowering the North Middlesex Gas Company to construct further works for the manufacture and storage of gas and residual products and for other purposes.

Uxbridge Gas.—Order authorising the Uxbridge Gas Company to raise additional capital and for other purposes. 10

Flint Gas and Water.—Order empowering the Flint Gas and Water Company Limited to construct new waterworks and to raise additional capital and for other purposes.

Fisherton Anger and Bemerton Waterworks.—Order extending the limits of supply of the Fisherton Anger and Bemerton Waterworks Company. 15

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Dronfield.

DRONFIELD GAS.

Order authorising the Dronfield Gas Light and Coke Company to construct and maintain additional gasworks and for other purposes.

Preliminary.

Short and collective titles.

1. This Order may be cited as the Dronfield Gas Order 1914 and the Dronfield Gas Order 1879 (in this Order referred to as "the Order of 1879") and the Dronfield Gas Order 1913 (in this Order referred to as "the Order of 1913") and this Order may be jointly cited as the Dronfield Gas Orders 1879 to 1914.

Commencement of Order.

2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed.

Incorporation of Acts.

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 and form part of this Order except where the same are expressly varied by or are inconsistent with the Order of 1879 the Order of 1913 or this Order.

Interpretation.

4. The several words terms and expressions to which by the Acts 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.

Undertakers.

Undertakers.

5. The Dronfield Gas Light and Coke Company shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Increase of Borrowing Powers.

Increased borrowing powers.

6. Section 7 (Limit of borrowing powers) of the Order of 1879 shall be read and have effect as if the words "eight thousand pounds" had been therein inserted instead of "six thousand pounds."

Lands and Works.

Power to purchase additional lands.

7. The Undertakers may for the purposes of their undertaking purchase take and hold (by agreement but not otherwise) in addition to the lands described in the schedule to the Order of 1879 and the

A.D. 1914.

Dronfield.

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 schedules 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 except the lands described in the said schedules.

Power to construct and maintain additional gasworks.

8. Subject to the provisions of this Order the Undertakers may upon the lands described in the schedule to the Order of 1879 and upon the lands described in the schedule to this Order annexed while they are possessed of the same erect maintain alter improve extend and renew gasworks with all necessary machinery and apparatus and do all such acts as may be proper for making and storing gas and for supplying gas within the limits of supply defined by the Order of 1879 and may on the said lands convert and manufacture residual products resulting from the manufacture of gas.

Miscellaneous.

Power to lay down and utilize pipes for ancillary purposes.

9. The Undertakers may having first obtained the consent of the local authority of the district lay down place repair alter remove and renew mains pipes and culverts in any street within the limits of supply for the purpose of procuring conducting or disposing of any oil or other materials used by them in or resulting from the manufacture of gas or any residual products thereof or for any purpose connected with their undertaking and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid so far as they are applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof.

Anti-fluctuators for gas engines.

10. 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.

Supply of gas where consumer has separate supply.

11. Notwithstanding anything contained in the Gasworks Clauses Act 1871 or any other Act a person shall not be entitled to demand or to continue to receive from the Undertakers a stand-by supply of gas for any premises for purposes for which he has at the same time a supply of gas from an installation other than that of the

Undertakers or a supply of electricity unless he shall have agreed to pay to the Undertakers such minimum annual sum as will give to them a reasonable return on the capital expenditure and other standing charges incurred by them in order to meet the possible maximum demand for those premises and the sum to be so paid shall be determined in default of agreement by arbitration in manner provided by the Arbitration Act 1889.

Power to enter premises and remove fittings.

12. 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 take licences for patents &c.

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

14. 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.

Costs of Order.

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.

The SCHEDULE referred to in the foregoing Order.

Gas Lands.

A piece of land situate in the parish of Dronfield in the county of Derby and containing by admeasurement 1 acre 2 roods 19 perches or thereabouts bounded on the north in part by Mill Lane and in other part by the River Drone on the east by the existing gasworks

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Dronfield.

and lands of the Undertakers on the west by lands belonging or reputed to belong to and in the occupation of Messrs. G. Allen and Sons and on the south by the Chesterfield Road.

NORTH MIDDLESEX GAS.

North Middlesex.

Order empowering the North Middlesex Gas Company to construct further works for the manufacture and storage of gas and residual products and for other purposes.

Short title.

1. This Order may be cited as the North Middlesex Gas Order 1914 and the North Middlesex Gas Acts 1895 to 1912 and this Order may be cited collectively as the North Middlesex Gas Acts and Order 1895 to 1914.

Commencement of Order.

2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed.

Incorporation of Acts.

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 or are inconsistent with the North Middlesex Gas Acts 1895 to 1912 or this Order).

Interpretation.

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 in this Order the same respective meanings unless there be something in the subject or context repugnant to such construction.

Undertakers.

5. The North Middlesex Gas Company incorporated by the North Middlesex Gas Company's Act 1895 shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Construction and maintenance of gasworks &c.

6. Subject to the provisions of this Order the Undertakers may upon the lands described in the schedule to this Order annexed so long as they are in possession thereof erect maintain alter improve extend and renew gasworks with all necessary machinery and apparatus and do all such acts as may be proper for making and storing gas and for supplying gas and may on the said lands convert and manufacture residual products resulting from the manufacture of gas.

Power to purchase additional land by agreement.

7. The Undertakers may for the purposes of their undertaking purchase take and hold (by agreement but not otherwise) in addition to the lands which the Undertakers are entitled to acquire or hold

under the North Middlesex Gas Acts 1895 to 1912 any lands not exceeding in the whole ten acres which they may require Provided 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 authorised to be so used by the North Middlesex Gas Company's Act 1895 or this Order.

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North Middlesex.

8. The Undertakers may apply any capital raised or authorised to be raised under the powers of the North Middlesex Gas Acts 1895 to 1912 for any of the purposes of this Order being purposes to which capital is properly applicable.

Application of capital.

9. 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.

The SCHEDULE referred to in the foregoing Order.

Gas Lands.

Firstly.—A piece of land belonging or reputed to belong to Max Hahn situate in the parish of Hendon in the county of Middlesex containing 4·79 acres or thereabouts bounded on the north and north-east by property belonging or reputed to belong to the Great Northern Railway Company on the south by land belonging or reputed to belong to the said Max Hahn on the east by lands belonging or reputed to belong to and in the occupation of the Undertakers and comprising their existing gasworks and on the west by land belonging or reputed to belong to the said Max Hahn.

Secondly.—A piece of land belonging or reputed to belong to and in the occupation of the Undertakers situate in the said parish of Hendon and containing 5 acres or thereabouts bounded on the north by other lands belonging or reputed to belong to and in the occupation of the Undertakers and comprising their existing gasworks on the south by lands belonging or reputed to belong to Peter E. Kay Limited or to George Monro and Richard Cobley on the east by the high road leading from Mill Hill to Hendon and on the west by land belonging or reputed to belong to Max Hahn.

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Uxbridge.

UXBRIDGE GAS.

Order authorising the Uxbridge Gas Company to raise additional capital and for other purposes.

Preliminary.

Short and collective titles.

1. This Order may be cited as the Uxbridge Gas Order 1914 and the Uxbridge Gas Act 1861 the Uxbridge Gas Act 1873 the Uxbridge Gas Act 1906 and the Uxbridge Gas Order 1911 (all of which are in this Order referred to as "the former Acts and Order") and this Order may be cited together as the Uxbridge Gas Acts and Orders 1861 to 1914.

Commencement of Order.

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."

Incorporation of Acts.

3. So far as the same relate to the powers conferred by this Order the provisions of the Companies Clauses Consolidation Act 1845 with respect to the several matters following (that is to say):—

The distribution of the capital of the company into shares;

The transfer or transmission of shares;

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

The forfeiture of shares for non-payment of calls;

The remedies of creditors of the company against the shareholders;

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

The consolidation of the shares into stock;

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

The making of dividends;

The giving of notices; and

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

And Part I. (relating to the cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts 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) and of the Gasworks Clauses Act 1871 so far as the same are applicable for

the purposes of and are not inconsistent with or varied by the provisions of the former Acts and Order or this Order are hereby incorporated with and form part of this Order:

Provided that section 13 of the Gasworks Clauses Act 1847 for the purposes of its incorporation with the former Acts and Order and this Order 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 Under-" takers shall be alike in terms and amount under like circumstances " to all consumers" were added at the end of that section Provided also 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" down to "have been paid" all inclusive had been omitted therefrom and as though the expression "the prescribed rate" included the rates of dividend as authorised by the former Acts and Order and this Order together with any sum which under the provisions of this Order might lawfully be carried to the special purposes fund.

For the purposes of such incorporation the "special Act" in the said Acts respectively shall be construed to mean this Order and the term "the company" shall mean the Undertakers.

Interpretation.

4. 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 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 mean the undertaking authorised by the former Acts and Order as amended by this Order and the expression "the authorised rates" means the rates of dividend authorised by the Uxbridge Gas Act 1906 and this Order on the capital of the Undertakers or such rates as reduced or increased in accordance with the provisions of the said Act and this Order.

Undertakers.

Undertakers.

5. The Uxbridge Gas Company shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Additional Capital and Borrowing.

Additional capital and borrowing.

6. In addition to the capital authorised by the former Acts and Order (in this Order referred to as "the existing capital") the Undertakers may—

(1) Raise additional capital not exceeding in the whole one hundred thousand pounds (in this Order referred to as

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Uxbridge.

"the additional capital") by the creation and issue of preference shares or stock or ordinary shares or consolidated stock or wholly or partially by one or more of those modes respectively but the Undertakers shall not issue any share of less nominal value than ten pounds nor shall any such share or stock vest in the person accepting the same unless and until the full price of such share or stock together with any premium obtained on the sale thereof as hereinafter provided has 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 one hundred thousand pounds;

(2) Borrow on mortgage of the undertaking in respect of the additional capital any sum or sums not exceeding in the whole one-third part of the amount of the additional capital at the time actually raised by the issue of new shares or stock including the premiums (if any) realised on the sale thereof but no part thereof shall be borrowed until the whole of the shares or stock in respect of which the power of borrowing is being exercised including the premiums (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 together with the premium (if any) has 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 certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Privileges &c. of the holders of additional capital.

7. Subject to the provisions of this Order the additional capital raised by the Undertakers under this Order shall be part of the general capital of the Undertakers and save as otherwise provided in respect of such capital by or under the provisions of this Order the holders of shares or stock in such additional capital shall be entitled to the like rights of voting and any other rights qualifications and privileges in proportion to the amount of their shares or stock from time to time paid up and be subject to the like provisions and liabilities as the holders of the shares or stock in the existing capital.

Additional capital 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 from time to time determine Provided as follows:—

5 (*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 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 10 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 Undertakers in a sealed letter to be received by the 15 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:

20 (*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 25 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 30 the ordinary and preference shares or stock of the Undertakers in accordance with 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 Undertakers may think fit or to one or more of these classes of persons 35 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 them respectively.

40 (4) Any shares or stock which have been offered for sale in accordance with subsection (2) or with subsections (2) and (3) 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

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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.

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 or stock under the provisions of this Order by way of premium shall not be considered as part of the capital of the Undertakers entitled to dividend.

Dividends on different classes of shares to be paid proportionately.

10. In case in any half-year the funds of the Undertakers applicable to dividend are insufficient to pay the full amount of the dividend at the authorised rates on each class of ordinary shares or stock in the existing capital and the additional capital a proportionate reduction shall be made in the dividends payable on each class.

Restrictions as to votes in respect of preferential shares or stock.

11. 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.

Existing mortgages to have priority.

12. All mortgages granted by the Undertakers in pursuance of the former Acts and Order and subsisting at the commencement of this Order shall during the continuance of such mortgages and subject to the provisions of the former Acts and Order have priority over any mortgages granted by virtue of this Order but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Undertakers.

Limits of dividend on capital.

13. Except as expressly provided by this Order or by the Uxbridge Gas Act 1906 the Undertakers shall not in any year declare or make out of their profits any larger dividend on the additional capital than the standard rate of dividend hereinafter mentioned namely five pounds in respect of every one hundred pounds of such capital.

Power to create a special purposes fund.

14.—(1) The directors of the Undertakers may if they think fit in any half 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 half 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 an accountant appointed for the purpose by the Board of Trade shall approve as being—

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

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

(3) The maximum amount standing to the credit of the special purposes fund shall not at any time exceed an amount equal to one tenth part of the paid up capital of the 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 moneys 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 section 36 (Insurance Fund) of the Uxbridge Gas Act 1906 is hereby repealed.

(7) Section 37 (Application of excess of profits over authorised rate of dividend) of the Uxbridge Gas Act 1906 shall be read and have effect as if the words "special purposes fund" had been inserted therein instead of the words "insurance fund".

For appointment of receiver.

15. Section 30 of the Uxbridge Gas Act 1906 is hereby repealed and from and after the commencement of this Order 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 and in order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall be not less than one-tenth part of the total amount for the time being owing by the Undertakers on mortgage.

Application of financial provisions of Uxbridge Gas Act 1906.

16. The following provisions of the Uxbridge Gas Act 1906 shall with any necessary modifications extend and apply to the exercise of the powers of raising additional capital and borrowing on mortgage

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of the undertaking in this Order contained as if the same were re-enacted in this Order (that is to say):—

Section 18 (Company not to convert borrowed money into capital);

Section 27 (Debenture stock);

Section 28 (Priority of mortgages and debenture stock over other debts); 5

Section 32 (Receipt in case of persons not sui juris).

Limit of interest on money borrowed.

17. The Undertakers shall not without the consent of the Board of Trade pay interest at a higher rate than five pounds per centum per annum in respect of any money borrowed on mortgage or raised 10 by the creation and issue of debenture stock under the authority of this Order.

Supply of Gas.

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

(2) The charge for the hire of any prepayment meter and fittings to be used therewith shall be a sum of money calculated according to the quantity of gas supplied through such prepayment meter and the 20 maximum charge shall be at the rate of tenpence per one thousand cubic feet supplied in manner aforesaid such sum to include the hire of the 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. 25

(3) The charge for the hire of any prepayment meter without fittings shall be a sum of money calculated according to the quantity of gas supplied through the prepayment meter and the maximum charge shall be at the rate of sixpence per one thousand cubic feet supplied in manner aforesaid or at the rate of ten per centum per 30 annum on the cost of the meter whichever shall be the higher.

(4) The said charges shall include the providing letting fixing repairing and maintenance of the meters and fittings or of the meters as the case may be and the cost of collection and other costs incurred by the Undertakers in connection therewith. 35

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

Gas engines &c. of Undertakers let on hire

19.—(1) All engines stoves ranges pipes fittings and other apparatus 40 appliances and things (in this section referred to as "fittings") let by the Undertakers on hire under the provisions of the Uxbridge Gas

Act 1906 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 such fittings 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.

though fixed to premises to remain the property of the Undertakers.

(2) Nothing in this section shall affect the amount of assessment for rating of any premises upon which any fittings are or shall be fixed.

Power to enter premises and remove fittings.

20. The power to enter premises and to remove pipes meters fittings or apparatus conferred on 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 lay pipes in streets not dedicated to public use.

21. The Undertakers may but only with the consent in writing 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 abutting on or being erected in any street laid out but not dedicated to public use supply those premises with gas and for that purpose the Gasworks Clauses Act 1847 shall apply as if section 7 of that Act were excepted from incorporation in the former Acts and Order and this Order.

Power to lay down and utilise pipes for ancillary purposes.

22. The Undertakers may having first obtained the consent in writing of the local authority of the district lay down place repair alter remove and renew mains pipes and culverts in any street within the limits of supply for the purpose of procuring conducting or disposing of any oil or other materials used by them in or resulting from the manufacture of gas or any residual products thereof or for any purpose connected with their business and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when 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.

Supply of gas where consumer has separate supply.

23. Notwithstanding anything contained in the Gasworks Clauses Act 1871 or any other Act a person shall not be entitled to demand or to continue to receive from the Undertakers a stand-by supply of gas for any premises for purposes for which he has at the same time a supply of gas from an installation other than that of the Undertakers or a supply of electricity unless he shall have agreed to pay to the

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Undertakers such minimum annual sum as will give to them a reasonable return on the capital expenditure and other standing charges incurred by them in order to meet the possible maximum demand for those premises and the sum to be so paid shall be determined in default of agreement by arbitration in manner provided by the Arbitration Act 1889. 5

Notice of discontinuance.

24. 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 of the Undertakers or be given by the consumer personally at the office of the Undertakers. 10

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

25. 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. 15

Miscellaneous.

Power to purchase additional land by agreement.

26. The Undertakers may for the purposes of the undertaking purchase take and hold (by agreement but not otherwise) in addition to the lands now belonging to or authorised to be acquired by them any lands not exceeding in the whole five acres which they may require Provided 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 former Acts and Order. 20 25

Power for directors to determine remuneration of secretary.

27. In addition to the powers which the directors of the Undertakers may exercise under the Companies Clauses Acts 1845 to 1889 or otherwise they may from time to time determine the remuneration of the secretary of the Undertakers.

Dwelling houses &c. for officers and servants offices showrooms &c.

28. The Undertakers may purchase take on lease repair and maintain houses cottages and buildings for the officers and servants employed by the Undertakers and offices showrooms and other buildings for the purposes of their undertaking and may erect maintain and let any such buildings upon any lands for the time being belonging or leased to the Undertakers. 30 35

Repeal of certain sections of the Uxbridge Gas Act 1861.

29. The following sections of the Uxbridge Gas Act 1861 are hereby repealed (that is to say) section 57 (Consumption of gas by meter) section 58 (Penalty for tampering with meters) section 59 (Power to remove pipes from unoccupied premises) section 62 (Power to test the illuminating power of the gas Penalty in case of default) section 63 (Cost of experiment to be paid according to the event) section 66 40

(Several names &c. in one summons or warrant) and section 67 (Costs of distress).

A.D. 1914.

Uxbridge.

30. 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.

FLINT GAS AND WATER.

Order empowering the Flint Gas and Water Company Limited to construct new waterworks and to raise additional capital and for other purposes.

Flint.

Preliminary.

1. This Order may be cited as the Flint Gas and Water Order 1914 and this Order and the Flint Gas and Water Order 1876 (in this Order referred to as "the Order of 1876") may be cited together as the Flint Gas and Water Orders 1876 and 1914.

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 (other than the provisions with respect to the purchase and taking of lands otherwise than by agreement and the entry upon lands by the promoters of the undertaking) and of the Waterworks Clauses Acts 1847 and 1863 are except where expressly varied by this Order incorporated with and form part of this Order.

Incorporation of Acts.

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 in this Order the same respective meanings and—

Interpretation.

The expression "the water undertaking" means the water undertaking authorised by the Flint Gas and Water Orders 1876 and 1914.

Undertakers.

5. The Flint Gas and Water Company Limited shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Undertakers.

A.D. 1914.

Flint.

Lands.

Power to acquire lands by agreement.

6. In addition to any other lands which the Undertakers are under the Order of 1876 authorised to take or purchase the Undertakers may by agreement but not otherwise purchase take and hold for the purposes of this Order and for the general purposes of the water undertaking any lands not exceeding in the whole ten acres in extent and any easement right or privilege (not being an easement right or privilege of water in which any persons other than the grantors have an interest) in over or under any lands Provided that the Undertakers shall not upon any such lands create or permit any nuisance or erect or authorise the erection thereon of any houses or similar buildings except offices and dwellings for persons in their employ and except such buildings and works as are required for or in connection with the water undertaking.

Persons under disability may grant easements.

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

Power to hold lands for protection of waterworks.

8. The Undertakers may hold any lands acquired by them under the powers of this Order or the Order of 1876 which they may deem necessary for the purpose of protecting their waterworks against pollution fouling and contamination and so long as such necessity shall continue such lands shall not be deemed to be superfluous lands within the meaning of the Lands Clauses Acts but the Undertakers shall not create or permit a nuisance on any such lands.

Works.

Power to construct waterworks and take water.

9. Subject to the provisions of this Order the Undertakers may in upon or under the lands or in or under the streets roads or highways in upon or under which the same are shown on the deposited plans but as regards such lands only while they are possessed of the same or of any necessary rights or easements entitling them so to do make and maintain in the lines and according to the levels shown on the deposited plans and sections the works hereinafter described.

The works authorised by this Order are situate in the parish of Northop in the rural district of Holywell and the parishes of Flint

and Coleshill Fawr in the borough of Flint all in the county of Flint and are as follows:—

Work No. 1.—A line or lines of pipes commencing in the mouth of the Halkyn Deep Level in the said parish of Northop at a point ten chains or thereabouts measured in a north-westerly direction from the eastern corner of the enclosure numbered 723 in the said parish on the 25-inch Ordnance map of the county of Flint (edition 1912 Sheet IX 7) and terminating in the said parish of Coleshill Fawr at the eastern corner of the enclosure numbered 42 in the said last-mentioned parish on the said Ordnance map (Sheet IX 4) at the existing waterworks of the Undertakers;

Work No. 2.—A line or lines of pipes situate wholly in the said parish of Flint commencing by a junction with the line or lines of pipes (Work No. 1) at the point of junction of Halkyn Street and Old London Road and terminating in Holywell Street at a point fifteen chains or thereabouts measured in a north-westerly direction along that street from the point of junction therewith of Evans Street.

In addition to the foregoing works the Undertakers may upon any lands in or upon which they are entitled under this Order to construct such works but as regards such lands only if and so long as they are possessed of the same or of the necessary rights or easements entitling them so to do make and maintain all such cuts channels catchwaters tunnels adits pipes conduits culverts drains sluices bye-washes shafts bores water towers overflows waste water channels gauges filter beds tanks banks walls bridges embankments piers approaches engines machinery and appliances as may be necessary or convenient in connection with or subsidiary to the before-mentioned works or any of them and telegraphs and telephones necessary or convenient in connection therewith Provided that no telegraphs or telephones constructed and maintained under the provisions of this Order shall be used for the transmission of telegrams within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

Subject to the provisions of this Order the Undertakers may collect impound take use divert and appropriate for the purposes of the water undertaking all such springs streams or waters as may be intercepted by the works by this Order authorised:

Provided always that it shall not be lawful for the Undertakers to lay down or construct for the purpose of receiving water from the Halkyn Deep Level aforesaid any intake to the line of pipes Work No. 1 aforesaid of a greater internal diameter than nine inches but nothing herein contained shall be deemed to prevent the Undertakers from laying down and constructing at such intake straining and screening apparatus of greater diameter than nine inches.

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Limits of deviation.

10. In constructing the works authorised by this Order the Undertakers may deviate laterally to any extent within the limits of 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 deviate vertically from the levels shown on the deposited sections to any extent not exceeding three feet upwards and ten feet downwards Provided that the Undertakers shall not raise any line of pipes above the surface of the ground unless so shown on the deposited sections and then only to the extent so shown.

Completion of works.

11. The works authorised by this Order shall be commenced constructed and completed within the time and subject to the conditions prescribed by section 11 of the Gas and Water Works Facilities Act 1870 Provided always that subject to the restrictions and provisions of this Order the Undertakers may alter enlarge renew improve and extend the same in such way and manner as they may consider requisite or advisable for supplying water within the limits of supply as defined by the Order of 1876.

Limiting powers of Undertakers to abstract water.

12. The Undertakers shall not construct any works for 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 or some other Order or Act of Parliament.

Use by Undertakers of water purchased from Halkyn District Mines Drainage Company.

13.—(1) The Undertakers may use for the purposes of the water undertaking any water purchased or received by them from the Halkyn District Mines Drainage Company:

Provided always that the Undertakers shall properly and efficiently filter or otherwise treat all water at any time purchased or received by them from the Halkyn District Mines Drainage Company so as to render the same pure and wholesome for domestic purposes If the Undertakers make default in filtering or treating the water as aforesaid they shall be liable to a penalty not exceeding ten pounds for every day during which such default shall continue.

(2) The local authority for any district situate wholly or partly within the Undertakers limits of supply and the Flint County Council may take proceedings to enforce the provisions of this section and for the recovery of penalties thereunder Provided that the Company shall not incur more than one penalty (other than a daily penalty) for the same offence.

Detection of waste.

14. Subject to the provisions of the Waterworks Clauses Act 1847 the Undertakers may for the purpose of preventing and detecting waste affix and maintain meters and similar apparatus on the service pipes and mains of the Undertakers and stopcocks in the pipes supplying houses with water and may insert in the roads or footways the necessary

covers or boxes for giving access and protection thereto and may for that purpose stop up break up and interfere temporarily with public and private streets roads lanes footways sewers courts passages tramways gas or water pipes electric lines wires and apparatus Provided that the Undertakers shall not interfere with any electric lines wires and apparatus belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

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

15. 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 within the limits of the Undertakers for the supply of water abutting on or being erected in any street or road laid out or made but not dedicated to public use supply such premises with water and for that purpose the provisions of the Waterworks Clauses Acts 1847 and 1863 shall apply as if such street were a street within the meaning of those Acts.

Quality of water.

16. Sections 24 and 36 of the Order of 1876 are hereby repealed.

Limits of pressure.

17. Section 25 of the Order of 1876 is hereby repealed and in lieu thereof the following provisions shall be in force and have effect:—

The water supplied by the Undertakers shall be constantly laid on but such water need not at any time be delivered at a greater height—

(*a*) in the case of any premises in that part of the borough of Flint which is known as Mount Pleasant (in this Order referred to as "Mount Pleasant") than can be reached by gravitation from the service reservoir referred to in the section of this Order the marginal note whereof is "For protection of Flint Corporation"; or

(*b*) in the case of any premises in any part of the said borough other than Mount Pleasant than can be reached by gravitation from the service reservoir from which such premises are supplied.

For protection of British Glanzstoff Manufacturing Company Limited and the Holywell Company Limited and others.

18. The following provisions for the protection and benefit of the British Glanzstoff Manufacturing Company Limited the Holywell Company Limited Messieurs Jones and Davies and Alfred Bibby Lloyd (in this section referred to as "the protected parties") shall unless otherwise agreed in writing between the Undertakers on the one hand and the protected parties on the other hand apply and have effect viz.:—

(1) The pipe or conduit to be laid down by the Undertakers for the purpose of abstracting water from the mouth of the Halkyn Deep Level shall be a circular pipe or conduit of such dimensions not exceeding nine inches internal diameter

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as the Undertakers may deem necessary but nothing hereinbefore contained shall be deemed to prevent the Undertakers from laying down and constructing at the intake of the said pipe or conduit straining and screening apparatus of greater diameter than nine inches; 5

(2) The Undertakers shall not by means of any works which they may execute under the powers of this Order at or near the said intake raise the level of the water flowing on the bed of the Halkyn Deep Level to a greater height than the highest level to which such water rises under the conditions existing 10 prior to the commencement of this Order;

(3) In the execution of the works authorised by this Order in or near the bed of the Swinchiard or Nant-y-Flint Brook below the mouth of the Halkyn Deep Level and of any works of repair maintenance or renewal thereof the Undertakers 15 shall use all reasonable care to secure that the condition of any water taken by the protected parties from the Swinchiard or Nant-y-Flint Brook for their mills machinery and works shall be affected as little as may be by the execution repair maintenance or renewal of such works of the Undertakers and 20 before commencing any such works the Undertakers shall give three previous days' notice in writing to the protected parties;

(4) If any difference shall arise with respect to any of the matters mentioned in this section between the Undertakers and the 25 protected parties such difference shall be referred to and settled by an arbitrator to be appointed on the application of either party by the Board of Trade;

(5) Nothing in this section shall be construed as imposing upon the Halkyn District Mines Drainage Company or their successors 30 in title any obligation to which they would not have been subject if this Order had not been made to continue to discharge water or to permit water to flow from the Halkyn Deep Level into the Swinchiard or Nant-y-Flint Brook. 35

For protection of Flint Corporation.

19. For the protection of the mayor aldermen and burgesses of the borough of Flint (in this section referred to as "the corporation") the following provisions shall unless otherwise agreed in writing between the Undertakers and the corporation have effect (that is to say):— 40

(1) The Undertakers shall at their own expense provide and simultaneously with the laying of the line or lines of pipes (Work No. 2) by this Order authorised fix in the

said line or lines of pipes in such positions as shall be reasonably directed by the corporation six hydrants or fireplugs of such pattern as may be reasonably approved by the corporation which shall at all times after the said line or lines of pipes shall first be charged with water and while the same are used by the Undertakers or their successors in title for the conveyance of water be available for use by the corporation and their officers and servants for taking water free of charge (*a*) for extinguishing fire and (*b*) for filling water carts with water for cleansing and watering the streets in the borough of Flint The said hydrants or fireplugs shall from time to time be renewed and kept in effective order by and at the expense of the Undertakers;

(2) Nothing in the preceding subsection of this section shall interfere with or affect the right of the corporation to require the Undertakers to fix fireplugs under and subject to the provisions of the Waterworks Clauses Act 1847;

(3) The Undertakers shall once in every quarter of each year cause an examination and analysis of the water supplied by them to be made by some competent person and shall furnish the corporation free of charge with a copy of all reports of such examinations and analyses The first of such examinations and analyses shall be made not later than the first quarter day after the date on which a supply of water is first given by the Undertakers by means of the works authorised by this Order and the subsequent quarterly examinations and analyses shall be made as nearly as may be at intervals of three months thereafter;

(4) The Undertakers shall within three years from the commencement of this Order construct a service reservoir in Mount Pleasant and extend their mains so as to supply the said reservoir;

(5) The Undertakers shall not make any higher charge for water supplied by them for any purpose within Mount Pleasant than the charge for the time being made by them for water supplied for the same purpose in any other part of the said borough;

(6) The Undertakers shall not at any time supply any water for domestic purposes by means of the works authorised by this Order unless the same shall have been efficiently filtered;

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(7) After laying any mains in the said borough and before filling in the trench in which the same are laid the Undertakers shall test the capacity of such mains to withstand a pressure not less than that of the working pressure of the said mains ; 5

(8) If any difference shall arise between the corporation and the Undertakers as to the position or the pattern of the hydrants to be provided and fixed by the Undertakers pursuant to subsection (1) of this section such difference shall be referred to and determined by an arbitrator to be agreed 10 upon between them or failing such agreement to be appointed on the application of the corporation or of the Undertakers after notice to the other of them by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 15 shall apply to any such arbitration.

Capital Borrowing Powers and Redemption Fund.

Additional capital.

20. The limitation prescribed by the Order of 1876 with respect to the amount of the capital of the Undertakers for the purposes of the water undertaking shall not prevent the Undertakers from raising for 20 the purposes of the water undertaking further capital (in this Order referred to as "the additional capital") not exceeding one thousand five hundred pounds Provided that the nominal amount of the capital of the Undertakers for the purposes of the water undertaking shall not exceed in the whole eight thousand one hundred pounds unless the 25 Undertakers are hereafter authorised to raise further 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.

21.—(1) All shares or stock forming part of the additional capital shall be issued in accordance with the provisions of this section. 30

(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 35 town clerk of the borough of Flint 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 40 more local newspapers circulating within the said borough :

(*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.

(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 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 water 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 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.

(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.

Application of money.

22. 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 by way of premium from

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the issue of shares or stock under the provisions of this Order shall not be considered as part of the capital of the Undertakers entitled to dividend.

Limit of dividend on additional capital.

23. The Undertakers shall not in respect of any year pay out of their profits any larger dividend on the additional capital than a dividend at the rate of seven pounds in respect of every one hundred pounds actually paid up of such capital as is issued as ordinary capital or than a dividend at the rate of six pounds in respect of every one hundred pounds actually paid up of the additional capital as is issued as preference capital unless a larger dividend be at any time necessary to make up the deficiency of any previous dividend which shall have fallen short of the said yearly rates.

Dividends on ordinary capital to be paid proportionately.

24. 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 dividend at the prescribed maximum rates on each class of the ordinary capital of the Undertakers a proportionate reduction shall be made in the dividends payable on each class.

Limit of borrowing powers.

25. Notwithstanding anything contained in section 6 of the Order of 1876 the Undertakers may borrow on mortgage of the undertaking any sum or sums not exceeding in the whole one-third part 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.

Redemption and depreciation funds.

26.—(1) The directors of the Undertakers (in this section called "the directors") may if they think fit in any year in which the Undertakers may be taking water by means of the works by this Order authorised set aside and appropriate out of the revenue of the Undertakers as part of the expenditure on revenue account any sums not exceeding in the whole fifty-five pounds to a fund to be called "the redemption fund" or to a fund to be called "the depreciation fund" or partly to one and partly to the other of such funds:

Provided always that the amount of moneys which may be set aside and appropriated to the redemption fund under the provisions of this subsection shall not exceed in the aggregate a sum of two thousand seven hundred pounds and that the amount of the depreciation fund under the provisions of this subsection shall not exceed one thousand three hundred pounds.

(2) The moneys credited to the redemption fund may be applied from time to time by the directors in paying off any sums repayable

in respect of moneys borrowed by the Undertakers on redeemable securities or otherwise repayable by the Undertakers in respect of borrowed moneys and the moneys credited to the depreciation fund may be applied from time to time by the directors in meeting the expenses incurred in the replacement or removal of plant or works or to any purposes of the water undertaking to which capital is properly applicable.

(3) The moneys for the time being forming the redemption and depreciation funds or any portion thereof respectively may be invested in securities in which trustees are authorised by law to invest and the interest on such securities shall be carried to the credit of the fund of which such securities respectively form part and in calculating the maximum sum which the Undertakers may appropriate to either of such funds such interest shall be included Provided always that such interest shall not be reckoned for the purpose of limiting the amount which the Undertakers are by this section authorised to appropriate in any one year to the said funds.

(4) The borrowing powers of the Undertakers under the Order of 1876 and this Order shall be deemed to be reduced by the amount of any borrowed moneys paid off by means of moneys forming part of the redemption fund.

Miscellaneous.

Power to erect &c. cottages for officers and servants.

27. 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 buildings for the officers and servants employed by the Undertakers for the purposes of their undertaking.

Byelaws for preventing waste of water.

28.—(A) The Undertakers may make byelaws for the purpose of preventing 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 connection disconnection alteration and repair of pipes meters cocks ferrules valves soil-pans water-closets baths cisterns and other apparatus (in this Order 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.

(B) Such byelaws shall apply only in the case of premises to which the Undertakers are bound to afford and do in fact afford or are prepared on demand to afford a constant supply.

(C) All such byelaws shall be subject to the provisions contained in sections 182 183 184 and 186 of the Public Health Act 1875 and all penalties imposed for the breach of any such byelaws shall be recoverable in manner provided by that Act for the recovery of penalties

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and those sections shall for the purposes of this section be construed as if the Undertakers were a local authority within the meaning of those sections and the secretary of the Undertakers were the clerk of the local authority.

(D) A copy of all such byelaws in force for the time being shall be kept at the office of the Undertakers All persons may at all reasonable times inspect such copy without payment and the Undertakers shall cause to be delivered a printed copy of all byelaws for the time being in force to every person applying for the same on payment of a sum not exceeding sixpence for each copy.

(E) In case of failure of any person to obey such byelaws as are for the time being in force the Undertakers may if they think fit after forty-eight hours' notice in writing enter and by and under the direction of their duly authorised officer repair 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 Undertakers as the water rates in respect of the premises are recoverable.

Water rates payable by owners of small houses.

29. Where a house supplied with water is let to monthly or weekly tenants or tenants holding for any other period less than a quarter of a year the owner instead of the occupier shall if the Undertakers so determine pay the rate for the supply but the rate may be recovered from the occupier and may be deducted by him from the rent from time to time due from him to the owner Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to the service upon him of a notice to pay the rate.

Supply of water to houses partly used for trade &c.

30. The Undertakers 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 of water by hose pipes to stables &c.

31. When water supplied for domestic purposes is used for washing horses carriages or motor cars or for other purposes in stables or premises where horses carriages or motor cars are kept the Undertakers may if a hose-pipe or similar apparatus is used charge such additional sum not exceeding twenty shillings per annum as they may prescribe and any sum charged under this section shall be recoverable in the same manner as water rates.

Contracts for supplying water in bulk.

32. The Undertakers may enter into and carry into effect agreements with any local authority company or persons for the supply of water beyond the limits of supply of the Undertakers as defined by the

Order of 1876 for the supply of water to any such authority company or persons 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 Provided that such supply shall not be given except with the consent of any company or persons supplying water under parliamentary authority within the area to be supplied and of the local authority of the district comprising that area nor if and so long as such supply would interfere with the supply of water for domestic purposes within the Undertakers' said limits of supply Provided also that nothing in this section shall authorise the Undertakers to lay any mains beyond the limits of supply as defined by the Order of 1876.

Power to sell or let water meters.

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

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

Power to supply water fittings.

34.—(1) The Undertakers may if requested by any person supplied or about to be supplied by them with water furnish to him and repair or alter but shall not manufacture any such water fittings as are required or permitted by their regulations and may provide all materials and work necessary or proper in that behalf and the reasonable charges of the Undertakers 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 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 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.

Undertakers not bound to supply several houses by one pipe.

35. The Undertakers shall not be bound to supply more than one house by means of the same communication pipe and may if they think fit require that a separate pipe be laid from the main pipe into each house supplied by them with water.

Notice of discontinuance.

36. A notice to the Undertakers 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 Undertakers or be given by the consumer personally at the office of the Undertakers.

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Notice to Undertakers of connecting or disconnecting meters.

37. Before any person connects or disconnects any meter by means of which any of the water of the Undertakers is intended to be or has been registered he shall give not less than twenty-four hours' notice in writing to the Undertakers 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 Undertakers and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Power to remove meters and fittings.

38. The Undertakers by their agents or workmen after forty-eight hours' notice in writing under the hand of the secretary or some other officer of the Undertakers to the occupier or if there be no occupier then to the owner or lessee of any house building or land in which any water fitting belonging to the Undertakers is laid or fixed and through or in which the supply of water is from any cause other than the default of the Undertakers discontinued for the space of forty-eight hours may enter such house building or land between the hours of nine in the morning and four in the afternoon or at any other time with the authority in writing of a justice for the purpose of removing and may remove every such water fitting repairing all damage caused by such entry or removal.

Maintenance of common pipe.

39. When several houses or parts of houses in the occupation of several persons are supplied with water by one common pipe belonging to the several owners or occupiers of such houses or parts of houses the said several owners or occupiers shall be liable to contribute the amount of any expenses from time to time incurred by the Undertakers in the maintenance and repair of such pipe and their respective proportions of contributions shall be settled by the engineer of the Undertakers.

Temporary discharge of water into streams.

40.—(1) For the purpose of constructing enlarging extending repairing cleansing emptying or examining any of their waterworks the Undertakers may cause the water in such works to be temporarily discharged into any available stream or watercourse.

(2) In the exercise of the power conferred by this section the Undertakers shall do as little damage as may be and shall make compensation to all persons for all damage sustained by them by the exercise of such power the amount of compensation to be settled in default of agreement by arbitration in accordance with the provisions of the Arbitration Act 1889.

As to communication pipes.

41. For the purpose of complying with any obligation under the Waterworks Clauses Act 1847 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 and subject to the

conditions and provisions of sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes.

Power to Undertakers to repair communication pipes.

42. If it should appear to the Undertakers that by reason of any injury to or defect in any communication pipe which the Undertakers are not under obligation to maintain any waste of water or injury or risk of injury to person or property is caused or likely to be caused it shall be lawful for the Undertakers to execute such repairs as they may think necessary or expedient in the circumstances of the case without being requested so to do and the expense incurred by the Undertakers in executing such repairs shall be recoverable by the Undertakers from the owner of the premises supplied or in cases where the communication pipe is repairable by the occupier of such premises from the occupier:

Provided that except in case of emergency the Undertakers shall not under the powers of this section enter into any house or private premises unless they shall have given to the owner or occupier as the case may be of such house or premises not less than twenty-four hours' previous notice of their intention so to enter.

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

43. If a person requiring a supply of water from the Undertakers has previously quitted premises at which water was supplied to him by the Undertakers without paying to them all water rates and other moneys due from him to the Undertakers they may refuse to furnish to him a supply of water until he pays the same.

Warrant of distress to include costs.

44. Any justice who issues a warrant of distress in pursuance of the provisions of the Order of 1876 or this Order may order that the costs of the proceedings for the recovery of the money to be levied shall be paid by the person liable to pay such money and such costs shall be ascertained by such justice and shall be included in the warrant of distress for the recovery of such money.

Several sums in one summons.

45. Any summons or warrant issued for any of the purposes of this Order may contain in the body thereof or in the schedule thereto several sums due from the same individual.

Liability to water rate not to disqualify justice from acting.

46. No justice or judge of any county court or quarter sessions shall be disqualified from acting in the execution of the Order of 1876 or this Order by reason of his being liable to the payment of any water rate or other charge under the Order of 1876 or this Order.

Price of gas.

47. As from the first quarter-day after the commencement of this Order section 13 of the Order of 1876 shall be repealed and in lieu thereof the following provision shall be in force and have effect:—

> The price to be charged by the Undertakers for gas supplied by them to persons who shall burn the same by meter shall not at any time exceed five shillings per thousand cubic feet.

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Costs of Order.

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.

FISHERTON ANGER AND BEMERTON WATERWORKS.

Fisherton Anger and Bemerton.

Order extending the Limits of Supply of the Fisherton Anger and Bemerton Waterworks Company.

Preliminary.

Short and collective titles.

1. This Order may be cited as the Fisherton Anger and Bemerton Waterworks Order 1914 and the Fisherton Anger and Bemerton Waterworks Act 1867 (in this Order referred to as "the Act of 1867") and this Order may be cited together as the Fisherton Anger and Bemerton Waterworks Act and Order 1867 and 1914.

Commencement of Order.

2. This Order shall come into force and have effect upon the day on which the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order."

Incorporation of general Acts.

3. The provisions of the Waterworks Clauses Acts 1847 and 1863 are (except where expressly varied by the Act of 1867 or this Order) incorporated with and form part of this Order.

Interpretation.

4. In this Order—

The several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith and by the Gas and Water Works Facilities Act 1870 have the same respective meanings unless there be something in the subject or context repugnant to such construction;

The expression "the new limits" means the area within which the Undertakers are by this Order authorised to supply water.

Undertakers.

5. The Fisherton Anger and Bemerton Waterworks Company shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Extension of Limits.

Extension of limits of supply.

6. The Undertakers may supply water within that part of the parish of Bemerton in the rural district of Wilton in the county of Wilts comprising the hamlet of Quidhampton and lying south of an imaginary line one hundred and fifty feet to the north of the road leading from Bemerton to Quidhampton drawn from Church Lane Bemerton on the east to a point north of Quidhampton Mission Room on the west thence turning south to the boundary fence of the enclosure

numbered 119 on Sheet LXVI. 10 of the Ordnance Survey for the county of Wilts (Second Edition 1901) and following the said boundary fence westwards to its termination at the road leading to the Salisbury Race Plain which area is more particularly delineated on the plan signed in duplicate by an assistant secretary of the Board of Trade one copy whereof has been deposited at the Parliament Office House of Lords and the other at the office of the Undertakers and if there should be any difference between the description contained in this section and the area delineated upon such maps the latter shall prevail and subject to the provisions of this Order the Undertakers shall have and may exercise within the new limits all and the like powers privileges and authorities for and in relation to the supply of water including the levying of rents rates and charges and shall be subject to all and the like duties liabilities and obligations in respect thereof as they now have and are subject to within the limits of suppy authorised by the Act of 1876.

Where Undertakers not furnishing sufficient supply local authority or company may supply.

7. If at any time after the expiration of one year from the commencement of this Order the Undertakers are not furnishing or prepared on demand to furnish a sufficient supply of pure and wholesome water in accordance with the provisions of this Order in any part of the district of any local authority included within the new limits the local authority of such district may provide a supply in the whole or any part of their district within the new limits in accordance with the provisions of the Public Health Act 1875 or any company body or person may apply for an Act of Parliament or Provisional Order for the purpose of supplying water in any part of such district to which the Undertakers are not furnishing or prepared on demand to furnish a sufficient supply of water as if in either case there were no Undertakers authorised by this Order to supply water therein.

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

Costs of Order.

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

Gas and Water Provisional Orders (No. 2).

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 Dronfield Gas North Middlesex Gas Uxbridge Gas Flint Gas and Water and Fisherton Anger and Bemerton Waterworks.

(*Brought from the Commons* 19*th June* 1914.)

Ordered to be printed 19th June 1914.

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A

B I L L

INTITULED

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Glasgow Corporation. A.D. 1914.

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 1899 and it is requisite that the said Order should be confirmed by Parliament: 62 & 63 Vict. c. 47.

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:—

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

2. This Act may be cited as the Glasgow Corporation Order Confirmation Act 1914. Short title.

A.D. 1914.

SCHEDULE.

GLASGOW CORPORATION.

Provisional Order to confer further powers on the Corporation of the City of Glasgow with respect to the public lighting of the City the alteration of incidence of rates and charges for lighting streets courts and common stairs the regulation and control of metal refiners Police and Sanitary matters and the borrowing of further money to extend the Boundaries of the County of the Barony and Regality of Glasgow to authorise the closing of rights of way and the confirming of agreements with respect thereto and for other purposes.

WHEREAS it is expedient that the powers in this Order contained with reference to public lighting and the lighting of private streets courts and common stairs should be conferred on the Corporation of the city of Glasgow (in this Order referred to as "the Corporation" and "the city" respectively), and that the incidence of the assessment and charges for lighting purposes should be altered as herein-after provided:

And whereas it is expedient that the further powers with reference to metal refiners and the other powers herein-after contained should be conferred upon the Corporation with a view to prevention and detection of crime and for the good government of the city:

And whereas the city is situated partly in the county of Lanark and partly in the county of Renfrew the part in the county of Renfrew being in the parishes of Paisley and Eastwood:

And whereas for the purposes of registration of writs in the divisions of the General Register of Sasines for Scotland the boundaries of the county of the barony and regality of Glasgow were altered by the Order scheduled to and confirmed by the Glasgow &c. Order Confirmation Act 1892 so as to include the portions of the city which at that date extended at some points beyond the said boundaries:

And whereas by the following Acts certain portions (which portions do not form part of the county of the barony and regality of Glasgow) of the following parishes and counties have been added to the city viz:—

5 (A) By the Glasgow Corporation (Tramways Libraries &c) Act 1899 a portion of the parish of Rutherglen in the county of Lanark;

(B) By the Glasgow Corporation Act 1909 portions of the parishes of Paisley and Eastwood in the county of 10 Renfrew; and

(C) By the Glasgow Boundaries Act 1912 (herein-after referred to as "the Act of 1912") inter alia portions of the following parishes viz. (1) Cathcart (2) Eastwood and (3) Renfrew all in the county of Renfrew 15 and (4) New Kilpatrick in the county of Dunbarton:

And whereas by section 6 (Parts of added area to form part of county of Lanark) of the Act of 1912 the aforesaid portions of the said parishes of Cathcart Eastwood Renfrew and New Kilpatrick ceased to form part of the counties of Renfrew 20 and Dunbarton respectively and became part of the county of Lanark subject to the provisions of section 71 (Saving of election of members to serve in Parliament teinds &c.) of the said Act which section inter alia provided that nothing contained in the said Act should affect the holdings or tenure of any lands 25 or heritages or the records wherein the rights thereof or any deed or writing affecting the same may be registered:

And whereas it is expedient (1) to alter and adjust the boundaries of the counties of Lanark and Renfrew in manner herein-after provided and (2) for the purposes of the registration 30 of writs to extend as herein-after provided the boundaries of the county of the barony and regality of Glasgow:

And whereas the greater part of the public right of way along the banks of the river Clyde from Glasgow Bridge to the burgh of Renfrew has under the authority of Parliament 35 been closed and the remaining parts of such right of way are no longer necessary in the public interest and it is expedient that they should be closed as in this Order provided:

And whereas it is expedient that certain sections and portions of sections of the Acts and Orders relating to the city should 40 be amended or repealed as by this Order provided:

A.D. 1914.

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:

Now therefore in pursuance of the powers contained in the last-mentioned Act the Secretary for Scotland orders as follows:— 5

Part I.

Preliminary.

Short title and citations.

1. This Order may be cited as the Glasgow Corporation Order 1914. 10

This Order and the Glasgow Boundaries Acts 1872 to 1912 may be cited together as the Glasgow Boundaries Acts 1872 to 1914.

This Order and the Glasgow Loans Acts 1883 to 1912 may be cited together as the Glasgow Loans Acts 1883 to 1914. 15

This Order and the Glasgow Markets Acts 1865 to 1912 may be cited together as the Glasgow Markets Acts 1865 to 1914. 20

This Order and the Glasgow Police Acts 1866 to 1912 may be cited together as the Glasgow Police Acts 1866 to 1914.

This Order and the Glasgow Corporation Acts 1855 to 1912 and any other Order confirmed or Act passed during the present Session relating to the Corporation may be cited together as the Glasgow Corporation Acts 1855 to 1914. 25

Order divided into Parts.

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

Part I.—Preliminary.

Part II.—Lighting. 30

Part III.—Metal Refiners.

Part IV.—Police and Sanitary.

Part V.—Miscellaneous.

Interpretation.

3. The following words and expressions in this Order have the meanings hereby assigned to them unless the context shows a different meaning is intended (that is to say):— 35

"Act of 1866" means the Glasgow Police Act 1866;

"Act of 1899" means "the Glasgow Corporation (Tramways Libraries &c.) Act 1899":

"Act of 1900" means the Glasgow Building Regulations Act 1900;

"Act of 1909" means the "the Glasgow Corporation Act 1909";

5 "Act of 1912" means the Glasgow Boundaries Act 1912;

"City" means the city and royal burgh of Glasgow;

"Corporation" means the Corporation of the city of Glasgow;

"Inspector of Lighting" means the inspector of lighting
10 appointed by the Corporation under the Act of 1866;

"Lands and heritages" has the same meaning as in the Valuation Acts;

"Land or heritage" in the singular number means one of such lands and heritages separately valued or entered
15 in the Valuation Roll as separately occupied;

"Magistrate" has the same meaning as in the Glasgow Corporation and Police Act 1895;

"Metal refiner" means any person who in the city keeps or suffers to be on his premises any melting pot or imple-
20 ment for melting altering or defacing any metals and who purchases receives or bargains for old metal scrap metal broken metal defaced metal or partly manufactured metal goods whether new or old but shall not include (A) any such person purchasing any of the said metals
25 in greater quantities than those respectively set forth in the First Schedule to this Order or purchasing in one lot not less than three hundredweight of any two or more of such metals or (B) plumbers gas fitters and other such tradesmen receiving such metals in the
30 ordinary course of business for the value of which they give credit in their accounts to their customers or purchasing in good faith new metals for the purposes of their business;

"Order of 1905" means the Glasgow Corporation Order
35 1905;

"Owner" means proprietor;

"Pawnbroker" or "broker" means a pawnbroker or broker as defined in section 200 (Interpretation of Terms as to Licences &c.) of the Act of 1866;

A.D. 1914.

"Police Acts" means the Glasgow Police Acts 1866 to 1912 and this Order;

"Proprietor" means the owner or any one of the owners of a land or heritage and shall apply to liferenters as well as to fiars and to lessees provided they are not in the actual occupancy of such land or heritage and to tutors curators commissioners trustees adjudgers wadsetters or other persons who shall be in the actual enjoyment of the rents and profits of such land or heritage and to the factor for any such proprietor in the management or receipt of the rents or profits thereof;

"Valuation Acts" means the Lands Valuation (Scotland) Act 1854 and any Acts amending the same;

"Valuation Roll" means the valuation roll made up for the city in pursuance of the Valuation Acts.

Incorporation of sections of Act of 1866.

4.—(1) The following sections of the Act of 1866:—

Section 83 (Powers and duties of chief constable and constables);

Section 85 (Constables to have powers appertaining to them by the law of Scotland);

Section 88 (Powers and duties of the chief constable and of the constables appointed by him) except so much thereof as is repealed by the Summary Jurisdiction (Scotland) Act 1908;

Section 98 (Officer on duty) as amended by subsection (1) of section 43 (Officer on duty at police office) of the Glasgow Corporation Act 1907;

Section 99 (Officer on duty to keep a police book) as amended by subsection (2) of section 43 (Officer on duty at police office) of the Glasgow Corporation Act 1907;

Section 101 (Powers of officer on duty with respect to articles impounded);

Section 102 (Officer on duty may be superseded by chief constable &c.);

Section 103 (Duties of custodier);

Section 104 (Owner of goods sold but not forfeited may make a claim upon Board within three months after date of sale);

Section 105 (Sums realised from sales of articles impounded and from penalties forfeitures and fees to be paid to treasurer);

Section 106 (Application of money so received by treasurer);

Section 108 (Power to magistrates to try certain other cases called "police offences");

Section 111 (Power to magistrate to grant other warrants);

Section 115 (Cases to be tried at instance of procurator fiscal);

Section 123 (In default of paying fines parties to be imprisoned);

Section 124 (Power to order offenders to find caution in lieu of imprisonment or fine);

Section 125 (Or to find caution in addition to imprisonment or fine);

Section 129 (Offenders may be punished summarily for contempt of court);

Section 134 (Board may pay costs of actions brought against its officers); and

(2) Article 13 of the General Police and Improvement (Scotland) Act 1862 Order Confirmation (Glasgow) Act 1877 authorising magistrates to allocate duties of procurator fiscal and assistant procurators fiscal;

are incorporated with and shall form part of this Order and the expression "police offence" where it occurs in the sections so incorporated shall include any offence punishable under this Order.

Restricting liability of factors.

5. For the purposes of this Order any factor who for a proprietor shall be liable or responsible for the payment of any expenses under this Order shall be liable to the extent only of the funds rents and other assets belonging or payable to such proprietor in the hands or under the control of such factor or which shall come into his hands or pass under his control and in

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the event of such factor having paid or become liable for such expenses he shall have a right and claim of relief against such proprietor for any expenses so incurred by him:

Provided that any requisition or notice given to any such factor in respect of any premises shall be effective against the proprietor or any new factor appointed by such proprietor and any action raised against such factor may on the motion of the Corporation be transferred against the proprietor or any new factor appointed by such proprietor:

Provided further that nothing herein contained shall affect the liability of any factor in respect of his personal delict.

Part II.

Lighting.

Commencement of Part II. of Order.

6. This Part of this Order shall come into operation on and after the term of Whitsunday one thousand nine hundred and twenty-two.

Repeal of certain provisions of Act of 1866.

7. The following provisions of the Act of 1866 are hereby repealed (that is to say):—

(a) Section 359 (Proprietors to pay expense of lighting private streets and courts);

(b) Section 361 (Lighting of common stairs); and

(c) Section 362 (Proportion payable by proprietors);

and in lieu thereof the provisions in this Part of this Order contained shall apply and have effect in the city as if they had formed part of the Act of 1866.

Saving for Forth and Clyde Navigation.

8. Notwithstanding the repeal of section 359 of the Act of 1866 the Caledonian Railway Company as proprietors of the Forth and Clyde Navigation may light the harbours quays wharves and streets owned by them so that the same be lighted in a suitable manner to the satisfaction of the inspector of lighting and in respect of the cost incurred by them in connexion with such lighting the said company shall be entitled to a deduction from the annual assessments to be levied on them under this Part of this Order of a sum equal to fourpence per pound on the assessable yearly rent or value of the said harbours quays wharves and streets.

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Lighting of common stairs.

9.—(1) The proprietor of every land or heritage having an access by a common stair shall provide fit up maintain and renew pipes and wires or pipes or wires in such common stair suitable for the lighting thereof by gas electricity or other illuminant to the satisfaction of the inspector of lighting and place the same as the said inspector may direct:

Provided that where any such common stair has been suitably provided and fitted up with pipes and wires or pipes or wires for the lighting thereof by gas or electricity and such pipes and wires or pipes or wires are duly maintained to the satisfaction of the said inspector he shall not be entitled to call upon such proprietor to substitute other pipes or wires in such common stair for lighting the same by some other illuminant.

(2) So soon as such pipes and wires or pipes or wires are so provided and fitted up and so long as they are maintained and renewed the Corporation shall in such common stair provide fit up maintain and renew brackets lamps and fittings and other means of lighting and all necessary means of extinguishing the light.

(3) The Corporation shall light such common stair in a suitable manner with gas electricity or other illuminant and keep the same so lighted during the same hours as the public streets are lighted.

(4) Where there is more than one proprietor of a land or heritage having an access by a common stair the proprietors shall be bound to provide fit up maintain and renew such pipes and wires or pipes or wires in such common stair and shall pay the cost thereof in proportion to the valuation of their respective lands and heritages having an access by such common stair as such valuation appears on the valuation roll.

(5) If any such proprietor fail to provide fit up maintain and renew such pipes and wires or pipes or wires the inspector of lighting may serve a requisition on such proprietor calling on him to provide fit up maintain and renew such pipes and wires or pipes or wires.

(6) If any proprietor upon whom such requisition is served do not carry out the work therein specified within ten days from the date of such requisition the inspector of lighting may cause the work to be done and the Corporation may recover the cost thereof as a debt from such proprietor.

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(7) For the purposes of this section "common stair" means any passage or stair open and accessible at all times to the public and situate in any building and leading to parts thereof separately occupied.

Assessment for lighting purposes.

10.—(1) Notwithstanding anything to the contrary contained in the Police Acts the Corporation for defraying the expenditure for and in connexion with the lighting purposes of the city for the year from the term of Whitsunday one thousand nine hundred and twenty-two till the term of Whitsunday one thousand nine hundred and twenty-three and for every year thereafter shall subject to the provisions of sub-sections (1) (2) (3) and (4) of section 36 (Annual value of lands and heritages used for agricultural and other purposes) of the city of Glasgow Act 1891 as amended by section 58 (Extension of section 36 of Act of 1891) of the Act of 1912 assess and levy upon and from the owners and occupiers of all lands and heritages situated within the city (except as hereinafter provided) in the proportion of one-half thereof upon and from the owners and the remaining one-half upon and from the occupiers of such lands and heritages an annual assessment not exceeding sixpence per pound on the yearly rent or value of such lands and heritages as appearing in the valuation roll Provided always that such assessment shall not be assessed and levied upon or in respect of any lands and heritages which are wholly exempted from payment of police assessment in the city.

(2) Such assessment shall be collected by the collector appointed by the Corporation and shall be recoverable by the like summary process and subject to the same mode of appeal as the police assessment of the city is for the time being by law recoverable or subject to and such collector shall pay the amount of the same when collected to the Corporation.

Saving for trustees of Clyde Navigation.

11. Nothing in this Part of this Order contained shall affect the provisions of section 48 (As to lighting and cleansing of quays &c. by Clyde Trustees) of the Act of 1866.

Part III.

Metal Refiners.

Metal refiners to be licensed.

12. Every person who uses any premises in the city for the purpose of the trade or business of metal refiner and also all premises in the city so used shall be and be deemed to be

included among the persons and premises mentioned in Part XIV. (General provisions as to certificates and licences) of the Act of 1866 and the provisions of—

Section 172 (Persons desirous of carrying on certain trades to be licensed);

Section 173 (Form and contents of application for licence);

Section 177 (Conditions of licence to be specified therein);

Section 178 (Notice of change of abode);

Section 179 (Alteration on premises to be first approved of by magistrates' committee);

Section 180 (Licence may be suspended by the magistrate);

Section 181 (Licence may be suspended or revoked by the magistrates' committee);

Section 182 (By whom certificates and licences to be made out);

Section 183 (Duration of certificates and licences);

Section 184 (Penalty for trading without a licence); and

Section 186 (Separate registers of every class of certificates and licences to be kept;

contained in that part of that Act shall extend and apply to every person who uses any premises for the purpose of the trade or business of metal refiner and to the premises so used.

Commencement of this Part of Order.

13. This part of this Order shall come into operation on the first day of November one thousand nine hundred and fourteen.

Application of certain sections of Act of 1866.

14. The provisions of—

Section 203 (Pawnbroker or broker to be punishable as a receiver of stolen goods in certain cases);

Section 204 (As to proof of guilty knowledge on part of pawnbroker or broker); and

Section 205 (Power to pawnbroker or broker to detain suspected persons) of the Act of 1866;

which relate to brokers within the meaning of section 200 (Interpretation of terms as to licences &c.) of that Act shall so

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far as applicable also extend and apply to every person carrying on the trade or business of metal refiner and to the premises in which such trade or business is carried on.

Penalties for certain offences in relation to metal refiners.

15. Every metal refiner who is guilty of any of the following acts or omissions shall in respect thereof be liable to a penalty not exceeding five pounds such penalty to be in addition to any other penalty to which he may be subject or liable under the laws relating to the inland revenue:—

(1) If he acts as a pawnbroker or a broker and receives or takes in pledge any of the metals referred to in Part I. of the First Schedule to this Order:

(2) If he carries on his trade in premises communicating with those of a pawnbroker or a broker:

(3) If he has not the words "licensed metal refiner" conspicuously painted over the door or principal entrance of his premises:

(4) If he contravenes any of the conditions specified in his licence:

(5) If he purchases receives or bargains for any of the metals referred to in Part I. of the First Schedule to this Order on or in the near vicinity of his premises between two o'clock on Saturday afternoon and six o'clock on the following Monday morning or between six o'clock on any night other than Saturday and Sunday nights and six o'clock on the following morning:

(6) If by himself or his servant or other person he purchases any of the aforesaid metals from any person who is apparently under eighteen years of age:

(7) If he omits to keep regular books or to enter therein a proper and distinctive description of all or any of the aforesaid metals purchased or received by him or his servant or such person immediately after such purchase or receipt the name and place of abode of the person from whom he purchased or received the same the date and hour of the day of each purchase or transaction and the price paid or agreed to be paid for all or any of such metals:

(8) If at any time during his hours of business or at any other time without reasonable excuse he does not on demand forthwith admit to his premises the chief constable or any constable acting under or appointed by him and produce the said books to such constable and permit such constable to subscribe his name immediately after the last entry therein:

(9) If (A) he omits to attach to each lot of metal separately purchased or received by him a ticket or label with the name of the seller and date of purchase or receipt written thereon or (B) he omits to keep in his premises any of the aforesaid metals purchased or received by him for the full period of seven days after the purchase or receipt and the entry thereof respectively or (C) he sells or disposes of any of such metals or allows the same to be removed before the expiry of that period:

(10) If at any time during his hours of business or at any other time without reasonable excuse he does not on demand produce or show to the chief constable or to any constable acting under or appointed by him all or any of the said metals which he has purchased or received and which is in his possession or does not when required by such constable deliver all or any of the said metals to such constable.

Power to enter metal refiners' premises.

16. On an application being made by the chief constable or any superintendent or lieutenant of police to any magistrate which may be in the form set forth in Part II. of the First Schedule to this Order the magistrate may after hearing such evidence as he thinks sufficient grant a warrant which may be in the form set forth in Part III. of the First Schedule to this Order empowering the chief constable or any superintendent or lieutenant or inspector or sergeant or constable of the police force to enter the premises of a metal refiner in which in the application it shall be stated that it is believed stolen metal is concealed Such warrant when granted shall be valid authority for entering the premises described in it at any time during ten days after the granting thereof and the powers conferred by the warrant may be exercised as often as the police deem necessary during the time when the warrant is effective.

A.D. 1914.

Part IV.

Police and Sanitary.

Definition of court for certain purposes.

17. For the purposes of section 40 (Assessment on private streets and courts) and section 344 (Public streets to be kept clean by Board) of the Act of 1866 the words "court" and "courts" occurring therein shall mean any road street place court back court recess yard area or space used in connexion with or giving access to any lands and heritages separately occupied not being—

(1) a public or private street or common stair as defined in the Police Acts;

(2) part of any railway station station access or approach station depôt or station yard or the quays banks or towing paths of any canal;

(3) quays wharves sheds and streets which the Trustees of the Clyde Navigation cleanse in terms of section 48 (As to lighting and cleansing of quays &c. by Clyde Trustees) of the Act of 1866; or

(4) ground used principally as a garden.

Ashbins.

18.—(1) The word "ashpit" first and second occurring in subsection (1) of section 58 (Ashpits) of the Act of 1900 shall include portable ashbin.

(2) The said subsection (1) of section 58 shall be read and have effect as if the words "maintain and renew" were inserted after the word "provide" in that subsection.

Removal of offensive matter.

19.—(1) The Corporation may fix the hours within which only it shall be lawful to remove any offensive matter or thing into or through the city or from any premises within the city and shall give public notice of such hours in such manner as they may deem proper.

(2) No person after such hours have been so fixed and such notice thereof has been given shall remove any offensive matter or thing into or through the city or from any premises within the city except within the hours so fixed.

(3) No person whether such hours have been fixed or not shall use for the removal of any offensive matter or thing into or through the city or from any premises within the city any vehicle not having a covering proper for preventing the escape of the contents of such vehicle or of the stench of the contents.

(4) Any person who contravenes any of the foregoing provisions or who wilfully or negligently spills any offensive matter or thing in the removal thereof or who does not carefully sweep and cleanse every place in which any offensive matter or thing has been placed or unavoidably spilled shall for every such offence be liable to a penalty not exceeding forty shillings.

Offences under Criminal Law Amendment Acts may be tried by magistrate.

20. All offences committed within the city under the Criminal Law Amendment Acts 1885 to 1912 in so far as these Acts relate to the suppression of brothels may be tried by a magistrate.

Pernicious literature &c.

21.—(1) Any magistrate may on a complaint by the procurator fiscal grant warrant to any constable not under the rank of inspector to enter into and search from time to time during any period not exceeding thirty days from the date of such warrant any house shop room building part of a building or other place within the city in which the magistrate has reasonable ground for believing that any profane indecent or obscene book paper print photograph drawing painting or representation is kept for sale or for lending on hire or for publication for purposes of gain Such warrant may if the magistrate thinks fit include power to search (A) the occupier of any such house shop room building part of a building or other place and (B) any person found therein engaged or assisting in the management thereof.

(2) Any such constable acting under the authority of such warrant may enter (using if necessary force for the purpose) such house shop room building part of a building or other place and may seize and carry away all profane indecent or obscene books papers prints photographs drawings paintings or representations as aforesaid found therein and may apprehend and convey to the police office any of the persons mentioned in the immediately preceding subsection of this section.

(3) In the event of any profane indecent or obscene books papers prints photographs drawings paintings or representations being found in such house shop room building part of a building or other place or on any occupier or person herein-before in this section mentioned such occupier or person shall on its being proved to the satisfaction of the magistrate that such occupier or person has kept such books papers prints photographs drawings paintings or representations for sale or for lending on hire or for publication for purposes of gain be liable to a penalty not exceeding ten pounds.

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(4) Upon the conviction of such occupier or person the magistrate shall order all such books papers prints photographs drawings paintings or representations so seized as aforesaid to be destroyed unless it shall be necessary to preserve the same for some further or other proceedings and if the magistrate shall be satisfied that the same or any of them are not of the character stated in the warrant or have not been kept for any of the purposes aforesaid he shall forthwith direct them to be restored to the said occupier or person.

PART V.

MISCELLANEOUS.

Signing of Burgh Court warrants.

22. Notwithstanding any practice heretofore obtaining in the Burgh Court of the city warrants of citation or interlocutors granting continuations or adjournments may be signed by the town clerk of the city or any of his deputes and when so signed shall be of the same force and effect to all intents and purposes as if the same had been signed by a magistrate of the city.

Amendment of section 15 of Loans Act.

23. Section 15 (Provision as to sinking fund) of the Glasgow Corporation Loans Act 1883 shall be read and have effect as if the following proviso were added thereto "Provided that "accumulation shall only be required if and in so far as "accumulation is prescribed by the Acts under which the "Corporation are authorised to borrow."

Amendment of sections 37 and 38 of Act of 1900.

24. Section 37 (Exemption of large squares) and section 38 (Buildings in hollow squares) of the Act of 1900 are hereby repealed and in lieu thereof the provisions in this section contained shall apply and have effect that is to say:—

(1) Except as herein-after in this section contained no building other than the usual one-storey washhouses and offices shall be erected within the enclosed space of background in any hollow square the buildings of which or any of them are or may be or are intended to be used as dwelling-houses:

(2) In the case of any hollow square—

(A) Where the buildings which form or are intended to form part of such square do not exceed

four storeys in height and the enclosed space of background in such hollow square contains free of erections other than the usual one-storey wash-houses and offices upwards of one thousand eight hundred square yards and measures not less than sixty-five feet across at the narrowest part and has an average width of not less than ninety feet; and

(B) Where the buildings which form or are intended to form part of such square do not exceed three storeys in height and the enclosed space of background in such hollow square contains free of erections other than the usual one-storey wash-houses and offices upwards of one thousand four hundred square yards and measures not less than sixty-five feet across at the narrowest part;

the Dean of Guild may with the consent of the Corporation and if satisfied that the arrangements for ingress and egress drainage cleansing lighting and ventilation are adequate suitable and satisfactory grant decree for the erection in such enclosed space of background of buildings not exceeding two storeys in height on condition that such buildings shall not be used for purposes which may be injurious or offensive to the inhabitants of the surrounding or adjacent buildings No such building shall be so authorised by the Dean of Guild unless an entry not less than ten feet in width be provided leading from a street to such building.

Amendment of section 126 of Act of 1900.

25. Section 126 (Cost of works to be real lien) of the Act of 1900 is hereby amended by the deletion therefrom of the words after the word "unless" to the end of the section and by the insertion in place thereof of the words "notice thereof with "warrant of registration has been registered in the Register of "Sasines for the burgh of Glasgow or in the appropriate "division of the General Register of Sasines and the keepers "of the said registers shall be bound to receive and register "any notice under this section signed by the town clerk or "by any law agent on behalf of the Corporation."

Amendment of Glasgow Corporation Act 1908.

26. The word "registrar" shall be read in place of the word "register" last occurring in subsection (10) of section 9 (Register of public streets) of the Act of 1900 as amended

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and re-enacted by section 3 (Repeal of existing provisions) of the Glasgow Corporation Act 1908.

Portions of parishes of Paisley and Eastwood to cease to form part of county of Renfrew.

27. Subject to the provisions of the Local Government (Scotland) Act 1889 so much of the county of Renfrew in the parishes of Paisley and Eastwood as was annexed to the city by the Act of 1909 shall cease to be part of that county and shall form part of the county of Lanark to the same extent and effect as if this Order had been an Order under the Local Government (Scotland) Act 1889 for the alteration and adjustment of boundaries.

Extension of boundary of county of the barony and regality of Glasgow.

28. For the purposes of registration of writs in the divisions of the General Register of Sasines for Scotland the following provisions shall take effect on and after the first day of January in the year one thousand nine hundred and fifteen:—

(A) The portion of the parish of Rutherglen annexed to the city by the Act of 1899 shall be included in and form part of the county of the barony and regality of Glasgow and shall cease to be a portion of the county of Lanark;

(B) The portions of the parishes of Paisley and Eastwood annexed to the city by the Act of 1909 and transferred by the section of this Order of which the marginal note is "Portions of parishes of Paisley and Eastwood to cease to form part of county of Renfrew" from the county of Renfrew to the county of Lanark shall be included in and form part of the county of the barony and regality of Glasgow and shall cease to be portions of the county of Lanark; and

(C) The portions of the parishes of Cathcart Eastwood Renfrew and New Kilpatrick annexed to the city by the Act of 1912 and transferred by section 6 ("Parts of added area to form part of the county of Lanark") of that Act from the counties of Renfrew and Dunbarton respectively to the county of Lanark shall be included in and form part of the county of the barony and regality of Glasgow and shall cease to be portions of the counties of Renfrew and Dunbarton respectively.

Saving pending actions.

29. Nothing contained in the two immediately preceding sections of this Order shall affect any action or proceeding

instituted raised or depending before any court civil or criminal previous to the date of the passing of the Act confirming this Order, and any such action or proceeding may be proceeded with determined and followed forth by diligence or otherwise as if the Act confirming this Order had not been passed.

Power to grant gratuities.

30.—(1) The Corporation may if they think fit grant an annual allowance not exceeding half-pay or gratuity to any of their officers or servants (other than a police constable within the meaning of the Police (Scotland) Act 1890) who may through bodily or mental infirmity duly certified by a legally qualified medical practitioner to be selected by the Corporation become permanently incapacitated for the discharge of his duty or to the widow or family of an officer or servant (other than as aforesaid) who may die whilst in the service of the Corporation.

(2) Every such allowance or gratuity shall be paid out of the fund rate assessment or revenue on which the salary or wages of the officer or servant would have been charged or paid if he had continued in his office or service, and no gratuity shall in any case exceed the amount of one month's pay for every completed year of approved service calculated on the average of the salary or wages paid for the immediately preceding five years.

(3) The powers conferred by this section shall be in addition to and not in substitution of any existing powers of the Corporation of granting allowances or gratuities Provided that the Corporation shall not grant to the same officer or servant concurrent annual allowances under their existing powers and also under the provisions of this section.

Discontinuance of bird and dog market.

31. Notwithstanding anything contained in the Glasgow Markets Acts 1865 to 1912 the Corporation may discontinue the existing bird and dog market in the city referred to in Part III. (Markets) of the Order of 1905 without the necessity of providing accommodation for or carrying on any similar market.

Amendment of Order of 1905 as to stables.

32.—(1) Where a stable registered in terms of Part IV. (Stables) of the Order of 1905 does not comply with the byelaws made under the provisions of section 64 (Byelaws) subsections (2) (3) (5) and (6) of the Order of 1905 the Corporation may by notice in writing require the owner of such stable within

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a time specified therein to comply with the provisions of such byelaws and to execute all works necessary for such compliance.

(2) If such notice be not complied with the owner may be prosecuted for breach of the said byelaws under Part IV. (Stables) of the Order of 1905 Upon conviction of the owner for breach of such byelaws the magistrate may cancel the certificate of registration for the said stable and the premises shall on the expiry of ten days from the date of such cancellation cease to be occupied or used as a stable and the Corporation shall not be required to cause a certificate of registration in respect of such premises to be issued in accordance with the provisions of section 61 (Registration to be applied for) of the Order of 1905 until such time as the requirements of the said notice and byelaws have been complied with.

Confirming agreement between Govan Town Council and London and Glasgow Engineering and Iron Shipbuilding Company.

33.—(1) The minute of agreement made between the provost magistrates and councillors of the burgh of Govan and the London and Glasgow Engineering and Iron Shipbuilding Company Limited with respect to the public right of way along the footpath on the south bank of the river Clyde from Highland Lane to Water Row and the lane or passage known as Lochheads Road in the parish of Govan and county of Lanark as set forth in the Second Schedule to this Order is hereby confirmed and all public rights of way in and over the said footpath and road are hereby extinguished.

(2) The moneys received by the Corporation under such agreement shall be applied in manner provided by subsection (1) (B) of section 42 (Provision as to Govan) of the Act of 1912.

Confirming agreement between Corporation and Fairfield Shipbuilding and Engineering Company.

34. The minute of agreement between the Corporation and the Fairfield Shipbuilding and Engineering Company Limited with respect to the public right of way along that portion of the footpath on the south bank of the river Clyde ex adverso of that company's shipbuilding yard and premises and extending from a point eighty-five yards or thereabouts west of the east building line of Holms Street to a point three hundred and twenty-six yards or thereabouts east of the prolongation of the major portion of the east building line of Holmfauld Road in the parish of Govan and county of Lanark as set forth in the Third Schedule to this Order is hereby confirmed and all public rights of way in and over the said portion of footpath are hereby extinguished.

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Closing certain footpaths.

35.—(1) The Corporation may sell lease or otherwise dispose of the whole or any part of the following footpaths on the banks of the river Clyde or of any public rights of way thereover:—

(A) The footpath on the south bank of that river in the parish of Govan and county of Lanark extending westwards from a point on the said bank 326 yards or thereabouts east of the prolongation of the major portion of the east building line of Holmfauld Road to the point where the city boundary crosses the said footpath near Marlinford Road; and

(B) The footpath on the north bank of that river in the parish of Govan and county of Lanark lying to the east of Meadowside Street and ex adverso of the premises of the Meadowside Shipbuilding Yard belonging or reputed to belong to David and William Henderson and Company Limited for a distance of about 199 feet in length.

(2) On the completion of the sale of the whole or any part of such footpaths all public rights of way in and over such footpaths or such part thereof shall be extinguished and the persons so acquiring such footpaths or such part thereof shall be entitled to deal with the same as their absolute property.

(3) The price obtained for the footpaths and public rights of way referred to in this section and the immediately preceding section of this Order shall be carried to the credit of the Common Good Fund of the city and shall be applied at the discretion of the Corporation for any purpose to which the Common Good may competently be applied.

Saving for Crown property.

36. Nothing in this Order shall affect prejudicially any estate right power privilege or exemption of the Crown or shall subject to the provisions of this Order any lands buildings or works vested in or occupied by the Crown or any department of His Majesty's Government except to such extent as His Majesty or such department may voluntarily agree.

Expenses of Order.

37. The costs charges and expenses of and incident to the preparing for obtaining and confirming this Order or otherwise in relation thereto shall be paid by the Corporation and if paid out of borrowed moneys shall be repaid out of revenue within five years from the passing of the Act confirming this Order.

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The SCHEDULES referred to in the foregoing Order.

THE FIRST SCHEDULE.

(Referred to in the sections of this Order of which the marginal notes are "Interpretation" "Penalties for certain offences in relation to metal refiners" and "Power to enter metal refiners' premises.")

Part I.

3 cwts. of lead or any composite the principal ingredient of which is lead.

2 cwts. of copper or any composite the principal ingredient of which is copper.

2 cwts. of brass or any composite the principal ingredient of which is brass.

1 cwt. of tin or any composite the principal ingredient of which is tin.

1 cwt. of pewter or any composite the principal ingredient of which is pewter.

1 cwt. of spelter or zinc or any composite the principal ingredient of which is spelter or zinc.

1 cwt. of german silver or nickel silver or any composite the principal ingredient of which is german silver or nickel silver.

Part II.

Form of Application.

Unto the Magistrates of the City of Glasgow.

I chief constable (*or as the case may be*) of the Glasgow Police Force hereby declare that I have reason to believe that stolen metal is concealed in the premises situated at Glasgow

occupied by

and I hereby crave a warrant to enter the said premises as provided by the Glasgow Corporation Order 1914.

Dated this day of 19 .

(*Signature of Applicant.*)

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PART III.

FORM OF WARRANT.

I the undersigned one of the magistrates of the city of Glasgow in respect of the foregoing application hereby grant warrant to the chief constable or any superintendent or lieutenant or inspector or sergeant or constable of the Glasgow Police Force to enter the premises set forth in the said application and to search the same for stolen metal and for the purpose of carrying out this warrant I hereby authorise the chief constable or any superintendent or lieutenant or inspector or sergeant or constable of the said police force to break open all shut and lockfast places.

Dated this day of 19 .

(*Signature of Magistrate.*)

THE SECOND SCHEDULE.

(Referred to in the section of this Order of which the marginal note is "Confirming agreement between Govan Town Council and London and Glasgow Engineering and Iron Shipbuilding Company.")

Stamp 10s.

MINUTE OF AGREEMENT between the PROVOST MAGISTRATES AND COUNCILLORS of the burgh of Govan (herein-after called the "first party") of the first part and the LONDON AND GLASGOW ENGINEERING AND IRON SHIPBUILDING COMPANY LIMITED Glasgow (herein-after called the "second party") of the second part.

WHEREAS the second party are shipbuilders carrying on business in Govan and have constructed a tidal basin in their shipbuilding yard for the purpose of improving the facilities for carrying on their business whereby greatly increased employment will be provided in the district and they are desirous of closing up and appropriating the public right of way over and upon the path alongside the river Clyde and the lane or passage known as Lochheads Road.

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And whereas the first party are satisfied that the rights of way can in the public interest be closed and that their usefulness would be outweighed by the consideration of the public advantages to accrue to the district by the increased employment of labour resulting from the improved facilities before referred to.

And whereas the second party propose to extend their works to the west by acquiring adjacent ground.

And whereas the first party have agreed so far as they can competently do so for the burgh and on behalf of the public to the second party stopping the right of way so far as the second party have interest therein or may shortly be interested and the first party have also agreed to promote a Provisional Order or Bill as after provided.

Therefore the parties hereto agree as follows:—

First—The first party for the burgh and the public so far as they can competently do so formally consent to the stopping up of the right of way over and upon the path along the bank of the river Clyde from the public passage known as Highland Lane on the east to the public passage on and alongside of the east side of the Govan Ferry on the west and to the extinction of all public rights of way or passages over and upon the same and to the appropriation by the second party of the ground upon which the said public right of way presently exists as their sole property to be used and enjoyed by them in their said business without obligation to respect said right of way or do anything in connexion therewith but without prejudice to the rights and privileges enjoyed by the trustees of the Clyde Navigation over and upon said path of access to and in connexion with their Cross River Ferries.

Second—The first party also so far as they can competently do so formally consent to the closing up of the lane or passage known as Lochhead's Road which presently passes along the extreme western boundary of the second party's property from Main Street on the south to the bank of the river Clyde on the north and divides it from the property of Dreghorn's Trustees which the second party may shortly acquire on the west and to the extinction of all public rights of way or passage over and upon the said Lochhead's Road and to the appropriation by the second party of the solum of the said road.

Third—The first party shall grant such deeds to give effect to this agreement as the second party may reasonably require but at their cost.

Fourth—In consideration of the obligations herein undertaken by the first party the second party shall pay to the first party the sum of six thousand pounds sterling (which sum has been agreed on as the value of the concessions made to the second party as valued by

a valuator appointed by the first party) on the execution of these presents which sum shall bear interest at the rate of five per cent. per annum until paid.

Fifth—The first party shall when required by the second party to do so or when they themselves so resolve promote and do their best to have passed a Provisional Order under the Private Legislation Procedure (Scotland) Act by application to the Secretary for Scotland to give legislative sanction to this agreement which is intended to be scheduled to and confirmed by said Order and to extinguish said rights of way in favour of the second party In the event of the Secretary for Scotland refusing to grant such Order or of Parliament refusing to confirm the same or of the Secretary for Scotland or of Parliament making provisions or stipulations materially affecting the terms of this agreement either party may resile therefrom and the second party may require repayment of said six thousand pounds with interest at two and a half per cent.

Sixth—The expenses of these presents shall be borne mutually by the first and second parties and the expenses of applying for the Provisional Order referred to in Article five shall be wholly borne by the first party; and

Lastly—Should any question arise between the parties as to the materiality of any provision or stipulation made by Parliament or the Secretary for Scotland affecting this agreement or as to the true intent or meaning of these presents or the deed or deeds to follow hereon or as to any matters whatsoever arising out of or connected with the said agreement the same are hereby referred to the amicable decision of an arbiter to be named by the Sheriff of Lanarkshire on the application of either of the parties hereto and both parties consent to the registration hereof for preservation and execution.

In witness whereof these presents type-written by Emily Hall Innes typist in the town clerk's office Govan are subscribed by the parties hereto as follows videlicet:—By James Reid and David Johnstone Smith two of the directors and Richard Hughes secretary of the said firm the London and Glasgow Engineering and Iron Shipbuilding Company Limited Glasgow all at Glasgow upon the seventh day of May nineteen hundred and twelve (the common seal of the said company being adhibited hereto) before these witnesses Matthew Shearer bookkeeper and Alexander Gray assistant secretary both in the service of the said company and for and on behalf of the said provost magistrates and councillors of the burgh of Govan by David Pollock McKechnie provost and James Adamson Houston town clerk of said burgh (the common seal of the burgh being adhibited hereto) at a meeting of the town council held at Govan upon the thirteenth day of May

A.D. 1914.

nineteen hundred and twelve before these witnesses Hamilton Marr and William Alexander Dunbar both clerks in the town clerk's office Govan.

H. Marr
Witness.

W. A. Dunbar
Witness.

L.S.

David P. McKechnie
Provost.

J. A. Houston
Town Clerk.

Matthew Shearer
Witness.

Alexander Gray
Witness.

L.S.

James Reid
Director.

D. Johnstone Smith
Director.

Richd. Hughes
Secretary.

THE THIRD SCHEDULE.

Stamp 10*s*.

(Referred to in the section of this Order of which the marginal note is "Confirming agreement between Corporation and Fairfield Shipbuilding and Engineering Company.")

Minute of Agreement between the Corporation of the City of Glasgow (herein-after called "the first party") of the first part and the Fairfield Shipbuilding and Engineering Company Limited Glasgow (herein-after called "the second party") of the second part.

Whereas the second party are shipbuilders and engineers carrying on business in Glasgow and have constructed a tidal basin in their shipbuilding yard at Govan for the purpose of improving the facilities for carrying on their business whereby greatly increased employment will be provided in the district and they are desirous of closing up and appropriating the public right of way over and upon the path along the south bank of the river Clyde within the burgh of Glasgow so far as the said right of way is ex adverso the property belonging to them:

And whereas the first party are satisfied that the said right of way can in the public interest be closed and that its usefulness would be outweighed by the consideration of the public advantage to accrue to the district by the increased employment of labour resulting from the improved facilities before referred to:

And whereas the first party have agreed so far as they can competently do so for the burgh and on behalf of the public to the second

party stopping up of the said right of way so far as they have interest therein and the first party have also agreed to promote a Provisional Order as herein-after provided:

Therefore the parties hereto agree as follows videlicet:—

5 First—The first party for the burgh and the public so far as they can competently do so formally consent to the stopping up of the right of way over and upon the path along the south bank of the river Clyde so far as ex adverso the property of the second party commencing at a point 85 yards or thereby west of the east building 10 line of Holms Street and terminating at a point 326 yards or thereby east of the prolongation of the major portion of the east building line of Holmfauld Road being a distance of 857 yards or thereby and to the extinction of all public right of way or passage over and upon the same and to the appropriation by the second party of the ground 15 upon which the said portion of the said public right of way presently exists as their sole property to be used and enjoyed by them in their said business without obligation to respect said right of way or to do anything in connexion therewith but without prejudice to the rights and privileges (if any) enjoyed by the trustees of the Clyde Navigation 20 in connexion with their cross river ferries.

Second—In consideration of the obligations herein undertaken by the first party the second party shall as at the date of their execution of this agreement pay to the first party the sum of 5,000*l.* sterling (which sum has been agreed upon as the value of the concession made 25 to the second party as valued by a valuator appointed by the first party) with interest thereon at the rate of five per centum per annum from the said date till paid.

Third—The first party shall insert in one or other of the two draft Provisional Orders for which application is to be made by them 30 to the Secretary for Scotland in December next under the Private Legislation Procedure (Scotland) Act 1899 a clause to give legislative sanction to this agreement which is intended to be scheduled to and confirmed by said Order and to extinguish the said right of way in favour of the second party In the event of the Secretary for Scotland 35 refusing to grant the Order to which this agreement is scheduled or of Parliament refusing to confirm the said Order or of the Secretary for Scotland or Parliament making provisions or stipulations materially affecting the terms of this agreement either party may resile therefrom and the second party may require repayment from the first party of 40 the said sum of 5,000*l.* sterling with interest thereon at the rate of two and one-half per centum per annum.

Fourth—The expense of this agreement shall be borne mutually by the first and second parties and the expense of applying for the said Order shall be borne wholly by the first party.

A.D. 1914.

Fifth—Should any question arise between the said parties] as to the materiality of any provision or stipulation made by Parliament or the Secretary for Scotland affecting this agreement or as to the intent or meaning thereof or as to any matters whatsover connected therewith the same are hereby referred to the amicable decision of an arbiter to be named by the Sheriff of Lanarkshire on the application of either of the parties hereto And both parties hereto consent to the registration hereof for preservation and execution.

In witness whereof these presents written on this and the preceding page by Angus Macdonald Tulley clerk in the town clerk's office Glasgow are subscribed by the parties hereto as follows videlicet:—By Alexander Gracie and Alexander Whitehead Sampson two of the directors and George Strachan secretary of the said company all at Glasgow on the twenty-first day of October in the year one thousand nine hundred and thirteen (the common seal of the said company being adhibited hereto) before these witnesses John Ramsay Maclaine and John Brodie both clerks in the employment of the said company and by Alexander Bryce Kirkpatrick and Robert Graham two members of the said Corporation and by John Lindsay town clerk of said city on behalf of the said Corporation and sealed with the seal of the said Corporation all at Glasgow on the twenty-third day of October and year last mentioned before these witnesses Robert Crawford and Hamilton Marr both clerks in the town clerk's office Glasgow.

R. CRAWFORD Witness.
H. MARR Witness.

L.S.

ALEX. B. KIRKPATRICK.
ROBERT GRAHAM.
J. LINDSAY.

JOHN R. MACLAINE Witness.
JOHN BRODIE Witness.

L.S.

ALEX. GRACIE Director.
A. W. SAMPSON Director.
G. STRACHAN Secretary.

Glasgow 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 Glasgow Corporation.

(*Brought from the Commons 9th July* 1914.)

Ordered to be printed 9th July 1914.

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A

B I L L

INTITULED

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Glasgow Subway Railway. A.D. 1914.

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: 62 & 63 Vict. c. 47.

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:—

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

2. This Act may be cited as the Glasgow Subway Railway Order Confirmation Act 1914. Short title.

A.D. 1914.

SCHEDULE.

GLASGOW SUBWAY RAILWAY ORDER CONFIRMATION.

Provisional Order to authorise the Glasgow District Subway Company to change their name and to borrow or raise further money to extend the time for the holding and disposal of their surplus lands and properties and for other purposes.

WHEREAS by the Glasgow District Subway Act 1890 (in this Order called "the Act of 1890") the Glasgow District Subway Company (in this Order called "the Company") were incorporated and authorised to make and maintain the subways in the Act of 1890 described and to raise a share capital of seven hundred and fifty thousand pounds in seventy-five thousand shares of ten pounds each and to borrow on mortgage any sums not exceeding in the whole one hundred and eighty-seven thousand five hundred pounds:

And whereas by the Glasgow District Subway (Further Powers) Act 1894 (in this Order called "the Act of 1894") the Company were authorised to raise additional capital not exceeding in the whole five hundred and fifty thousand pounds by the issue of new ordinary shares or stock or new redeemable preference shares or stock for the purposes of that Act and for other purposes of the undertaking of the Company:

And whereas by the Glasgow District Subway (Additional Capital) Act 1899 (in this Order called "the Act of 1899") the Company were authorised to raise further capital not exceeding in the whole two hundred thousand pounds by the issue of new ordinary shares or stock or new preference shares or stock for the purposes of that Act and for other purposes of the undertaking of the Company:

And whereas the subways authorised by the Act of 1890 were completed and in the month of January one thousand eight hundred and ninety-seven were opened for and have since been open to public traffic:

And whereas the Company raised the whole of their share capital authorised by the Act of 1890 and they also raised the whole of their loan capital authorised by that Act by the issue of mortgages or terminable debentures but such loan capital was reduced by the payment of interest out of capital during the construction of the works by

that Act authorised to the extent of ten thousand pounds and by the capitalised value of feu duties and ground annuals payable by the Company amounting to the further sum of twenty-three thousand six hundred and seven pounds of which loan capital the sum of twenty-two thousand seven hundred and forty-three pounds has been repaid but may be re-borrowed by the Company and the sum of one hundred and thirty-one thousand one hundred and fifty pounds is now outstanding and fell due and was repayable to the holders thereof on the fifteenth day of May one thousand nine hundred and fourteen:

And whereas the Company also raised the whole of the additional capital authorised by the Act of 1894 by the issue of preference shares of the nominal value of ten pounds each redeemable as in that Act provided of which ninety-nine thousand three hundred pounds have been redeemed under the provisions of that Act:

And whereas the Company have found it impossible to raise the additional capital of two hundred thousand pounds authorised by the Act of 1899 by the issue either of new ordinary shares or stock or new preference shares or stock:

And whereas the whole of the share capital authorised by the Act of 1890 and the aforesaid sum of one hundred and thirty-one thousand one hundred and fifty pounds of loan capital now outstanding as aforesaid and the whole of the additional capital authorised by and raised under the Act of 1894 amounting together to the sum of one million four hundred and thirty-one thousand one hundred and fifty pounds have been expended upon the undertaking of the Company but the purchase of lands for and the completion and equipment of the subways and relative works have required an expenditure in excess thereof (after deducting the available re-borrowing powers amounting as aforesaid to twenty-two thousand seven hundred and forty-three pounds) of one hundred and forty-four thousand one hundred and ninety pounds seven shillings and fivepence which has been raised by the Company by temporary loans and otherwise:

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

And whereas it is expedient that the Company should be authorised to raise additional money by mortgages or debenture stock to enable them to extinguish the balance at the debit of the Company's capital account and pay off the said temporary loans and for the general purposes of the undertaking not exceeding in the whole the sum of one hundred and fifty thousand pounds:

And whereas by the Act of 1894 the period during which the Company may hold the surplus lands and properties of the Company was extended for thirty-five years from the passing of that Act and it

A.D. 1914.

is expedient that the time during which the Company may hold such surplus lands and properties should be further extended:

And whereas doubts have arisen as to whether the Company is a railway company and it is expedient that such doubts should be removed: 5

And whereas the Company are desirous and it is expedient that their name should be changed:

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: 10

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

Short title and citation of Acts and Order.

1.—(1) This Order may for all purposes be cited as the Glasgow Subway Railway Order 1914. 15

(2) The Act of 1890 the Act of 1894 the Act of 1899 and this Order may be cited together for all purposes as the Glasgow Subway Railway Acts 1890 to 1914.

Commencement of Order.

2. This Order shall commence and have effect on and from the date of the passing of the Act confirming the same which date is herein-after referred to as "the commencement of this Order." 20

Incorporation of Acts.

3. The following Acts and parts of Acts are except where expressly varied by or inconsistent with this Order incorporated with and form part of this Order (that is to say) the Companies Clauses Consolidation (Scotland) Act 1845 with respect to the borrowing of money by the Company on mortgage or bond and Part III. (relating to debenture stock) and Part IV. (relating to change of name) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 and any subsequent Acts. 25

Interpretation.

4. In this Order the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction and in the Acts wholly or partially incorporated with this Order as applied to this Order the expression "the Company" means the Glasgow Subway Railway Company the expression "the special Act" means this Order the expression "the undertaking" means the subways or underground railways and works in connection therewith and the undertaking by the Act of 1890 the Act of 1894 the Act of 1899 and this Order authorised. 30 35 40

Change of Company's name.

5.—(1) The corporate name of the Company shall from and after the commencement of this Order be "The Glasgow Subway Railway

Company" instead of their present name of "The Glasgow District Subway Company."

(2) The Company shall be deemed to be and always to have been a railway company.

Power to borrow further moneys.

6. In addition to the money which the Company are already authorised to borrow by the Act of 1890 the Company may subject to the provisions of this Order and for the purposes of this Order borrow on mortgage of the undertaking such further sums of money as they think fit not exceeding in the aggregate the sum of one hundred and fifty thousand pounds.

For appointment of a judicial factor.

7. Section 21 (For appointment of a judicial factor) of the Act of 1890 is hereby repealed but without prejudice to any appointment made or proceedings pending under that section prior to the commencement of this Order 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 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 ten thousand pounds in the whole.

Debenture stock.

8. The Company may subject to the provisions of Part III. of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 and any subsequent Acts create and issue debentures or debenture stock ranking after the debenture stock authorised to be created and issued by the Act of 1890 to such nominal amount and bearing interest at such rate as the Company may think fit as will at the price at which and subject to the terms and conditions on which the same shall be issued be sufficient to raise the money by this Order authorised to be borrowed or any part thereof but notwithstanding anything contained in the said Acts the interest of all mortgages debentures and debenture stock at any time after the commencement of this Order granted or created and issued by the Company under the Act of 1890 or under this or any subsequent Order or Act shall subject to the provisions of any subsequent Order or Act rank pari passu (without respect to the dates of the securities or of the Acts of Parliament or Orders or resolutions by which such mortgages debentures or debenture stock were authorised) and shall have priority over all principal moneys secured by such mortgages debentures or debenture stock Notice of the effect of this enactment shall be endorsed on all mortgages and debentures and certificates of debenture stock The debenture stock authorised to be created and issued by the Act of 1890 shall be known as "first debenture stock" and the debenture stock authorised to be created and issued by this Order shall be known as "second debenture stock."

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Priority of principal moneys raised under Act of 1890.

9. The principal moneys secured by all mortgages granted and all debenture stock that may hereafter be created and issued by the Company in pursuance of the powers of the Act of 1890 shall during the continuance of such mortgages and debenture stock have priority over the principal moneys secured by any mortgages debentures or debenture stock granted or created and issued by the Company by virtue of this Order but nothing in this section contained shall affect any priority of the interest of any mortgages debentures or debenture stock at any time granted or created and issued by the Company.

Application of moneys.

10. The moneys borrowed or raised by the Company under the powers of this Order shall be applied in extinguishing the balance at the debit of the capital account of the Company at the commencement of this Order and for the general purposes of the Company's undertaking to which capital is properly applicable and not otherwise.

Powers to trustees executors &c.

11. Trustees executors administrators and all other holders in any representative or fiduciary capacity of existing mortgages of the Company are hereby expressly authorised in exchange therefor or in substitution thereof to apply for accept and hold any debenture stock issued under the Act of 1890 or any mortgages debentures or debenture stock granted or issued under this Order and may and shall hold dispose of or otherwise deal with the same in all respects as they might have held disposed of or otherwise dealt with the existing mortgages for which such debenture stock mortgages debentures or debenture stock were exchanged or substituted Provided that nothing in this section shall authorise any trustee to accept or hold any security which by the terms of any trust deed he is forbidden to accept or hold.

Further extension of time for holding and sale of surplus lands.

12. Notwithstanding the provisions of the Lands Clauses Consolidation (Scotland) Act 1845 with regard to superfluous lands section 15 (Repeal of sections 77 and 78 of Act of 1890 and management of surplus lands) of the Act of 1894 shall be read as if the words "fifty-six years" had been therein inserted instead of the words "thirty-five years" occurring in subsections (A) and (B) of that section.

Interest not to be paid out of capital.

13. No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Order or Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Order shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation (Scotland) Act 1845.

Deposits for future Orders or Bills not to be paid out of capital.

14. The Company shall not out of any money by the Act of 1890 the Act of 1894 the Act of 1899 or this Order authorised to be raised pay or deposit any sum which by any general order for the regulation

of proceedings under and in pursuance of the Private Legislation Procedure (Scotland) Act 1899 or any standing order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any application to the Secretary for Scotland for a Provisional Order or to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway or to execute any other work or undertaking.

Provision as to general Railway Acts.

15. Nothing in this Order contained shall exempt the Company or the railways of the Company from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of railway companies passed before or after the commencement of this Order or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels authorised to be taken by the Company.

Costs of Order.

16. All costs charges and expenses of and incident to the preparing and applying for and the issue of this Order and the confirmation thereof by Parliament or otherwise in relation thereto shall be paid by the Company.

Glasgow Subway Railway 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 Glasgow Subway Railway.

(*Brought from the Commons* 15*th June* 1914.)

Ordered to be printed 15th June 1914.

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(109)

Government Annuities Bill. [H.L.]

ARRANGEMENT OF CLAUSES.

PART I.

GOVERNMENT ANNUITIES.

Part II.

Savings Bank Annuities and Insurances.

1829 = The Government Annuities Act, 1829 (10 Geo. 4. c. 24).
1830 = The National Debt Act, 1830 (11 Geo. 4 & 1 Will. 4. c. 26).
1832 = The Government Annuities Act, 1832 (2 & 3 Will. 4. c. 59).
1833 = The Government Annuities Act, 1833 (3 & 4 Will. 4. c. 24).
1838 = The Government Annuities Act, 1838 (1 & 2 Vict. c. 49).
1873 = The Government Annuities Act, 1873 (36 & 37 Vict. c. 44).
1887 = The Savings Banks Act, 1887 (50 & 51 Vict. c. 40)
1888 = The National Debt (Supplemental) Act, 1888 (51 & 52 Vict. c. 15).
1898 = The Revenue Act, 1898 (61 & 62 Vict. c. 46).
1903 = The Revenue Act, 1903 (3 Edw. 7. c. 46).

A

B I L L

INTITULED

An Act to consolidate the Government Annuities Acts, 1829 to 1888, and the enactments amending those Acts. A.D. 1914.

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

PART I.

GOVERNMENT ANNUITIES.

1.—(1) Subject to the provisions of this Part of this Act, the National Debt Commissioners (in this Act referred to as the Commissioners), may grant— Power to grant annuities. [1829, ss. 1 & 2.]

10 (*a*) immediate or deferred life annuities, that is to say, annuities depending on a single life, or on two joint lives and the life of the survivor, or on the joint continuance of two lives;

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(*b*) immediate or deferred annuities for years, that is to say, annuities to continue for a certain limited term of years;

Provided that no deferred annuity for years shall be granted to commence after the death of any specified person. 5

(2) The Commissioners, or the Comptroller-General acting under the Commissioners, may refuse to grant any annuity under this Part of this Act in any case where there are, in the opinion of the Commissioners or Comptroller-General, sufficient grounds for refusing so to do. 10

Consideration for annuities. [1829, ss. 1, 3, 12, 16, & 30; 1888, s. 1; 1903, s. 15.]

2.—(1) The Commissioners may accept as consideration for an annuity—

(*a*) the transfer of any amount, not less than one hundred pounds, of two and a half per cent. consolidated stock within the meaning of the National Debt (Conversion) Act, 1888 (in this Act referred to as consolidated stock); or 15

(*b*) the transfer of any amount of other perpetual annuities, or annuities for a certain term of years, payable as part of the permanent annual charge for the National Debt, or the payment of money, in each case equal in value to not less than one hundred pounds of consolidated stock; or 20

(*c*) in the case of a deferred life annuity, the payment in money of a sum not less than five pounds a year payable at such time or times in each year and subject to such regulations as the Commissioners may direct: 25

Provided that where the annuity is a further annuity granted to the same person who purchased a former annuity, and depending on the same life or lives, the consideration may be any amount not less than twenty pounds of consolidated stock, or its equivalent in perpetual or terminable annuities, or money. 30

(2) Transfers of stock and annuities and payment of money for the purchase of annuities shall be accepted at such days and times only as the Commissioners may by notice in the London Gazette appoint for the purpose. 35

Conditions as to nominee. [1829, s. 4.]

3. A person purchasing a life annuity may nominate himself or any other person as a person on whose life the annuity is to depend (in this Part of this Act referred to as a nominee), so, 40

however, that a nominee must be of the age of fifteen years or upwards at the time of nomination, and must, unless he is also the purchaser, or one of the purchasers, be a native of and usually resident within the British Islands.

Declarations &c. required in respect of life annuities. [1829, ss. 5, 6, 7, 18 and 19; 1832, s. 5; 1838, s. 14.]

4.—(1) Before any stock or annuities are transferred, or money is paid, to the Commissioners for the purchase of a life annuity, there shall be delivered to the Comptroller-General or other officer acting under the Commissioners a declaration signed by the person desirous of purchasing the annuity, or by a person on his behalf, stating the name of the person by whom or on whose behalf the annuity is to be purchased, the name of the nominee or, as the case may be, the names of both the nominees, and such other particulars as the Commissioners or the Comptroller-General may direct, and there shall also be produced to such officer such certificate of birth or baptism, or declaration as to age, of the nominee or each nominee, and such declaration of identity, as is in this section mentioned:

Provided that where any person proposed as a nominee is a person on whose life an annuity has previously been granted it shall not be necessary to produce a further certificate of the birth or baptism or declaration as to age of that person, but where the person desirous of purchasing the annuity is not the same as the person who purchased the previous annuity depending on the life of that nominee, a declaration as to the identity of the proposed nominee with the person on whose life the previous annuity was granted shall be produced to the Commissioners.

(2) The certificate of birth or baptism or declaration as to age required shall be either—

(*a*) a certificate of the Registrar-General for England Scotland or Ireland under the seal of his office; or

(*b*) a certificate under the hand of any superintendent registrar or registrar of births deaths and marriages attested by two or more witnesses; or

(*c*) a copy of the register of the birth or baptism of the nominee certified as true under the hand of the minister of the parish or place where the register is kept, attested by two or more witnesses, or in his absence (to be specified in the certificate) under the hands of the churchwardens, chapel wardens, or overseers, of the parish or place, or any two of them, attested by two or more witnesses; or

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(*d*) in the case of a person who is not a native of the British Islands, or of a person whose name, though he is a native of the British Islands, does not appear in any register of births, or in the register of baptisms for the parish or place in which he was baptised, either—

(i) A declaration made by the person or one of the persons by whom or on whose behalf the annuity is purchased, or by the nominee, of the age of the nominee together with his name, surname, addition, and employment or occupation, if any, his usual place of abode, and the place of his birth, and the names of his parents or reputed parents, and stating that the person named and described in the declaration is the person on whose life the annuity is intended to be purchased; and if the nominee is a native of the British Islands also stating why a certificate of birth or baptism cannot be produced; or

(ii) a declaration to the like effect made by some other person having a knowledge of the circumstances mentioned in the declaration, accompanied by a declaration by the person or one of the persons by whom or on whose behalf the annuity is purchased that the contents of the last-mentioned declaration are true to the best of his knowledge and belief.

Where the certificate produced is a certificate required to be attested by two or more witnesses, there shall be annexed to the certificate a declaration by the witnesses or one of them stating that they or he examined and compared the copy of the register of births or baptisms with the original, and that it is a true and literal copy thereof, and that they or he saw the superintendent registrar or registrar, minister, or churchwardens chapelwardens or overseers, sign the certificate, and that the names of the witnesses are in their own handwriting, which last-mentioned declaration, where the certificate is a certificate of a superitendent registrar or registrar, shall be made before a justice of the peace of the county or place wherein the place of birth is situate.

(3) The declaration of identity required shall be a declaration by the purchaser of the annuity or one of the purchasers,

or by some person on his or their behalf, that the person named in the certificate of birth or baptism, or declaration as to age, is the person who is appointed to be nominee.

(4) Where a certificate of the baptism and not of the birth of any person is produced, the age of that person shall for the purposes of this Part of this Act be calculated as if he had been born on the date of baptism.

Declaration required in respect of annuities for years. [1829, s. 8.]

5. A person intending to purchase an annuity for years, or some person on his behalf, shall sign and produce to the Commissioners such a declaration of his intention as the Commissioners or the Comptroller-General may approve.

Amount of annuity. [1829, ss. 9, 10, 11, 14, 15 & 16; 1888, s. 2 (6).]

6.—(1) The annuity to be granted shall be calculated and ascertained according to the age of the nominee, or the continuance of the term, as the case may be, and according to the average price of consolidated stock on the day preceding the date of the certificate hereinafter mentioned and shall be of such amount as the consolidated stock transferred as consideration for the annuity would purchase according to such tables approved by the Treasury under this Part of this Act as are for the time being in force.

(2) Where the consideration for the annuity consists of annuities or money, the annuities or money shall first be converted by such officer as may be appointed by the Commissioners for the purpose into terms of consolidated stock, according to the average price of the stock and annuities to be ascertained as herein-after mentioned, and the annuity shall be calculated with reference to the amount of consolidated stock (excluding fractional parts of a pound of such stock) produced by such conversion, and whenever the consideration is a sum of money, a charge of two shillings and sixpence shall be made for every entire one hundred pounds of consolidated stock produced by such conversion as aforesaid.

(3) Where the amount of the annuity so calculated produces a fraction less than fourpence, the fractional part of the annuity less than fourpence shall be omitted from the annuity.

(4) For the purposes of ascertaining the average price of stock and annuities according to which the amount of annuity to be granted under this Part of this Act is to be so calculated, the Bank of England shall on every day on which any consolidated stock or annuities have been bought at the Bank of England cause to be made out and transmitted to the Comptroller-General an account of the average price at which such stock

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and annuities have been bought on that day, and a copy of the account shall be put up in some conspicuous place in the office of the Comptroller-General, for the purpose of enabling persons to ascertain the price at which stock or annuities may be transferred or money laid out in the purchase of annuities. 5

(5) If no stock or annuities have been so bought on any day, the calculation shall be made in accordance with the average price of the stock or annuities on the nearest preceding day.

(6) The amount of every annuity shall be calculated and ascertained by the Comptroller-General or other officer acting 10 under the Commissioners, and checked by the actuary or other check officer of the check branch in the office of the Commissioners.

Provisions as to payment of consideration. [1829, ss. 3, 10, 13, 15 and 20.]

7.—(1) When in the case of a life annuity the necessary proofs of age and identity have been produced and the amount 15 of the annuity checked as aforesaid, the Comptroller-General or other officer of the Commissioners shall give to the purchaser of the annuity an authority for the Bank of England to accept the consideration for the annuity.

(2) When in the case of an annuity for years the necessary 20 declaration has been produced and the amount of the annuity checked as aforesaid, the Comptroller-General or other officer of the Commissioners shall grant a certificate to the purchaser, and transmit a duplicate of the certificate to the Bank of England, and shall also when the consideration consists of a 25 money payment give to the purchaser an authority for the Bank of England to accept the payment.

(3) As soon as the transfer or payment of the consideration has been made in the case of a life annuity, the Commissioners shall give a receipt to the person by whom or on whose behalf 30 the transfer or payment is made.

(4) As soon as the transfer or payment of the consideration has been made in the case of an annuity for years, the Bank, upon the production of such original certificate as aforesaid, shall give a receipt to the person by whom or on whose behalf 35 the transfer or payment is made.

(5) Such receipt as aforesaid shall be a discharge for the stock or annuities transferred or the moneys paid as consideration, and the purchaser shall thereupon become entitled to the annuity. 40

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(6) As soon as the purchaser has become so entitled to the annuity he shall, in the case of a life annuity, if so required by the Commissioners, sign an acceptance thereof in the books of the Commissioners himself or by his duly authorised agent, and in the case of an annuity for years, if so required by the Bank of England, sign an acceptance thereof in the books of the Bank of England himself or by his duly authorised agent.

(7) No such authority as aforesaid and, when stock or annuities are transferred as consideration for an annuity for years, no such certificate as aforesaid, shall continue valid to authorise the transfer of stock or annuities or the payment of money being made after the expiration of five days from the date of the authority or certificate.

(8) Any person appointed by the Commissioners for the purpose is hereby authorised to accept the transfer of stock or annuities under this section.

(9) Any sum paid to the Bank of England upon production of any such authority as aforesaid shall be accepted by the Bank.

Security for and payment of annuities. [1829, s. 20; 27 & 28 Vict. c. 46.]

8.—(1) All immediate life annuities and all annuities for years, whether immediate or deferred, shall be charged on the Consolidated Fund and issued thereout or out of the growing produce thereof at such times as the Treasury may direct.

(2) All deferred life annuities shall be charged on and paid out of the fund established under the Government Annuities (Investments) Act, 1864, and regulated by Part III. of this Act.

27 & 28 Vict. c. 46

Times of payment. [1888, s. 2 (1)-(4).]

9.—(1) All annuities granted under this Part of this Act shall be payable quarterly, on the fifth day of January, the fifth day of April, the fifth day of July, and the fifth day of October, in each year.

(2) The first quarterly payments of such annuities (other than deferred annuities) shall be made on the days of payment specified in Part I. of the First Schedule to this Act.

(3) On the expiry of a life annuity by reason of the death of a single nominee, or of the survivor of two joint nominees, or of either of two joint nominees, a sum equal to one-fourth part of the annuity, over and above all quarterly arrears thereof, shall, if claimed within two years after the death of that nominee, but not otherwise, be payable to the person entitled to the annuity, or to his executors, administrators, or assigns, as the

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case may be, at any time after the expiration of thirty days after proof of the death:

Provided that such sum shall not be payable in respect of any deferred life annuity unless one quarterly payment of the annuity has been made or has become due at the time of the death of the nominee.

Mode of payment of life annuities. [1829, ss. 24, 25, 29; 1832, s. 8; 1838, s. 13; 1898, s. 18 (1).]

10.—(1) The quarterly payments of life annuities shall be made by the Commissioners by warrants, addressed to the Bank of England, upon proof of the existence of the nominee, or, if the annuity depends on two joint lives and the life of the survivor, of either of the nominees, or, if the annuity depends on the joint continuance of two lives, of both the nominees, either—

(*a*) by the personal appearance of such nominee or nominees before an officer of the Commissioners on the quarterly day for payment or some day subsequent thereto; or

(*b*) by the production of such certificate and declaration as are in this section mentioned; or

(*c*) by other evidence to the satisfaction of the Commissioners or officer acting under the Commissioners.

(2) The certificate so required shall be a certificate by any person prescribed in that behalf by a warrant of the Treasury that the nominee was living on a day specified in the certificate, being the quarterly day for payment, or some day subsequent thereto.

(3) The declaration so required shall be a declaration by a person entitled to the life annuity, or some person on his behalf, stating that the person mentioned in the certificate is the nominee or one of the nominees on whose life the annuity depends, and where an annuity depends on the life of two nominees and the life of the survivor, the declaration, if referring to one only of the nominees, shall state whether the other of the two nominees is living or dead, and, if living, his usual place of residence, or that the person making the declaration is wholly ignorant whether such other nominee is living or dead, or of his place of residence, as the case may be.

(4) Where two or more annuities have been granted upon the life of the same nominee, then—

(*a*) if the existence of the nominee has been proved by his personal appearance before an officer of the Commissioners for the purpose of one of those annuities, no

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further proof of his existence shall be required in respect of any other such annuity; and

(*b*) if a certificate of the existence of the nominee has been produced in accordance with the provisions of this section by a person entitled to one annuity, it shall not be necessary for a person entitled to another such annuity to produce a certificate, but a declaration by or on behalf of the person entitled to such other annuity, as to the identity of the person to whom the certificate relates with the person on whose life his annuity depends, shall be sufficient.

Mode of payment of one-fourth of life annuity on expiration of annuity. [1829, ss. 27 and 28; 1832, s. 8; 1838, s. 13; 1898, s. 18 (1).]

11.—(1) The sum equal to one-fourth of a life annuity payable under this Part of this Act on the expiration of the annuity, shall (with all quarterly arrears) be paid by the Commissioners by warrant addressed to the Bank of England, on production to the proper officer of the Commissioners of a certificate of the death or burial of the nominee on whose death the annuity, expired, together with a declaration as to the identity of the person named in the certificate with that nominee, which declaration shall also state the date of his death:

Provided that where it is proved to the satisfaction of the Commissioners or the Comptroller-General that such certificate as aforesaid cannot be produced, the Commissioners or the Comptroller-General may admit such other evidence of the death of the nominee as in each case may be considered sufficient.

(2) Certificates of death or burial for the purpose of this section shall specify the date of death or burial, and shall be given by such persons as are authorised by warrant of the Treasury to give certificates as to the existence of nominees under the last preceding section:

Provided that extracts or copies from the registers of the Society of Friends (commonly called Quakers) or from the register of any Nonconformist or Roman Catholic chapel or any non-parochial chapel, if certified by the registrar or other person keeping the register, shall be accepted as evidence of death or burial.

Mode of payment of annuities for years. [1829, ss. 17 and 20.]

12.—(1) The quarterly payments of annuities for years shall be made at the Bank of England.

(2) All annuities for years granted under this Part of this Act shall be carried to the separate account in the books of the Bank of England and the books of the Commissioners to

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which such annuities have heretofore been carried, and the account shall be known under the title of "Annuities for terms of years granted by the National Debt Commissioners."

Transfers of life annuities. [1829, ss. 3 and 33; 1832, s. 9.]

13.—(1) Life annuities shall be transferable in the books of the Commissioners in such form and subject to such regulations as the Commissioners or the Comptroller-General acting under the Commissioners may approve:

Provided that every such annuity shall only be transferable entire and not in parts or shares.

(2) Annuities for years shall be transferable entire or in parts in the books of the Bank of England during the continuance of the terms for which the annuities are severally granted.

(3) On the transfer of an annuity the person to whom the transfer is made shall, if the Commissioners or the Bank of England so require, sign his acceptance thereof himself or by his duly authorised agent.

Forfeiture of deferred annuities for non-payment of instalments. [1829, s.36.]

14. Where the consideration for any deferred life annuity is payable by means of annual sums and default is made in paying such sums in accordance with the agreement made with the Commissioners the annuity and all payments which may have been made in respect thereof shall be forfeited.

Unclaimed annuities. [1829, s. 39; 1832, s. 11; 1888, s. 2 (1).]

15.—(1) The Commissioners shall, on the fifth day of January in every year, make up an account of all life annuities which have remained unclaimed for the space of the last three years, and all annuities so remaining unclaimed, together with the unclaimed quarterly arrears thereof, and all life annuities which may have expired, and all quarterly arrears thereof, shall cease to be charged upon and shall not be issued out of the fund on which they are charged by this Part of this Act, as from the date from which they have remained so unclaimed or on which they have so expired:

Provided that nothing in this section shall prejudice the rights of any person entitled to any such unclaimed annuity to claim the quarterly arrears and future payments thereof, such claim being supported by such proof of the existence of the nominee as is required by this Part of this Act, and in every such case the Commissioners may reinstate the annuity so claimed and charge it and all arrears thereof on the same fund as previously.

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(2) The Bank of England shall in each quarter make up an account of all annuities for years which have remained unclaimed for the space of ten years preceding that quarter, and all such unclaimed annuities and all arrears thereof shall be transferred to the Commissioners and shall be subject to the restrictions and regulations to which other stocks and annuities are subject by Part VII. of the National Debt Act, 1870.

33 & 34 Vict. c. 71.

Tables for annuities. [1829, s.14.]

16.—(1) For the purpose of ascertaining the values of the several annuities authorised to be granted under this Part of this Act, the Treasury may direct the Commissioners to use such tables, framed on the principles laid down in this Part of this Act for ascertaining the values of annuities granted thereunder, as may from time to time be approved by the Treasury.

(2) The Treasury may from time to time alter or revoke any such tables and direct the adoption of such other tables in lieu thereof as may be approved by the Treasury.

(3) The Commissioners before adopting any such table shall give notice in the London Gazette that the tables have been approved by the Treasury.

Cancellation of stock transferred, &c. [1829, ss. 3 and 13; 1830, ss. 6 and 9; 27 & 28 Vict. c. 46, s. 1.]

17.—(1) All stock and annuities transferred to the Commissioners as consideration for annuities (other than deferred life annuities) under this Part of this Act shall forthwith be cancelled, and all sums of money paid to the Commissioners in consideration for any such annuity (other than a deferred life annuity) shall be laid out on behalf of the Commissioners as they direct in the purchase of consolidated stock or perpetual annuities, and the stock and annuities so purchased shall forthwith be cancelled :

Provided that the Commissioners may, in lieu of so cancelling any such stock or annuities, sell such stock or annuities and invest the proceeds thereof, and, in lieu of so laying out any such money, may invest such money, in the purchase of exchequer bills or in making advances on the credit of exchequer bills, and in such case the exchequer bills which have been purchased or upon which money has been so advanced shall forthwith be cancelled.

(2) All stock, annuities and money received as consideration for deferred life annuities shall be carried to the credit of or paid into the fund established under the Government Annuities (Investments) Act, 1864, and regulated by Part III. of this Act.

27 & 28 Vict. c. 46.

Accounts of money paid in considera-

18. All sums payable as consideration for any annuities granted under this Part of this Act shall be paid into the Bank

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tion for annuities. [1829, s. 13.]

of England, and if paid with respect to the purchase of life annuities shall be carried to the account of the Commissioners in respect of life annuities; and if paid in respect of annuities for years shall be carried to the account of the Commissioners in respect of annuities for years. 5

Certification of amounts payable on the several quarter days. [1829, s. 21.]

19. The Comptroller-General, acting under the Commissioners, shall within fourteen days preceding the fifth day of January, the fifth day of April, the fifth day of July, and the fifth day of October, in each year, certify to the Treasury the amount on account of annuities which will become payable 10 under this Part of this Act out of the Consolidated Fund on each of those dates respectively, and the Treasury shall thereupon by warrant direct the issue out of the Consolidated Fund to the account of the Commissioners of the sum specified in the certificate. 15

Validity of payments to executors and administrators. [1838, s. 12.]

20. Where probate or letters of administration have been granted to any person in respect of the estate of a person entitled to an annuity under this Part of this Act, the production of the probate or letters of administration granted by any court in the British Islands shall be a sufficient authority to the 20 Commissioners to pay to the person to whom the probate or lettters of administration have been granted any sum which may be due on account of such annuity if the amount of the estate exceeds that sum.

Payment of small sums on death without letters of administration. [50 & 51 Vict. c. 67, ss. 8 and 9.]

21. On the death of a person to whom any sum not exceeding 25 one hundred pounds is due from the Commissioners in respect of any life annuity granted under this Part of this Act, then, if the Commissioners so direct and subject to the regulations (if any) made by the Treasury, probate or other proof of the title of the personal representative of the deceased person may be 30 dispensed with, and the said sum may be paid or distributed to or among the persons appearing to the Commissioners beneficially entitled to the personal estate of the deceased person, or to or among any one or more of those persons, or in the case of the illegitimacy of the deceased person or his children, to or among 35 such persons as the Commissioners may think fit, and the Commissioners shall be discharged from all liability in respect of any such payment or distribution.

Exemptions from duties. [1829, ss. 35 and 38; 1832, s. 16.]

22.—(1) No stamp duty shall be payable in respect of—

(*a*) any certificate, declaration, or affidavit made or taken 40 in pursuance of this Part of this Act; or

(*b*) the transfer of any stock or annuities to the Commissioners under this Part of this Act; or

(*c*) any certificate or other instrument respecting the payment of money for the purchase of an annuity under this Part of this Act; or

(*d*) any transfer or acceptance of any such annuity in the books of the Commissioners or the books of the Bank of England; or

(*e*) any warrant or receipt for the payment of any such annuity or any part thereof; or

(*f*) any other instrument (except a power of attorney) made out by or under the authority of the Commissioners.

(2) Annuities granted under this Part of this Act shall not be liable to any taxes, charges, or impositions, other than those to which dividends on consolidated stock may for the time being be liable.

Evidence. [1829, s. 45; 1832, ss. 6 and 7.]

23.—(1) The Commissioners, or the Comptroller-General acting under the Commissioners, may, in any case where a declaration is required under this Part of this Act, require the declaration to be confirmed by an affidavit before the Comptroller-General or officer appointed for the purpose by the Commissioners, or before a justice of the peace or magistrate.

(2) Where a declaration is required to be produced under this Part of this Act for the purpose of receiving an annuity, an affidavit may be produced in lieu thereof.

(3) Where any evidence is produced by any person for the purpose of the purchase or receipt of an annuity which is not strictly conformable with the provisions of this Part of this Act, the Commissioners or the Comptroller-General acting under the Commissioners may admit such evidence if it appears satisfactory.

(4) The Commissioners or the Comptroller-General or any officer appointed for the purpose by the Commissioners may administer oaths for the purposes of affidavits under this Part of this Act.

Provisions as to warrants. [1873, ss. 1, 2 and 5.]

24.—(1) All warrants of the Commissioners for the payment of sums payable by them under this Part of this Act may, subject to regulations made by the Commissioners, be sent by post.

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(2) A warrant so sent by post shall be deemed to be a cheque of the Commissioners within the meaning of any enactment relating to cheques for the time being in force.

(3) Any person desirous of having a warrant for an annuity sent to him through the post shall give to the Commissioners an address in the British Islands to which a letter containing the warrant is to be sent, and the posting by the Commissioners of a letter containing the warrant addressed to an annuitant at his request at the address given by him to the Commissioners shall, as respects the liability of the Commissioners and of the Consolidated Fund, be equivalent to the delivery of the warrant to the annuitant himself.

(4) For the purposes of this section the expression "warrant" shall be deemed to include any draft, order, cheque, or other document for the time being used by the Commissioners as a medium for the payment of annuities under this Part of this Act.

Provisions as to certificates, &c. [1829, ss. 45 and 46; 1832, s. 5.]

25.—(1) Certificates, declarations, and other instruments required for the purposes of this Part of this Act shall be in such form and subject to such regulations as the Commissioners, or the Comptroller-General acting under the Commissioners, approve.

(2) No fee shall be taken by any officer acting under the Commissioners for granting any certificate, or for any other act matter or thing to be done in pursuance of this Part of this Act.

Power to correct errors. [1829, s. 45.]

26. The Commissioners, or the Comptroller-General acting under the Commissioners, may correct rectify or amend any contract for an annuity, or any certificate or other instrument, in cases where any mistake or accidental error has been made in carrying out any provisions of this Part of this Act.

Regulations. [1873, s. 1; 1903, s. 16.]

27.—(1) The Commissioners may make regulations providing for the production or transmission by post or otherwise to the persons prescribed in the regulations of the certificates and declarations which are required to be produced before the payment of annuities, and with respect to any matters which under this Part of this Act are expressed to be subject to regulations of the Commissioners.

(2) The Commissioners, with the concurrence of the Treasury, may make regulations as to the mode in which any sum payable by the Commissioners in respect of an annuity

under this Part of this Act may be paid, and the manner in which a valid discharge is to be given to the Commissioners for any such payment, and payments made and discharges given in accordance with the regulations shall be valid notwithstanding anything in this or any other Act to the contrary.

Transfers between Banks of England and Ireland. [1833, s. 4.]

28. Annuities for years granted under this Act may be transferred to and from the books of the Bank of England from and to the books of the Bank of Ireland for the purpose of having corresponding sums in the like annuities written into the books of those banks respectively, in like manner and under the same regulations as stock and annuities are permitted to be so transferred under Part VI. of the National Debt Act, 1870.

33 & 34 Vict. c. 71.

Expenses. [1829, s. 48; 1832, s. 20.]

29. The salaries of the officers and clerks acting in the execution of this Part of this Act, and the other expenses of the Commissioners incurred in carrying this Part of this Act into execution, to such amount as the Treasury approve, and such allowances to the Bank of England as the Treasury approve in respect of services rendered by the cashiers and other officers of the Bank in the execution of this Part of this Act, shall be paid by the Treasury out of moneys provided by Parliament.

Annual account. [1829, s. 50.]

30. There shall annually be prepared and laid before Parliament on or before the twenty-fifth day of March in each year if Parliament is then sitting, or if not then sitting within fourteen days after the commencement of the next session of Parliament, an account made up by the Commissioners to the preceding fifth day of January, of the gross amount of all stock and annuities transferred, and of all sums of money paid, to the Commissioners in consideration for annuities under this Part of this Act, and of the gross amount of the life annuities and annuities for years which have been granted under the provisions of this Part of this Act within the year ending on the said fifth day of January.

Punishment for improper receipt of annuity. [1829, s. 42.]

31. If any person contrary to the provisions of this Part of this Act receives any payment in respect of any life annuity after the death of the nominee, or of the survivor of two nominees in the case of an annuity depending on two joint lives and the life of the survivor, or of either of two nominees in the case of an annuity depending on the joint continuance of two lives, knowing such nominee to be dead, he shall forfeit treble the amount of all money so received and also a further sum of five hundred pounds.

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Punishment for false statements. [1829, ss. 40 and 44; 1832, s. 5; 1838, s. 11; 1898, s. 18 (2).]

32.—(1) If any certificate or affidavit is produced to an officer of the Commissioners which contains any untrue statement of the age of any person proposed or appointed to be a nominee with intent to obtain an annuity on the continuance of the life of any person under the age of fifteen years, or to obtain a higher rate or amount of annuity than would be allowed under the provisions of this Part of this Act according to the true age of that nominee, then all stock or annuities which may have been transferred, and all money which may have been paid, as consideration for the annuity, shall be forfeited, and all right and title to any annuity in respect thereof shall determine, and the person by whom or on whose behalf the stock or annuities have been transferred or money paid shall forfeit treble the amount of every sum which may have been received in respect of the annuity and also a further sum of five hundred pounds.

(2) If any certificate of the existence or death or burial of any nominee given under this Part of this Act by a person prescribed in that behalf by a warrant of the Treasury is false, the person giving it shall, if he acted wilfully, be guilty of a misdemeanour, and, if he acted negligently, be liable on summary conviction to a fine not exceeding fifty pounds.

(3) If any declaration made for the purposes of this Part of this Act is untrue in any particular, the person making the declaration shall, in addition to any other penalty to which he may be subject, forfeit the sum of one hundred pounds.

(4) If, in Scotland Ireland the Channel Islands or the Isle of Man, any person in any declaration or affidavit for the purposes of this Part of this Act before any justice of the peace, magistrate, or officer of the Commissioners, wilfully makes any false statement, he shall be liable on conviction to be punished as if he were guilty of perjury.

Forgery. [1829, s. 41; 1832, s. 19.]

33. If, in Scotland the Channel Islands or the Isle of Man, any person forges or knowingly assists in forging or, with intent to defraud, utters to any person acting under this Part of this Act—

(*a*) any register of the birth, baptism, death, or burial of any person to be appointed a nominee under this Part of this Act, or any copy or certificate of any such register, or the name of any witness to any such certificate;

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(*b*) any declaration, warrant, order, or other instrument, or any affidavit required to be made by this Part of this Act or by the Commissioners under any authority given to them for that purpose;

5 (*c*) any certificate of any justice of the peace or magistrate of any such affidavit having been taken before him, or any certificate or order of any officer of the Commissioners;

(*d*) any certificate of any person authorised by this Part of 10 this Act to grant any certificate of the life or death of any nominee;

(*e*) any certificate or order of any cashier or clerk of the Bank of England;

(*f*) the name of any person on any transfer of an annuity, 15 or on any certificate, order, warrant, or other instrument for the payment of money for the purchase of any annuity under the provisions of this Part of this Act;

(*g*) The name of any person on any transfer or acceptance 20 of any such annuity in the books of the Bank of England or in the books of the Commissioners;

(*h*) the name of any person on any receipt or discharge for any such annuity, or on any receipt or discharge for any payment due or to become due thereon;

25 (*i*) the name of any person on any letter of attorney or other authority or instrument authorising the transfer or acceptance of any annuity of whatsoever kind, or authorising the receipt of any life annuity of whatsoever kind, granted under this Part of this Act, or 30 any payment due, or to become due, thereon;

he shall be liable on conviction to penal servitude for life.

Personation. [1829, s. 41; 1832, s. 19.]

34. If any person, with intent to defraud, personates any nominee, he shall be guilty of felony and liable on conviction to penal servitude for life.

Recovery and application of penalties. [1829, s. 43.]

35 **35.**—(1) All pecuniary penalties and forfeitures imposed by this Part of this Act (other than fines recoverable summarily) shall be recoverable by information in the name of the Attorney-General for England or Ireland, in the High Court for England

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or Ireland, as the case may be, or of the Lord Advocate in the Court of Session.

(2) Every such penalty or forfeiture shall be paid into the exchequer.

(3) It shall be lawful for the Commissioners to cause such reward as they think fit, not exceeding one-half of any such penalty or forfeiture so recovered, after deducting all charges and expenses incurred in recovering it, to be paid to any person who may appear to them to be entitled thereto as informer. 5

Repeals and savings. [1829, s. 31; 1888, s. 2 (5).]

36.—(1) The enactments mentioned in Part I. of the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that part of that schedule. 10

(2) This Part of this Act shall apply to all annuities granted before and in force at the commencement of this Act under any enactment so repealed as if they had been granted under this Part of this Act, and where a person entitled to an annuity granted before the commencement of this Act purchases an annuity under this Part of this Act depending on the life of the same nominee as the former annuity, the annuity so purchased shall be added to the former annuity, and the two shall be treated as a single annuity depending on the life of such nominee, as if both annuities had been granted under this Act: 15 20

Provided that—

(*a*) Any such annuity being a deferred life annuity granted before the fourteenth day of July eighteen hundred and sixty-four shall remain charged upon the consolidated fund; and 25

(*b*) This Part of this Act shall apply to an annuity granted under any such repealed enactment before the twenty-eighth day of July eighteen hundred and eighty-eight, subject to the modifications set forth in the Third Schedule to this Act. 30

(3) All regulations and tables made under any enactment so repealed shall continue in force and have effect as if they had been made under this Act. 35

(4) All powers of attorney and other instruments in respect of any annuity granted under any enactment so repealed, or in respect of an application for any such annuity, executed before the commencement of this Act, shall continue in force and have the same validity as if this Act had not been passed. 40

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1853 = The Government Annuities Act, 1853 (16 & 17 Vict. c. 45).
1864 = The Government Annuities Act, 1864 (27 & 28 Vict. c. 43).
1873 = The Government Annuities Act, 1873 (36 & 37 Vict. c. 44).
1882 = The Government Annuities Act, 1882 (45 & 46 Vict. c. 51).
1887 = The Savings Banks Act, 1887 (50 & 51 Vict. c. 40).
1903 = The Revenue Act, 1903 (3 Edw. 7. c. 46).

Part II.

Savings Bank Annuities and Insurances.

Power to grant savings bank annuities and insurances. [1853, ss. 2, 10, 11, 13, and 16; 1882, s. 3.]

37.—(1) Subject to the provisions of this Part of this Act and of the regulations made thereunder, the Commissioners may, either themselves directly, or through savings banks or parochial or other societies or other duly authorised agents, grant savings bank annuities, that is to say :—

(*a*) immediate or deferred annuities depending on a single life; or

(*b*) immediate annuities depending on joint lives and the life of the survivor, or on the joint continuance of two lives.

(2) Subject as aforesaid, the Commissioners may also in like manner enter into contracts (herein-after referred to as savings bank insurances)—

(*a*) for the payment of a sum of money on the death of the person or one of the persons with whom the contract is made; or

(*b*) for the payment of a sum of money to be made on the attainment by the person with whom the contract is made of a specified age, or sooner in the case of his death.

(3) The Commissioners or the Comptroller-General acting under the Commissioners may refuse to grant a savings bank annuity or a savings bank insurance in any case where there are, in the opinion of the Commissioners or Comptroller-General, sufficient grounds for refusing so to do.

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(4) The Treasury may by warrant addressed to the Commissioners discontinue the granting of savings bank annuities or insurances if they think fit so to do.

Limits on amount of annuities and insurances. [1853, s. 3; 1882, ss. 2, 4 and 8 (2); 1887, s. 9.]

38.—(1) The amount of a savings bank annuity shall not, nor shall the aggregate amount of any savings bank annuities granted on the life of any one person, exceed one hundred pounds a year.

(2) The amount of a savings bank insurance shall not, nor shall the aggregate amount of any savings bank insurances granted in respect of the life of any one person, exceed one hundred pounds.

Limit of age. [1882, ss. 2 and 4 (2).]

39.—(1) A savings bank annuity may be granted to any person not under the age of five years.

(2) A savings bank insurance may be granted to a person not over the age of sixty-five and not under the age of fourteen years; or, if the amount does not exceed five pounds, not under the age of eight years.

Ascertainment of amount of annuities and insurances. [1882. s. 5(8).]

40. All savings bank annuites and insurances shall be granted in accordance with the tables for the time being in force made in pursuance of this Part of this Act.

Security for, and payment of, annuities and insurances. [1882, s. 13 (3) (4) and (5).]

27 & 28 Vict. c. 46.

41.—(1) All immediate savings bank annuities shall be charged on the Consolidated Fund and issued thereout or out of the growing produce thereof at such times as the Treasury may direct.

(2) All deferred savings bank annuities and all savings bank insurances shall be charged on and paid out of the fund established under the Government Annuities (Investments) Act, 1864.

(3) In the event of any contract for a savings bank annuity or insurance being cancelled or varied in pursuance of this Part of this Act, or any error therein being corrected, the Commissioners may vary the charge on the Consolidated Fund, or on the fund established under the Government Annuities (Investments) Act, 1864, in such manner as may be necessary for carrying into effect such cancellation variation or correction, and the Treasury may, if need be, create new securities in lieu of any securities which have been cancelled, and the securities so created shall be charged on the Consolidated Fund and payable in like

manner and be subject to the same conditions as the securities so cancelled. A.D. 1914.

42.—(1) All savings bank annuities shall be payable half-yearly on the fifth day of January and the fifth day of July, or on the fifth day of April and the tenth day of October, in each year. Times of payment of annuities. [1853, s. 21; 1873, s. 3.]

(2) The first half-yearly payments of such annuities shall be made on the days of payment specified in Part II. of the First Schedule to this Act, and all future half-yearly payments of any such annuity shall be made with reference to the time of the first half-yearly payment.

(3) On the expiry of a savings bank annuity by reason of the death of a single nominee or of the survivor of joint nominees, or of either of two joint nominees, a sum equal to one-fourth part of the annuity, over and above all half-yearly arrears thereof, shall, if claimed within two years after the death of that nominee, but not otherwise, be payable to the person entitled to the annuity, or to his executors or administrators, as the case may be, at any time after the expiration of thirty days after proof of the death:

Provided that such sum shall not be payable in respect of any deferred annuity unless one half-yearly payment of the annuity has been paid or has become due at the time of the death of the nominee.

(4) For the purposes of this section the expression "nominee" means a person on whose life the savings bank annuity depends.

43. All moneys becoming due on account of savings bank annuities and insurances shall be paid to the persons entitled thereto in accordance with regulations made under this Part of this Act. Mode of payment of annuities and insurances. [1853, s. 22; 1882, s. 15.]

44.—(1) A savings bank annuity depending on the life of any person other than the person to whom it is granted may be transferred. Transfer of annuities and insurances. [1853, s. 25; 1864, s. 11; 1882, ss. 8 (3) and 10; 1887, s. 9.]

(2) Without prejudice to the generality of the foregoing subsection, the Commissioners may permit the transfer under such regulations as the Commissioners think fit—

(*a*) of a savings bank annuity granted jointly to two or more persons on the life of one of them, so, however,

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that the person on whose life the annuity depends is the transferee or one of the transferees;

(*b*) of a savings bank annuity granted to two or more persons on the joint lives of two or more persons, so, however, that all the persons on whose lives the annuity depends, or such of those persons as the Commissioners think fit, are the transferees or included amongst the transferees.

(3) Subject to the foregoing provisions of this section, a savings bank annuity shall not, nor shall any interest therein, be assignable so as to enable the assignee to receive the annuity during the lifetime of the proprietor, except in the case of the bankruptcy of an individual proprietor, in which case the annuity shall become the property of the trustee in bankruptcy; and in the case of such bankruptcy, the Commissioners shall repurchase the annuity according to the value thereof computed upon the tables upon which the annuity was originally purchased, and the receipt of the trustee shall be a sufficient discharge to the Commissioners who shall forthwith cancel the annuity.

(4) Any person entitled to a savings bank insurance may, after having duly paid for two years or upwards premiums thereon, assign his right and interest therein upon payment of such fee and on such conditions as may be fixed by regulations under this Part of this Act, and the assignee shall have all the rights and interests therein, including the right to sue, possessed by the assignor, but no greater right or interest.

Commutation of insurances for annuities. [1853, s. 15.]

45.—(1) Any person entitled to a savings bank insurance shall be entitled to commute it for such life annuity as may be equivalent to the sum payable on death under the insurance on depositing during his lifetime with the Commissioners a direction in writing to that effect, and nominating the person to whom the annuity is to be paid, in a form approved by the Commissioners.

(2) The annuity when approved by the Commissioners or the Comptroller-General acting under the Commissioners shall commence on the sixth day of January, the sixth day of April, the sixth day of July, or the eleventh day of October, as the case may be, next following the death of the person insured, and the first half-yearly payment shall be made in respect of the next following half-yearly period.

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Provisions as to surrender of insurance and default in paying premium. [1864, s. 8; 1882, s. 10.]

46. If a person entitled to a savings bank insurance, after having paid the premiums due thereon for a period of not less than two years, desires to surrender his policy, or makes default in the payment of premiums due in respect thereof, the Commissioners, at the option of the person entitled to the policy, shall pay him such sum of money as may be ascertained in accordance with the regulations under this Part of this Act, or shall grant to him such paid-up policy of insurance, or such an immediate or deferred savings bank annuity, as under the tables for the time being in force under this Part of this Act may be equivalent in value to the sum which under this section would be paid to him in money:

Provided that this section shall not apply where the insurance was granted on the condition that no portion of the premiums paid are to be returnable.

Application of Savings Banks Acts. [1882, ss. 7 and 14; 1864, s. 10.]

47.—(1) Subject to the provisions of this Part of this Act and the regulations made thereunder, all enactments for the time being in force relating to savings banks, and all regulations made in pursuance of those enactments, shall, so far as is consistent with the tenour thereof, apply for the purposes of this Part of this Act, and a person to whom a savings bank annuity or insurance has been granted shall be deemed for the purpose of those enactments and regulations to be a depositor in a savings bank:

Provided that—

(*a*) for the purpose of the immediate purchase of a savings bank annuity or insurance, a deposit to an amount not exceeding the amount to be paid for the annuity or insurance may be deposited in any one savings bank year, in addition to the maximum amount which otherwise is allowed to be deposited in a savings bank in that year; and

(*b*) in computing the maximum amount of deposit allowable for a depositor in a savings bank, any deposit for the above-mentioned purpose, and any sum credited to the account of a depositor in respect of any savings bank annuity or insurance, shall not be reckoned, and it shall be lawful to credit the account of a depositor with any such deposit or sum; but if after the deposit or sum has been credited the aggregate sum standing to the credit of a depositor exceeds the maximum amount which otherwise is

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allowed to be deposited in a savings bank, either in any one savings bank year or in the aggregate, the excess shall bear no interest, but shall be forthwith applied to the purpose for which it was deposited, or paid over to the depositor; 5

(*c*) nothing in this Act shall exempt any person obtaining or becoming entitled to any savings bank insurance from any estate duty or stamp duty payable by law;

(*d*) for the purposes of arbitration the Commissioners shall, where necessary, be deemed to be in the place of trustees of savings banks. 10

(2) For the purposes of this section a savings bank year shall be reckoned as the twelve months ending, in the case of a trustee savings bank, on the twentieth day of November, and, in the case of the Post Office savings bank, on the thirty-first day of December. 15

Power to recover money in county courts. [1864. s. 10.]

48.—(1) If payment of any sum of money alleged to be due under a savings bank insurance is refused by the Commissioners, the person entitled thereto may, if he thinks fit, instead of proceeding by arbitration in the manner provided by the enactments relating to savings banks as applied by this Part of this Act, take proceedings for recovering the amount claimed against the Commissioners in the county court of the district in which the contract was entered into, or, with the consent of the Commissioners, in the county court within the district of which such person is resident. 20 25

For the purposes of this section the contract shall be deemed to have been entered into at the place where the insured person resided at the date specified in the contract as the date thereof. 30

(2) A county court in which proceedings may be taken under this section shall have jurisdiction in the matter, and the decision of the court thereon shall be final and shall not be subject to any appeal. 35

(3) In the application of this section to Scotland references to the sheriff court shall be substituted for references to the county court.

Miscellaneous provisions as to annuities.

49.—(1) Where a savings bank annuity or insurance has been granted to two or more persons they shall be entitled thereto as joint tenants. 40

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(2) Where any person entitled to a savings bank annuity or insurance is insane or otherwise incapacitated from acting, then, subject to any regulations made under this Part of this Act, payment of the annuity or insurance may be made at such times and in such sums and to such persons as may seem proper and the receipt of those persons shall be a good discharge.

and insurances. [1882, ss. 8 (2) and 9.]

50. The Commissioners shall on the fifth day of January in every year make up an account of all savings bank annuities which have remained unclaimed for the space of the last three years, and all annuities so remaining unclaimed, together with the unclaimed half-yearly arrears thereof, and all savings bank annuities which may have expired, and all half-yearly arrears thereof, shall cease to be charged upon and shall not be issued out of the fund on which they are charged by this Part of this Act, as from the date from which they have remained so unclaimed or on which they have so expired:

Unclaimed annuities. [1853, s. 28.]

Provided that nothing in this section shall prejudice the rights of any person entitled to any unclaimed annuity who may at any subsequent period prove his title to the annuity to the satisfaction of the Commissioners or the Comptroller-General.

51.—(1) The Postmaster-General may, with the consent of the Treasury, if he thinks fit, authorise such of his officers as he may select to receive any moneys becoming payable on contracts entered into under this Part of this Act, and to pay on behalf of the Commissioners any moneys becoming due under such contracts.

Power of Commissioners to act through medium of Post Office Savings Bank, &c. [1853, s. 11; 1864, ss. 14 & 15.]

(2) The Commissioners may, with the consent of the Treasury, if they think fit, authorise the trustees of savings banks, with the consent of the trustees, to receive any moneys which may become payable upon contracts entered into under this Part of this Act for remittance to the Commissioners, and to pay on behalf of the Commissioners, any moneys which may become due under such contracts, and the Commissioners may make to the trustees a reasonable allowance for their expenses out of the moneys so received and paid over by the trustees to the Commissioners.

52.—(1) The Commissioners, with the concurrence of the Treasury, may make regulations as to the mode in which any sum payable by the Commissioners in respect of any savings bank annuity may be paid, and the manner in which a valid discharge is to be given to the Commissioners for any such

Regulations. [1864, s. 16; 1882, s. 6; 46 & 47 Vict. c. 47. s. 3.; 1903, s. 16.]

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payment, and payments made and discharges given in accordance with those regulations shall be valid notwithstanding anything in this or any other Act to the contrary.

(2) The Commissioners, with the concurrence of the Treasury, may make regulations for carrying out the provisions of this Part of this Act, so far as regards any annuities and insurances granted by the Commissioners either directly or through any parochial or other society, and so far as the trustees of savings banks are concerned; and for the execution of contracts on behalf of the Commissioners by officers appointed for the purpose by the Commissioners, or by the Postmaster-General with the consent of the Commissioners, and the regulations so made shall provide—

(*a*) For proofs of age, identity, state of health, and such other matters as appear necessary or proper for the grant of annuities and insurances, and, in the case of an insurance for such sum not exceeding twenty-five pounds as may be fixed by the regulations, for diminishing the amount to be paid to the insured in the event of any regulation as to medical certificates or any other matters having been dispensed with; and

(*b*) For regulating the time and mode of making the payments to obtain savings bank annuities and insurances, and enabling them to be made out of the deposits in a savings bank; and

(*c*) For crediting the accounts of depositors in a savings bank with sums due in respect of savings bank annuities or insurances; and

(*d*) For regulating the mode of payment of savings bank annuities and insurances and the receipts to be given for the same; and

(*e*) For cancelling or varying contracts for the grant of annuities and insurances and correcting errors arising on any such grant; and

(*f*) For enabling a person to whom an insurance is granted to nominate a person to whom the money due under the insurance, not exceeding one hundred pounds, is to be paid, and for the discharge to be given therefor; and

(*g*) In the case of minors under the age of twenty-one years, for the making of contracts, the making of payments to obtain savings bank annuities and

insurances out of the deposits in savings banks, the giving of receipts, and the doing of other acts, on their behalf; and the contracts and payments so made, the receipts so given, and the acts so done, shall be valid and binding on the minor; and

(*h*) For making payments on the death of children under ten years of age subject to the provisions contained in sections sixty-two to sixty-seven of the Friendly Societies Act, 1896, in like manner as if they were payments to which those sections apply.

59 & 60 Vict. c. 25.

(3) Regulations may be made by the Postmaster-General with the concurrence of the Treasury for carrying out the provisions of this Part of this Act so far as his department is concerned.

(4) Regulations made under this section, other than those made under subsection (1) thereof, shall be laid before Parliament, and shall have effect as if enacted in this Act.

Tables for annuities and insurances. [1882, s. 5.]

53.—(1) The Treasury may from time to time cause tables to be constructed for calculating the amounts of savings bank annuities and insurances.

(2) Every such table when approved by the Treasury shall, together with a statement of the rules observed in constructing it, be laid before both Houses of Parliament for not less than thirty days, and if an address is presented to His Majesty by either House of Parliament praying that such table may be cancelled, the table shall be cancelled without prejudice to the framing of another table in lieu of the table so cancelled.

(3) After the expiration of the said thirty days the Treasury may cause the table, if not cancelled as above provided, to be published in the London Gazette, and the table shall come into operation on the day on which it is so published or such later day as may be fixed by the Treasury.

(4) The tables shall be framed in such manner that the fund formed by the receipt of sums in respect of deferred annuities and of insurances, and the amounts paid for immediate annuities, shall respectively be adequate (after payment of expenses) to meet all claims without causing any loss to the Exchequer.

(5) The tables shall be framed so that the payments to obtain the annuities and insurances may be made in one sum

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or in annual or more frequent instalments, and be made during life or during a limited period.

(6) The tables may also provide for such variations in the rates for, and conditions of, annuities and insurances, and such surrender of insurances, and such other matters, as may seem expedient.

(7) Upon any new table made under this section coming into operation, any previous existing table in lieu of which the new table is expressly made shall be revoked, without prejudice nevertheless to annuities or insurances granted in accordance therewith.

(8) If the fund formed by the receipt of sums in respect of insurances is so much in excess of the liabilities that it is possible to reduce the payments made to obtain insurances, and a new table is made under this section for that purpose, the Treasury may provide for the giving to persons entitled to insurances in force at that time such portion of the surplus as seems just, in such manner as seems expedient.

Application and investment of sums paid for annuities or insurances. [1882, s. 13 (1), (2), (4), (6), and (7).]

54.—(1) All sums paid for savings bank annuities and insurances shall be paid into the Bank of England or the Bank of Ireland to the account of the Commissioners, and there carried to such account or accounts and under such title or titles as the Commissioners direct, but current outgoings as herein-after defined may be defrayed thereout, either before or after payment into the bank.

(2) The sums paid for immediate annuities shall, subject to the payment of current outgoings, be forthwith applied in the purchase of Government securities (that is to say) of consolidated stock, perpetual or terminable annuities, exchequer bills, exchequer bonds, or treasury bills, and the securities so purchased shall be forthwith cancelled, and cease to be charged on the Consolidated Fund.

(3) All moneys received by the Commissioners for deferred savings bank annuities, and for savings bank insurances, shall, subject as aforesaid, be paid into the fund established under the Government Annuities (Investments) Act, 1864, and invested in manner provided by this Act.

27 & 28 Vict. c. 46.

(4) The expression "current outgoings" includes all sums payable by the Commissioners in respect of savings bank annuities or insurances, and also all such expenses of carrying

into effect this Part of this Act as are payable out of the sums paid by persons for savings bank annuities and insurances.

All expenses incurred by any savings bank in the execution of this Part of this Act to such amount as may be from time to time allowed by the Commissioners (subject to the directions of the Treasury) shall be paid by the Commissioners, and defrayed by them as part of the expenses of the grant of annuities and insurances.

Certification of amounts payable on the several quarter days. [1853, s.20.]

55. The Comptroller-General, acting under the Commissioners, shall within fourteen days preceding the fifth day of January, the fifth day of April, the fifth day of July, and the tenth day of October, in each year, certify to the Treasury the amount on account of savings bank annuities which will become payable under this Part of this Act out of the Consolidated Fund on each of those dates respectively, and the Treasury shall thereupon by warrant direct the issue out of the Consolidated Fund to the account of the Commissioners of the sum specified in the certificate.

Validity of payments to executors and administrators. [1838, s. 12.]

56. Where probate or letters of administration have been granted to any person in respect of the estate of a person entitled to a savings bank annuity, the production of probate or letters of administration granted by any court in the British Islands shall be a sufficient authority to the Commissioners to pay to the person to whom the probate or letters of administration have been granted any sum which may be due on account of such annuity if the amount of the estate exceeds that sum.

Payment of small sums on death without letters of administration. [50 & 51 Vict. c. 67, ss. 8 and 9.]

57. On the death of a person to whom any sum not exceeding one hundred pounds is due from the Commissioners in respect of any savings bank annuity, then, if the Commissioners so direct and subject to the regulations (if any) made by the Treasury, probate or other proof of the title of the personal representative of the deceased person may be dispensed with, and the said sum may be paid or distributed to or among the persons appearing to the Commissioners beneficially entitled to the personal estate of the deceased person, or to or among any one or more of those persons, or in the case of the illegitimacy of the deceased person or his children, to or among such persons as the Commissioners may think fit, and the Commissioners shall be discharged from all liability in respect of any such payment or distribution.

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Exemption of certain documents from Stamp duty. [1853, s. 29.]

58. No stamp duty shall be payable in respect of—

(*a*) any copy of any register of birth, baptism, marriage, or burial, made for the purposes of this Part of this Act; or

(*b*) any certificate or declaration required for the purposes of this Part of this Act; or

(*c*) any certificate or other instrument respecting the payment of money for a savings bank annuity or insurance; or

(*d*) any power of attorney authorising the receipt, or any receipt for the payment, of any savings bank annuity or any part thereof, or for the payment of any sum of money payable at death under any such insurance.

Prices of certificates of birth, &c. [1887 s. 10.]

59. For the purposes of this Part of this Act a certificate of the birth or death or marriage of any person entitled to a savings bank annuity or insured under this Part of this Act shall be given under his hand by a registrar of births, deaths and marriages, or other person having the care of the register in which the birth or death or marriage is entered, for a sum not exceeding one shilling, on an application being made therefor in such form and under such regulations as may be from time to time approved by the Registrar-General of Births, Deaths, and Marriages for England, Scotland and Ireland respectively.

Provisions as to warrants. [1873, ss. 1, 2 and 5].

60.—(1) Where any savings bank annuities are payable by warrants of the Commissioners the warrants may, subject to regulations made by the Commissioners, be sent by post.

(2) A warrant so sent by post shall be deemed to be a cheque of the Commissioners within the meaning of any enactment relating to cheques for the time being in force.

(3) Any person desirous of having a warrant for an annuity sent to him through the post shall give to the Commissioners an address in the British Islands to which a letter containing the warrant is to be sent, and the posting by the Commissioners of a letter containing the warrant addressed to an annuitant at his request at the address given by him to the Commissioners shall, as respects the liability of the Commissioners and of the consolidated fund, be equivalent to the delivery of the warrant to the annuitant himself.

(4) For the purposes of this section the expression "warrant" shall be deemed to include any draft order cheque or other

document for the time being used by the Commissioners as a medium for the payment of annuities under this Part of this Act.

Trusts not to be recognised. [1882, s. 8 (1).]

61. No notice of any trust, express implied or constructive, affecting any savings bank annuity or insurance (except such trusts as are for the time being recognised by law in relation to deposits in savings banks, and except such trusts as are provided for by section eleven of the Married Women's Property Act, 1882, or any other enactment relating to the property of married women) shall be entered upon any contract for such annuity or insurance, or in any deposit book relating thereto, nor shall any such notice be receivable by the Commissioners or any savings bank.

45 & 46 Vict. c. 75.

Punishment for fraudulently receiving annuity or insurance. [1882, s. 12.]

62.—(1) If any person receives any payment in respect of any savings bank annuity after the death of the person at whose death the annuity is to cease, or receives the amount of any insurance payable at the death of a person before the death of that person, he shall be liable to pay to the Commissioners double the amount of the sum received with interest thereon at the rate of five per cent. per annum from the date of the receipt, recoverable in the county court or any other competent court, as a debt due to His Majesty.

(2) If a person receiving any such sum as above-mentioned received the sum with intent to defraud he shall, in addition to the above-mentioned payment, be liable on conviction to imprisonment with or without hard labour for a period not exceeding twelve months.

Punishment for false declarations &c. [1882, s. 11. 1853, s. 32.]

63.—(1) If any one person by his own act holds or claims to be entitled to any savings bank annuities or insurances, which exceed in the whole the maximum annuity or insurance allowed by this Part of this Act to be granted to any one person, such person shall be liable, in the discretion of the Commissioners, to forfeit the whole or any part of such annuities or insurances.

(2) Any person who makes a false declaration in relation to any matter or thing required by this Part of this Act, or by the regulations made thereunder, or produces any false declaration or certificate, shall be liable, in the discretion of the Commissioners, to forfeit the whole or any part of the savings bank annuity or insurance to which such false declaration or certificate related, or for the purpose of obtaining which it was made or produced, and all or any part of the money paid for

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obtaining the annuity or insurance, or the Commissioners may, in lieu of all or any part of such forfeiture, adjust the contract made by such person so as to be in accordance with what it would have been if the false declaration or certificate had not been made or produced. 5

(3) If, in Scotland Ireland the Channel Islands or the Isle of Man, a person makes any such false declaration as aforesaid knowing the same to be false in any material particular, he shall, in addition to such forfeiture, be liable on conviction to imprisonment, with or without hard labour, for a period not 10 exceeding twelve months.

(4) If, in Scotland Ireland the Channel Islands or the Isle of Man, a person in any declaration for the purposes of this Part of this Act before any justice of the peace, magistrate, or officer of the Commissioners, wilfully makes any false statement 15 or declaration, he shall be liable on conviction to be punished as if he were guilty of perjury.

Forgery [1853, s.31.]

64. If, in Scotland the Channel Islands or the Isle of Man, a person forges or with intent to defraud utters to any person acting under the authority of this Act:— 20

(*a*) Any register of birth baptism death or burial, required under the provisions of this Part of this Act, or any copy or certificate of any such register, or the name of any witness to any such certificate;

(*b*) Any declaration required to be taken for any of the 25 purposes of this Part of this Act;

(*c*) Any certificate of any justice of the peace or magistrate of any such declaration having been taken before him or any certificate of any officer of the Commissioners; 30

(*d*) Any certificate of any person authorised under this Part of this Act to grant a certificate of the life or death of any annuitant;

(*e*) Any certificate of any cashier or clerk of the Bank of England or Bank of Ireland; 35

(*f*) The name of any person on any certificate or other instrument for the payment of money for the purchase of any annuity or insurance under the provisions of this Part of this Act;

(*g*) The name of any person on any receipt or discharge for 40 any such annuity, or on any receipt or discharge

for any payment due or to become due thereon, or for any sum payable under any insurance under the provisions of this Part of this Act ;

(*h*) The name of any person on any certificate or other instrument authorising the receipt of any life annuity or any annuity for years of whatsoever kind, or sum payable under any insurance, granted under this Part of this Act, or any payment due or to become due thereon ;

he shall be liable on conviction to the like punishment as if he had been convicted of forgery.

Personation. [1853, s. 31.]

65. If any person with intent to defraud personates any person entitled to receive an annuity, he shall in England or Ireland be guilty of a misdemeanour, and be liable on conviction to imprisonment, with or without hard labour, for any term not exceeding two years ; and in Scotland the Channel Islands or the Isle of Man be liable on conviction to the like punishment as if he had been convicted of forgery.

Annual accounts. [1853, s. 36 ; 1864, s. 17.]

66.—(1) There shall annually be prepared and laid before Parliament on or before the twenty-fifth day of April in each year if Parliament is then sitting, or if not then within fourteen days after the commencement of the next session of Parliament, an account made up by the Commissioners to the preceding fifth day of January of the gross amount paid to the Commissioners under this Part of this Act, and of the gross amount of savings bank annuities and insurances which have been granted during the year ending on the said fifth day of January.

(2) The annual accounts of the Postmaster-General and the Commissioners to the thirty-first day of December in each year in respect of all moneys received or invested under this Part of this Act shall annually prior to the thirty-first day of March in each year be submitted by the Postmaster-General and the Commissioners to the Comptroller and Auditor-General.

Repeals and savings. [1882, s. 15 ; 1853, s. 37.]

67.—(1) The enactments mentioned in Part II. of the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

(2) This Part of this Act shall apply to all savings bank annuities and insurances granted before, and in force at, the commencement of this Act under any enactment repealed by this

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section, or any similar previous enactment, as if they had been granted under this Act:

Provided that nothing in this section shall affect the validity of any such annuity or insurance or the terms and conditions on which it was granted, and any deferred savings bank annuity granted before the fourteenth day of July eighteen hundred and sixty-four shall remain charged upon the consolidated fund.

(3) All regulations and tables made under any enactment repealed by this section shall continue in force and have effect as if they had been made under this Part of this Act.

(4) All powers of attorney and other instruments executed for the purpose of any savings bank annuity or insurance before, and in force at, the commencement of this Act shall continue in force and have the same validity as if this Act had not been passed.

Part III.

General.

Provisions as to fund established under 27 & 28 Vict. c. 46.

68.—(1) All moneys and securities which at the commencement of this Act form part of the fund established under the Government Annuities (Investments) Act, 1864, and all stock and annuities which are carried to the credit of, and all moneys which are paid into, that fund under the provisions of this Act, and all securities for the time being representing the same, shall be held by the Commissioners applicable to meet the claims of such deferred annuities and insurances as are made payable thereout under this Act.

(2) All moneys for the time being forming part of the said fund shall be invested in such securities as the Commissioners are authorised by law to purchase on account of savings banks, and the Commissioners shall in respect of all such moneys have the like powers as are vested by law in them in respect of moneys received by them from trustees of savings banks for investment.

(3) The Treasury may at any time, if they think it advantageous to the public service, convert any stock held by the Commissioners on account of the fund into an equivalent amount of annuities for a term of years charged on and payable out of the consolidated fund, and wherever such con-

version takes place the stock so converted shall be cancelled, and copies of the authorities under which the conversion has been made shall be laid before Parliament. A.D. 1914.

(4) An account of all moneys stock and annuities paid into the fund and of the disposal thereof, and of all contracts for the grant of deferred annuities and insurances charged on the fund made in any calendar year, shall be laid before Parliament not later than the thirty-first day of March next following, showing—

(*a*) the amount of receipts during the year on contracts;

(*b*) the number and amount of payments made on account of contracts during the year;

(*c*) the amount of expenses during the year;

(*d*) the number and amount of new contracts entered into;

(*e*) the total number and amount of all current contracts at the end of the year;

(*f*) the whole amount of capital, distinguishing the manner in which invested, how much in cash, how much in securities, specifying the nature;

(*g*) the average rate of interest received upon each class of investments;

(*h*) the table of mortality and the rate of interest used in calculating the premiums.

(5) The Commissioners shall prepare and transmit to the Treasury at the end of every five years a statement of the result of a valuation of the engagements entered into and the liabilities incurred during the preceding five years, and the assets applicable to meet the same, and if it appears that the amount of the liabilities is greater than that of the assets, the Treasury shall charge the deficiency upon the consolidated fund, and if it appears that the value of the assets is more than sufficient to discharge the liabilities, the Treasury shall direct that there be cancelled out of the securities held by the Commissioners an amount not exceeding four-fifths of that surplus.

(6) The Treasury shall upon being satisfied at any time that the assets are not sufficient to meet the liabilities and upon a certificate to that effect under the hand of the Comptroller-General acting under the Commissioners, direct such sums to be

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issued out of the Consolidated Fund or the growing produce thereof as may be necessary to meet the liabilities:

Provided that no such sums shall be issued as, taken together, exceed the amount charged upon the consolidated fund under this section. 5

Powers of Assistant Comptroller.

69. Anything under this Act required or authorised to be done to by or in respect of the Comptroller-General may be done to by or in respect of the Assistant Comptroller.

Repeals.

70. The enactments mentioned in Part III. of the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule. 10

Short title, commencement, and extent. [1887, s. 13.]

71.—(1) This Act may be cited as the Government Annuities Act, 1914, and shall come into operation on the first day of January nineteen hundred and fifteen.

(2) This Act shall extend to the Channel Islands aud the Isle of Man, and the Royal Courts of the Channel Islands shall register it accordingly. 15

FIRST SCHEDULE.

A.D. 1914.

Part I.

Section .

Dates on which First Quarterly Payments of Annuities are to be made.

5 In respect of any annuity the purchase of which has been completed by the transfer of stock or annuities or the payment of money:—

(*a*) Between the closing of the stock transfer books of the Bank of England under section twenty-eight of the National Debt Act, 1870, in the month of December and the last day of February.	The fifth day of April next following the date of purchase.
(*b*) Between such closing in the month of March and the last day of May.	The fifth day of July next following the date of purchase.
(*c*) Between such closing in the month of June and the last day of August.	The fifth day of October next following the date of purchase.
(*d*) Between such closing in the month of September and the last day of November.	The fifth day of January next following the date of purchase.

Part II.

Section

Dates on which First Half-Yearly Payments of Savings Bank Annuities are to be made.

25 In respect of any annuity the purchase of which has been completed:—

(*a*) During the quarter ending the tenth day of October.	The fifth day of January next following the date of purchase.
(*b*) During the quarter ending the fifth day of January.	The fifth day of April next following the date of purchase.
(*c*) During the quarter ending the fifth day of April.	The fifth day of July next following the date of purchase.
(*d*) During the quarter ending the fifth day of July.	The tenth day of October next following the date of purchase.

For the purpose of this Schedule a purchase shall be deemed to be 35 completed by the actual payment of the purchase money into the Bank of England or into the Bank of Ireland to the account of the Commissioners.

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SECOND SCHEDULE.

ENACTMENTS REPEALED.

PART I.

Section .

Session and Chapter.	Short Title.	Extent of Repeal.
48 Geo. 3. c. 142	The Life Annuities Act, 1808.	Sections twenty-one, twenty-three, and twenty-eight.
10 Geo. 4. c. 24 -	The Government Annuities Act, 1829.	The whole Act.
11 Geo. 4 & 1 Will 4. c. 26.	The Government Annuities Act, 1830.	Sections six and nine so far as they relate to annuities under the Government Annuities Act, 1829.
2 & 3 Will 4. c. 59	The Government Annuities Act, 1832.	The whole Act.
3 & 4 Will 4. c. 24	The Government Annuities Act, 1833.	The whole Act.
1 & 2 Vict. c. 51 -	The Government Annuities Act, 1838.	Sections eleven and twelve, except so far as they relate to savings bank annuities, and sections thirteen and fourteen.
33 & 34 Vict. c. 71	The National Debt Act, 1870.	Section fifty, section sixty-eight from "In the enactment described" to the end of the section, and Parts III. and IV. of the Second Schedule so far as unrepealed.
36 & 37 Vict. c. 44	The Government Annuities Act, 1873.	The whole Act, except so far as it relates to savings bank annuities.
51 & 52 Vict. c. 15	The National Debt (Supplemental) Act, 1888.	Sections one and two.
61 & 62 Vict. c. 46	The Revenue Act, 1898 -	Section eighteen.
3 Edw. 7. c. 46 -	The Revenue Act, 1903 -	Section fifteen, and, so far as it relates to annuities granted under the Government Annuities Act, 1829, section sixteen.

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Section .

PART II.

Session and Chapter.	Short Title.	Extent of Repeal.
1 & 2 Vict. c. 51	The Government Annuities Act, 1838.	Sections eleven and twelve so far as they relate to savings bank annuities.
16 & 17 Vict. c. 45.	The Government Annuities Act, 1853.	The whole Act.
27 & 28 Vict. c. 43.	The Government Annuities Act, 1864.	The whole Act.
36 & 37 Vict. c. 44.	The Government Annuities Act, 1873.	The whole Act so far as it relates to savings bank annuities.
45 & 46 Vict. c. 51.	The Government Annuities Act, 1882.	The whole Act.
46 & 47 Vict. c. 47.	The Provident Nominations and Small Intestacies Act, 1883.	In section three the words "and subhead (*e*) of section six of the Government Annuities Act, 1882."
50 & 51 Vict. c. 40.	The Savings Banks Act, 1887 -	Section nine and, so far as it relates to savings bank annuities and insurances, section ten.
3 Edw. 7. c. 46	The Revenue Act, 1903 - -	Section sixteen so far as it relates to savings bank annuities.

Section .

PART III.

Session and Chapter.	Short Title.	Extent of Repeal.
27 & 28 Vict. c. 46.	The Government Annuities (Investments) Act, 1864.	The whole Act.
50 & 51 Vict. c. 40.	The Savings Banks Act, 1887 -	In section thirteen the words "and the Government Annuities Acts, 1829 to 1887."

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THIRD SCHEDULE.

MODIFICATIONS WITH RESPECT TO ANNUITIES GRANTED BEFORE THE TWENTY-EIGHTH DAY OF JUNE, EIGHTEEN HUNDRED AND EIGHTY-EIGHT.

The annuities shall continue payable half-yearly on the fifth day of January and on the fifth day of July, or on the fifth day of April and the tenth day of October, in each year, as the case may be, and references to quarterly days of payment and quarterly arrears shall be construed as references to such half-yearly days of payment and half-yearly arrears.

No such annuity shall be added to or treated as one with an annuity granted after the 27th day of June 1888, and depending on the life of the same nominee, but a power of attorney with respect to any such annuity shall be in force with respect to any annuity granted after the 27th day of June 1888 and depending on the life of the same nominee and standing in the same name or names in the books of the Commissioners.

Government Annuities.
[H.L.]

A

B I L L

INTITULED

An Act to consolidate the Government Annuities Acts, 1829 to 1888, and the enactments amending those Acts.

The Lord Strachie.

Ordered to be printed 30th March 1914.

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(43)

Government of Ireland Bill.

ARRANGEMENT OF CLAUSES.

Provisions as to Members of Police.

General.

Supplemental.

A

B I L L

INTITULED

An Act to amend the provision for the Government of Ireland. A.D. 1914.

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 *Legislative Authority.*

1.—(1) On and after the appointed day there shall be in Ireland an Irish Parliament consisting of His Majesty the King and two Houses, namely, the Irish Senate and the Irish House of Commons. Establishment of Irish Parliament.

10 (2) Notwithstanding the establishment of the Irish Parliament or anything contained in this Act, the supreme power and authority of the Parliament of the United Kingdom shall remain unaffected and undiminished over all persons, matters, and things in Ireland and every part thereof.

15 **2.** Subject to the provisions of this Act, the Irish Parliament shall have power to make laws for the peace, order, and good government of Ireland with the following limitations, namely, that they shall not have power to make laws except in respect of matters exclusively relating to Ireland or some part thereof, and 20 (without prejudice to that general limitation) that they shall not have power to make laws in respect of the following matters in particular, or any of them, namely— Legislative powers of Irish Parliament.

(1) The Crown, or the succession to the Crown, or a Regency, or the property of the Crown (including foreshore) 25 or the Lord Lieutenant except as respects the exercise

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of his executive power in relation to Irish services as defined for the purposes of this Act; or

(2) The making of peace or war or matters arising from a state of war; or the regulation of the conduct of any portion of His Majesty's subjects during the existence of hostilities between Foreign States with which His Majesty is at peace, in relation to those hostilities; or

(3) The navy, the army, the territorial force, or any other naval or military force, or the defence of the realm, or any other naval or military matter; or

(4) Treaties, or any relations, with Foreign States, or relations with other parts of His Majesty's dominions, or matters involving the contravention of treaties or agreements with foreign states or any part of His Majesty's dominions, or offences connected with any such treaties or relations, or procedure connected with the extradition of criminals under any treaty, or the return of fugitive offenders from or to any part of His Majesty's dominions; or

(5) Dignities or titles of honour; or

(6) Treason, treason felony, alienage, naturalisation, or aliens as such, or domicile; or

(7) Trade with any place out of Ireland (except so far as trade may be affected by the exercise of the powers of taxation given to the Irish Parliament, or by the regulation of importation for the sole purpose of preventing contagious disease, or by steps taken, by means of inquiries or agencies out of Ireland, for the improvement of Irish trade or for the protection of Irish traders from fraud); the granting of bounties on the export of goods; quarantine; or navigation, including merchant shipping (except as respects inland waters, the regulation of harbours, and local health regulations); or

(8) Any postal services and the rates of charge therefor (except postal communication between one place in Ireland and another such place, and any other postal service which is executed completely in Ireland); designs for stamps, whether for postal or revenue purposes; or

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(9) Lighthouses, buoys, or beacons (except so far as they can consistently with any general Act of the Parliament of the United Kingdom be constructed or maintained by a local harbour authority); or

5 (10) Coinage; legal tender; or any change in the standard of weights and measures; or

(11) Trade marks, designs, merchandise marks, copyright, or patent rights; or

(12) Any of the following matters (in this Act referred to
10 as reserved matters), namely—

(*a*) The general subject-matter of the Acts relating to Land Purchase in Ireland, the Old Age Pensions Acts, 1908 and 1911, the National Insurance Act, 1911, and the Labour Exchanges Act, 1909; 8 Edw. 7. c. 40. 1 & 2 Geo. 5. c. 16.

15 (*b*) The collection of taxes; 1 & 2 Geo. 5. c. 55. 9 Edw. 7.

(*c*) The Royal Irish Constabulary and the management and control of that force;

(*d*) Post Office Savings Banks, Trustee Savings Banks, and Friendly Societies; and

20 (*e*) Public loans made in Ireland before the passing of this Act:

Provided that the limitation on the powers of the Irish Parliament under this section shall cease as respects any such reserved matter if the corresponding
25 reserved service is transferred to the Irish Government under the provisions of this Act.

Any law made in contravention of the limitations imposed by this section shall, so far as it contravenes those limitations, be void.

Prohibition of laws interfering with religious equality, &c.

30 **3.** In the exercise of their power to make laws under this Act the Irish Parliament shall not make a law so as either directly or indirectly to establish or endow any religion, or prohibit or restrict the free exercise thereof, or give a preference, privilege, or advantage, or impose any disability or
35 disadvantage, on account of religious belief or religious or ecclesiastical status, or make any religious belief or religious ceremony a condition of the validity of any marriage, or affect prejudicially the right of any child to attend a school receiving public money without attending the religious instruction at

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that school, or alter the constitution of any religious body except where the alteration is approved on behalf of the religious body by the governing body thereof, or divert from any religious denomination the fabric of cathedral churches or, except for the purpose of roads, railways, lighting, water, or drainage works, or other works of public utility upon payment of compensation, any other property. 5

Any law made in contravention of the restrictions imposed by this section shall, so far as it contravenes those restrictions, be void. 10

Executive Authority.

Executive power in Ireland.

4.—(1) The executive power in Ireland shall continue vested in His Majesty the King, and nothing in this Act shall affect the exercise of that power except as respects Irish services as defined for the purposes of this Act. 15

(2) As respects those Irish services the Lord Lieutenant or other chief executive officer or officers for the time being appointed in his place, on behalf of His Majesty, shall exercise any prerogative or other executive power of His Majesty the exercise of which may be delegated to him by His Majesty. 20

(3) The power so delegated shall be exercised through such Irish Departments as may be established by Irish Act or, subject to any alteration by Irish Act, by the Lord Lieutenant, and the Lord Lieutenant may appoint officers to administer those Departments, and those officers shall hold office during the pleasure of the Lord Lieutenant. 25

(4) The persons who are for the time being heads of such Irish Departments as may be determined by Irish Act or, in the absence of any such determination, by the Lord Lieutenant, and such other persons (if any) as the Lord Lieutenant may appoint, shall be the Irish Ministers. 30

Provided that—

(*a*) No such person shall be an Irish Minister unless he is a member of the Privy Council of Ireland; and

(*b*) No such person shall hold office as an Irish Minister for a longer period than six months, unless he is or becomes a member of one of the Houses of the Irish Parliament; and 35

(*c*) Any such person not being the head of an Irish Department shall hold office as an Irish Minister 40

during the pleasure of the Lord Lieutenant in the same manner as the head of an Irish Department holds his office.

(5) The persons who are Irish Ministers for the time being shall be an Executive Committee of the Privy Council of Ireland (in this Act referred to as the "Executive Committee"), to aid and advise the Lord Lieutenant in the exercise of his executive power in relation to Irish services.

(6) In the exercise of powers delegated to the Lord Lieutenant in pursuance of this section no preference, privilege, or advantage shall be given to, nor shall any disability or disadvantage be imposed on, any person on account of religious belief, except where the nature of the case in which the power is exercised itself involves the giving of such preference, privilege, or advantage, or the imposing of such a disability or disadvantage.

(7) For the purposes of this Act, "Irish services" are all public services in connexion with the administration of the civil government of Ireland except the administration of matters with respect to which the Irish Parliament have no power to make laws, including in the exception all public services in connexion with the administration of the reserved matters (in this Act referred to as "reserved services").

Future transfer of certain reserved services.

5.—(1) The public services in connexion with the administration of the Acts relating to the Royal Irish Constabulary and the management and control of that force, shall by virtue of this Act be transferred from the Government of the United Kingdom to the Irish Government on the expiration of a period of six years from the appointed day and those public services shall then cease to be reserved services and become Irish services.

(2) If a resolution is passed by both Houses of the Irish Parliament providing for the transfer from the Government of the United Kingdom to the Irish Government of the following reserved services, namely—

(*a*) All public services in connexion with the administration of the Old Age Pensions Acts, 1908 and 1911; or

(*b*) All public services in connexion with the administration of Part I. of the National Insurance Act, 1911; or

(*c*) All public services in connexion with the administration of Part II. of the National Insurance Act, 1911, and the Labour Exchanges Act, 1909; or

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(*d*) All public services in connexion with the administration of Post Office Savings Banks, Trustee Savings Banks, and Friendly Societies;

the public services to which the resolution relates shall be transferred accordingly as from a date fixed by the resolution, being a date not less than a year after the date on which the resolution is passed, and shall on the transfer taking effect cease to be reserved services and become Irish services:

Provided that this provision shall not take effect as respects the transfer of the services in connexion with Post Office Savings Banks, Trustee Savings Banks, and Friendly Societies until the expiration of ten years from the appointed day.

(3) On any transfer under or by virtue of this section, the general provisions of this Act (so far as applicable) and the provisions of this Act as to existing Irish officers shall apply with respect to the transfer, with the substitution of the date of the transfer for the appointed day or the date of the passing of this Act.

Irish Parliament.

Summoning, &c. of Irish Parliament.

6.—(1) There shall be a session of the Irish Parliament once at least in every year, so that twelve months shall not intervene between the last sitting of the Parliament in one session and their first sitting in the next session.

(2) The Lord Lieutenant shall, in His Majesty's name, summon, prorogue, and dissolve the Irish Parliament.

Royal assent to Bills of Irish Parliament.

7. The Lord Lieutenant shall give or withhold the assent of His Majesty to Bills passed by the two Houses of the Irish Parliament, subject to the following limitations; namely—

(1) He shall comply with any instructions given by His Majesty in respect of any such Bill; and

(2) He shall, if so directed by His Majesty, postpone giving the assent of His Majesty to any such Bill presented to him for assent for such period as His Majesty may direct.

Composition of Irish Senate.

8.—(1) The Irish Senate shall consist of forty senators nominated as respects the first senators by the Lord Lieutenant subject to any instructions given by His Majesty in respect of the nomination, and afterwards elected by the four provinces of Ireland as separate constituencies in the number stated in the Third Part of the First Schedule to this Act.

(2) The election of senators shall be according to the principle of proportional representation, the electors being the same electors as the electors of members returned by constituencies in Ireland to serve in the Parliament of the United Kingdom, and each elector having one transferable vote.

His Majesty may by Order in Council frame regulations prescribing the method of voting at elections of senators and of transferring and counting votes at such an election and the mode of appointment and duties of returning officers in connexion therewith, and any such regulations shall have effect as if they were enacted in this Act.

(3) The term of office of every senator shall be five years, and shall not be affected by a dissolution; the senators, at the end of their term of office, shall retire all together, and their seats shall be filled by a new election.

(4) If the place of a senator becomes vacant before the expiration of his term of office, the Lord Lieutenant shall, unless the place becomes vacant not more than six months before the expiration of that term of office, cause a writ to be issued for electing a senator in the stead of the senator whose place is vacant, if that senator was an elected senator, and if he was a nominated senator nominate a senator in his place, but any senator so elected or nominated to fill a vacancy shall hold office only so long as the senator in whose stead he is elected or nominated would have held office.

Composition of Irish House of Commons.

9.—(1) The Irish House of Commons shall consist of one hundred and sixty-four members, returned by the constituencies in Ireland named in the First Part of the First Schedule to this Act in accordance with that Schedule, and elected by the same electors and in the same manner as members returned by constituencies in Ireland to serve in the Parliament of the United Kingdom.

(2) In any constituency which returns three or more members the election shall be held on the principle of proportional representation and each elector shall have one transferable vote.

(3) The Irish House of Commons when summoned shall, unless sooner dissolved, have continuance for five years from the day on which the summons directs the House to meet and no longer.

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(4) After three years from the day of the first meeting of the Irish Parliament, the Irish Parliament may alter, as respects the Irish House of Commons, the qualification and registration of the electors, the law relating to elections and the questioning of elections, the constituencies, and the distribution of the members of the House among the constituencies, provided that in any new distribution the number of the members of the House shall not be altered, and due regard shall be had to the population of the constituencies other than University constituencies.

Money Bills.

10.—(1) Bills appropriating revenue or money, or imposing taxation shall originate only in the Irish House of Commons, but a Bill shall not be taken to appropriate revenue or money, or to impose taxation by reason only of its containing provisions for the imposition or appropriation of fines or other pecuniary penalties, or for the payment or appropriation of fees for licences or fees for services under the Bill.

(2) The Irish House of Commons shall not adopt or pass any vote, resolution, address, or Bill for the appropriation for any purpose of any part of the public revenue of Ireland or of any tax, except in pursuance of a recommendation from the Lord Lieutenant in the session in which the vote, resolution, address, or Bill is proposed.

(3) The Irish Senate may not reject any Bill which deals only with the imposition of taxation or appropriation of revenue or money for the services of the Irish Government, and may not amend any Bill so far as the Bill imposes taxation or appropriates revenue or money for the services of the Irish Government, and the Irish Senate may not amend any Bill so as to increase any proposed charges or burden on the people. This provision shall apply to the failure in any session to pass a Money Bill which has been sent up to the Irish Senate at least one month before the end of the session as it applies to the actual rejection of such a Bill.

(4) Any Bill which appropriates revenue or money for the ordinary annual services of the Irish Government shall deal only with that appropriation.

Disagreement between two Houses of Irish Parliament.

11.—(1) If the Irish House of Commons pass any public Bill which is sent up to the Irish Senate at least one month before the end of the session and the Irish Senate reject or fail to pass it, or pass it with amendments to which the Irish

House of Commons will not agree, and if the Irish House of Commons in the next session again pass the Bill with or without any amendments which have been made or agreed to by the Irish Senate, and the Irish Senate reject or fail to pass it, or pass it with amendments to which the Irish House of Commons will not agree, the Lord Lieutenant may during that session convene a joint sitting of the members of the two Houses.

(2) The members present at any such joint sitting may deliberate and shall vote together upon the Bill as last proposed by the Irish House of Commons, and upon the amendments (if any) which have been made therein by the one House and not agreed to by the other; and any such amendments which are affirmed by a majority of the total number of members of the two Houses present at the sitting shall be taken to have been carried.

(3) If the Bill with the amendments (if any) so taken to have been carried is affirmed by a majority of the total number of members of the two Houses present at any such sitting, it shall be taken to have been duly passed by both Houses.

(4) This section shall apply, with the necessary modifications, in the case of the failure of the Irish Senate to pass a resolution providing for a transfer from the Government of the United Kingdom to the Irish Government of a reserved service when the Irish House of Commons have passed such a resolution, as it applies to the failure of the Irish Senate to pass a Bill which has been passed by the Irish House of Commons.

Privileges, qualifications, &c. of members of Irish Parliament.

12.—(1) The powers, privileges, and immunities of the Irish Senate and of the Irish House of Commons, and of the members and of the committees of the Irish Senate and the Irish House of Commons, shall be such as may be defined by Irish Act, but so that they shall never exceed those for the time being held and enjoyed by the Commons House of Parliament of the United Kingdom and its members and committees, and, until so defined, shall be those held and enjoyed by the Commons House of Parliament of the United Kingdom, and its members and committees at the date of the passing of this Act.

(2) The law, as for the time being in force, relating to the qualification and disqualification of members of the Commons House of Parliament of the United Kingdom, and the taking of any oath required to be taken by a member of that House, shall apply to members of the Irish Senate and the Irish House of Commons.

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(3) Any peer, whether of the United Kingdom, Great Britain, England, Scotland, or Ireland, shall be qualified to be a member of either House.

(4) A member of either House shall be incapable of being nominated or elected, or of sitting, as a member of the other House, but an Irish Minister who is a member of either House shall have the right to sit and speak in both Houses, but shall vote only in the House of which he is a member.

(5) A member of either House may resign his seat by giving notice of resignation to the person and in the manner directed by standing orders of the House, or if there is no such direction, by notice in writing of resignation sent to the Lord Lieutenant, and his seat shall become vacant on notice of resignation being given.

(6) The powers of either House shall not be affected by any vacancy therein, or by any defect in the nomination, election, or qualification, of any member thereof.

(7) His Majesty may by Order in Council declare that the holders of the offices in the Irish Executive named in the Order shall not be disqualified for being members of either House of the Irish Parliament by reason of holding office under the Crown, and except as otherwise provided by Irish Act, the Order shall have effect as if it were enacted in this Act, but on acceptance of any such office the seat of any such person in the Irish House of Commons shall be vacated unless he has accepted the office in succession to some other of the said offices.

Irish Representation in the House of Commons.

Representation of Ireland in the House of Commons of the United Kingdom.

13. Unless and until the Parliament of the United Kingdom otherwise determine, the following provisions shall have effect:—

(1) After the day of the first meeting of the Irish Parliament the number of members to be returned by constituencies in Ireland to serve in the Parliament of the United Kingdom shall be forty-two and the constituencies returning those members shall (in lieu of the existing constituencies) be the constituencies named in the second Part of the First Schedule to this Act, and no University in Ireland shall return a member to the Parliament of the United Kingdom.

(2) The election laws and the laws relating to the qualification of parliamentary electors shall not, so far as they

relate to elections of members returned by constituencies in Ireland to serve in the Parliament of the United Kingdom, be altered by the Irish Parliament, but this enactment shall not prevent the Irish Parliament from dealing with any officers concerned with the issue of writs of election, and if any officers are so dealt with, it shall be lawful for His Majesty by Order in Council to arrange for the issue of any such writs, and the writs issued in pursuance of the Order shall be of the same effect as if issued in manner heretofore accustomed.

Finance.

Irish revenue and expenditure.

14.—(1) There shall be an Irish Exchequer and an Irish Consolidated Fund separate from those of the United Kingdom.

(2) The proceeds of all taxes levied in Ireland, whether under the authority of the Parliament of the United Kingdom or of the Irish Parliament, shall be paid into the Exchequer of the United Kingdom, but subject as herein-after provided, there shall be charged on and paid out of the Consolidated Fund of the United Kingdom or the growing produce thereof in each year to the Irish Exchequer a sum (in this Act referred to as "the Transferred Sum") consisting of—

(*a*) such sum as may be determined by the Joint Exchequer Board established under this Act (herein-after referred to as the Joint Exchequer Board) to represent the net cost to the Exchequer of the United Kingdom at the time of the passing of this Act of Irish services; and

(*b*) a sum of five hundred thousand pounds, diminishing in each year after the third year of payment by the sum of fifty thousand pounds until it is reduced to the sum of two hundred thousand pounds; and

(*c*) a sum equal to the proceeds as determined by the Joint Exchequer Board of any Irish Taxes imposed in Ireland by the Irish Parliament under the powers given to them by this Act.

(3) Provision shall be made by the Irish Parliament for the cost of Irish services within the meaning of this Act, and except as provided by this Act, any charge on the Consolidated Fund of the United Kingdom for those services, including any charge for the benefit of the Local Taxation (Ireland) Account,

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or any grant or contribution out of moneys provided by the Parliament of the United Kingdom so far as made for those services shall cease, and money for loans in Ireland shall cease to be advanced either by the Public Works Loans Commissioners or out of the Local Loans Fund. 5

Powers of Irish Parliament with respect to taxation.

15.—(1) The Irish Parliament shall have power to vary (either by way of addition, reduction, or discontinuance) any Imperial tax so far as respects the levy of that tax in Ireland, and to impose in Ireland any independent tax not being in the opinion of the Joint Exchequer Board substantially the same 10 in character as an Imperial tax, subject to the following limitations:—

(*a*) The Irish Parliament shall not have power to impose or charge a Customs duty, whether an import or an export duty, on any article unless that article is 15 for the time being liable to a Customs duty of a like character levied as an Imperial tax, and shall not have power to vary, except by way of addition, any Customs duty levied as an Imperial tax, or any Excise duty so levied where there is a corre- 20 sponding Customs duty ; and

(*b*) The benefit to accrue to the Irish Exchequer from any addition to any Customs duty levied as an Imperial tax (other than a Customs duty on beer or spirits), or to any duty of income tax so levied, 25 or to any death duty so levied, shall be limited as in this Act provided; and

(*c*) The power of the Irish Parliament to vary an Imperial tax, so far as income tax (not including super-tax) is concerned, shall only be exercised so as to alter 30 the conditions under which any exemption, abatement, or relief from the tax may be granted to persons resident in Ireland without varying the rate of the tax, and, so far as any Customs duty or any death duty is concerned, shall only be 35 exercised so as to vary the rate of the duty without otherwise altering the provisions with respect to the duty, or discriminating in that variation between persons, articles, or property, and where the duty is one of two or more correlated duties, or is a 40 duty levied at a varying rate, shall not be exercised

without varying proportionately all the correlated duties or all the rates of duty; and

(*d*) The Irish Parliament shall not so vary a death duty as to impose the duty on the personal property (not being a leaseholder's or tenant's interest in land) of any person domiciled in Great Britain; and

(*e*) The power of the Irish Parliament to vary an Imperial tax shall not be exercised with respect to the stamp duties mentioned in the Second Schedule to this Act; and

(*f*) The Irish Parliament shall not, in the exercise of their powers of taxation under this provision, make any variation of Customs or Excise duties the effect of which will be, in the opinion of the Joint Exchequer Board, to cause the Customs duty on an article of a class produced, prepared, or manufactured in Ireland, to exceed the Excise duty by more than an amount reasonably sufficient to cover any expenses due to revenue restrictions, or any variation of Customs or Excise drawbacks or allowances which would cause the amount of drawback or allowance payable in respect of any article to be more than reasonably sufficient, in the opinion of the Joint Exchequer Board, to cover the duty paid thereon, and any expenses due to revenue restrictions;

and the power of the Irish Parliament to make laws includes a power to make laws for the purpose of giving effect to their powers of taxation under this Act.

(2) For the purposes of this Act—

(*a*) The expression "Imperial tax" means any tax charged for the time being in Ireland under the authority of the Parliament of the United Kingdom, and includes a tax which has been discontinued under the powers given by this section to the Irish Parliament, but which would have been so charged but for the discontinuance;

(*b*) The expression "Irish tax" means any tax charged under the authority of the Irish Parliament either by way of an addition to an Imperial tax or as an independent tax.

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Relations between Great Britain and Ireland as respects Customs and Excise duties.
39 & 40 Vict. c. 36 ; 9 Edw. 7. c. 43.

16.—(1) Any articles which are brought into Great Britain from Ireland or into Ireland from Great Britain shall be deemed to be articles exported or imported for the purposes of the forms to be used and the information to be furnished under the Customs Consolidation Act, 1876, and section four of the Revenue Act, 1909, and for the purpose of any duty or drawback payable in the circumstances for which provision is made under this section, but not for any other purpose.

(2) Where a Customs duty is levied in one country and not in the other, or is levied in both countries but at a higher rate in the one country than in the other, duty shall be charged and drawback allowed in respect of articles being articles produced, prepared, or manufactured abroad as follows :—

(*a*) The Customs duty shall be charged on any such articles brought into the one country from the other country as if they were articles imported from abroad, except that in the case of articles produced abroad but manufactured or prepared in the country from which they are sent, the Customs duty charged shall, if the drawback which would be allowed on the exportation of similar articles from the country into which the articles are brought is less than the duty payable on importation, be a duty equal to the drawback, and if the duty is payable in respect of any such articles on delivery from bond, after manufacture or preparation in bond, a duty equal to that which would have been paid under similar circumstances in respect of the same article in the country into which the article is brought ; and

(*b*) A drawback shall be allowed on any such articles sent from the one country into the other equal to the drawback which would be allowed upon the exportation of the articles from the country from which they are sent.

(3) Where an Excise duty is levied in one country and not in the other, or is levied in both countries but at a higher rate in the one country than in the other, duty shall be charged and drawback allowed in respect of articles being articles produced, prepared, or manufactured in either country as follows :—

(*a*) A Customs duty shall be charged on any such articles brought into the one country from the other country

as if they were articles imported from abroad, equal to the amount of the Excise duty levied on similar articles in the country into which they are brought, or if there is no such Excise duty in the country from which the articles are sent, a duty equal to the drawback allowed on the exportation of similar articles manufactured or prepared in the country into which the article is brought or, if there is no such drawback, equal to the Customs duty payable on the importation of a similar article into the country into which the article is brought; and

(*b*) A drawback shall be allowed on any such articles sent from the one country into the other equal to the amount of the Excise duty levied in the country from which they are sent in cases where a drawback would be allowed on the exportation of the articles from that country or, if no Excise duty is levied in the country into which the articles are sent, equal to the drawback allowed on exportation.

The Excise duty on a licence granted to a manufacturer of any article, the amount of which varies either directly or indirectly according to the amount of the article manufactured, shall be treated for the purposes of this subsection as an Excise duty on the article manufactured.

(4) The proceeds of any Customs duty charged under this section in Ireland on any article shall to the extent to which they exceed the proceeds of the Customs or Excise duty which would have been charged on the article in Great Britain be deemed to be the proceeds of a Customs duty levied as an Irish tax, if the duty is charged in respect of a difference of Customs duties, and be deemed to be the proceeds of an Excise duty levied as an Irish tax if the duty is charged in respect of a difference of Excise duties, and as to the balance be deemed to be the proceeds of an Imperial tax.

(5) Nothing in this section shall affect any enactment under which articles deposited in a bonded warehouse without payment of duty may be transferred from one country to the other country.

Supplemental provisions as to Transferred

17.—(1) The Transferred Sum shall be paid to the Irish Exchequer at such times and in such manner and according to such regulations as the Joint Exchequer Board may direct.

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Sum and Irish revenue.

(2) In the event of the reduction or discontinuance of any Imperial tax by the Irish Parliament, the Transferred Sum shall be reduced in each year by such sum as may be determined by the Joint Exchequer Board to represent the amount by which the proceeds of the tax are diminished in that year in consequence of the reduction or discontinuance.

(3) If in any financial year the proceeds of any Irish tax imposed as an addition to any Customs duty levied as an Imperial tax (other than a Customs duty on beer or spirits), or to any duty of Income Tax so levied, or to any death duty so levied, exceed one-tenth of the proceeds in Ireland of that duty as levied as an Imperial tax for the same period, the amount of the excess shall not be treated for the purposes of this Act as part of the proceeds of the Irish tax, and the amount payable to the Irish Exchequer in respect of the proceeds of the Irish tax shall be reduced accordingly:

Provided that—

(*a*) For the purposes of this provision, the proceeds of any tax shall be deemed to be the proceeds as determined by the Joint Exchequer Board; and

(*b*) The foregoing provision shall not apply so far as the excess is solely due to the reduction of the rate of the Imperial tax.

(4) When an Imperial tax has been varied by the Irish Parliament, the Joint Exchequer Board, in determining for the purposes of this Act the proceeds in Ireland of the Irish tax in the case of a variation by way of addition, or the amount by which the proceeds of the Imperial tax are diminished in the case of a variation by way of reduction or discontinuance, shall consider what the amount of the proceeds in Ireland of the Imperial tax would have been if the variation had not been made, and in the case of a variation by way of addition shall treat any excess over that amount as the proceeds of the Irish tax, and in the case of a variation by way of reduction or discontinuance shall treat any deficiency below that amount as the amount by which the proceeds of the Imperial tax have been diminished by reason of the reduction or discontinuance.

If in a case of variation by way of addition it is found that there is a deficiency below instead of an excess over the amount which would have been, in the opinion of the Joint Exchequer Board, the proceeds in Ireland of the Imperial tax if the variation

had not been made, the amount of that deficiency shall be deducted from the Transferred Sum in accordance with regulations made by the Treasury.

(5) Where an independent tax is imposed by the Irish Parliament, the Joint Exchequer Board shall in each year lay before the Commons House of Parliament of the United Kingdom a report as to the yield and cost of collection of the tax, and if that House pass a resolution declaring that the additional expense caused to the United Kingdom Exchequer by the cost of the collection of the tax is excessive compared with the yield of the tax, and that the whole or any specified part of the cost of collection of the tax should be deducted from the Transferred Sum, an amount equal to the whole or the specified part of the cost of collection shall be deducted from the Transferred Sum accordingly in accordance with regulations made by the Treasury.

(6) When any reserved service is transferred from the Government of the United Kingdom to the Government of Ireland, the Transferred Sum shall be increased by such sum as may be determined by the Joint Exchequer Board to represent the equivalent of any saving to the Exchequer of the United Kingdom by reason of the transfer, and in determining that equivalent regard shall be had to the prospect of any increase or decrease in the cost of that service which may be expected to arise from causes not being matters of administration.

The sum by which the Transferred Sum is to be increased in pursuance of this provision may be fixed by the Joint Exchequer Board so as to vary during the first ten years after the transfer, but subject thereto shall be a definite sum.

Charge on Transferred Sum of sums charged on the Guarantee Fund.

18.—(1) The charge on the Guarantee Fund under the Irish Land Purchase Acts in respect of—

(*a*) sums which owing to the deficiency of the Irish Land Purchase Account, are paid out of the Consolidated Fund on account of the dividends and sinking fund payments of Irish guaranteed land stock under section one of the Purchase of Land (Ireland) Act, 1891; and

54 & 55 Vict. c. 48.

(*b*) sums which, owing to the deficiency of the income of the Irish Land Purchase Fund, are paid out of the Consolidated Fund on account of the dividends on stock under section twenty-nine of the Irish Land Act, 1903;

3 Edw. 7. c. 37.

(*c*) arrears of annual payments under subsection (4) of section thirty-six of the Irish Land Act, 1903;

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shall cease, and any such sums or arrears which would under the Irish Land Purchase Acts have been made good out of the Guarantee Fund (not being sums or arrears on account of a deficiency in respect of the issue of stock, or bills, or bonds, at a discount or in respect of interest or sinking fund which, under section seven of the Irish Land Act, 1909, are a charge on that portion of the Ireland Development Grant which forms part of the cash portion of the Guarantee Fund), shall be made good by means of deductions from the Transferred Sum under this Act in accordance with regulations made by the Treasury.

(2) In determining the amount representing the net cost to the Exchequer of the United Kingdom at the time of the passing of this Act of Irish services, the Joint Exchequer Board shall treat the whole of the death duty grant payable under section nineteen of the Finance Act, 1894, and of the Exchequer contribution payable under section five of the Purchase of Land (Ireland) Act, 1891, and of the agricultural grant payable under the Local Government (Ireland) Act, 1898, as part of that cost, without taking into account any diminution of those grants owing to their being included in the Guarantee Fund.

Development fund and road improvement grant. 9 Edw. 7. c. 47.

19.—(1) Nothing in this Act shall affect the powers of the Treasury or the Development Commissioners or the Road Board with respect to Ireland under the Development and Road Improvement Funds Act, 1909, and for the purposes of that Act any Irish department shall be deemed to be a Government department within the meaning of that Act.

(2) So long as a sum equal to the net proceeds of the duties on motor spirits and the net proceeds of the duties on licences for motor cars levied in Ireland is paid as part of the road improvement grant under section ninety of the Finance (1909–10) Act, 1910, the proceeds of those duties shall not be treated for the purposes of the financial provisions of this Act as the proceeds of an Imperial tax levied in Ireland, nor shall the Irish Parliament have power to vary those duties.

10 Edw. 7. c. 8.

Irish Church Fund.

20.—(1) The Irish Church Temporalities Fund shall belong to the Irish Government and be managed, administered, and disposed of as directed by Irish Act:

Provided that all existing charges on that fund shall, if and so far as not paid, be paid out of the Exchequer of the United Kingdom, and be made good by means of deductions from the Transferred Sum under this Act in accordance with regulations made by the Treasury.

(2) The Irish Church Temporalities Fund means the fund under the control of the Land Commission by virtue of the Irish Church Act Amendment Act, 1881.

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44 & 45 Vict. c. 71.

21.—(1) All sums paid into the Irish Exchequer shall form a Consolidated Fund, and be appropriated to the public service of Ireland by Irish Act, and shall not be applied for any purpose for which they are not so appropriated.

Supplemental provisions as to Irish Exchequer and Consolidated Fund.

(2) Save as may be otherwise provided by Irish Act, the existing law relating to the Exchequer and Consolidated Fund of the United Kingdom shall apply with the necessary modifications to the Irish Exchequer and the Irish Consolidated Fund, and an officer shall be appointed by the Lord Lieutenant to be the Irish Comptroller and Auditor-General.

(3) Save as may be otherwise provided by Irish Act, the accounts of the Irish Consolidated Fund shall be audited as Appropriation Accounts, in manner provided by the Exchequer and Audit Departments Act, 1866, and any Act amending the same, by or under the direction of the Irish Comptroller and Auditor-General.

29 & 30 Vict. c. 39.

22.—(1) For the purposes of the financial provisions of this Act there shall be established a Board to be called the Joint Exchequer Board, consisting of two members appointed by the Treasury and two members appointed by the Irish Treasury and a Chairman appointed by His Majesty.

Joint Exchequer Board.

(2) It shall be the duty of the Joint Exchequer Board to determine any matter which is to be determined by the Board under this Act, or in pursuance of any Irish Transfer Order in Council made under this Act, and also to determine any other matter in connexion with the Transferred Sum, or Irish revenue or expenditure, or the cost of any reserved service, which may be referred to them for determination by the Treasury and the Irish Treasury jointly, and, subject to the provisions of this Act as to appeals from decisions of the Board, the decision of the Board on any matter which is to be determined by them shall be final and conclusive.

(3) Any vacancy arising in the office of a member of the Board shall be filled by the authority by whom the member whose place is vacant was appointed.

(4) The Board may act by a majority; the quorum at any meeting of the Board shall be three; subject to the provisions of this Act the Board may regulate their own procedure.

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Charge of Irish Government loans on Transferred Sum and management by Joint Exchequer Board.

23.—(1) If provision is made by Irish Act for securing any loan raised by the Government of Ireland upon the Transferred Sum and for the payment of such part of the Transferred Sum as in the opinion of the Joint Exchequer Board may be required for the services of the loan in each year direct to that Board, the Board may undertake on behalf of the Irish Government the issue and management of the loan and the application of the money paid to them for the services of the loan.

(2) Where provision is so made for the payment of a part of the Transferred Sum to the Joint Exchequer Board in connexion with a loan the management of which is undertaken by the Board in accordance with this section, the Treasury shall cause the requisite part of the Transferred Sum to be paid to the Joint Exchequer Board instead of to the Irish Exchequer.

(3) The accounts of the Joint Exchequer Board in respect of any sums received by them under this section in connexion with any loan shall be audited in the same manner as the accounts of the Irish Consolidated Fund are for the time being audited.

(4) Any stock or securities issued in respect of any loan raised by the Irish Government shall be deemed to be included amongst the securities in which a trustee may invest under the powers of the Trustee Act, 1893, or of the Trusts (Scotland) Acts, 1861 to 1910.

56 & 57 Vict. c. 53.

Ascertainment of true Irish revenue.

24. In ascertaining for the purposes of this Act the proceeds in Ireland of any Imperial tax or of any Irish tax, the Joint Exchequer Board shall treat the proceeds collected in Ireland as the proceeds of the tax in Ireland, subject to such adjustments as the Board think equitable, with a view to attributing to Ireland any proceeds of taxes collected in Great Britain but properly attributable to Ireland, and to attributing to Great Britain any proceeds of taxes collected in Ireland but properly attributable to Great Britain, and with a view to meeting cases where the rate of a tax is, or other conditions affecting the charge of a tax are, different in Great Britain and Ireland.

Alteration of taxes to be treated as increases or reductions of taxes as the case may be.

25. For the purposes of this Act the withdrawal in whole or in part of an exemption from a tax shall be treated as the imposition of an addition to or as the increase of a tax, and the grant or extension of an exemption from a tax shall be treated as a reduction of a tax, and any other alteration of the provisions with respect to any tax in consequence of which the

proceeds of the tax are increased or diminished shall be treated as an increase or reduction of the tax, as the case may be.

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Revision of financial arrangements in certain events.

26.—(1) If it appears to the Joint Exchequer Board that during any three successive years after the passing of this Act, 5 the aggregate of the total proceeds of Imperial taxes in Ireland as determined by the Board, and the total proceeds of Irish taxes and any other money available in the year for the payment of the cost of Irish services, as so determined, together with any share in any miscellaneous revenue of the United Kingdom 10 to which the Joint Exchequer Board may consider Ireland to be entitled, exceeded in each of those years the total cost of Irish services, together with the cost of any services which are for the time being reserved services, the Board shall present a report to that effect to the Treasury and to the Lord Lieutenant, and the 15 Treasury and the Lord Lieutenant shall cause a copy of the report to be laid before the Parliament of the United Kingdom and the Irish Parliament respectively.

(2) The presentation of such a report shall be taken to be a ground for the revision by the Parliament of the United 20 Kingdom of the financial provisions of this Act, with a view to securing a proper contribution from Irish revenues towards the common expenditure of the United Kingdom and extending the powers of the Irish Parliament and the Irish Government with respect to the imposition and collection of taxes.

25 (3) For the purpose of revising the financial provisions of this Act in pursuance of this section, there shall be summoned to the Commons House of Parliament of the United Kingdom such number of members of the Irish House of Commons as will make the representation of Ireland in the Commons House 30 of Parliament of the United Kingdom equivalent to the representation of Great Britain on the basis of population; and the members of the Irish House of Commons so summoned shall be deemed to be members of the Commons House of Parliament of the United Kingdom for the purpose of any such 35 revision.

(4) His Majesty may by Order in Council make such provision for summoning and selecting in pursuance of this provision the members of the Irish House of Commons as His Majesty may think necessary or proper, and any provisions 40 contained in any such Order in Council shall have the same effect as if they had been enacted in this Act.

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An Order in Council made under this provision shall be laid before the Commons House of Parliament of the United Kingdom within forty days next after it is made if that House is then sitting or, if not, within forty days after the commencement of the then next ensuing session; and if an address is presented to His Majesty by that House within the next twenty-one days on which that House has sat next after the Order is laid before it praying that the Order may be annulled, His Majesty may thereupon by Order in Council annul the same, and the Order so annulled shall forthwith become void, but without prejudice to the validity of any proceedings which may in the meantime have been taken under the Order.

Provisions as to Judicial Power.

Tenure of office by judges.

27. A judge of the Supreme Court or other superior court in Ireland, or of any county court or other court with a like jurisdiction in Ireland, appointed after the appointed day shall be appointed by the Lord Lieutenant, and shall hold his office by the same tenure as that by which the office is held at the time of the passing of this Act, with the substitution of an address from both Houses of the Irish Parliament for an address from both Houses of the Parliament of the United Kingdom, and during his continuance in office his salary shall not be diminished or his right to pension altered without his consent.

Irish appeals.

28.—(1) The appeal from courts in Ireland to the House of Lords shall cease; and where any person would, but for this Act, have a right to appeal from any court in Ireland to the House of Lords, that person shall have the like right to appeal to His Majesty the King in Council; and all enactments relating to appeals to His Majesty the King in Council, and to the Judicial Committee of the Privy Council, shall apply accordingly.

(2) When the Judicial Committee sit for hearing any appeal from a court in Ireland in pursuance of any provisions of this Act, there shall be present not less than four Lords of Appeal, within the meaning of the Appellate Jurisdiction Act, 1876, and at least one member who is or has been a judge of the Supreme Court in Ireland.

39 & 40 Vict. c. 59.

(3) A rota of privy counsellors to sit for hearing appeals from courts in Ireland shall be made annually by His Majesty in Council, and the privy counsellors, or some of them, on that

rota shall sit to hear the said appeals. A casual vacancy occurring in the rota during the year may be filled by Order in Council.

(4) Any person who is aggrieved by any decision of the Court of Appeal in any proceedings taken by way of certiorari, mandamus, quo warranto, or prohibition, shall have a right to appeal to His Majesty the King in Council in the same manner as if he had such a right to appeal to the House of Lords before the passing of this Act.

(5) Nothing in this Act shall affect the jurisdiction of the House of Lords to determine the claims to Irish peerages.

Special provision for decision of constitutional questions.

29.—(1) If it appears to the Lord Lieutenant or a Secretary of State expedient in the public interest that steps shall be taken for the speedy determination of the question whether any Irish Act or any provision thereof, or any Irish Bill or any provision thereof, is beyond the powers of the Irish Parliament, or whether any service is an Irish service within the meaning of this Act or not, or if the Joint Exchequer Board, or any two members of the Board, in the execution of their duties under this Act, are desirous of obtaining the decision of any question of the interpretation of this Act, or other question of law, which arises in connexion with those duties, the Lord Lieutenant, Secretary of State, or Board, or members thereof, as the case may be, may represent the same to His Majesty in Council, and thereupon, if his Majesty so directs, the said question shall be forthwith referred to and heard and determined by the Judicial Committee of the Privy Council, constituted as if hearing an appeal from a court in Ireland.

(2) Upon the hearing of the question such persons as seem to the Judicial Committee to be interested may be allowed to appear and be heard as parties to the case, and the decision of the Judicial Committee shall be given in like manner as if it were the decision of an appeal, the nature of the report or recommendation to His Majesty being stated in open court.

(3) Nothing in this Act shall prejudice any other power of His Majesty in Council to refer any question to the Judicial Committee or the right of any person to petition His Majesty for such reference.

Appeal in cases where the validity of an Irish law is questioned.

30.—(1) Where any decision of the Court of Appeal in Ireland involves the decision of any question as to the validity of any law made by the Irish Parliament, and the decision is not otherwise subject to an appeal to His Majesty the King in

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Council, an appeal shall lie to His Majesty the King in Council by virtue of this section, but only by leave of the Court of Appeal or His Majesty.

(2) Where any decision of a court in Ireland involves the decision of any question as to the validity of any law made by the Irish Parliament, and the decision is not subject to any appeal to the Court of Appeal in Ireland, an appeal shall lie to the Court of Appeal in Ireland by virtue of this section.

(3) If any person is dissatisfied with the decision of the Joint Exchequer Board on the question whether a tax is an independent tax not substantially the same in character as an Imperial tax, that person may petition His Majesty in Council to refer the question to the Judicial Committee of the Privy Council; and, if His Majesty so direct, the question shall be referred to and heard and determined by that Committee as if hearing an appeal from a court in Ireland; and the determination of the Judicial Committee on the question shall have effect with respect to the question decided as if it were the decision of the Joint Exchequer Board.

If any decision of the Joint Exchequer Board under this Act involves a decision with respect to any question of law, any person may petition His Majesty in Council to refer the question of law to the Judicial Committee of the Privy Council, and, if His Majesty so directs, the question of law shall be referred to and heard and determined by that Committee constituted as if hearing an appeal from a court in Ireland; and if the Judicial Committee determine that the point of law has been erroneously decided by the Joint Exchequer Board, they shall report their determination to His Majesty, and, on such a report being made, the Joint Exchequer Board shall reconsider their decision with regard to the determination of the Judicial Committee.

Upon the hearing of any question referred under this subsection, such persons as seem to the Judicial Committee to be interested may be allowed to appear and be heard as parties to the case, and the decision of the Judicial Committee shall be given in like manner as if it were a decision of an appeal, the nature of the report or recommendation to His Majesty being stated in open court.

A petition shall not be entertained under this subsection unless it is presented within six months after the date on which

the decision of the Joint Exchequer Board to which the petition relates has been published.

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Lord Lieutenant.

Office of Lord Lieutenant.

31.—(1) Notwithstanding anything to the contrary in any Act, no subject of His Majesty shall be disqualified to hold the office of Lord Lieutenant of Ireland on account of his religious belief.

(2) The term of office of the Lord Lieutenant shall be six years, without prejudice to the power of His Majesty at any time to revoke the appointment, and with the intent that the continuance in office of the Lord Lieutenant shall not be affected by any change of ministry.

(3) The salary and expenses of the Lord Lieutenant shall be paid out of moneys provided by the Parliament of the United Kingdom, but there shall be deducted from the Transferred Sum in each year, towards the payment of the Lord Lieutenant's salary, a sum of five thousand pounds.

Provisions as to existing Judges and Irish Officers.

Provisions as to existing judges and other persons having salaries charged on the Consolidated Fund.

32.—(1) All existing judges of the Supreme Court, and county court judges, and all existing Irish officers serving in an established capacity in the civil service of the Crown and receiving salaries charged on the Consolidated Fund of the United Kingdom, shall, if at the date of the passing of this Act they are removeable only on address from both Houses of Parliament of the United Kingdom, continue to be removeable only upon such an address, and if removeable in any other manner shall continue to be removeable only in the same manner as before that date; and shall continue to receive the same salaries, gratuities, and pensions, and to enjoy the same rights and privileges, and to be liable to perform the same duties as before that date or such duties as His Majesty may declare to be analogous, and their salaries and pensions shall be charged on and paid out of the Consolidated Fund of the United Kingdom or the growing produce thereof, and all sums so paid shall be made good by means of deductions from the Transferred Sum under this Act in accordance with regulations made by the Treasury.

(2) If any of the said judges or officers retires from office with His Majesty's approbation before completion of the period

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of service entitling him to a pension, His Majesty may, if he thinks fit, after considering any representation that may be made by the Irish Government, grant to him such pension, not exceeding the pension to which he would on that completion have been entitled, as His Majesty thinks proper. 5

(3) Subsection (1) of this section shall apply to existing Irish officers in the civil service of the Crown, who, although receiving salaries not charged on the Consolidated Fund, are removeable only for misconduct or incapacity, including officers removeable under section seventy-three of the Supreme Court of 10 Judicature Act (Ireland), 1877: Provided that, in the case of any such officer whose salary is payable otherwise than out of money provided by the Parliament of the United Kingdom, the provisions of that subsection with respect to the payment of salaries and pensions out of the Consolidated Fund of the United 15 Kingdom shall not have effect, and in the case of any such officer whose salary is payable out of money provided by the Parliament of the United Kingdom those provisions shall have effect with the substitution of payment out of money so provided for charge on and payment out of the Consolidated Fund of the 20 United Kingdom.

Continuation of service of, and compensation to, existing officers.

33.—(1) Subject to the provisions of this Act, all existing Irish officers in the civil service of the Crown who are not provided for under the last preceding section and are on the appointed day serving as Irish officers shall, after that day, continue to hold 25 their offices by the same tenure and upon the same terms and conditions (including conditions as to salaries and superannuation) as theretofore and shall be liable to perform the same duties as theretofore, or such duties as the Civil Service Committee established under this Act may determine to be 30 analogous, and while performing the same or analogous duties shall receive not less salaries than they would have received if this Act had not passed:

Provided that notwithstanding the provision herein-before contained as to the tenure of existing Irish officers any existing 35 Irish officer who at the time of the passing of this Act is removeable from his office by His Majesty, or by the Chief Secretary, or by any person other than the Lord Lieutenant, or in any special manner, may be removed from his office after the appointed day by the Lord Lieutenant, but, in the case of the 40 existing permanent members of the Congested Districts Board for Ireland, only by an order of the Lord Lieutenant, which shall

be laid before each House of the Irish Parliament, and if an address is presented to the Lord Lieutenant by either of those Houses within the next subsequent forty days on which that House has sat after any such order is laid before it praying 5 that the order may be annulled, the Lord Lieutenant may annul the order, and it shall thenceforth be void.

(2) The Superannuation Acts, 1834 to 1909, shall continue after the appointed day to apply to any such existing Irish officer to whom they then apply, and the service of any such 10 officer under the Irish Government shall, for the purpose of those Acts, be deemed to be service in the permanent civil service of the Crown and in a public office within the meaning of the Superannuation Act, 1892:

55 & 56 Vict. c. 40.

Provided that so far as relates to the grant and ascertainment 15 of the amount of any allowance or gratuity under those Acts as respects any such officer who at the time of his ultimate retirement is serving under the Irish Government, the Civil Service Committee shall be substituted for the Treasury.

(3) The provisions as to compensation contained in the Third 20 Schedule to this Act shall apply with respect to any such existing Irish officer.

(4) The superannuation and other allowances and gratuities which may become payable after the appointed day to existing Irish officers in the civil service of the Crown under the 25 Superannuation Acts, 1834 to 1909, and any compensation payable to any such officers under the provisions of this Act, shall be paid out of moneys provided by the Parliament of the United Kingdom, but any sums so paid shall be made good by means of deductions from the Transferred Sum under this Act in accordance with 30 regulations made by the Treasury.

(5) Where any existing Irish officer in the civil service of the Crown to whom the Superannuation Acts, 1834 to 1909, do not apply is on the appointed day serving as an Irish officer in a capacity which, in accordance with a condition of his employment, 35 qualifies him for a superannuation allowance or gratuity payable otherwise than under those Acts, that condition shall after the appointed day have effect, subject to the following modifications, that is to say, any superannuation allowance or gratuity which may become payable to the officer in accordance with that 40 condition after the appointed day shall, if and so far as the fund out of which such allowances and gratuities are payable at the

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time of the passing of this Act is by reason of anything done or omitted after the passing of this Act not available for its payment, be charged upon and paid out of the Irish Consolidated Fund, and any powers and duties of the Treasury as to the grant or ascertainment of the amount of the superannuation allowance or gratuity, or otherwise in connexion with the condition, shall be exercised and performed by the Civil Service Committee.

(6) The Pensions Commutation Acts, 1871 to 1882, shall apply to any person to whom an annual allowance is granted in pursuance of the provisions of this Act relating to existing officers as they apply to a person who has retired in consequence of the abolition of his office, and any terminable annuity payable in respect of the commutation of an allowance shall be payable out of the same funds as the allowance.

Establishment of Civil Service Committee.

34.—(1) For the purpose of the provisions of this Act with respect to existing officers there shall be established a committee to be called the Civil Service Committee.

(2) The committee shall consist of three members, of whom one shall be appointed by the Treasury, one by the Executive Committee, and one (who shall be chairman) by the Lord Chief Justice of England.

(3) Any vacancy arising in the committee shall be filled by the authority by whom the member whose place is vacant was appointed.

(4) The committee may act by any two members, and, subject to the provisions of this Act, the committee may regulate their own procedure.

(5) The determination of the Civil Service Committee on any claim or question which is to be determined by them under the provisions of this Act relating to existing officers shall be final and conclusive.

Provisions as to existing pensions and superannuation allowances.

35.—(1) Any pension granted on account of service in Ireland as a judge of the Supreme Court or of any court consolidated into that court, or as a county court judge, or as an Irish officer in an established capacity in the civil service of the Crown, or to any officer or constable of the Dublin Metropolitan Police, or Royal Irish Constabulary, and payable on the appointed day, or in the case of an officer or constable of the Royal Irish Constabulary at the date of transfer, shall be paid out of the Consolidated Fund of the United Kingdom or the growing produce

thereof, if charged on that fund at the time of the passing of this Act and out of moneys provided by the Parliament of the United Kingdom if so paid at that time, and shall be made good by means of deductions from the Transferred Sum under this Act in accordance with regulations made by the Treasury.

(2) Any pension payable on the appointed day and granted on account of service in Ireland as an Irish officer in the civil service of the Crown not serving in an established capacity or as a petty sessions clerk or officer in the registry of petty sessions clerks shall, if and so far as the fund out of which it is payable at the time of the passing of this Act is by reason of anything done or omitted after the passing of this Act not available for its payment, be charged upon and paid out of the Irish Consolidated Fund.

Definition of Irish officer, and provision as to officers in whose case questions may arise, &c.

36.—(1) For the purpose of the provisions of this Act relating to existing officers, any officer shall be deemed to be an Irish officer who is serving or employed in Irish services within the meaning of this Act, and the fact that the salary of an Irish officer is provided in whole or in part out of funds administered by the Government Department in which he serves, or out of an allowance voted for the office expenses of the office in which he is employed, or out of fees, instead of being charged on the Consolidated Fund or paid out of moneys provided by the Parliament of the United Kingdom, shall not prevent that officer being treated as an officer in the civil service of the Crown.

(2) If any question arises whether an officer is an Irish officer as so defined, or otherwise as to any claim or right of an officer under the provisions of this Act relating to existing officers, that question shall be determined by the Civil Service Committee.

(3) If in any case the Civil Service Committee are of opinion that the service or employment of an officer is such that he is partly an Irish officer and partly not, that Committee shall determine any question which arises as respects the proportions in which any allowance, gratuity, or compensation payable to that officer is to be paid as between the Exchequer or Consolidated Fund of Ireland and of the United Kingdom respectively.

Provisions as to Members of Police.

Continuation of service of, and compensation to,

37.—(1) All officers and constables of the Dublin Metropolitan Police and of the Royal Irish Constabulary who are serving on the day of transfer shall after that day continue to

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members of police forces.

serve on the same terms and conditions as theretofore, and shall be liable to perform the same duties as theretofore, and while so serving shall not receive less salaries than they would have received if this Act had not passed.

(2) Any existing enactments relating to the pay or pensions of officers and constables of the Dublin Metropolitan Police and Royal Irish Constabulary shall continue to apply after the transfer to any officer and constable serving on the day of transfer with the substitution of the Lord Lieutenant for the Treasury and for the Chief Commissioner or Inspector-General as the case requires.

(3) Where any such officer or constable, being qualified under the enactments aforesaid to retire on pension for length of service on or before the day of transfer, continues to serve after that day he shall, on retiring at any subsequent time, be entitled to receive a pension not less in amount than that to which he would have been entitled if he had retired on that day, and his right to receive such pension shall not, while he continues to serve, be liable to forfeiture, except in cases in which a pension when granted is liable to forfeiture under those enactments.

(4) The provisions as to compensation contained in the Fourth Schedule to this Act shall apply with respect to the officers and constables of the Dublin Metropolitan Police and of the Royal Irish Constabulary who are serving on the day of transfer.

(5) Any pensions and other allowances and gratuities which may become payable to officers and constables of the Dublin Metropolitan Police after the appointed day or to officers and constables of the Royal Irish Constabulary after the day of transfer (being in either case officers and constables who are serving on the day of transfer) under the existing enactments applicable to them, and any compensation payable to any of those persons under the provisions of this Act, shall be paid out of moneys provided by the Parliament of the United Kingdom; but any sums so paid shall be made good by means of deductions from the Transferred Sum under this Act in accordance with regulations made by the Treasury.

(6) The Pensions Commutation Acts, 1871 to 1882, shall apply to any member of the Dublin Metropolitan Police or Royal Irish Constabulary to whom an allowance is granted in pursuance of the provisions of this section in like manner as if he had retired from the permanent Civil Service of the Crown on the abolition of his office, and any terminable annuity payable in respect of

the commutation of an allowance shall be payable out of the same funds as the allowance.

(7) In this section and in the Fourth Schedule to this Act the expression "day of transfer" in relation to the Dublin Metropolitan Police means the appointed day, and in relation to the Royal Irish Constabulary means the day on which the control and management of that force are transferred to the Irish Government.

General.

Continuation of existing laws, institutions, &c.

38. All existing laws, institutions, and authorities in Ireland, whether judicial, administrative, or ministerial, and all existing taxes in Ireland, shall, except as otherwise provided by this Act, continue as if this Act had not passed, but with the modifications necessary for adapting them to this Act, and subject, as respects matters within the powers of the Irish Parliament under this Act, to repeal, abolition, alteration, and adaptation in the manner and to the extent authorised by this Act.

Use of Crown lands by Irish Government.

39. His Majesty the King in Council may place under the control of the Irish Government, for the purposes of that government, such of the lands, buildings, and property in Ireland vested in or held in trust for His Majesty, and subject to such conditions or restrictions (if any) as may seem expedient.

Arrangements between departments of United Kingdom and Irish departments for exercise of powers and duties.

40. Arrangements may be made by any department of the Government of the United Kingdom for the exercise and performance on behalf of that department of any powers or duties of that department by officers of an Irish department, or by any Irish department for the exercise and performance on behalf of that department of any powers or duties of that department by officers of a department of the Government of the United Kingdom on such terms and conditions as may be agreed:

Provided that no such arrangements shall diminish in any respect the responsibility of the department by which the arrangement is made.

Concurrent legislation.

41.—(1) The Irish Parliament shall not have power to repeal or alter any provision of this Act (except as is specially provided by this Act), or of any Act passed by the Parliament of the United Kingdom after the passing of this Act and extending to Ireland, although that provision deals with a matter

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with respect to which the Irish Parliament have powers to make laws.

(2) Where any Act of the Irish Parliament deals with any matter with respect to which the Irish Parliament have power to make laws which is dealt with by any Act of the Parliament of the United Kingdom passed after the passing of this Act and extending to Ireland, the Act of the Irish Parliament shall be read subject to the Act of the Parliament of the United Kingdom, and so far as it is repugnant to that Act, but no further, shall be void:

Provided that nothing in this section shall affect the power of the Irish Parliament to vary an Imperial tax in accordance with this Act, or any variation so made.

(3) Any order, rule, or regulation made in pursuance of, or having the force of, an Act of Parliament of the United Kingdom shall be deemed to be a provision of an Act within the meaning of this section.

Special provisions as to Dublin University, Trinity College, Dublin, and the Queen's University of Belfast.

42. No law made by the Irish Parliament shall have effect so as to alter the constitution, or divert the property of, or repeal or diminish any existing exemption or immunity enjoyed by the University of Dublin, or Trinity College, Dublin, or the Queen's University of Belfast, unless and until the proposed alteration, diversion, repeal, or diminution is approved, in the case of the University of Dublin, or Trinity College, Dublin, by a majority of those present and voting at a meeting of each of the following bodies convened for the purpose, namely: (*a*) the governing body of the College, and (*b*) the junior fellows and professors voting together, and (*c*) the University Council, and (*d*) the Senate; and in the case of the Queen's University of Belfast by a majority of those present and voting at a meeting of each of the following bodies convened for the purpose, namely: (*a*) the Senate, and (*b*) the Academic Council, and (*c*) the Convocation of the University:

Provided that—

(*a*) This section shall not apply to the taking of property (not being land in the occupation of or used in connexion with the College or either of the Universities) for the purpose of roads, railways, lighting, water, or drainage works, or other works of public utility upon payment of compensation; and

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(*b*) There shall be paid annually, out of moneys provided by the Irish Parliament, to the Queen's University of Belfast, a sum of eighteen thousand pounds for the general purposes of the University, and that sum if and so far as not so paid shall be deducted on the order of the Joint Exchequer Board from the Transferred Sum and paid to the University; and

(*c*) Until the Joint Exchequer Board certify that the amount standing to the credit of the account of Trinity College under section thirty-nine of the Irish Land Act, 1903, is adequate to afford the indemnity for which provision is made by that section, there shall be paid annually out of moneys provided by the Irish Parliament the sum of five thousand pounds to that account; and that sum, if and so far as not so paid, shall be deducted on the order of the Joint Exchequer Board from the Transferred Sum and paid to that account.

Special provisions as to Freemasons.

43.—(1) It is hereby declared that existing enactments relative to unlawful oaths or unlawful assemblies in Ireland do not apply to the meetings or proceedings of the Grand Lodge of Free and Accepted Masons of Ireland, or of any lodge or society recognised by that Grand Lodge:

(2) The Irish Parliament shall not have power to abrogate or affect prejudicially any privilege or exemption of the Grand Lodge of Freemasons in Ireland, or any lodge or society recognised by that Grand Lodge which is enjoyed either by law or custom at the time of the passing of this Act, and any law made in contravention of this provision shall, so far as it is in contravention of this provision, be void.

Repeal of s. 16 of 21 & 22 G. 3. c. 11. Irish.

44. The powers conferred in the sixteenth section of the Act passed by the Irish Parliament in the session held in the twenty-first and twenty-second years of the reign of George the Third, chapter eleven, intituled, "An Act for the better securing the liberty of the subject," shall not be exercised, and that section is hereby repealed.

First election of reduced number of Irish

45.—(1) Upon the first meeting of the Irish Parliament, the members returned by constituencies in Ireland to serve in the Parliament of the United Kingdom and then sitting in that

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members and application of election laws.

Parliament shall vacate their seats, and writs shall, as soon as conveniently may be, be issued by the Lord Chancellor of Ireland for the purpose of holding an election of members to serve in the Parliament of the United Kingdom for the constituencies mentioned in the Second Part of the First Schedule to this Act. 5

(2) All existing election laws relating to the Commons House of Parliament of the United Kingdom and the members thereof shall, so far as applicable and subject to the provisions of this Act, and especially to any provision enabling the Irish Parliament to alter those laws as respects the Irish House of 10 Commons, extend to the Irish Senate and the Irish House of Commons and the members thereof.

His Majesty may by Order in Council make such provisions as may appear to him necessary or proper for making any provisions of the election laws applicable to elections of members 15 of the Irish Senate and the Irish House of Commons, and also frame regulations prescribing the method of voting at an election of members of the Irish House of Commons, which is held on the principle of proportional representation, and of transferring and counting votes at such an election. 20

Temporary provision as to payments into and out of the Irish Exchequer.

46.—(1) Pending the determination of the Transferred Sum by the Joint Exchequer Board for the first year in which the Transferred Sum is to be paid, the Treasury may make such payments on account of that sum into the Irish Exchequer as the Joint Exchequer Board may direct. 25

(2) The Joint Exchequer Board may authorise the Lord Lieutenant to make such payments from the Irish Exchequer as may be necessary in order to provide for bringing this Act into operation, but no such authority shall be given after the expiration of a period of three months from the first meeting 30 of the Irish Parliament.

Power to make Irish Transfer Orders in Council.

47. His Majesty may by Orders in Council (in this Act referred to as Irish Transfer Orders) make such regulations as seem necessary or proper for setting in motion the Irish Parliament and Government, and also for any other matter for 35 which it seems to His Majesty necessary or proper to make provision for the purpose of bringing this Act into full operation or for giving full effect to any provisions of this Act or to any future transfer under or by virtue of this Act of a reserved

service; and in particular His Majesty may by any such Order in Council— A.D. 1914.

(*a*) make such adaptations of any enactments so far as they relate to Ireland as may appear to him necessary or proper in order to give effect to the provisions of this Act, and also make any adaptations of any enactments so far as they relate to England or Scotland, as may appear to him necessary or proper as a consequence of any change effected by the provisions of this Act; and

(*b*) make such adaptation of any enactments as appear to him necessary or proper with respect to the execution of the reserved services, and in particular provide for the exercise or performance of any powers or duties in connexion with those services by any department of the Government of the United Kingdom or officer of that Government where any such powers or duties are, under any existing Act, to be exercised or performed by any department in Ireland which will cease to exist as a department of the Government of the United Kingdom; and

(*c*) make regulations with respect to the relations of the Irish and British Post Offices, and in particular may provide for an apportionment of the capital liabilities of the Post Office between the Irish Exchequer and the Exchequer of the United Kingdom, for the execution of postal services by the one Post Office at the request of and on behalf of the other, and for the terms and conditions under which the services are to be so executed, for facilities being given in connexion with any such postal services at the request of one Post Office by the other, for requiring the sanction of the British Post Office for the grant of any licence by the Irish Post Office for wireless telegraphy stations for internal communications in Ireland, and for the reservation of power to His Majesty by Order in Council to transfer in time of war or national emergency the powers or duties of the Irish Post Office to the British Post Office, or to the naval or military authorities of the United Kingdom; and

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(*d*) on any transfer under this Act of the public services in connexion with the administration of the Old Age Pensions Acts, 1908 and 1911, make provision for securing the payment of an old age pension to any person who is entitled to the payment of such a pension at the time of the transfer, while he continues so entitled; and

(*e*) on the transfer under this Act of public services in connexion with Post Office Savings Banks, or Trustee Savings Banks, make provisions for giving a depositor in any transferred Post Office Savings Bank the right to repayment of any sums due to him in respect of his deposits at the time of the transfer, and for giving the trustees of any Trustee Savings Bank in Ireland the right to close their bank and to require repayment of all sums due to them from the National Debt Commissioners, and for securing to the holder of any annuity or policy of insurance granted before the date of the transfer by a Post Office or Trustee Savings Bank the payment of the annuity or of any sums due under the policy; and

(*f*) make provision with respect to the transfer and apportionment of any property, rights, and liabilities in connexion with Irish services, and for the proper reductions being made in the payment of the Transferred Sum for the first year in which it is paid in respect of any part of that year during which any Irish service is not executed by the Irish Government; and

(*g*) provide, in cases where the same Act deals with reserved matters and with other matters, for specifying the matters dealt with by the Act which are to be treated in accordance with this Act as reserved matters.

Irish Transfer Orders to be laid before Parliament.

48.—(1) Any Irish Transfer Order in Council made under this Act shall be laid before both Houses of the Parliament of the United Kingdom within forty days next after it is made if Parliament is then sitting, or if not, within forty days after the commencement of the then next ensuing session; and if an address is presented to His Majesty by either of those Houses within the next subsequent twenty-one days on which that House has sat next after any such order is laid before it praying that

any such Order may be annulled, His Majesty may thereupon by Order in Council annul the same, and the Order so annulled shall forthwith become void, but without prejudice to the validity of any proceedings which may in the meantime have been taken under the Order.

(2) Any Irish Transfer Order in Council made under this Act shall, subject to the foregoing provisions of this section, have effect as if enacted in this Act.

Commencement of Act and appointed day.

49. This Act shall, except as expressly provided, come into operation on the appointed day, and the appointed day for the purposes of this Act shall be the first Tuesday in the eighth month after the month in which this Act is passed, or such other day not more than seven months earlier or later, as may be fixed by Order of His Majesty in Council either generally or with reference to any particular provision of this Act, and different days may be appointed for different purposes and different provisions of this Act, but the Irish Parliament shall be summoned to meet not later than four months after the said Tuesday, and the appointed day for holding elections for the Irish House of Commons shall be fixed accordingly.

Supplemental.

Definitions.

50. In this Act, unless the context otherwise requires—

The expression "existing" means existing at the passing of this Act:

The expression "constituency" means a parliamentary constituency, or a county, borough, or university returning a member or members to serve in the Irish House of Commons as the case requires, and the expression "parliamentary constituency" means any county, borough, or university returning a member or members to serve in the Parliament of the United Kingdom:

The expression "parliamentary elector" means a person entitled to be registered as a voter at a parliamentary election:

The expression "parliamentary election" means the election of a member to serve in the Parliament of the United Kingdom:

The expression "election laws" means the laws relating to the election of members to serve in the Parliament

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of the United Kingdom, other than those relating to the qualification of electors, and includes all the laws respecting the registration of electors, the issue and execution of writs, the creation of polling districts, the taking of the poll, the questioning of elections, corrupt and illegal practices, the oath, qualification and disqualification of members, and the vacating of seats:

The expression "tax" includes duties (other than duties of postage) and fees (other than fees which are charged in respect of any special Irish service, and the receipts from which are, in the opinion of the Joint Exchequer Board, of a character to be properly treated as appropriations in aid):

For the purposes of this Act duties on a raw material and on articles produced, prepared, or manufactured from that material, and any group of duties fixed in relation to some common basis, shall be deemed to be correlated duties.

The levy of an Imperial tax in Ireland includes, where the variation of the tax by the Irish Parliament affects persons resident or domiciled in Ireland, or the property of any person so resident or domiciled, the levy of the tax on or in respect of such persons or such property.

The expression "postal service" includes any telegraphic and telephonic service, and the issue, transmission, and payment of Post Office money orders and postal orders; and the expression "postal communication" includes telegraphic and telephonic communication:

The expression "Irish Act" means a law made by the Irish Parliament:

The expression "Irish Treasury" means the Irish department or officer, by whatever name called, for the time being entrusted with the administration of Irish finance:

The expression "salary" includes remuneration, allowances, and emoluments:

The expression "pension" includes superannuation allowance, and in relation to a constable of the Royal Irish Constabulary or Dublin Metropolitan Police includes a pension or gratuity payable to the widow or children of a constable:

The expression "office" includes any place, situation, or employment, and the expression "officer" shall be construed accordingly:

The expression "officer" in relation to the Royal Irish Constabulary includes the Inspector-General, the Deputy-Inspector-General, an Assistant-Inspector-General, the Assistant-Inspector-General-Commandant of the Depôt, the Town Inspector at Belfast, a County Inspector, a surgeon, a storekeeper and barrack-master, the veterinary surgeon, and a district inspector, and in relation to the Dublin Metropolitan Police, includes the Chief Commissioner and Assistant-Commissioner:

The expression "constable" in relation to the Royal Irish Constabulary includes the head-constable-major, a head-constable, sergeant, acting sergeant, and constable; and in relation to the Dublin Metropolitan Police includes every member of that force not being of higher rank than chief superintendent, and not being a member of the clerical staff only:

The expression "Royal Irish Constabulary" includes the reserve force of that body.

Short title.

51. This Act may be cited as the Government of Ireland Act, 1914.

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SCHEDULES.

FIRST SCHEDULE.

Part I.

Irish House of Commons.

Constituencies and Number of Members.

Boroughs.

Constituency.	Number of Members.
Dublin :—	
College Green - - - -	3
Harbour - - - - -	3
St. Stephen's Green - - -	2
St. Patrick's - - - - -	3
Belfast :—	
East - - - - - - -	5
South - - - - - - -	3
West - - - - - - -	2
North - - - - - - -	4
Londonderry - - - - - -	2
Cork - - - - - - - -	4
Limerick - - - - - - -	2
Waterford - - - - - -	1
Totals (Boroughs) - - -	34

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Counties.

Ulster.

Constituency.	Number of Members.
Antrim County :	
North Antrim - - - -	2
Mid Antrim - - - - -	2
East Antrim - - - - -	2
South Antrim - - - -	2
Armagh County :	
North Armagh - - - -	2
Mid Armagh - - - - -	1
South Armagh (including that part of Newry which is situated in Armagh County).	1
Cavan County :	
West Cavan - - - - -	2
East Cavan - - - - -	2
Donegal County :	
North Donegal - - - -	2
West Donegal - - - -	2
East Donegal - - - - -	1
South Donegal - - - -	2
Down County :	
North Down - - - - -	2
East Down - - - - -	2
West Down - - - - -	2
South Down (including that part of Newry which is situated in Down County).	2
Fermanagh County :	
North Fermanagh - - - -	1
South Fermanagh - - - -	1
Londonderry County :	
North Londonderry - - -	2
South Londonderry - - - -	2
Monaghan County :	
North Monaghan - - - -	1
South Monaghan - - - -	1
Tyrone County :	
North Tyrone - - - -	1
Mid Tyrone - - - - -	1
East Tyrone - - - - -	1
South Tyrone - - - - -	1
Totals (Ulster Counties) - - -	43

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Counties—continued.

LEINSTER.

Constituency.	Number of Members.
Carlow County - - - - - -	1
Dublin County :	
North Dublin - - - - - -	3
South Dublin - - - - - -	3
Kildare County :	
North Kildare - - - - -	1
South Kildare - - - - -	1
Kilkenny County :	
North Kilkenny (including the borough of Kilkenny).	2
South Kilkenny - - - - -	1
King's County :	
Birr - - - - - - -	1
Tullamore - - - - - -	1
Longford County :	
North Longford - - - - -	1
South Longford - - - - -	1
Louth County :	
North Louth - - - - - -	1
South Louth - - - - - -	1
Meath County :	
North Meath - - - - - -	1
South Meath - - - - - -	1
Queen's County :	
Ossory - - - - - - -	1
Leix - - - - - - -	1
Westmeath County :	
North Westmeath - - - - -	1
South Westmeath - - - - -	1
Wexford County :	
North Wexford - - - - -	2
South Wexford - - - - -	2
Wicklow County :	
West Wicklow - - - - -	1
East Wicklow - - - - -	1
Totals (Leinster Counties) - -	30

Counties—continued.

MUNSTER.

Constituency.	Number of Members.
Clare County :	
East Clare	2
West Clare	2
Cork County :	
North Cork	2
North-East Cork	2
Mid Cork	2
East Cork	2
West Cork	1
South Cork	1
South-East Cork	1
Kerry County :	
North Kerry	1
West Kerry	2
South Kerry	1
East Kerry	1
Limerick County :	
West Limerick	2
East Limerick	2
Tipperary County :	
North Tipperary	1
Mid Tipperary	1
South Tipperary	1
East Tipperary	1
Waterford County :	
West Waterford	1
East Waterford	1
Totals (Munster Counties)	30

CONNAUGHT.

Galway County :	
Connemara	2
North Galway	2
East Galway	2
South Galway (including the borough of Galway).	2
Leitrim County :	
North Leitrim	1
South Leitrim	1
Mayo County :	
North Mayo	2
West Mayo	2
East Mayo	2
South Mayo	2
Roscommon County :	
North Roscommon	2
South Roscommon	2
Sligo County :	
North Sligo	2
South Sligo	1
Totals (Connaught Counties)	25

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UNIVERSITIES.

Constituency.	Number of Members.
Dublin University - - -	2

TOTAL OF BOROUGH, COUNTY AND UNIVERSITY MEMBERS :— 5

Borough members - - - - -	34
County members - - - - -	128
University members - - - - -	2
Total members - - - -	164

PART II.

10

REPRESENTATION OF IRELAND IN THE HOUSE OF COMMONS OF THE UNITED KINGDOM.

CONSTITUENCIES AND NUMBER OF MEMBERS.

Boroughs.

15

Constituency.	Number of Members.
Dublin - - - - -	3
Belfast - - - - -	4
Cork - - - - -	1
Totals (Boroughs) - -	8

20

Counties.

ULSTER.

Constituency.	Number of Members.
Antrim - - - - -	2
Armagh (including that part of Newry which is situated in Armagh County).	1
Cavan - - - - -	1
Donegal - - - - - / Fermanagh - - - - -	2
Londonderry (including the borough of Londonderry).	1
Monaghan - - - - - / Tyrone - - - - -	2
Down (including that part of Newry which is situated in Down County).	2
Totals (Ulster Counties) -	11

25

30

35

Counties—continued.

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LEINSTER.

Constituency.	Number of Members.
Dublin	2
King's County Queen's County	1
Kildare Wicklow	1
Wexford	1
Carlow Kilkenny (including Borough of Kilkenny)	1
Longford Westmeath	1
Louth Meath	1
Totals (Leinster Counties)	8

MUNSTER.

Constituency.	Number of Members.
Clare	1
East Limerick Borough of Limerick	1
Kerry West Limerick	2
Cork, East Cork, North-east Waterford, West	1
The remaining five Divisions of Cork	2
Tipperary, East Waterford, East Borough of Waterford	1
The remaining three Divisions of Tipperary	1
Totals (Munster Counties)	9

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Counties—continued.

CONNAUGHT.

Constituency.	Number of Members.
Galway (including Galway Borough) -	2
North Mayo - - - - -	1
West Mayo - - - - -	
South Mayo - - - - -	1
South Roscommon - - - -	
East Mayo - - - - -	1
Sligo - - - - -	
Leitrim - - - - -	1
North Roscommon - - - -	
Totals (Connaught Counties) -	6

TOTAL OF BOROUGH AND COUNTY MEMBERS :—

Borough members - - - - - -	8
County members - - - - - -	34
Total members - - - - -	42

PART III.

ELECTION OF SENATORS.

Constituency.	Number of Members.
The Province of Ulster - - - - - -	14
" " Leinster - - - - -	11
" " Munster - - - - -	9
" " Connaught - - - - -	6
Total - - - - -	40

SECOND SCHEDULE.

STAMP DUTIES WHICH MAY NOT BE ALTERED BY THE IRISH PARLIAMENT.

Duties on the following instruments :—

Marketable securities.

Share warrants and stock certificates to bearer (including instruments to bearer on which duty is charged by virtue of subsection (2) of section four or section five or section six of the Finance Act, 1899).

62 & 63 Vict. c. 9.

Transfers of stocks, shares and marketable securities (including composition for duty on any such transfers).

Bills of Exchange and promissory notes.

Contract notes.

Letters of allotment, letters of renunciation, and scrip certificates.

Statements as to amount of capital of corporations or companies with limited liability, and as to amount of capital contributed by limited partner.

Statements as to amount proposed to be secured by issue of loan capital.

Mortgages to secure debenture stock.

Policies of insurance.

THIRD SCHEDULE.

PROVISIONS AS TO COMPENSATION OF EXISTING IRISH OFFICERS.

1.—(1) If any existing Irish officer who is serving in the civil service of the Crown in an established capacity or who though not so serving in an established capacity devotes his whole time to the duties of his office—

(*a*) retires under the conditions herein-after defined as the statutory conditions of retirement; or

(*b*) retires with the permission of the Civil Service Committee given in accordance with this Act; or

(*c*) is removed from office by the Irish Government before he attains the age of sixty-five years for any cause other than misconduct or incapacity, or required to retire by the Irish Government before he attains that age for any cause other than as aforesaid;

he shall be entitled to receive such compensation as the Civil Service Committee may award to him in accordance with the provisions of Part I. of the Rules contained in this Schedule if he is serving in an established capacity, and in accordance with the provisions of Part II. of the Rules contained in this Schedule, if though not serving in an established capacity he devotes his whole time to the duties of his office.

(2) If any existing Irish officer who is serving in the civil service of the Crown not being an officer who is serving in an established capacity, or an officer who though not serving in an established capacity devotes his whole time to the duties of his office, is removed from office or required to retire by the Irish Government for any cause other than misconduct or incapacity, he shall be entitled to receive such com-

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pensation as the Civil Service Committee may award to him in accordance with the provisions of Part II. of the Rules contained in this Schedule.

(3) The compensation of an officer serving in an established capacity who has previously served in a non-established capacity may be determined in accordance with the provisions of Part II. instead of the provisions of Part I. of the Rules contained in this Schedule, if he so requires, and in that case the limit of the compensation shall be the amount of compensation which might have been awarded if his whole service had been service in an established capacity, and the compensation of an officer not serving in an established capacity may be determined in accordance with the provisions of Part I. instead of the provisions of Part II. of those Rules if the Civil Service Committee are satisfied that he serves in a capacity which under a condition of his employment qualifies him for a superannuation allowance or gratuity on terms not less advantageous than if he served in an established capacity, and accordingly in the application to him of the provisions of Part I. of those Rules references to that condition shall, where the context so requires, be substituted for references to the Superannuation Acts, 1834 to 1909.

2. For the purposes of this Act, the statutory conditions of retirement are that—

(*a*) Retirement must take place within a period of five years from the appointed day (in this Schedule referred to as the transitional period);

(*b*) Notice of the intention to retire must be given in accordance with Regulations made by the Civil Service Committee;

(*c*) The retirement must not take place until at least six months after the notice of retirement has been given, and may be postponed by the Civil Service Committee, if they think fit, to any later date within the transitional period; and

(*d*) The retiring officer must show to the satisfaction of the Civil Service Committee that he is not incapacitated by mental or bodily infirmity for the performance of his duties and that he will not attain the age of sixty-five years before the end of the transitional period.

3. The Civil Service Committee shall not give their permission under this Act to an officer to retire unless that officer shows to the satisfaction of the Committee—

(*a*) that the duties which he is required to perform are neither the same as nor analogous to the duties theretofore performed by him or are an unreasonable addition to those duties; or

(*b*) that owing to changes made after the end of the transitional period in the conditions of his employment, his position has been materially altered to his detriment.

4.—(1) For the purpose of the provisions of this Act as to existing officers, petty sessions clerks and officers in the Registry of Petty Sessions Clerks shall be deemed to be officers in the civil service of the Crown, and in the case of officers in the Registry of Petty Sessions Clerks to be officers serving in an established capacity.

This provision shall apply to the pensionable assistants of the petty sessions clerks at Cork and Belfast as it applies to the petty sessions clerks.

5. In this Schedule references to the Irish Government shall include references to any department or officer of the Irish Government.

Rules—Part I.

Officers serving in the Civil Service of the Crown in an established Capacity.

A.—On Retirement under the Statutory Conditions of Retirement.

1. The compensation which may be awarded to the officer shall be an annual allowance, not exceeding in any case two-thirds of the salary on which the allowance is reckoned, or, if he has completed less than ten years of service as reckoned for the purposes of this provision, a gratuity.

2. The annual allowance or gratuity shall be calculated in like manner as the superannuation allowance or gratuity which the officer would be qualified to receive under the Superannuation Acts, 1834 to 1909, if he retired on the ground of ill-health, save that for the purposes of that calculation, the following provisions shall have effect, that is to say:—

(*a*) His years of service shall be reckoned as if he had served up to the end of the transitional period, and there shall be added any additional years which he may be entitled to reckon under section four of the Superannuation Act, 1859:

(*b*) His salary, where there are periodical increments, shall be taken at the amount which it would have reached if he had continued to serve in the same office up to the end of the transitional period.

B.—On retirement with the permission of the Civil Service Committee under this Act or on being removed from office or required to retire by the Irish Government before attaining the age of sixty-five years for any cause other than misconduct or incapacity.

1. The compensation which may be awarded to the officer shall be an annual allowance not exceeding in any case two-thirds of the salary on which the allowance is reckoned.

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2. The annual allowance shall be calculated in like manner as the superannuation allowance which the officer would be qualified to receive under the Superannuation Acts, 1834 to 1909, if he retired on the ground of ill-health, save that for the purposes of such calculation, the following provisions shall have effect, that is to say:— 5

(*a*) Where the officer retires or is removed after the end of the transitional period, ten years shall be added as abolition years to the years of service which he would be entitled to reckon for the purposes of such superannuation allowance:

(*b*) Where the officer retires or is removed during the transitional 10 period his years of service shall be reckoned, and the amount of his salary shall be computed in the same manner as is provided in this Part of these Rules in the case of an officer retiring under the statutory conditions of retirement, and ten years shall be added as abolition years to the 15 years of service so reckoned:

Provided that—

(i) Where an officer at the time of leaving the service has attained the age of twenty-eight years but has not attained the age of thirty-three years, the abolition years to be 20 added for the purpose of this article shall be seven years instead of ten, and where an officer at the time of leaving the service has not attained the age of twenty-eight years, or where, whatever his age, his years of service as reckoned for the purposes of this article, exclusive of 25 the abolition years, are less than ten, the abolition years to be added for those purposes shall be five years instead of ten; and

(ii) No abolition years shall be added in excess of the difference between the age of an officer at the time of his leaving 30 the service and the age of sixty-five.

C.—Officers to whom the Superannuation Act, 1909, *applies.*

1. An officer to whom the Superannuation Act, 1909, applies by reason only of his having elected to adopt the provisions of that Act shall, if he so requires, be treated for the purpose of the determination of his compensation under this Schedule as if he had not so 35 elected.

2. As respects any such officer who does not require his compensation to be determined as aforesaid, and any other officer to whom the Superannuation Act, 1909, applies, the provisions contained in 40 Heads A. and B. of this Part of these Rules shall have effect subject to the following modifications, that is to say:—

(*a*) The annual allowance or gratuity awarded to the officer shall be calculated on the proportion of salary prescribed by sub-

section (1) of section one of the Superannuation Act, 1909, instead of the proportion prescribed by section two of the Superannuation Act, 1859, and the annual allowance which may be awarded to the officer shall not in any case exceed one-half of the salary on which the allowance is calculated:

(*b*) In addition to the annual allowance or gratuity there may be awarded to the officer an additional allowance calculated in like manner as an additional allowance under the Superannuation Act, 1909, and for the purposes of that calculation his years of service and salary shall be reckoned and computed as in the case of his annual allowance or gratuity, but the additional allowance so awarded shall not exceed one and a half times the amount of the salary on which the allowance is calculated, except in the case of an officer to whom the Superannuation Act, 1909, applies by reason of his having elected to adopt its provisions, and then only to the extent specified in section three of that Act.

Rules—Part II.

Officers serving in the Civil Service of the Crown who are not serving in an established Capacity.

1. The compensation which may be awarded to the officer shall be such gratuity or annual allowance (if any) as the Civil Service Committee think just having regard to the following considerations, that is to say:—

(*a*) The conditions on which the officer was appointed;

(*b*) The nature and duration of his employment;

(*c*) In the case of officers who do not devote their whole time to the duties of their office, the amount of time so devoted;

(*d*) The circumstances in which he is leaving the service;

(*e*) The compensation which might have been awarded to him on leaving the service in similar circumstances if Part I. of these Rules had applied to him;

(*f*) Any offer made to him of another office or employment under the Irish Government;

(*g*) The probability (if any) of his having continued in office for a longer period but for the passing of this Act; and

(*h*) any other circumstances affecting his case.

2. The compensation shall in every case be less than the compensation which might under Part I. of these Rules have been awarded to the officer on leaving the service in similar circumstances if that Part of these Rules had applied to him.

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FOURTH SCHEDULE.

Provision as to Compensation of Members of the Royal Irish Constabulary and Dublin Metropolitan Police.

1. Any officer or constable who after the day of transfer—

(*a*) retires voluntarily under the conditions in that behalf hereinafter contained; or 5

(*b*) is required to retire for any cause other than misconduct, and is not incapacitated for the performance of his duty by mental or bodily infirmity, shall, unless he is qualified for the maximum pension that can be granted to him 10 for length of service only under the existing enactments applicable to him, be entitled on retirement to receive such compensation as may be awarded to him by the Lord Lieutenant in accordance with the Rules contained in this Schedule. 15

2. The conditions of voluntary retirement are that—

(*a*) Notice of the intention to retire must be given within one year after the day of transfer;

(*b*) The notice must be given in manner prescribed by the Lord Lieutenant; 20

(*c*) The retirement must not take place until at least six months after the notice of retirement has been given, and may be postponed by the Lord Lieutenant, if he thinks fit, to any later date not being more than two years after the day of transfer; and 25

(*d*) The retiring officer or constable must show to the satisfaction of the Lord Lieutenant that he is not incapacitated for the performance of his duties by mental or bodily infirmity and will not be entitled to retire on the maximum pension for length of service under the enactments aforesaid before the 30 expiration of two years from the date of transfer, and that he joined the force before the passing of this Act.

Rules.

1. The compensation which may be awarded to an officer or constable shall be an annual allowance. 35

2. Where the officer or constable is required to retire the annual allowance shall be calculated in like manner as the pension which the officer or constable would have been entitled to receive if he

had retired for length of service under the existing enactments applicable to him and had been qualified in respect of his length of service for a pension, save that for the purposes of that calculation the following provisions shall have effect:—

5 (*a*) There shall be added to his completed years of actual service, if the proportion of salary on which his allowance is calculated is one-fiftieth, ten years, and if that proportion is one-sixtieth, twelve years;

(*b*) His salary shall be taken at the amount which it would have
10 reached if he had continued to serve in the same rank for the number of years so added, and in the case of a district inspector of the Royal Irish Constabulary of the third class as if he were entitled to promotion to the second class on the completion of one and a half years' service in the third class,
15 and, in the case of a district inspector of the Royal Irish Constabulary of the second class, as if he were entitled to promotion to the first class on the completion of eleven years' service in the second class;

(*c*) If the number of his completed years of service, as reckoned
20 under this Rule, is less than the minimum number of years of service for which provision as respects pensions is made in the appropriate pension scale that scale shall apply with the substitution of the number of his completed years of service as so reckoned for that minimum number; and

25 (*d*) If he has, in addition to his completed years of actual service, served for a period exceeding six months, his service for that period shall be reckoned as a completed year of actual service.

3. Where the officer or constable retires under the conditions of
30 voluntary retirement the provisions of the last preceding Rule shall apply with the substitution of five years for ten years and six years for twelve years.

4. The allowance awarded to an officer or constable shall in no case exceed two-thirds of his actual pensionable salary.

35 5. In the event of a constable dying within one year after an annual allowance has been awarded to him under this Schedule, the Lord Lieutenant may, if he thinks fit, grant a gratuity to the widow or children of the constable in like manner as if the allowance were a pension granted to the constable on retirement.

Government of Ireland.

A

B I L L

INTITULED

An Act to amend the provision for the Government of Ireland.

(*Brought from the Commons 25th May* 1914.)

Ordered to be printed 25th May 1914.

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(106)

Government of Ireland (Amendment) Bill. [H.L.]

ARRANGEMENT OF CLAUSES.

A

B I L L

INTITULED

An Act to amend the Government of Ireland Act, 1914. A.D. 1914.

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:—

Poll with reference to the exclusion of counties or boroughs in Ulster.

1.—(1) If within three months after the date of the passing of this Act a petition is presented to the Lord Lieutenant from any county in the province of Ulster demanding a poll under this Act in that county with reference to the question of the temporary exclusion of that county from the operation of the Government of Ireland Act, 1914, and the Lord Lieutenant is satisfied that the petition is signed by not less than one-tenth of the parliamentary electors in the county, the Lord Lieutenant shall cause a poll to be taken on that question of the parliamentary electors in the county in accordance with the provisions of this Act.

(2) The question shall be submitted to the electors in the following form:—

"Are you in favour of the exclusion of
from the operation of the Government of Ireland Act, 1914, for a period of six years?

"Are you against the exclusion of
from the operation of the Government of Ireland Act, 1914, for a period of six years?"

(3) A poll under this section shall be taken by ballot in the same manner, so far as possible, as a poll for the election of a member to serve in Parliament, and His Majesty may make rules adapting the election laws for the purpose of the taking of the poll.

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(4) In this section the expression "county" means a parliamentary county; but where a parliamentary county is divided into divisions for the purpose of the election of members, the poll shall be taken for the county as a whole, and not separately for each division, but a person shall not vote more than once at the poll, although registered in more than one division. 5

This section shall apply to the parliamentary boroughs of Belfast and Londonderry as if they were separate counties, and as if the area of those boroughs were excluded from the area of the parliamentary county. 10

For the purposes of this section the parliamentary borough of Newry shall be included in the parliamentary county of Down.

Position of excluded area.

2.—(1) If on a poll taken under the foregoing provisions of this Act a majority of the votes recorded are in favour of the exclusion of the county with respect to which the poll is taken, the Government of Ireland Act, 1914, shall not apply to that county until the expiration of the six years commencing on the day of the first meeting of the Irish Parliament. 15 20

The period ending on the expiration of the six years commencing on the day of the first meeting of the Irish Parliament is in this Act referred to as the period of exclusion, and the area consisting of any excluded counties is in this Act referred to as the excluded area. 25

(2) The executive power of His Majesty the King as regards all public services in connexion with the administration of civil government in the excluded area shall during the period of exclusion be exercised on behalf of His Majesty by the Lord Lieutenant through such officers and departments as His Majesty may by Order in Council direct, and that Order in Council may provide for the constitution of any new department or departments or offices for the purpose, and for the discontinuance of any Irish department existing at the time of the passing of this Act. 30 35

Effect of exclusion on constitution of Irish Senate and

3. The following provisions shall have effect during the period of exclusion with reference to the constitution under the Government of Ireland Act, 1914, of the Irish Senate and the Irish House of Commons and with reference to the representation

under that Act of Ireland in the United Kingdom House of Commons:—

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Irish House of Commons, and on representation of Ireland in United Kingdom House of Commons.

(*a*) The number of nominated senators shall not be altered, and the term of office of the first senators shall be six years instead of five years; and

(*b*) Members shall not be elected to the Irish House of Commons for constituencies forming part of the excluded area, and the number of members of that House shall be reduced accordingly; and

(*c*) Every parliamentary constituency which forms part of the excluded area shall continue to be a parliamentary constituency returning a member to serve in the Parliament of the United Kingdom, and so much of the Government of Ireland Act, 1914, as provides that members returned by constituencies in Ireland shall vacate their seats at the first meeting of the Irish Parliament shall not apply to members for those constituencies.

For the purpose of this provision the parliamentary borough of Newry shall be deemed to be wholly situated in the parliamentary county of Down; and

(*d*) Part II. of the First Schedule to the Government of Ireland Act, 1914, shall be read—

(i) as if any county or borough which forms part of the excluded area were omitted therefrom; and

(ii) as if, where one only of two counties which constitute a combined constituency returning two members forms part of the excluded area, the remaining county were a constituency returning one member; and

(iii) as if, in case the county of Londonderry becomes, and the borough of Londonderry does not become, part of the excluded area, the borough of Londonderry were included in the county of Donegal or if the county of Donegal becomes part of the excluded area, such other county as His Majesty may by Order in Council direct; and

(iv) as if, in case the borough of Londonderry becomes, and the county of Londonderry does

A.D. 1914.

not become, part of the excluded area, the county of Londonderry (without the borough) were a separate constituency returning one member.

Finance.

4.—(1) In ascertaining the cost of Irish services the Joint Exchequer Board shall in the first place determine that cost for the whole of Ireland, and then divide the sum as so ascertained with respect to the whole of Ireland between the excluded area and the rest of Ireland in proportion to population subject to any adjustment which the Board may think necessary in order to assign to the excluded area or to the rest of Ireland the actual cost of any Irish service in that area, or in the rest of Ireland where that actual cost can be definitely ascertained.

(2) Any charge on the Consolidated Fund of the United Kingdom for Irish services, including any charge for the benefit of the Local Taxation (Ireland) Account, or any grant or contribution out of moneys provided by the Parliament of the United Kingdom, shall, so far as respects public services in connexion with the administration of the civil government of the excluded area, be continued during the period of exclusion, and any charge on the Guarantee Fund for sums and arrears arising under the Irish Land Purchase Acts shall, so far as respects sums and arrears in the excluded area, be similarly continued.

(3) Nothing in this Act shall prevent the transfer to the Irish Government of the Irish Church Temporalities Fund, nor prevent any fund which is applicable for any Irish services being managed, administered, or disposed of by the Irish Government: Provided that such provision is made as the Joint Exchequer Board may direct for the payment out of the Fund of any expenses incurred in the excluded area, and properly payable thereout.

(4) If the borough of Belfast becomes part of the excluded area, the sum of eighteen thousand pounds payable annually for the purposes of the Queen's University of Belfast under the Irish Universities Act, 1908, shall during the period of exclusion be paid in accordance with that Act and not out of moneys provided by the Irish Parliament.

Judicial power.

5. The provisions of the Government of Ireland Act, 1914, as to judicial power shall apply to the excluded area during the period of exclusion notwithstanding the exclusion, subject as follows:—

(1) Provision shall be made by Rules of Court under the Judicature (Ireland) Acts, 1877 to 1907, for the

arrangement and distribution of the business of the Supreme Court in such a way as to secure that the judge or judges forming the court for the trial or hearing of any cause or matter within the meaning of those Acts, where the cause or matter is tried or heard in the excluded area, or where any party to the cause or matter wherever tried or heard proves that he is ordinarily resident in the excluded area and so requires, shall, so far as possible, be either some existing judge or judges of the Supreme Court, or some judge or judges appointed by His Majesty in pursuance of this section:

(2) The provisions of the Judicature (Ireland) Acts, 1877 to 1907, with respect to the making of Rules of Court shall, for the purposes of rules under this section, have effect, with the substitution of existing judges of the Supreme Court and judges appointed by His Majesty under this section for the persons specified in those provisions as the persons on whose recommendation Rules of Court may be made:

(3) If the occurrence of a vacancy brings the number of judges of the Supreme Court appointed by His Majesty below four, His Majesty shall appoint the judge to fill that vacancy and any judge so appointed shall be removable only on an address from both Houses of the Parliament of the United Kingdom:

(4) The judges of any county court or other court of like jurisdiction in the excluded area shall on the occurrence of any vacancy be appointed by His Majesty instead of the Lord Lieutenant.

Existing officers.

6.—(1) The provisions of the Government of Ireland Act, 1914, as to existing Irish officers shall not apply—

(*a*) to officers in the civil service of the Crown who, at the time of the passing of this Act, are solely employed in public services in the excluded area; or

(*b*) to officers in the civil service of the Crown who are allotted to the excluded area by the Civil Service Committee under this section.

(2) The Civil Service Committee shall allot to the excluded area such number of officers in the civil service of the Crown not solely employed in public services in the excluded area as

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they think proper, having regard to the requirements of the excluded area as compared with those of the rest of Ireland, and shall decide which of the officers employed at the time of the passing of this Act in that service are to be so allotted, having regard to the suitability of the officer with respect to the service, and any officers so allotted to the excluded area shall not, during the period of exclusion, be transferred to the Irish Government.

Consequential alterations of construction of Government of Ireland Act, 1914.

7.—(1) The following general alterations, consequential on this Act, shall be made in the construction of the Government of Ireland Act, 1914:—

(*a*) the words "Ireland" and "Irish" shall be construed unless the context otherwise requires as not including the excluded area; and

(*b*) any transfer of a reserved service from the Government of the United Kingdom to the Irish Government shall not have effect in the excluded area.

Extension of power to make Irish transfer orders.

8. The power of His Majesty to make Irish transfer orders shall be extended so as to include power to make such adaptations of enactments and such provision with respect to the transfer and apportionment of property, rights, and liabilities, and such other provisions as may appear to him necessary for the purpose of dealing with the government of the excluded area during the period of exclusion, and with the relations between the excluded area, the rest of Ireland and Great Britain during that period, and shall also include a power to make such provisions as may be necessary in order to bring the Government of Ireland Act, 1914, into operation in the excluded area on the termination of the period of exclusion.

Interpretation, short title, and construction.

9.—(1) In this Act the expression "Government of Ireland Act, 1914," means any Act passed in the present session to amend the provision for the government of Ireland, and this Act shall not have effect unless such an Act is passed.

(2) This Act shall be construed as one with the Government of Ireland Act, 1914, and may be cited as the Government of Ireland (Amendment) Act, 1914.

Government of Ireland (Amendment). [H.L.]

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B I L L

INTITULED

An Act to amend the Government of Ireland Act, 1914.

The Lord Privy Seal (M. Crewe).

Ordered to be printed 23rd June 1914

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(131)

Government of Ireland (Amendment) Bill. [H.L.]

AMENDMENTS

TO BE MOVED IN COMMITTEE.

BY THE MARQUESS OF LANSDOWNE.

Clause 2, page 2, lines 15 to 20, leave out subsection (1) and insert the following new subsections:

(1) The Government of Ireland Act, 1914, shall not apply to the excluded area as hereinafter defined.

(2) In this Act the expression "the excluded area" means the province of Ulster.

BY THE MARQUESS OF SALISBURY.

Clause 2, page 2, lines 28 and 29, leave out ("during the "period of exclusion")

Clause 3, page 2, lines 36 and 37, leave out ("during the "period of exclusion")

Clause 4, page 4, line 19, leave out ("during the period of "exclusion")

line 34, leave out ("during the period of "exclusion")

Clause 6, page 6, line 7, leave out ("during the period of "exclusion")

lines 24 and 25, leave out ("during the "period of exclusion")

Clause 8, page 6, line 26, leave out from ("Britain") to the end of the section.

Clause 2, page 2, line 35, after subsection (2) insert the following new subsection:

(3) Before any Order in Council is made under this section, the draft thereof shall be laid before both Houses of the Parliament of the United Kingdom, and if either of those Houses within the next subsequent twenty-one days on which that House has sat

next after any such draft is laid before it, presents an address to His Majesty against the draft or any part thereof, no further proceedings shall be taken thereon without prejudice to the making of any new draft order.

BY THE LORD BRODRICK. (*V. Midleton*).

Clause 2, page 2, lines 29 and 30, leave out (" the Lord " Lieutenant ") and insert (" a Secretary of State ")

line 30, after (" departments ") insert (" not being officers or departments exercising executive power " delegated under the Government of Ireland Act, 1914 ")

BY THE EARL OF HALSBURY.

Clause 5, page 4, leave out from the end of line 37 to the end of the section and insert (" with respect to the appointment of " judges in Ireland and their tenure of office, and substituting for " the appeal to the House of Lords from Courts in Ireland, an " appeal to the Judicial Committee of the Privy Council shall " not have effect, and all judges of the Supreme Court or other " superior court in Ireland or of any county court or other court " with a like jurisdiction in Ireland shall, after the appointed day, " continue to be appointed in the same manner and shall hold " office by the same tenure as that by which the office is held at " the date of the passing of the Government of Ireland Act, 1914, " and the existing appeal from courts in Ireland to the House of " Lords shall continue as at that date ")

BY THE EARL OF SELBORNE.

Leave out clause 1.

Clause 3, page 3, line 18, leave out from (" constituencies ") to (" and ") in line 21

line 25, leave out from (" therefrom ") to the end of the section

Clause 4, page 4, lines 31 and 32, leave out (" if the borough " of Belfast becomes part of the excluded area ")

Clause 3, page 3, lines 3 to 5, leave out paragraph (*a*).

After clause 8 insert the following new clause :

. Nothing in the Government of Ireland Act, 1914, or in this Act shall take away or prejudicially alter or affect the powers, rights, privileges, or immunities of any person in the excluded area.

Saving for persons in excluded area.

BY THE LORD BARRYMORE.

After clause 5 insert the following new clause:

. In addition to the reserved matters specified in the Government of Ireland Act, 1914, the fixing of judicial rents and the congested districts board, shall be reserved matters within the meaning of that Act, and the provisions of the Government of Ireland Act, 1914, as to reserved matters shall apply thereto.

Additional reserved matters.

BY THE LORD KENMARE (*E. Kenmare*).

After clause 5 insert the following new clause:

.—(1) Subsection (1) of section 5 of the Government of Ireland Act, 1914, shall not have effect, and the provisions of that Act relating to the transfer to the Irish Government of the control and management of the Royal Irish Constabulary are hereby repealed.

(2) The Lord Lieutenant acting on the advice of an Irish Minister shall be responsible for the control and management of the Dublin Metropolitan Police.

Amendment of provisions as to the Royal Irish Constabulary and police.

BY THE LORD ORANMORE AND BROWNE.

After clause 5 insert the following new clauses :

. The power of the Irish Parliament to vary an imperial tax shall only be exercised so as to vary the rate of the tax proportionately throughout without otherwise altering the provisions with respect to the tax or otherwise discriminating in the variation between persons, articles, or property.

Provisions as to variations of an imperial tax.

. The provisions of the Government of Ireland Act, 1914, limiting in certain cases the proceeds of an Irish tax imposed as an addition to an Imperial tax shall apply to every Irish tax imposed as an addition to an Imperial tax.

Limitation to ten per cent. yield as Irish taxes of additions to Imperial taxes.

Limitation as to income tax and death duties.

. The power of the Irish Parliament with reference to the imposition of income tax (including super-tax) and death duties shall only be exercised in respect of income arising or property situate in Ireland.

After clause 5 insert new clause:

Amendment of provisions as to Irish Senate.

.—(1.) The Irish Senate shall consist of fifty-two senators nominated as respects as the first senators by the Lord Lieutenant subject to any instructions given by His Majesty in respect of the nomination, and afterwards elected by the provinces of Leinster, Munster, and Connaught as separate constituencies in the numbers stated in the Schedule to this Act.

(2) Subsection one of section eight of, and Part III. of the First Schedule to the Government of Ireland Act, 1914, shall not have effect.

SCHEDULE.

Election of Senators.

Constituency.	Number of Members.
The province of Leinster - - - - - -	22
" " Munster - - - - - -	18
" " Connaught - - - - - -	12
Total - - - - - -	52

BY THE LORD LANGFORD.

After clause 5 insert the following new clause:

Provisions as to taxes on land.

. The Irish Parliament shall not have power to impose any tax on land or any interest therein unless such tax is made applicable to all land in Ireland and is imposed at the same rate in relation to the rateable value.

BY THE EARL OF MAYO.

After clause 5 insert the following new clause:

Provision as to compensation for criminal or malicious injuries.

. The existing law relating to compensation for criminal injuries or malicious injuries shall not be altered except by the Parliament of the United Kingdom.

BY THE EARL OF DESART.

After clause 5 insert the following new clause:

Public loans in Ireland.

. Public loans made in Ireland, whether before or after the passing of the Government of Ireland Act, 1914, shall be a reserved matter within the meaning of that Act and the provision that money for loans in Ireland shall cease to be advanced either by the Public Works Loans Commissioners or out of the Local Loans Fund shall not have effect.

BY THE LORD MACDONNELL.

Leave out Clauses 1 to 4 and insert the following clauses, viz.:

1. There shall be established for the Parliamentary counties of Antrim, Down, Londonderry, Armagh, Fermanagh, Cavan, Monaghan, Tyrone and Donegal, and the boroughs of Belfast, Londonderry and Newry, in this Act referred to as the "special area," the system of local administrative control hereinafter described.

2. There shall be established a local administrative Council (in this Act called "the Ulster Council") to aid the Lord Lieutenant in the exercise of his executive power under the Government of Ireland Act, 1914, in relation to the administration in the special area of those Irish services or portions of Irish services (in this Act called "divided services") which are referred to in the next succeeding section.

3. The Ulster Council shall have control over the administration in the "special area" of the following divided services, namely:

(*a*) All services in connection with education.

(*b*) Services in connection with matters which, at the time of the passing of this Act are administered by the Local Government Board for Ireland.

(*c*) Services in connection with matters which, at the time of the passing of this Act, are administered by the Department of Agriculture and Technical Instruction for Ireland.

(*d*) Such other services as the Lord Lieutenant may, in pursuance of any order of His Majesty in Council, transfer to the control of the Ulster Council.

4. The executive power of the Lord Lieutenant in relation to the administration in the "special area" of any divided service shall be exercised through such branches of Irish departments or such separate local departments as may be established by the Lord Lieutenant for the purpose; and the Lord Lieutenant may, after consultation with the "Executive Committee" and the Ulster Council, transfer officers from the parent departments; or, in accordance with the provisions of the Government of Ireland Act, 1914, and of this Act, appoint additional officers to administer such branches of Irish departments or such local departments, and to perform all other duties connected therewith. The rights of such transferred officers, as provided by the Government of Ireland Act, 1914, shall remain unaffected by the transfer.

5. The Ulster Council shall consist of the members returned by the constituencies situated in the special area in accordance with the provisions of this Act, to serve in the Irish House of Commons.

5A.—(*a*) The Ulster Council shall consist of fifty-two members, distributed as follows among the constituent counties and boroughs forming the special area. For the purposes of election and distribution of the members the part of the Borough of Newry situated in County Down shall be included in County Down, and the part of Newry situated in County Armagh shall be included in County Armagh, and the Borough of Londonderry shall be included in County Londonderry.

Borough of Belfast	-	-	12 members.
County of Antrim	-	-	6 ,,
,, Down -	-	-	7 ,,
,, Armagh	-	-	4 ,,
,, Londonderry	-	-	5 ,,
,, Fermanagh and ,, Monaghan	-	-	4 ,,
,, Tyrone	-	-	5 ,,
,, Cavan -	-	-	3 ,,
,, Donegal	-	-	6 ,,

(*b*) The members shall be elected according to the principle of proportional representation. The electors being the same electors as the electors of members returned to serve in the Parliament of the United Kingdom, and each elector shall have one transferable vote.

6.—(*a*) The Ulster Council may appoint committees consisting of so many persons, being members of the Council, as they think fit, for any purpose which in the opinion of the Council will be better regulated or managed by committees, and shall appoint for the purpose of this Act an Education Committee, a Local Government Committee, an Agricultural and Technical Instruction Committee, and a Finance Committee. The number of members on each committee as when first appointed shall not be subsequently altered without the sanction of the Lord Lieutenant.

(*b*) The Lord Lieutenant may appoint persons having experience in education, but not being members of the Council, to be additional members of the Educational Committee if it appears to him that any important section of the community is not adequately represented on that Committee, or if for any other reason he considers it desirable to strengthen the Committee. The number of additional members so appointed shall not exceed one-third of the total numbers of the Committee.

(*c*) The Ulster Council shall furnish to the proper department of the Irish Government such estimates and details of income and expenditure as may be necessary for Exchequer purposes, and shall keep the accounts prescribed by the Irish Treasury, and submit them to the Irish Auditor-General for audit at the prescribed time. The Council shall also submit such administration reports and statistics exhibiting the working of the "divided services" as are required to be submitted by the corresponding departments acting directly under the control of the Irish Parliament.

7.—(1) Separate provision shall be made by the Irish Parliament for the cost of the administration, in the special area, of "divided services," and, if in the case of any "divided service" no such provision is made, or if the amount provided is less than the appropriate amount as determined by the Joint Exchequer Board in respect of the service, a sum equivalent to the appropriate amount, or to the difference between the amount provided and the appropriate amount, as the case may be, shall, on the order of the Joint Exchequer Board, be deducted from the transferred sum and shall be applied for the purposes of the administration of the service in the special area in like manner as if it had been appropriated to those purposes by Irish Act.

(2) For the purpose of determining the appropriate amount in respect of any "divided service" the Joint Exchequer Board shall

ascertain the net cost of the service at the time of the passing of the Government of Ireland Act, 1914, whether defrayed at that time out of the Exchequer of the United Kingdom or out of any fund which will under that Act be at the disposal of the Irish Government, and shall divide the amount so ascertained with respect to the whole of Ireland between the "special area" and the rest of Ireland in proportion to population, subject to any adjustment which the Board may think necessary in order to assign to the "special area" or to the rest of Ireland the actual cost of the service in that area or in the rest of Ireland, when that actual cost can be definitely ascertained; and the amount assigned to the "special area" on such division shall, for the purposes of this section, be taken to be the appropriate amount in respect of the service.

8. The judges of any county court or other court of like jurisdiction in the "special area" appointed after the date of the commencement of the Government of Ireland Act, 1914, and the justices of any county or borough in that area appointed after that date shall be appointed by His Majesty.

9. If at any time after the expiration of five years from the date of the passing of this Act a petition is presented to the Lord Lieutenant from the "special area" demanding a poll under this Act in that area, with reference to the question of the termination of the system of local administrative control in the area, and the Lord Lieutenant is satisfied that the petition is signed by not less than one-fifth of the parliamentary electors in the "special area," the Lord Lieutenant shall cause a poll of the parliamentary electors in the "special area" to be taken on that question in accordance with the provisions of this Act.

The question shall be submitted to the electors in the following form:

"Are you in favour of the termination of the system of local administrative control in Ulster?"

"Are you against the termination of the system of local administrative control in Ulster?"

A poll under this section shall be taken by ballot in the same manner, so far as possible, as a poll for the election of a member to serve in Parliament, and His Majesty may make rules adapting the election laws for the purpose of the taking of the poll.

10.—(*a*) If on a poll taken under the foregoing provisions of this Act the majority of the votes recorded are in favour of the

Clause 1—*continued.*

A poll under this section shall be taken by ballot in the same manner, so far as possible, as a poll for the election of a member to serve in Parliament, and His Majesty may make rules adapting the election laws for the purpose of the taking of the poll.

10.—(*a*) If on a poll taken under the foregoing provisions of this Act the majority of the votes recorded are in favour of the termination of the system of local administrative control in the "special area," the Lord Lieutenant shall, with the assent of His Majesty, cause a proclamation to be issued withdrawing the system of local administrative control from the "special area" which shall then cease to exist as such, and shall become subject to the ordinary administration of the Irish Parliament.

(*b*) If a majority of votes is not recorded in favour of the termination of the system of local administrative control in the "special area" the petition shall be rejected, and a further petition for the same purpose shall not be entertained until after the expiration of three years from the date of the previous poll.

Provided that if the Lord Lieutenant is satisfied that there is a general agreement throughout the "special area" in favour of the withdrawal of the system of local administrative control, he may cause a poll of the electors in that behalf to be taken at any time in accordance with the provisions of this Act.

11. The provisions of section 5 (1) of the Government of Ireland Act, 1914, shall not come into operation in the "special area" while it remains subject to the control of the Ulster Council.

Clause 2.

BY THE MARQUESS OF LANSDOWNE.

Page 2, lines 15 to 25, leave out subsection (1) and insert the following new subsections:

(1) The Government of Ireland Act, 1914, shall not apply to the excluded area as hereinafter defined.

(2) In this Act the expression "the excluded area" means the province of Ulster.

BY THE MARQUESS OF SALISBURY.

Page 2, lines 28 and 29, leave out ("during the period of "exclusion")

Clause 2—*continued.*

BY THE LORD BRODRICK. (*V. Midleton*).

Page 2, lines 29 and 30, leave out ("the Lord Lieutenant") and insert ("a Secretary of State")

line 30, after ("departments") insert ("(not being "officers or departments exercising executive power delegated "under the Government of Ireland Act, 1914)")

BY THE MARQUESS OF SALISBURY.

Page 2, line 35, after subsection (2) insert the following new subsection:

(3) Before any Order in Council is made under this section, the draft thereof shall be laid before both Houses of the Parliament of the United Kingdom, and if either of those Houses within the next subsequent twenty-one days on which that House has sat next after any such draft is laid before it, presents an address to His Majesty against the draft or any part thereof, no further proceedings shall be taken thereon without prejudice to the making of any new draft order.

BY THE LORD MACDONNELL.

Leave out clause 2.

Clause 3.

BY THE MARQUESS OF SALISBURY.

Page 2, lines 36 and 37, leave out ("during the period of "exclusion")

BY THE EARL OF SELBORNE.

Page 2, line 38, leave out ("the Irish Senate and")

Page 3, lines 3 to 5, leave out paragraph (*a*).

line 18, leave out from ("constituencies") to ("and") in line 21.

BY THE VISCOUNT ST. ALDWYN.

Page 3, leave out lines 19 to 21 inclusive, and insert:

(*d*) Section 13, subsection (1) of the Government of Ireland Act shall be read as if the number forty-two therein inserted were the number twenty-seven; and

(*e*)

Clause 3—*continued.*

BY THE EARL OF SELBORNE.

Page 3, line 25, leave out from ("therefrom") to the end of the clause.

BY THE LORD MACDONNELL.

Leave out clause 3.

Clause 4.

BY THE MARQUESS OF SALISBURY.

Page 4, line 19, leave out ("during the period of exclusion")

BY THE EARL OF SHAFTESBURY.

Page 4, line 30, after ("thereout") insert ("Provided that " all existing charges on that fund payable in the excluded " area shall if and so far as not paid be paid out of the Exchequer " of the United Kingdom and be made good by means of " deduction from the transferred sum under the Government of " Ireland Act, 1914, in accordance with regulations made by the " Treasury")

BY THE EARL OF SELBORNE.

Page 4, lines 31 and 32, leave out ("if the borough of " Belfast becomes part of the excluded area")

BY THE MARQUESS OF SALISBURY.

Page 4, line 34, leave out ("during the period of exclusion")

BY THE LORD MACDONNELL.

Leave out clause 4.

Clause 5.

BY THE EARL OF HALSBURY.

Page 4, leave out from the end of line 37 to the end of the section and insert ("with respect to the appointment of " judges in Ireland and their tenure of office, and substituting for " the appeal to the House of Lords from Courts in Ireland, an

" expiration of his term of office then, in his place if
" he was a nominated senator, the Lord Lieutenant
" shall nominate a senator, and if he was an elected
" senator the remaining senators for the constituency
" by which he was elected shall elect a senator. Any
" senator so nominated or elected to fill a vacancy
" shall hold office only so long as the senator in whose
" stead he is nominated or elected would have held
" office"); and

(*c*) by omitting the Third Part of the First Schedule, and by substituting therefor the Third Part of the First Schedule to this Act.

15. The Government of Ireland Act, 1914, shall be amended—

(*a*) by omitting clause 9, sections (1) and (2) and by substituting therefor the following:

" (1) The Irish House of Commons shall consist of 173 members returned by the constituences in Ireland named in the First Part of the First Schedule to this Act. The members aforesaid shall be elected according to the principle of proportional representation, the electors being the same electors as the electors of members returned by constituencies in Ireland to serve in the Parliament of the United Kingdom, and each elector shall have one transferable vote.

" (2) The Lord Lieutenant shall by Order in Council divide each constituency other than the Irish Universities into as many divisions as there are members to be elected for the constituency and shall in making such divisions have due regard to the population thereof. In the case of the Irish Universities the divisions shall be Dublin University with two members, and the National University of Ireland and the Queen's University of Belfast with one member each.

" (3) Each elected member for a constituency shall choose one of the divisions and in the event of his seat becoming vacant an election shall be held in that division only and not over the whole constituency.

" (4) In addition to the persons by law entitled to vote in the election of members of the Irish

Clause 5—*continued.*

(*c*) by omitting the Third Part of the First Schedule, and by substituting therefor the Third Part of the First Schedule to this Act.

15. The Government of Ireland Act, 1914, shall be amended—

(*a*) by omitting clause 9, sections (1) and (2) and by substituting therefor the following:

" (1) The Irish House of Commons shall consist of 173 members returned by the constituences in Ireland named in the First Part of the First Schedule to this Act. The members aforesaid shall be elected according to the principle of proportional representation, the electors being the same electors as the electors of members returned by constituencies in Ireland to serve in the Parliament of the United Kingdom, and each elector shall have one transferable vote.

" (2) The Lord Lieutenant shall by Order in Council divide each constituency other than the Irish Universities into as many divisions as there are members to be elected for the constituency and shall in making such divisions have due regard to the population thereof. In the case of the Irish Universities the divisions shall be Dublin University with two members, and the National University of Ireland and the Queen's University of Belfast with one member each.

" (3) Each elected member for a constituency shall choose one of the divisions and in the event of his seat becoming vacant an election shall be held in that division only and not over the whole constituency.

" (4) In addition to the persons by law entitled to vote in the election of members of the Irish House of Commons for Dublin University, every person whose name is on the register of graduates constituting the convocation of the National University of Ireland and the Queen's University of Belfast shall, if of full age and not subject to any legal incapacity be entitled to vote in the election of members to sit in the Irish House of Commons for the Irish Universities"; and

Clause 5—*continued.*

(*b*) by inserting after the word ("altered") in page 8, line 8, of clause 9, section (4) ("and that the system of "proportional representation shall be maintained"); and

(*c*) by omitting the First Part of the First Schedule and by substituting therefor the First Part of the First Schedule to this Act.

16. The Government of Ireland Act, 1914, shall be amended by omitting the Second Part of the First Schedule and by substituting therefor the Second Part of the First Schedule to this Act.

17. The Government of Ireland Act, 1914, shall be amended by omitting from clause 45, section (2), the words ("which is "held on the principle of proportional representation") and by adding at the end of the section the words ("and also providing "for the method of choice by a member of the Irish House of "Commons of a division of his constituency for the purpose of "bye-elections and for the conduct of elections for the Irish "Universities and of elections to fill vacancies in the Irish "Senate")

18. The Government of Ireland Act, 1914, shall be amended by omitting the First Schedule (Parts I., II., and III.) and substituting therefor the following schedule:—

FIRST SCHEDULE.

PART I.

Irish House of Commons.

CONSTITUENCIES AND NUMBER OF MEMBERS.

Boroughs.

Constituency.	Number of Members.
Dublin North (including the existing parliamentary divisions of Harbour and College Green).	6
Dublin South (including the existing parliamentary divisions of St. Patrick's and St. Stephen's Green).	5
Belfast South (including the existing parliamentary divisions of Belfast East and Belfast South).	8
Belfast North (including the existing parliamentary divisions of Belfast West and Belfast North).	6
Cork - - - - - - - - -	4
Total (Boroughs) - - -	29

Clause 5—*continued.*

Counties.

ULSTER.

Constituency.	Number of Members.
Antrim County	8
Armagh County (including that part of the borough of Newry which is situated in Armagh County).	5
Cavan County	4
Donegal County	7
Down County (including that part of the borough of Newry which is situated in Down County).	8
Fermanagh County and Monaghan County	5
Londonderry County (including the borough of Londonderry)	6
Tyrone County	5
Total (Ulster Counties)	48

LEINSTER.

Constituency.	Number of Members.
Dublin County North	3
Dublin County South	3
Kildare and Wicklow County	5
Kilkenny County (including the borough of Kilkenny) and Carlow County.	4
King's County and Queen's County	4
Longford County and West Meath County	4
Meath County and Louth County	5
Wexford County	4
Total (Leinster Counties)	32

MUNSTER.

Constituency.	Number of Members.
Clare County	4
Cork County East (including the existing parliamentary divisions of Cork North-East, Cork East, and Cork South-East).	5
Cork County West (including the existing parliamentary divisions of Cork North, Cork Mid, Cork West and Cork South).	6
Kerry County	6
Limerick County (including the borough of Limerick)	6
Tipperary County	5
Waterford County (including the borough of Waterford)	3
Total (Munster Counties)	35

Clause 5—*continued.*

CONNAUGHT.

Constituency.	Number of Members.
Galway County (including the borough of Galway) - - -	8
Mayo County - - - - - - - - -	8
Roscommon County - - - - - - - -	4
Sligo and Leitrim County - - - - - - -	5
Total (Connaught Counties) - -	25

Universities.

Constituency.	Number of Members.
The Irish Universities (Dublin University, the National University of Ireland, and the Queen's University of Belfast).	4

Total of borough, county, and university members:

Borough members - - - -	29
County ,, - - - -	140
University ,, - - - -	4
Total members - -	173

PART II.

Representation of Ireland in the House of Commons of the United Kingdom.

CONSTITUENCIES AND NUMBER OF MEMBERS.

Boroughs.

Constituency.	Number of Members.
Dublin - - - - - - - - -	3
Belfast - - - - - - - - -	4
Cork - - - - - - - - - -	1
Total (Boroughs) - - -	8

Clause 5—*continued.*

Counties.

ULSTER.

Constituency.	Number of Members.
Antrim County	2
Armagh County (including that part of the borough of Newry which is situated in Armagh County).	1
Cavan County	1
Donegal County	2
Down County (including that part of the borough of Newry which is situated in Down County).	2
Fermanagh County and Monaghan County	1
Londonderry County (including the borough of Londonderry)	1
Tyrone County	1
Total (Ulster Counties)	11

LEINSTER.

Constituency.	Number of Members.
Dublin County	2
Kildare County and Wicklow County	1
Kilkenny County (including the borough of Kilkenny) and Carlow County.	1
King's County and Queen's County	1
Longford County and West Meath County	1
Meath County and Louth County	1
Wexford County	1
Total (Leinster Counties)	8

MUNSTER.

Constituency.	Number of Members.
Clare County	1
Cork County East (including the existing parliamentary divisions of Cork North-East, Cork East, and Cork South-East).	1
Cork County West (including the existing parliamentary divisions of Cork North, Cork Mid, Cork West, and Cork South).	2
Kerry County	1
Limerick County (including the borough of Limerick)	2
Tipperary County	1
Waterford County (including the borough of Waterford)	1
Total (Munster Counties)	9

PART III.

The Irish Senate.

CONSTITUENCIES AND NUMBER OF MEMBERS.

Constituency.	Extent of Constituency.	Number of Members.
Ulster East -	The counties of Antrim, Down, Armagh and Londonderry, and the boroughs of Belfast, Londonderry and Newry.	11
Ulster West -	The counties of Tyrone, Cavan, Fermanagh, Monaghan and Donegal.	7
Leinster North -	The counties of Louth, Meath, West Meath, Longford and Dublin and the borough of Dublin.	8
Leinster South -	The counties of King's County, Queen's County, Kilkenny, Carlow, Kildare, Wicklow and Wexford, and the borough of Kilkenny.	5
Munster North -	The counties of Clare, Limerick, and Tipperary, and the borough of Limerick.	5
Munster South -	The counties of Cork, Kerry, and Waterford, and the boroughs of Cork and Waterford.	7
Connaught - -	The province of Connaught - - - -	7
	Total - - -	50

19. For the purposes of subsection (1) of section 26 of the Government of Ireland Act, 1914, payments to the Land Purchase Aid Fund shall be excluded in calculating the total cost of Irish services or of any services which are for the time being reserved services.

20. No person shall be appointed to any established office the salary attached to which is met from moneys provided by the Irish Parliament, unless he has passed a competitive examination in accordance with rules prescribed by the Lord Lieutenant in Council; or unless, in particular cases or classes of cases, excluded by such Orders in Council from the operation of the system of competitive examination, he has been declared fit for appointment by a board of selection nominated by an order of the Lord Lieutenant in Council.

BY THE LORD KENRY (*E. Dunraven*).

After clause 8 insert the following new clause:

. Notwithstanding any provision in the Government of Ireland Act, 1914, to the contrary His Majesty may by Order in Council suspend the operation of the Act until a commission shall have reported on the constitutional relations of the component parts of the United Kingdom.

After Clause 5.

BY THE LORD BARRYMORE.

Insert the following new clause:

. In addition to the reserved matters specified in the Government of Ireland Act, 1914, the fixing of judicial rents and the congested districts board, shall be reserved matters within the meaning of that Act, and the provisions of the Government of Ireland Act, 1914, as to reserved matters shall apply thereto.

Additional reserved matters.

BY THE LORD KENMARE (*E. Kenmare*).

Insert the following new clause:

.—(1) Subsection (1) of section 5 of the Government of Ireland Act, 1914, shall not have effect, and the provisions of that Act relating to the transfer to the Irish Government of the control and management of the Royal Irish Constabulary are hereby repealed.

(2) The Lord Lieutenant acting on the advice of an Irish Minister shall be responsible for the control and management of the Dublin Metropolitan Police.

Amendment of provisions as to the Royal Irish Constabulary and police.

BY THE LORD ORANMORE AND BROWNE.

Insert the following new clauses:

. The power of the Irish Parliament to vary an imperial tax shall only be exercised so as to vary the rate of the tax proportionately throughout without otherwise altering the provisions with respect to the tax or otherwise discriminating in the variation between persons, articles, or property.

Provisions as to variations of an imperial tax.

. The provisions of the Government of Ireland Act, 1914, limiting in certain cases the proceeds of an Irish tax imposed as an addition to an Imperial tax shall apply to every Irish tax imposed as an addition to an Imperial tax.

Limitation to ten per cent. yield as Irish taxes of additions to Imperial taxes.

. The power of the Irish Parliament with reference to the imposition of income tax (including super-tax) and death duties shall only be exercised in respect of income arising or property situate in Ireland.

Limitation as to income tax and death duties.

.—(1.) The Irish Senate shall consist of fifty-two senators nominated as respects as the first senators by the Lord Lieutenant subject to any instructions given by His Majesty in respect of the

Amendment of provisions as to Irish Senate.

After Clause 5—*continued.*

nomination, and afterwards elected by the provinces of Leinster, Munster, and Connaught as separate constituencies in the numbers stated in the Schedule to this Act.

(2) Subsection one of section eight of, and Part III. of the First Schedule to the Government of Ireland Act, 1914, shall not have effect.

BY THE LORD LANGFORD.

Insert the following new clause:

Provisions as to taxes on land.

. The Irish Parliament shall not have power to impose any tax on land or any interest therein unless such tax is made applicable to all land in Ireland and is imposed at the same rate in relation to the rateable value.

BY THE EARL OF MAYO.

Insert the following new clause:

Provision as to compensation for criminal or malicious injuries.

. The existing law relating to compensation for criminal injuries or malicious injuries shall not be altered except by the Parliament of the United Kingdom.

BY THE LORD DESART (*E. Desart*).

Insert the following new clause:

Public loans in Ireland.

. Public loans made in Ireland, whether before or after the passing of the Government of Ireland Act, 1914, shall be a reserved matter within the meaning of that Act and the provision that money for loans in Ireland shall cease to be advanced either by the Public Works Loans Commissioners or out of the Local Loans Fund shall not have effect.

BY THE EARL OF WICKLOW.

Examinations for the Irish Civil Service, and provisions as to appointments under local authorities in Ireland.

6.—(1) The appointment to all offices and employments in the Civil Service of the Crown in Ireland which at the time of the passing of this Act is made after an examination by the Civil Service Commissioners of the United Kingdom, and to offices and employments in the Civil Service of the Crown in Ireland which may be authorised by Irish Act (other than the appointment to offices and employments which are excluded by His Majesty by Order in Council from the operation of this section) shall be made only after such competitive examination as may be prescribed by regulations made by the Civil Service Commissioners of the United Kingdom.

After Clause 5—*continued.*

BY THE EARL OF WICKLOW.

6.—(1) The appointment to all offices and employments in the Civil Service of the Crown in Ireland which at the time of the passing of this Act is made after an examination by the Civil Service Commissioners of the United Kingdom, and to offices and employments in the Civil Service of the Crown in Ireland which may be authorised by Irish Act (other than the appointment to offices and employments which are excluded by His Majesty by Order in Council from the operation of this section) shall be made only after such competitive examination as may be prescribed by regulations made by the Civil Service Commissioners of the United Kingdom.

Examinations for the Irish Civil Service, and provisions as to appointments under local authorities in Ireland.

(2) The appointment to all offices and employments under local authorities in Ireland shall be subject to rules made by His Majesty by Order in Council.

(3) The provisions of the Government of Ireland Act, 1914, as to laying of Irish Transfer Orders in Council before both Houses of the Parliament of the United Kingdom and the proceedings consequent thereon shall apply to Orders in Council made under this section.

(4) The expression "appointment" in this section shall not include an appointment made by way of promotion or in consequence of the re-arrangement of the duties of any officer employed at the time of such re-arrangement.

Clause 6.

BY THE MARQUESS OF SALISBURY.

Page 6, line 7, leave out ("during the period of exclusion")

lines 24 and 25, leave out ("during the period of "exclusion")

BY THE LORD MACDONNELL.

Leave out clause 6.

Clause 7.

BY THE LORD MACDONNELL.

Leave out clause 7.

Clause 8.

BY THE MARQUESS OF SALISBURY.

Page 6, line 26, leave out from ("Britain") to the end of the section.

BY THE LORD MACDONNELL.

Leave out clause 8.

After Clause 8.

BY THE EARL OF SELBORNE.

Insert the following new clause:

Saving for persons in excluded area.

. Nothing in the Government of Ireland Act, 1914, or in this Act shall take away or prejudicially alter or affect the powers, rights, privileges, or immunities of any person in the excluded area.

BY THE LORD KENRY (*E. Dunraven*).

Insert the following new clause:

. Notwithstanding any provision in the Government of Ireland Act, 1914, to the contrary His Majesty may by Order in Council suspend the operation of the Act until a commission shall have reported on the constitutional relations of the component parts of the United Kingdom.

Schedule.

BY THE LORD ORANMORE AND BROWNE.

Insert the following Schedule:

SCHEDULE.

ELECTION OF SENATORS.

Constituency.	Number of Members.
The province of Leinster - - - - - -	22
" " Munster - - - - - -	18
" " Connaught - - - - - -	12
Total - - - - - -	52

Government of Ireland (Amendment) Bill.

[H.L.]

AMENDMENTS

TO BE MOVED ON REPORT

BY

THE LORD MACDONNELL

AND

THE LORD KENRY (*E. Dunraven*).

[*To be substituted for the Amendment previously circulated.*]

11*th July* 1914.

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(164 *c*)

Government of Ireland (Amendment) Bill. [H.L.]

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

A

B I L L

[AS AMENDED ON REPORT]

INTITULED

An Act to amend the Government of Ireland Act, 1914. A.D. 1914.

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:—

Position of excluded area.

5 **1.**—(1) The Government of Ireland Act, 1914, shall not apply to the excluded area as hereinafter defined.

(2) In this Act the expression "the excluded area" means the province of Ulster.

(3) The executive power of His Majesty the King as regards 10 all public services in connexion with the administration of civil government in the excluded area shall be exercised on behalf of His Majesty by a Secretary of State through such officers and departments (not being officers or departments exercising executive power delegated under the Government of Ireland Act, 15 1914) as His Majesty may by Order in Council direct, and that Order in Council may provide for the constitution of any new department or departments or offices for the purpose, and for the discontinuance of any Irish department existing at the time of the passing of this Act.

20 (4) Before any Order in Council is made under this section the draft thereof shall be laid before both Houses of the Parliament of the United Kingdom, and if either of those Houses within the next subsequent twenty-one days on which that House has sat next after any such draft is laid before it, presents an 25 address to His Majesty against the draft or any part thereof, no further proceedings shall be taken thereon without prejudice to the making of any new draft order.

A.D. 1914.

Effect of exclusion on constitution of Irish Senate and Irish House of Commons, and on representation of Ireland in United Kingdom House of Commons.

2. The following provisions shall have effect with reference to the constitution under the Government of Ireland Act, 1914, of the Irish House of Commons and with reference to the representation under that Act of Ireland in the United Kingdom House of Commons:— 5

(*a*) Members shall not be elected to the Irish House of Commons for constituencies forming part of the excluded area, and the number of members of that House shall be reduced accordingly; and

(*b*) Every parliamentary constituency which forms part of the excluded area shall continue to be a parliamentary constituency returning a member to serve in the Parliament of the United Kingdom, and so much of the Government of Ireland Act, 1914, as provides that members returned by constituencies in Ireland shall vacate their seats at the first meeting of the Irish Parliament shall not apply to members for those constituencies; and 10 15

(*c*) Subsection (1), section thirteen of the Government of Ireland Act, 1914, shall be read as if the number forty-two therein inserted were diminished by the total number of members allotted by Part II. of the First Schedule of the Government of Ireland Act, 1914, to the counties and boroughs forming part of the excluded area; and 20

(*d*) Part II. of the First Schedule to the Government of Ireland Act, 1914, shall be read as if any county or borough which forms part of the excluded area were omitted therefrom; and 25

(*e*) The constituencies contained in the first part of the First Schedule of the Government of Ireland Act shall be re-arranged, with due regard to population, in such a manner that each constituency with the exception of Dublin University shall return not less than three members. 30

Finance.

3.—(1) In ascertaining the cost of Irish services the Joint Exchequer Board shall in the first place determine that cost for the whole of Ireland, and then divide the sum as so ascertained with respect to the whole of Ireland between the excluded area and the rest of Ireland in proportion to population subject to any adjustment which the Board may think necessary in order to assign to the excluded area or to the rest of Ireland the 35 40

actual cost of any Irish service in that area, or in the rest of Ireland where that actual cost can be definitely ascertained.

(2) Any charge on the Consolidated Fund of the United Kingdom for Irish services, including any charge for the benefit of the Local Taxation (Ireland) Account, or any grant or contribution out of moneys provided by the Parliament of the United Kingdom, shall, so far as respects public services in connexion with the administration of the civil government of the excluded area, be continued, and any charge on the Guarantee Fund for sums and arrears arising under the Irish Land Purchase Acts shall, so far as respects sums and arrears in the excluded area, be similarly continued.

(3) Nothing in this Act shall prevent the transfer to the Irish Government of the Irish Church Temporalities Fund, nor prevent any fund which is applicable for any Irish services being managed, administered, or disposed of by the Irish Government: Provided that such provision is made as the Joint Exchequer Board may direct for the payment out of the fund of any expenses incurred in the excluded area, and properly payable thereout.

(4) The sum of eighteen thousand pounds payable annually for the purposes of the Queen's University of Belfast under the Irish Universities Act, 1908, shall be paid in accordance with that Act and not out of moneys provided by the Irish Parliament.

Judicial power.

4. The provisions of the Government of Ireland Act, 1914, with respect to the appointment of judges in Ireland and their tenure of office, and substituting for the appeal to the House of Lords from courts in Ireland, an appeal to the Judicial Committee of the Privy Council shall not have effect, and all judges of the Supreme Court or other superior court in Ireland, or of any county court or other court with a like jurisdiction in Ireland shall, after the appointed day, be appointed by His Majesty, and shall hold office by the same tenure as that by which the office is held at the date of the passing of the Government of Ireland Act, 1914, and the existing appeal from courts in Ireland to the House of Lords shall continue as at that date.

Reserved matters.

5. The general subject matter of the Land Law (Ireland) Acts shall be included among the reserved matters as defined

A.D. 1914.

in paragraph 12 of section two of the Government of Ireland Act, 1914.

Amendment of provisions as to the Royal Irish Constabulary and police.

6.—(1) Subsection (1) of section five of the Government of Ireland Act, 1914, shall not have effect, and the provisions of that Act relating to the transfer to the Irish Government of the control and management of the Royal Irish Constabulary are hereby repealed.

(2) The Lord Lieutenant acting on the advice of an Irish Minister shall be responsible for the control and management of the Dublin Metropolitan Police.

Existing officers.

7.—(1) The provisions of the Government of Ireland Act, 1914, as to existing Irish officers shall not apply—

(*a*) to officers in the civil service of the Crown who, at the time of the passing of this Act, are solely employed in public services in the excluded area; or

(*b*) to officers in the civil service of the Crown who are allotted to the excluded area by the Civil Service Committee under this section.

(2) The Civil Service Committee shall allot to the excluded area such number of officers in the civil service of the Crown not solely employed in public services in the excluded area as they think proper, having regard to the requirements of the excluded area as compared with those of the rest of Ireland, and shall decide which of the officers employed at the time of the passing of this Act in that service are to be so allotted, having regard to the suitability of the officer with respect to the service, and any officers so allotted to the excluded area shall not be transferred to the Irish Government.

Consequential alterations of construction of Government of Ireland Act, 1914.

8.—(1) The following general alterations, consequential on this Act, shall be made in the construction of the Government of Ireland Act, 1914:—

(*a*) the words "Ireland" and "Irish" shall be construed unless the context otherwise requires as not including the excluded area; and

(*b*) any transfer of a reserved service from the Government of the United Kingdom to the Irish Government shall not have effect in the excluded area.

Extension of power to make Irish

9. The power of His Majesty to make Irish transfer orders shall be extended so as to include power to make such adaptations

of enactments and such provision with respect to the transfer and apportionment of property, rights, and liabilities, and such other provisions as may appear to him necessary for the purpose of dealing with the government of the excluded area, and with the relations between the excluded area, the rest of Ireland and Great Britain.

transfer orders.

10. Nothing in the Government of Ireland Act, 1914, or in this Act shall take away or prejudicially alter or affect the powers, rights, privileges, or immunities of any person in the excluded area.

Saving for persons in excluded area.

11.—(1) In this Act the expression "Government of Ireland Act, 1914," means any Act passed in the present session to amend the provision for the government of Ireland, and this Act shall not have effect unless such an Act is passed.

Interpretation, short title, and construction.

(2) This Act shall be construed as one with the Government of Ireland Act, 1914, and may be cited as the Government of Ireland (Amendment) Act, 1914.

Government of Ireland (Amendment). [H.L.]

A

B I L L

[AS AMENDED ON REPORT]

INTITULED

An Act to amend the Government of Ireland Act, 1914.

The Lord Privy Seal (M. Crewe).

Ordered to be printed 13th July 1914.

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(167)

Government of Ireland (Amendment) Bill. [H.L.]

AMENDMENT

TO BE MOVED ON THIRD READING

BY

THE LORD KENRY (*E. Dunraven*).

After clause 9 insert the following new clause:

. Notwithstanding any provision in the Government of Ireland Act, 1914, to the contrary, His Majesty may by Order in Council suspend the operation of the Act until a commission shall have reported on the constitutional relations of Ireland to the other parts of the United Kingdom.

Government of Ireland (Amendment) Bill.

[H.L.]

AMENDMENT

TO BE MOVED ON THIRD READING

BY

THE LORD KENRY (*E. Dunraven*).

13th July 1914.

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[*Price* ½*d.*]

(167 *a*)

A

B I L L

INTITULED

An Act to amend the Schedule to the Government of the Soudan Loan Act, 1913. A.D. 1914.

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 Government of the Soudan Loan Act, 1913, shall have effect as if the schedule to this Act were substituted for the schedule to that Act defining the purposes for which the loan authorised to be guaranteed under that Act is applicable. Amendment of schedule.

2. This Act may be cited as the Government of the Soudan 10 Loan Act, 1914, and the Government of the Soudan Loan Act, 1913, and this Act may be cited together as the Government of the Soudan Loan Acts, 1913 and 1914. Short title.

A.D. 1914.

SCHEDULE.

	£
I. Works for the purpose of irrigating the Gezireh Plain	2,000,000
II. Extension of the Soudan Railway System - - -	800,000
III. Other irrigation works and contingencies - - -	200,000
	3,000,000

Government of the Soudan Loan.

A

B I L L

INTITULED

An Act to amend the Schedule to the Government of the Soudan Loan Act, 1913.

(*Brought from the Commons 20th July* 1914.)

Ordered to be printed 20th July 1914.

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[*Price* ½*d.*]

(182)

A

B I L L

INTITULED

An Act to provide for the better Protection of the Grey Seal. A.D. 1914.

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:—

Close time for grey seals.

1.—(1) If any person between the first day of October and the fifteenth day of December in the same year knowingly or with intent kills, wounds, or takes by any means a grey seal (halichoerus grypus), he shall, on conviction under the Summary Jurisdiction Acts, be liable in respect of each offence to a fine not exceeding five pounds.

(2) If any person being the owner of a boat knowingly uses or permits his boat to be used for the purpose of killing, wounding, or taking a grey seal, he shall, on conviction under the Summary Jurisdiction Acts, be liable in respect of each offence to a fine not exceeding ten pounds.

Duration of Act.

2. This Act shall continue in force until the thirty-first day of December one thousand nine hundred and eighteen, and no longer, unless Parliament otherwise determines.

Short title.

3. This Act may be cited as the Grey Seals Protection Act, 1914.

Grey Seals (Protection).

A

B I L L

INTITULED

An Act to provide for the better Protection of the Grey Seal.

(*Brought from the Commons* 21*st April* 1914.)

Ordered to be printed 21st April 1914.

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United States of America, the Continent of Europe and Abroad of
T. FISHER UNWIN, London, W.C.

[*Price* ½*d.*]

(62)

A

B I L L

INTITULED

An Act to confirm a Scheme of the Charity Commissioners for the Application or Management of the Charities consisting of the Baptist Chapel Burial Ground Sunday Schools and Trust Property at Horsforth in the West Riding of the County of York. A.D. 1914.

WHEREAS the Charity Commissioners in their report to His Majesty of their proceedings during the year one thousand nine hundred and twelve reported that they had approved and certified a scheme for the application or management of the charities consisting of the Baptist chapel burial ground Sunday schools and trust property at Horsforth in the West Riding of the county of York comprised in the following indentures or one of them:—

Lease and release dated respectively the fourteenth and fifteenth day of August one thousand eight hundred and four;

Lease and release dated respectively the eighth and ninth day of August one thousand eight hundred and thirty-six;

Lease and release dated respectively the twelfth and thirteenth day of July one thousand eight hundred and forty-one;

Conveyance dated the seventh day of November one thousand eight hundred and sixty-eight;

Conveyance dated the twenty-third day of September one thousand eight hundred and eighty:

A.D. 1914.

And whereas it is expedient that the scheme as the same is fully set out and defined in the schedule to this Act should be confirmed:

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:— 5

Confirmation of scheme.

1. The said scheme is hereby confirmed Provided always that nothing in this Act or in the said scheme shall be held to interfere with the ordinary jurisdiction over endowed charities now exerciseable or hereafter to become exerciseable by the High Court of Justice and the Charity Commissioners. 10

Short title.

2. This Act may be cited as the Horsforth (West Riding) Baptist Chapel Charities Scheme Confirmation Act 1914.

A.D. 1914.

SCHEDULE.

Scheme for the Application or Management of the Charities consisting of the Baptist Chapel Burial Ground Sunday Schools and Trust Property at Horsforth in the West Riding of the County of York.

1. The above-mentioned charities and their endowments consisting of the above-mentioned chapel burial ground Sunday schools and trust property with the appurtenances shall be consolidated and shall be administered and managed subject to and in conformity with the provisions of this scheme under the title of the Horsforth Baptist Chapel and Trust Property herein-after called the charity.

2. The following persons shall be the first Trustees of the charity under this scheme :—

ALFRED BANNISTER works manager;
BENJAMIN FAWCETT cemetery keeper;
JOHN LISTER woollen buyer;
CHARLES BROWN grocer;
WILLIAM SHIRES works foreman;
LEONARD MOLLITT grocer's assistant;
ALFRED STEWART coal merchant;
WILLIE HALLAM steel and iron roller;
ROBERT SHEARER works foreman; and
JOSEPH BALMER railway clerk all of Horsforth; and
JOHN HOLMES of Harrogate clothing manufacturer; and
WILLIAM GRIMSHAW of Rawdon gentleman both in the county of York; and
ARTHUR RHODES of Histon in the county of Cambridge secretary.

3. The said chapel burial ground Sunday schools and trust property with the appurtenances shall forthwith vest in the said persons their heirs executors administrators or assigns according to the legal nature of the premises.

4. The said chapel burial ground Sunday schools and trust property with the appurtenances shall be held henceforth by the Trustees thereof upon the trusts and to and for the ends intents and purposes and with and subject to the powers and provisions (so far as the same may be applicable and capable of taking effect) which are contained and set out in the schedule to a certain deed poll dated

A.D. 1914. 21st May 1907 under the hand and seal of Alfred Barran and which are known as "the Model Trusts" but so nevertheless that—

(1) As regards the said burial ground the same shall not be sold except upon the condition that proper provision shall be made for the preservation of any graves therein so that such graves shall not be disturbed except under competent authority and that in the event of such disturbance being made under such authority provision shall be made for the proper removal and disposal of the contents of the said graves; 5 10

(2) As regards all the property of the charity the same shall (save as herein-after provided) be held subject to the restriction following namely that it shall not be lawful for the Trustees (notwithstanding anything in the said model trusts contained) to make or grant otherwise than with the express authority of Parliament or with the previous sanction of the Charity Commissioners or of a court of competent jurisdiction any sale exchange mortgage or charge thereof or any lease thereof in reversion after more than three years of any existing term or for any term of life or in consideration wholly or in part of any fine or for any term of years exceeding 21 years: 15 20

Provided that so long as the said chapel is registered as a place of meeting for religious worship with the Registrar-General of Births Deaths and Marriages in England and is bonâ fide used as a place of meeting for religious worship the restriction contained in sub-clause (2) of this clause shall not apply so far as regards the said chapel and its appurtenances or as regards such other property (if any) of the charity as by virtue of any provision of the Charitable Trusts (Places of Religious Worship) Amendment Act 1894 may for the time being be exempted from the jurisdiction conferred by the Charitable Trusts Acts 1853 to 1894. 25 30

Horsforth (West Riding) Baptist Chapel Charity.

A

B I L L

INTITULED

An Act to confirm a Scheme of the Charity Commissioners for the Application or Management of the Charities consisting of the Baptist Chapel Burial Ground Sunday Schools and Trust Property at Horsforth in the West Riding of the County of York.

(*Brought from the Commons* 12*th May* 1914.)

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United States of America, the Continent of Europe and Abroad of
T. FISHER UNWIN, London, W.C.

[*Price* 1*d.*]

(84)

Housing Bill.

ARRANGEMENT OF CLAUSES.

A

B I L L

INTITULED

An Act to make provision with respect to the Housing of Persons employed by or on behalf of Government Departments where sufficient dwelling accommodation is not available. A.D. 1914.

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:—

Powers of the Local Government Board and Commissioners of Works for the purpose of housing persons employed by Government departments.

1.—(1) The Local Government Board shall have power, with the approval of the Treasury, to make arrangements with any authorised society within the meaning of this Act for the purpose of the provision, maintenance, and management of dwellings and gardens and other works or buildings for or for the convenience of persons employed by or on behalf of Government departments on Government works, where sufficient dwelling accommodation is not available for those persons, and the Commissioners of Works shall have power for the same purpose, with the consent of the Treasury, given after consultation with the Local Government Board, to acquire and dispose of land and buildings, and to build dwellings, and do all other things which appear to them necessary or desirable for effecting that purpose.

(2) The Local Government Board may, with the approval of the Treasury, assist any authorised society with whom arrangements are made under this Act on such conditions as they think fit by becoming holders of the share or loan capital thereof or making loans thereto or otherwise as they think fit.

Where the Local Government Board make arrangements under this Act with any authorised society in connexion with the provision or maintenance of dwellings within any borough, the council of the borough shall have the like power, with the

A.D. 1914.

approval of the Local Government Board, of assisting the society as the Local Government Board have under this Act with the approval of the Treasury.

Any expenses incurred by the council under this provision shall be defrayed in the same manner as expenses of the council under Part III. of the Housing of the Working Classes Act, 1890; and the council shall have the like power to borrow for the purposes of this provision as they have for the purposes of that Part of that Act.

Payment of expenses incurred under Act.

2.—(1) The Treasury shall, as and when they think fit, issue out of the Consolidated Fund or the growing produce thereof such sums as may be required for the purpose of meeting any expenditure which is, in the opinion of the Treasury, of a capital nature and which is incurred with the consent or approval of the Treasury by or on behalf of the Local Government Board, or the Commissioners of Works for the purposes of this Act, not exceeding in the aggregate two million pounds; and any expenses incurred for those purposes by the Local Government Board, or the Commissioners of Works not being, in the opinion of the Treasury, of the nature of capital expenditure shall be defrayed out of moneys provided by Parliament, and any receipts arising in connexion therewith shall be paid into the Exchequer.

(2) The Treasury may, if they think fit, for the purpose of providing money for sums so authorised to be issued out of the Consolidated Fund, or for repaying to that Fund any part of the sums so issued, borrow by means of terminable annnities for a term not exceeding thirty years; and all sums so borrowed shall be paid into the Exchequer.

(3) The said annuities shall be paid out of moneys provided by Parliament, and if those moneys are insufficient, shall be charged on and paid out of the Consolidated Fund of the United Kingdom or the growing produce thereof.

(4) The Treasury may also, if they think fit, for the same purpose borrow money by means of the issue of Exchequer bonds and the Capital Expenditure (Money) Act, 1904, shall have effect as if this Act had been in force at the time of the passing of that Act.

4 Edw. 4. c. 21.

(5) The Treasury shall, within six months after the end of every financial year, cause to be made out and laid before the

House of Commons accounts showing the amount of any expenditure of a capital nature incurred by the Local Government Board and the Commissioners of Works, respectively, under this Act, and of the money borrowed and the securities created under this Act; and any such accounts of expenditure shall be audited and reported upon by the Comptroller and Auditor-General as appropriation accounts in manner provided by the Exchequer and Audits (Department) Act, 1866.

A.D. 1914.

Interpretation, application, and short title

3.—(1) In this Act the expression "authorised society" means any society, company, or body of persons approved by the Treasury whose objects include the erection, improvement, or management of dwellings for working classes, which does not trade for profit, or whose constitution forbids the payment of any interest or dividend at a rate exceeding five per cent. per annum.

(2) In the application of this Act to Scotland the Local Government Board for Scotland shall be substituted for the Local Government Board, and "burgh" shall be substituted for "borough."

(3) This Act shall not apply to Ireland.

(4) This Act may be cited as the Housing Act, 1914.

Housing.

A

B I L L

INTITULED

An Act to make provision with respect to the Housing of Persons employed by or on behalf of Government Departments where sufficient dwelling accommodation is not available.

(*Brought from the Commons 7th August* 1914.)

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[*Price* 1*d*.]

(247)

Housing Bill.

AMENDMENT

TO BE MOVED IN COMMITTEE

BY

THE LORD LUCAS.

Clause 1, page 1, line 11, leave out ("on government works")

(247 *a*)

Housing Bill.

AMENDMENT

TO BE MOVED IN COMMITTEE

BY

THE LORD LUCAS.

7th August 1914.

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[*Price* ½*d.*]

(247 *a*)

A

B I L L

INTITULED

An Act to give the Board of Agriculture and Fisheries in Agricultural districts and the Local Government Board elsewhere powers with respect to Housing and to make similar provision for Scotland. A.D. 1914.

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:—

Powers as to acquisition of land and buildings for housing purposes.

1.—(1) The Board of Agriculture and Fisheries in agricultural districts and the Local Government Board elsewhere shall have power during the period of one year from the passing of this Act to acquire, with the consent of the Treasury and with the concurrence of the Development Commissioners, land and buildings for housing purposes, and, with the consent of the Treasury, shall have power to dispose of any land or buildings so acquired.

(2) The Board of Agriculture and Fisheries and the Local Government Board respectively shall have power to do all other things which may appear to them necessary or desirable for housing purposes in connection with any land or buildings so acquired, and to make any arrangements for housing purposes with any local authority or authorised society within the meaning of this Act:

Provided that neither the Board of Agriculture and Fisheries nor the Local Government Board shall, in the exercise of their powers under this Act, in any case themselves build any dwellings unless they are satisfied after holding a public local inquiry that in that case there is an insufficiency of dwelling

A.D. 1914.

accommodation for the working classes, or that the existing accommodation is unsuitable and that dwelling accommodation cannot be otherwise satisfactorily provided.

Payment of expenses incurred under the Act.

2.—(1) The Treasury shall, as and when they think fit, issue out of the Consolidated Fund or the growing produce thereof such sums as may be required for the purpose of meeting any expenditure which is, in the opinion of the Treasury, of a capital nature, and which is incurred with the consent or approval of the Treasury, not exceeding in the aggregate four million pounds, and any expenses incurred for those purposes by the Board of Agriculture and Fisheries or the Local Government Board not being, in the opinion of the Treasury, of the nature of capital expenditure, shall be defrayed out of moneys provided by Parliament, and any receipts arising in connection therewith shall be paid into the Exchequer.

(2) The Treasury may, if they think fit, for the purpose of providing money for sums so authorised to be issued out of the Consolidated Fund, or for repaying to that fund any part of the sums so issued, borrow by means of terminable annuities for a term not exceeding thirty years; and all sums so borrowed shall be paid into the Exchequer.

(3) The said annuities shall be paid out of moneys provided by Parliament, and if those moneys are insufficient, shall be charged on and paid out of the Consolidated Fund of the United Kingdom or the growing produce thereof.

(4) The Treasury may also, if they think fit, for the same purpose, borrow money by means of the issue of Exchequer Bonds; and the Capital Expenditure (Money) Act, 1904, shall have effect as if this Act had been in force at the time of the passing of that Act.

4 Edw. 7. c. 21.

(5) The Treasury shall, within six months after the end of every financial year, cause to be made out and laid before the House of Commons accounts showing the amount of any expenditure of a capital nature incurred by the Board of Agriculture and Fisheries and the Local Government Board respectively, under this Act, and of the money borrowed and the securities created under this Act; and any such accounts of expenditure shall be audited and reported upon by the Comptroller and Auditor-General as appropriation accounts in manner provided by the Exchequer and Audit Departments Act, 1866.

29 & 30 Vict. c. 39.

A.D. 1914.

Interpretation, application, and short title.

3.—(1) In this Act, unless the context otherwise requires,—

The expression "housing purposes" means the provision, maintenance, improvement, and management of dwellings and gardens and other works or buildings for or for the convenience of persons belonging to the working classes; and

The expression "local authority" means the local authority for the purposes of Part III. of the Housing of the Working Classes Act, 1890; and

53 & 54 Vict. c. 70.

The expression "authorised society" means any society, company, or body of persons approved by the Treasury, whose objects include the erection, improvement, or management of dwellings for working classes, which does not trade for profit, or whose constitution forbids the payment of any interest or dividend at a rate exceeding five per cent. per annum.

(2) In the application of this Act to Scotland the Local Government Board for Scotland shall be substituted for the Local Government Board, and the Board of Agriculture for Scotland shall be substituted for the Board of Agriculture and Fisheries.

(3) This Act shall not apply to Ireland.

(4) This Act may be cited as the Housing (No. 2) Act, 1914.

Housing (No. 2).

A

B I L L

INTITULED

An Act to give the Board of Agriculture and Fisheries in Agricultural districts and the Local Government Board elsewhere powers with respect to Housing and to make similar provision for Scotland.

(*Brought from the Commons* 10*th August* 1914.)

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(256)

A

BILL

INTITULED

An Act to extend the Housing (No. 2) Act, 1914, to Ireland.

A.D. 1914.

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.**—(1) The Housing (No. 2) Act, 1914, shall extend to Ireland subject to the following modifications, namely, any reference to the Board of Agriculture and Fisheries or to the Local Government Board shall be construed as a reference to the Local Government Board for Ireland.

Extension of Housing (No. 2) Act 1914, to Ireland.

10 (2) Subsection (3) of section three of the Housing (No. 2) Act, 1914, is hereby repealed.

2. This Act may be cited as the Housing (No. 2) (Amendment) Act, 1914.

Short title.

Housing (No. 2) (Extension to Ireland).

A

B I L L

INTITULED

An Act to extend the Housing (No. 2) Act, 1914, to Ireland.

(*Brought from the Commons 27th August* 1914.)

Ordered to be printed 27th August 1914.

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[*Price* ½*d.*]

(268)

A

B I L L

INTITULED

An Act to confirm a Provisional Order under the Inclosure Acts 1845 to 1899 relating to the Common Fields in the Parish of Elmstone Hardwicke in the County of Gloucester. A.D. 1914.

WHEREAS the Board of Agriculture and Fisheries did in pursuance of the Inclosure Acts 1845 to 1899 issue in the year nineteen hundred and thirteen the Provisional Order set forth in the schedule hereto for the inclosure of the common fields in the parish of Elmstone Hardwicke in the county of Gloucester and in a special report certified that it was expedient that the same should be confirmed by Parliament: 8 & 9 Vict. c. 118 &c.

And whereas a Committee of the House of Commons to which the said Provisional Order was referred recommended that the same should be confirmed without modification:

And whereas the said inclosure cannot be proceeded with without the previous authority 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:—

1. The said Provisional Order of Inclosure set forth in the schedule to this Act is hereby confirmed. Order confirmed.

2. This Act may be cited as the Inclosure (Elmstone Hardwicke) Provisional Order Confirmation Act 1914. Short title.

A.D. 1914.

SCHEDULE.

Provisional Order for the Inclosure of the Common Fields at Elmstone Hardwicke in the County of Gloucester.

WHEREAS persons interested in certain lands called or known as the common fields situate in the parish of Elmstone Hardwicke in the county of Gloucester (herein-after referred to as "the common fields") such lands being commons within the meaning of the Inclosure Acts 1845 to 1899 made application to the Board of Agriculture and Fisheries (herein-after referred to as "the Board") to issue a Provisional Order for the inclosure of the common fields and to certify that it is expedient that such Provisional Order should be confirmed by Parliament:

And whereas it was made to appear to the Board that the persons making the said application represented at least one-third in value of such interests in the common fields as are proposed to be affected by the Provisional Order:

And whereas the Board having taken the said application into consideration were satisfied that a primâ facie case had been made out and that regard being had to the benefit of the neighbourhood as well as to private interests it was expedient to proceed further in the matter and accordingly ordered a local inquiry to be held by an officer of the Board:

And whereas the said officer having caused public notice to be given as required by the said Acts held pursuant to such notice public meetings in accordance with the requirements of the said Acts to hear all persons desirous of being heard on the subject-matter of the said application and any information or evidence which might be offered in relation thereto and inquired into the correctness of the statements in the said application and otherwise into the expediency of making the Provisional Order applied for and into the nature of the provisions to be inserted in such Provisional Order:

And whereas the said officer inspected the common fields as required by the said Acts:

And whereas the said officer duly reported in writing to the Board the result of the local inquiry and of the public meetings held by him together with all the information and other matters required by the said Acts:

And whereas the provisions of the said Acts have been in all respects complied with:

A.D. 1914.

And whereas the Board have prepared and sealed a map showing the reputed boundaries of the common fields on which map the common fields are coloured green:

Now therefore the Board being satisfied that regard being had to the benefit of the neighbourhood as well as to private interests it is expedient to proceed further in the matter do by virtue of the powers in this behalf given to them by the Inclosure Acts 1845 to 1899 and the Board of Agriculture and Fisheries Acts 1889 to 1909 make this their Provisional Order as follows (that is to say):—

Part I.

Benefit of the Neighbourhood.

1. A portion or portions of the common fields being not less than ten acres in all in such situation as the valuer acting in the matter of the Award under Part II. of this Provisional Order shall with the approval of the Board select shall be set out and allotted to the chairman of the parish meeting and the overseers of the said parish in trust as a place or places for exercise and recreation for the inhabitants of the said parish and neighbourhood and provision shall be made in the said Award for enabling occupiers of cottages in the said parish to turn out animals on such allotment or allotments.

2. Portions of the common fields being not less than ten acres in all in such situation as the said valuer shall with such approval as aforesaid select shall be set out and allotted to the said chairman and overseers in trust for field-gardens for the labouring poor being inhabitants of the said parish.

3. Such carriage-roads bridle-roads and footpaths shall be set out to the satisfaction of the Board as may be convenient for public use and in particular a public carriage-road and footpath shall be set out and made across the common fields between the points marked A and B on the said map.

Part II.

Award.

For the purpose of giving complete effect to this Provisional Order there shall be inserted in the Award to be made in pursuance of the Inclosure Acts 1845 to 1899 such provisions not inconsistent with those Acts as the Board shall think desirable and proper.

In witness whereof the Board of Agriculture and Fisheries have hereunto set their official seal this ninth day of April nineteen hundred and thirteen.

(L.S.)

R. H. Rew
Assistant Secretary.

Inclosure (Elmstone Hardwicke) Provisional Order.

A

B I L L

INTITULED

An Act to confirm a Provisional Order under the Inclosure Acts 1845 to 1899 relating to the Common Fields in the Parish of Elmstone Hardwicke in the County of Gloucester.

(*Brought from the Commons* 18*th May* 1914.)

Ordered to be printed 18th May 1914.

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[*Price* $\frac{1}{2}$*d.*]

(90)

Indictments Bill. [H.L.]

DRAFT RULES.

1.—(1) An indictment may be on parchment or durable paper, and may be either written or printed, or partly written and partly printed. Material, &c. for indictments.

(2) Each sheet on which an indictment is set out shall be not more than 12 and not less than 6 inches in length, and not more than 14 and not less than 12 inches in width, and if more than one sheet is required, the sheets shall be fastened together in book form.

(3) A proper margin not less than 3 inches in width shall be kept on the left-hand side of each sheet.

(4) Figures and abbreviations may be used in an indictment for expressing anything which is commonly expressed thereby.

(5) There shall be endorsed on the back of an indictment the name of every witness examined or intended to be examined upon oath by the grand jury.

2. The commencement of the indictment shall be in the following form:— Commencement of the indictment.

The King v. *A.B.*

COURT OF TRIAL [e.g., *Central Criminal Court*, [or] *In the High Court of Justice, King's Bench Division*, [or] *Durham County Assizes held at Durham*, [or] *Hants Quarter Sessions held at Winchester*].

PRESENTMENT OF THE GRAND JURY.

A.B. is charged with the following offence [offences]:—

3. Charges for any offences, whether felonies or misdemeanors, may be joined in the same indictment if those charges are founded on the same facts, or form or are a part of a series of offences of the same or a similar character. Joining of charges in one indictment.

4.—(1) A description of the offence charged in an indictment, or where more than one offence is charged in an indictment, of each offence so charged, shall be set out in the indictment in a separate paragraph called a count. Mode in which offences are to be charged.

(2) A count of an indictment shall commence with a statement of the offence charged, called the statement of offence.

(3) The statement of offence shall describe the offence shortly in ordinary language without the use of technical terms, or necessarily stating all the essential elements of the offence, and if the offence charged is one created by statute, shall contain a reference to the section of the statute creating the offence.

(4) After the statement of the offence, particulars of such offence shall be set out in ordinary language, in which the use of technical terms shall not be necessary.

Provided that where any rule of law or any statute limits the particulars of an offence which are required to be given in an indictment, nothing in this Rule shall require any more particulars to be given than those so required.

(5) The forms set out in the schedule to these Rules shall be used in cases to which they are applicable, and in other cases forms to the like effect shall be used, the statement of offence and the particulars of offence being varied according to the circumstances in each case.

(6) Where an indictment contains more than one count, the counts shall be numbered consecutively in figures.

Provisions as to statutory offences.

5.—(1) Where an enactment constituting an offence states the offence to be the doing or the omission to do any one of any different acts in the alternative, or the doing or the omission to do any act in any one of any different capacities, or with any one of any different intentions, or states any part of the offence in the alternative, the acts, omissions, capacities, or intentions, or other matters stated in the alternative in the enactment, may be stated in the alternative in the count charging the offence.

(2) It shall not be necessary in any count charging a statutory offence, to negative any exception or exemption from or qualification to the operation of the statute creating the offence.

Description of property.

6.—(1) The description of property in a count in an indictment shall be in ordinary language and such as to indicate with reasonable clearness the property referred to, and if the property is so described, it shall not be necessary (except when required for the purpose of describing an offence depending on any special

ownership of property or special value of property), to name the person to whom the property belongs, or the value of the property.

(2) Where property is vested in more than one person, and the owners of the property are referred to in an indictment it shall be sufficient to describe the property as owned by one of those persons by name with others, and if the persons owning the property are a body of persons with a collective name, such as "Inhabitants," "Trustees," "Commissioners," or "Club" or other such name, it shall be sufficient to use the collective name without naming any individual.

Description of persons.

7. The description or designation in an indictment of the accused person, or of any other person to whom reference is made therein, shall be such as is reasonably sufficient to identify him, without necessarily stating his correct name, or his abode style, degree, or occupation; and if, owing to the name of the person not being known, or for any other reason, it is impracticable to give such a description or designation, such description or designation shall be given as is reasonably practicable in the circumstances, or such person may be described as "a person unknown."

Description of document.

8. Where it is necessary to refer to any document or instrument in an indictment, it shall be sufficient to describe it by any name or designation by which it is usually known, or by the purport thereof, without setting out any copy thereof.

General rule as to description.

9. Subject to any other provisions of these Rules, it shall be sufficient to describe any place, time, thing, matter, act, or omission whatsoever to which it is necessary to refer in any indictment, in ordinary language in such a manner as to indicate with reasonable clearness the place, time, thing, matter, act or omission referred to.

Statement of intent.

10. It shall not be necessary in stating any intent to defraud or injure to state an intent to defraud or injure any particular person.

Charge of previous convictions, &c.

11. Any charge of a previous conviction of an offence or of being a habitual criminal or a habitual drunkard shall be charged at the end of the indictment by means of a statement—in the case of a previous conviction that the person accused has been previously convicted of that offence at a certain time

and place without stating the particulars of the offence, and in the case of a habitual criminal or habitual drunkard, that the offender is a habitual criminal or a habitual drunkard.

Duty to furnish copy of indictment.

12.—(1) It shall be the duty of the clerk of assize, after a true bill has been found on any indictment, to supply to the accused person, on request, a copy of the indictment free of charge.

(2) The cost of any copy supplied to the accused person whether under this Rule or otherwise shall be treated as part of the costs of the prosecution for the purpose of section one of the Costs in Criminal Cases Act, 1908.

(3) In the application of this Rule to quarter sessions, the clerk of the peace shall be substituted for the clerk of assize.

Interpretation.

13. The Interpretation Act, 1889, applies for the interpretation of these Rules as it applies for the interpretation of an Act of Parliament.

Short title.

14. These Rules may be cited as the Indictment Rules, 1914.

SCHEDULE.

Forms of Indictment.

1.

Statement of Offence.

Murder.

Particulars of Offence.

A.B., on the day of , in the county of , murdered *J.S.*

2.

Statement of Offence.

Accessory after the fact to murder.

Particulars of Offence.

A.B., well knowing that one, *H.C.*, did on the day of in the county of murder *C.C.*, did on the day of in the county of and on other days thereafter receive, comfort, harbour, assist and maintain the said *H.C.*

3.

Statement of Offence.

Manslaughter.

Particulars of Offence.

A.B, on the day of , in the county of , killed *J.S.*

4.

Statement of Offence.

Rape.

PARTICULARS OF OFFENCE.

A.B., on the day of , in the county of , had carnal knowledge of *E.F.* without her consent.

5.

STATEMENT OF OFFENCE.

Wounding with intent, contrary to section 18 of the Offences against the Person Act, 1861.

PARTICULARS OF OFFENCE.

A.B., on the day of , in the county of , wounded *C.D.*, with intent to do him grievous bodily harm, or to maim, disfigure, or disable him, or to resist the lawful apprehension of him the said *A.B.*

STATEMENT OF OFFENCE.

Second Count.

Wounding, contrary to section 20 of the Offences against the Person Act, 1861.

PARTICULARS OF OFFENCE.

A.B., on the day of , in the county of , maliciously wounded *C.D.*

6.

STATEMENT OF OFFENCE.

Cruelty to a child contrary to section 12 of the Children Act, 1908.

PARTICULARS OF OFFENCE.

A.B., on the day of , in the county of , being a person over the age of sixteen years having the custody, charge, or care of *C.D.*, a child ill-treated or neglected the said child, or caused or procured the said child to be ill-treated or neglected in a manner likely to cause the said child unnecessary suffering or injury to its health.

7.

Statement of Offence.

Larceny contrary to section 67 of the Larceny Act, 1861.

Particulars of Offence.

A.B., on the day of , in the county of , being clerk or servant to *M.N.*, stole from the said *M.N.* ten yards of cloth.

8.

Statement of Offence.

Robbery with violence contrary to section 42 of the Larceny Act, 1861.

Particulars of Offence.

A.B., on the day of , in the county of , robbed *C.D.* of a watch, and at the time of or immediately before or immediately after such robbery did use personal violence to the said *C.D.*

9.

Statement of Offence.

Sending threatening letter contrary to section 46 of the Larceny Act, 1861.

Particulars of Offence.

A.B., on the day of , in the county of , sent, delivered or uttered to or caused to be received by *C.D.*, a letter accusing or threatening to accuse the said *C.D.* of an infamous crime with intent to extort money from the said *C.D.*

10.

Statement of Offence.

Obtaining goods by false pretences contrary to section 88 of the Larceny Act, 1861.

PARTICULARS OF OFFENCE.

A.B., on the day of , in the county of , with intent to defraud, obtained from *S.P.* five yards of cloth by falsely pretending that he, the said *A.B.*, was a servant to *J.S.*, and that he, the said *A.B.*, had then been sent by the said *J.S.*, to *S.P.* for the said cloth, and that he, the said *A.B.*, was then authorised by the said *S.P.* to receive the said cloth on behalf of the said *S.P.*

11.

STATEMENT OF OFFENCE.

Conspiracy to defraud.

PARTICULARS OF OFFENCE.

A.B. and *C.D.* on the day of and on divers days between that day and the day of , in the county of , conspired together with intent to defraud by means of an advertisement inserted by them, the said *A.B.* and *C.D.*, in the *H.S.* newspaper, falsely representing that *A.B.* and *C.D.* were then carrying on a genuine business as jewellers at 71, High Street, Reading, in the county of Berks, and that they were then able to supply certain articles of jewellery to whomsoever would remit to them the sum of two pounds.

12.

STATEMENT OF OFFENCE.

Arson contrary to section 2 of the Malicious Damage Act, 1861.

PARTICULARS OF OFFENCE.

A.B., on the day of , in the county of , maliciously set fire to a dwelling-house, one *F.G.* being therein.

STATEMENT OF OFFENCE.

Second Count.

Arson contrary to section 3 of the Malicious Damage Act, 1861.

Particulars of Offence.

A.B., on the day of , in the county of , maliciously set fire to a house with intent to injure or defraud.

13.

Statement of Offences.

A.B., arson contrary to section 3 of the Malicious Damage Act, 1861;

C.D., accessory before the fact to same offence.

Particulars of Offences.

A.B., on the day of , in the county of , set fire to a house with intent to injure or defraud.

C.D., on the same day, in the county of did counsel, procure, and command the said *A.B.* to commit the said offence.

14.

Statement of Offence.

Offence under section 35 of the Malicious Damage Act, 1861.

Particulars of Offence.

A.B., on the day of , in the county of , displaced a sleeper belonging to the Great Western Railway with intent to obstruct, upset, overthrow, injure, or destroy any engine, tender, carriage or truck using the said railway.

Statement of Offence.

Second Count.

Obstructing railway contrary to section 36 of the Malicious Damage Act, 1861.

Particulars of Offence.

A.B., on the day of , in the county of , by unlawfully displacing a sleeper belonging to the Great Western Railway did obstruct or cause to be obstructed an engine or carriage using the said railway.

15.

Statement of Offence.

Damaging trees contrary to section 22 of the Malicious Damage Act, 1861.

Particulars of Offence.

A.B., on the day of , in the county of , maliciously damaged an oak tree there growing.

A.B. has been twice previously convicted of an offence under section 22 of the Malicious Damage Act, 1861, namely, at , on the day of , and at , on the day of .

16.

Statement of Offence.

Forgery contrary to section 2 (1) (*a*) of the Forgery Act, 1913.

Particulars of Offence.

A.B., on the day of , in the county of , with intent to defraud, forged a certain will.

Statement of Offence.

Second Count.

Uttering forged document contrary to section 6 (1) (2) of the Forgery Act, 1913.

Particulars of Offence.

A.B., on the day of , in the county of , uttered a certain forged will knowing the same to be forged and with intent to defraud.

17.

Statement of Offence.

Uttering counterfeit coin contrary to section 9 of the Coinage Offences Act, 1861.

Particulars of Offence.

A.B., on the day of , at the public-house called "The Red Lion," in the county of , uttered a counterfeit half-crown, knowing the same to be counterfeit.

18.

STATEMENT OF OFFENCE.

Uttering counterfeit coin contrary to section 12 of the Coinage Offences Act, 1861.

PARTICULARS OF OFFENCE.

A.B., on the day of , at a public-house called "The Red Lion," in the county of , uttered a counterfeit sovereign, knowing the same to be counterfeit.

A.B. has been previously convicted of a misdemeanor under section 9 of the Coinage Offences Act, 1861, on the day of at .

19.

STATEMENT OF OFFENCE.

Perjury contrary to section (1) (i) of the Perjury Act, 1911.

PARTICULARS OF OFFENCE.

A.B., on the day of , in the county of , being a witness upon the trial of an action in the Chancery Division of the High Court of Justice in England, in which one, , was plaintiff, and one, , was defendant, knowingly falsely swore that he saw one, *M.N.*, in the street called the Strand, London, on the day of .

20.

STATEMENT OF OFFENCE.

Libel.

PARTICULARS OF OFFENCE.

A.B., on the day of , in the county of , published a defamatory libel concerning *E.F.*, in the form of a letter [book, pamphlet, picture, or as the case may be].

[Innuendo should be stated where necessary.]

21.

Statement of Offence.

First Count.

Publishing obscene libel.

Particulars of Offence.

E.M., on the day of , in the county of , sold, uttered, and published and caused and procured to be sold, uttered, and published an obscene libel the particulars of which are deposited with this indictment.

(Particulars to specify pages and lines complained of where necessary as in a book.)

Statement of Offence.

Second Count.

Procuring obscene libel (or thing) with intent to sell or publish.

Particulars of Offence.

E.M., on the day of , in the county of , procured an obscene libel (or thing), the particulars of which are deposited with this indictment, with intent to sell, utter or publish such obscene libel (or thing).

22.

Statement of Offence.

Larceny.

Particulars of Offence.

A.B., on the day of , in the county of , stole a bag, the property of *C.D.*

A.B. has been previously convicted of burglary on the day of , at the assizes held at Reading.

Statement of Offence.

Second Count.

Receiving stolen goods contrary to section 91 of the Larceny Act, 1861.

Particulars of Offence.

A.B. did receive a bag, the property of *C.D.*, knowing the same to have been stolen.

23.

Statement of Offence.

Burglary and larceny contrary to section 60 of the Larceny Act, 1861.

Particulars of Offence.

A.B., about the hour of ten in the evening of the day of , in the county of , did break and enter the dwelling-house of *C.D.* with intent to steal therein, and did steal therein one watch, the property of *S.T.*, the said watch being of the value of ten pounds.

24.

Statement of Offences.

A.B., undischarged bankrupt obtaining credit contrary to section 5 (1) (*a*) of the Bankruptcy Act, 1913;

C.D., being accessory to same offence.

Particulars of Offences.

A.B., on the day of in the county of , being an undischarged bankrupt obtained credit to the extent of twelve pounds from *H.S.* without informing the said *H.S.* that he then was an undischarged bankrupt.

C.D. at the same time and place did aid, abet, counsel, and procure *A.B.* to commit the said offence.

25.

Statement of Offence.

First Count.

Falsification of accounts contrary to section 1 of Falsification of Accounts Act, 1875.

Particulars of Offence.

A.B., on the day of , in the county of , being clerk or servant to *C.D.*, with intent to defraud, made or concurred in making a false entry in a cash book belonging to the said *C.D.*, his employer, purporting to show that on the said day 100*l.* had been paid to *L.M.*

STATEMENT OF OFFENCE.

Second Count.

Same as first count.

PARTICULARS OF OFFENCE.

A.B., on the day of , in the county of , being clerk or servant to *C.D.*, with intent to defraud, omitted or concurred in omitting from or in a cash book belonging to the said *C.D.*, his employer, a material particular, that is to say, the receipt on the said day of 50*l.* from *H.S.*

26.

STATEMENT OF OFFENCE.

First Count.

Fraudulent conversion of property contrary to section 1 (1) (*a*) of Larceny Act, 1901.

PARTICULARS OF OFFENCE.

A.B., on the day of , in the county of , fraudulently converted to his own use and benefit certain property, that is to say, 100*l.* entrusted to him by *H.S.*, in order that he, the said *A.B.*, might retain the same in safe custody.

STATEMENT OF OFFENCE.

Second Count.

Fraudulent conversion of property contrary to section 1 (1) (*b*) of Larceny Act, 1901.

PARTICULARS OF OFFENCE.

A.B., on the day of , in the county of , fraudulently converted to his own use and benefit certain property, that is to say, the sum of 200*l.* received by him from *H.S.* for and on account of *L.M.*

Indictments Bill. [H.L.]

ARRANGEMENT OF CLAUSES.

A

B I L L

INTITULED

An Act to amend the Law relating to Indictments in Criminal Cases, and matters incidental or similar thereto. A.D. 1914.

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:—

Rules as to indictments.

1.—(1) Rules shall be made under this Act with respect to the mode in which indictments are to be framed and as to the delivery of copies of the indictment to the person accused, and in particular those rules may prescribe the matters which are and are not to be stated in an indictment, and forms for indictments.

(2) The rules shall be made, subject to the approval of the Lord Chancellor, by a rule committee consisting of the Lord Chief Justice of England, a judge of the High Court, a chairman of quarter sessions, a clerk of assize, a clerk of the peace, and another person having experience in criminal procedure, appointed in each case by the Lord Chief Justice.

The term of office of any person who is a member of the committee by virtue of appointment shall be such as may be specified in the appointment.

Indictments not to be open to objection if in accordance with rules.

2. Notwithstanding any rule of law or practice, an indictment shall, subject to the provisions of this Act, not be open to objection in respect of its form or contents if it is framed in accordance with the rules under this Act.

Joinder of charges in

3. Subject to the provisions of the rules under this Act charges for more than one felony or for more than one

A.D. 1914.

the same indictment.

misdemeanour, and charges for felonies and misdemeanours, may be joined in the same indictment, but where a felony is tried together with any misdemeanour, the jury shall be sworn and the person accused shall have the same right of challenging jurors as if all the offences charged in the indictment were felonies.

Orders for amendment of indictment, separate trial, and postponement of trial.

4.—(1) Where, before trial or at any stage of a trial, it appears to the court that the indictment is defective, the court shall make such order for the amendment of the indictment as the court thinks necessary to meet the circumstances of the case, unless, having regard to the merits of the case, the required amendments cannot be made without injustice, and may make such order as to the payment of any costs incurred owing to the necessity for amendment as they think fit.

(2) Where an indictment is so amended, a note of the order for amendment shall be endorsed on the indictment, and the indictment shall be treated for the purposes of the trial and for the purposes of all proceedings in connection therewith as having been found by the grand jury in the amended form.

(3) Where, before trial or at any stage of a trial, the court is of opinion that a person accused may be prejudiced or embarrassed in his defence by reason of being charged with more than one offence in the same indictment, or that for any other reason it is desirable to direct that the person should be tried separately for any one or more offences charged in an indictment, the court may order a separate trial of any count or counts of such indictment.

(4) Where before trial or at any stage of a trial the court is of opinion that the postponement of the trial of a person accused is expedient as a consequence of the exercise of any power of the court under this Act to amend an indictment or to order a separate trial of a count, the court shall make such order as to the postponement of the trial as appears necessary.

(5) Where an order of the court is made under this section for a separate trial or for the postponement of a trial—

(*a*) if such an order is made during a trial the court may order that the jury are to be discharged from

giving a verdict on the count or counts the trial of which is postponed or on the indictment, as the case may be; and

(*b*) the procedure on the separate trial of a count shall be the same in all respects as if the count had been found in a separate indictment, and the procedure on the postponed trial shall be the same in all respects (if the jury has been discharged) as if the order for postponement had not been made; and

(*c*) the court may make such order as to costs and as to admitting the accused person to bail, and as to the alteration or extension of recognizances and otherwise as the court thinks fit.

(6) Any power of the court under this section shall be in addition to and not in derogation of any other power of the court for the same or similar purposes.

Costs of defective or redundant indictments.

5. Where it appears to the court that an indictment contains unnecessary matter, or is of unnecessary length, or is materially defective in any respect, the court shall not make any order for the payment of that part of the costs of the prosecution which has been incurred by reason of the indictment so containing unnecessary matter, or being of unnecessary length, or being defective.

Provision as to Vexatious Indictments Acts.

30 & 31 Vict. c. 35.

6. Nothing in this Act shall prevent an indictment being open to objection if it contravenes or fails to comply with the Vexatious Indictments Act, 1859, as amended by section one of the Criminal Law Amendment Act, 1867, or any other enactment: Provided that an indictment shall not be open to objection under those Acts on the ground that a count is joined with the rest of the indictment which could not at the time of the passing of the Criminal Law Amendment Act, 1867, be lawfully joined, if that count can be lawfully joined under the law for the time being in force.

Savings and interpretation.

7.—(1) Nothing in this Act or the rules made thereunder shall affect the law or practice relating to the jurisdiction of a court or the place where an accused person can be tried or relating to costs, nor prejudice or diminish in any respect the obligation to establish by evidence according to law any acts, omissions, or intentions which are legally necessary to constitute the offence with which the person accused is charged.

A.D. 1914.

(2) In this Act, unless the context otherwise requires, the expression "the court" means the court before which any indictable offence is tried or prosecuted.

(3) The provisions of this Act relating to indictments shall apply to criminal informations in the High Court and inquisitions and also to any plea, replication, or other criminal pleading with such modifications as may be made by rules under this Act.

Repeal, extent, short title, and commencement.

8.—(1) The enactments specified in the Schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule.

(2) This Act shall not extend to Scotland or Ireland.

(3) This Act may be cited as the Indictments Act, 1914.

(4) This Act shall come into operation on the first day of March nineteen hundred and fifteen, but shall not apply to indictments in the case of persons committed for trial before that date, or to the trial of any such person.

A.D. 1914.

SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
5 Geo. 4. c. 84	The Transportation Act, 1824.	Section twenty-three.
7 Geo. 4. c. 16	The Chelsea and Kilmainham Hospitals Act, 1826.	Section thirty-five from "and in all "indictments" to the end of the section.
7 Geo. 4. c. 46	The Country Bankers Act, 1826.	Section nine from "and in all indict-"ments" down to "crime, or "offence."
7 Geo. 4. c. 64	The Criminal Law Act, 1826.	Sections fourteen, fifteen, sixteen, eighteen and nineteen.
7 & 8 Geo. 4. c. 28.	The Criminal Law Act, 1827.	Section eleven from "and in an "indictment" to "describing the "previous felony."
5 & 6 Will. 4. c. 69.	The Union and Parish Property Act, 1835.	In section seven the words "and "indictment."
11 & 12 Vict. c. 12.	The Treason-Felony Act, 1848.	Section five.
11 & 12 Vict. c. 46.	The Criminal Procedure Act, 1848.	The whole Act so far as unrepealed.
12 & 13 Vict. c. 45.	The Quarter Sessions Act, 1849.	Section ten.
12 & 13 Vict. c. 103.	The Poor Law Amendment Act, 1849.	Section fifteen from "and shall be "so" to the end of the section.
14 & 15 Vict. c. 100.	The Criminal Procedure Act, 1851.	Sections one, two, three, five, seven, twenty-three, twenty-four, and twenty-five.
19 & 20 Vict. c. 54.	The Grand Juries Act, 1856.	In section one the words "and the "name of every witness examined "or intended to be so examined "shall be endorsed on such bill of "indictment."
24 & 25 Vict. c. 96.	The Larceny Act, 1861 -	Section five; section twenty-eight, from "and in any indictment" to the end of the section; section seventy-one; in section seventy-four the words "and in either case to "lay the property in the owner or "person letting to hire"; section eighty-eight from "it shall be "sufficient" to "of the chattel, "money, or valuable security; "and"; and section one hundred and sixteen from the beginning of the section to "offences; and"

A.D. 1914.

Session and Chapter.	Short Title.	Extent of Repeal.
24 & 25 Vict. c. 97.	The Malicious Damage Act, 1861.	Section sixty, down to "alleging an "intent to injure or defraud any "particular person; and"
24 & 25 Vict. c. 98.	The Forgery Act, 1861 -	Sections forty-two and forty-three, and section forty-four down to "any particular person; and"
24 & 25 Vict. c. 99.	The Coinage Offences Act, 1861.	Section thirty-seven from "it shall be "sufficient" to "conviction for "the previous offence; and"
24 & 25 Vict. c. 100.	The Offences against the Person Act, 1861.	Section six.
26 & 27 Vict. c. 29.	The Corrupt Practices Prevention Act, 1863.	Section six, down to "require; and"
30 & 31 Vict. c. 35.	The Criminal Law Amendment Act, 1867.	In section one the word "now."
32 & 33 Vict. c. 62.	The Debtors Act, 1869 -	Section nineteen.
38 & 39 Vict. c. 24.	The Falsification of Accounts Act, 1875.	Section two.
39 & 40 Vict. c. 36.	The Customs Consolidation Act, 1876.	Section twenty-nine from "and in any "information" to the end of the section.
46 & 47 Vict. c. 3.	The Explosive Substances Act, 1883.	Subsection (2) of section seven.
50 & 51 Vict. c. 71.	The Coroner's Act, 1887 -	In paragraph (2) section of eighteen the words "except in the case of "murder and manslaughter."
51 & 52 Vict. c. 64.	The Law of Libel Amendment Act, 1888.	Section seven.
61 & 62 Vict. c. 60.	The Inebriates Act, 1898 -	In subsection (2) of section one the words "in any indictment under "this section, it shall be sufficient, "after charging the offence, to "state that the offender is a "habitual drunkard."
8 Edw. 7. c. 48	The Post Office Act, 1908	Section seventy-three so far as respects indictments.
8 Edw. 7. c. 59.	The Prevention of Crime Act, 1908.	Subsection (3) of section ten.
1 & 2 Geo. 5. c. 6.	The Perjury Act, 1911 -	Section twelve.
3 & 4 Geo. 5. c. 27.	The Forgery Act, 1913 -	Subsections (1) and (2) of section seventeen.

Indictments. [H.L.]

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B I L L

INTITULED

An Act to amend the Law relating to Indictments in Criminal Cases, and matters incidental or similar thereto.

The Lord Chancellor.

Ordered to be printed 29th July 1914.

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B I L L

INTITULED

An Act to provide for the grant of pensions and other allowances to certain persons if injured whilst employed in connexion with warlike operations, and to their dependants, and for purposes connected therewith. A.D. 1914.

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:—

Provision of pensions and other allowances to civilians injured in connexion with warlike operations, &c.

1.—(1) His Majesty may by Order in Council frame a scheme as to the pension and grants, and other allowances in the nature thereof, to be paid to persons (not being officers or seamen of the Royal Navy, or officers or soldiers of any of His Majesty's land or marine forces), in respect of injuries suffered by them whilst employed afloat by or under the Admiralty or Army Council in connexion with warlike operations in which His Majesty is engaged, and in the case of their death to their widows and other dependants.

(2) The Order shall specify the persons to whom the Order applies and the conditions under which it becomes applicable, and may include persons not in the direct employment of the Admiralty or Army Council, and persons employed on commissioned ships, notwithstanding that by reason of such employment they are subject to the Naval Discipline Act.

(3) A person to whom any such Order in Council applies shall not, nor in the case of his death shall his widow or other dependants or his personal representatives, in respect of any injury suffered by him whilst the Order in Council so applies to him, be entitled to any pensions or other benefits under any other Order in Council or any warrant or regulations relating to

A.D. 1914.

officers and men in the naval or military service of the Crown, or to any compensation under the Workmen's Compensation Act, 1906, or to any compensation or damages at common law or under the Employers' Liability Act, 1880, or any other statute, or to any gratuity or any superannuation or other allowance under the Superannuation Acts, 1834 to 1909, or to any pension or allowance under the Greenwich Hospital Acts, 1865 to 1898, except so far as the Order in Council otherwise provides. 5

(4) All pensions, grants, and other allowances under this Act shall be paid out of moneys provided by Parliament. 10

(5) An Order in Council under this Act may provide that the Order shall have effect as from the third day of August nineteen hundred and fourteen, and any such Order in Council may be revoked or varied by a subsequent Order.

Short title.

2. This Act may be cited as the Injuries in War (Compensation) Act, 1914. 15

Injuries in War (Compensation).

A

B I L L

INTITULED

An Act to provide for the grant of pensions and other allowances to certain persons if injured whilst employed in connexion with warlike operations, and to their dependants, and for purposes connected therewith.

(*Brought from the Commons 7th August* 1914.)

Ordered to be printed 7th August 1914.

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[*Price* ½*d.*]

(245)

A

B I L L

INTITULED

An Act to amend the Law relating to Intermediate Education in Ireland and for other purposes connected therewith. A.D. 1914.

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:—

Register of intermediate school teachers.

1.—(1) The Lord Lieutenant may constitute a Registration Council consisting of representatives of—

(*a*) the teaching profession in Ireland;

(*b*) the Intermediate Education Board for Ireland;

(*c*) the Department of Agriculture and Technical Instruction for Ireland; and

(*d*) such universities and other bodies interested in education as ought, in the opinion of the Lord Lieutenant, to be represented thereon.

(2) There shall be assigned to the council the duty of framing, with the approval of the Lord Lieutenant, regulations for a register of the intermediate school teachers in Ireland who satisfy the conditions of registration prescribed by the regulations and apply to be registered.

(3) The register shall be formed and kept by the Intermediate Education Board for Ireland (in this Act referred to as the Board) in manner prescribed by the regulations.

Provision of money for Teachers' Salaries Grant.

2. From and after the commencement of this Act there shall be paid to the Board in each year out of moneys provided by Parliament a sum not exceeding forty thousand pounds, and an amount equivalent to the sum so paid (in this Act referred

A.D. 1914.

to as the Teachers' Salaries Grant) shall be applied by the Board in manner provided by rules made by the Lord Lieutenant under this Act and approved by the Treasury.

Power to make rules.

3.—(1) The Lord Lieutenant may make rules for carrying this Act into effect, and in particular for the purpose of prescribing, with the approval of the Treasury, the manner in which the Teachers' Salaries Grant is to be applied, and for the purpose of defining the constitution and regulating the procedure of the Registration Council.

(2) All rules made in pursuance of this section shall be laid before both Houses of Parliament within twenty-one days next after the same have been made, if Parliament is then sitting, or if Parliament is not then sitting, within twenty-one days after the commencement of the then next ensuing session, and, if such rules are disapproved by either House of Parliament within forty days after the same have been so laid before Parliament, such rules, or such part thereof as may be so disapproved, shall thereupon become void and of no effect.

Short title and construction.

4. This Act may be cited as the Intermediate Education (Ireland) Act, 1914, and shall be construed as one with the Intermediate Education (Ireland) Acts, 1878 to 1913, and this Act and those Acts may be cited collectively as the Intermediate Education (Ireland) Acts, 1878 to 1914.

Intermediate Education (Ireland).

A

B I L L

INTITULED

An Act to amend the Law relating to Intermediate Education in Ireland and for other purposes connected therewith.

(*Brought from the Commons 6th August* 1914.)

Ordered to be printed 6th August 1914.

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[*Price* ½*d.*]

(229)

A

B I L L

INTITULED

An Act to enable orders to be made in connection with the present war for restricting the sale or consumption of intoxicating liquor. A.D. 1914.

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:—

Restriction of the sale or consumption of intoxicating liquor.

1.—(1) The licensing justices for any licensing district may, if they think fit, upon the recommendation of the chief officer of police that it is desirable for the maintenance of order or the suppression of drunkenness in any area, by order direct that the sale or consumption of intoxicating liquor on the premises of any persons holding any retailers' licence in the area, and the supply or consumption of intoxicating liquor in any registered club in the area, shall be suspended while the order is in operation, during such hours and subject to such conditions or exceptions (if any) as may be specified in the order:

Provided that, if any such order suspends the sale, supply, or consumption of intoxicating liquor at an hour earlier than nine at night, the order shall not have effect until approved by the Secretary of State.

(2) If any person acts in contravention of, or fails to comply with, any order under this section he shall be liable on summary conviction in respect of each offence to a fine not exceeding fifty pounds. If any person feels aggrieved by a conviction under this section he may appeal therefrom to quarter sessions in accordance with the Summary Jurisdiction Acts.

(3) The licensing justices shall have power to make an order under this section at their general annual licensing meeting

A.D. 1914.

10 Edw. 7. & 1 Geo. 5. c. 24.

or at any special sessions held by them for the purpose of their duties under the Licensing (Consolidation) Act, 1910, or at any meeting specially called for the purpose under this Act.

The clerk to the licensing justices shall specially call such a meeting if an application in writing is made to him for the purpose either by any two of their number or by the chief officer of police for the district.

(4) In the application of this section to the county of London the committee of the compensation authority appointed under section six of the Licensing (Consolidation) Act, 1910, shall be substituted for the licensing justices.

Interpretation, application, short title, and duration.

10 Edw. 7. c. 8.

2.—(1) In this Act the expression "retailers' licence" means any of the retailers' licences specified in the First Schedule to the Finance (1909–10) Act, 1910, and the expression "chief officer of police"—

(*a*) with respect to the city of London, means the Commissioner of the City Police; and

(*b*) elsewhere in England, has the same meaning as in the Police Act, 1890.

53 & 54 Vict. c. 45.

(2) In the application of this Act to Scotland, the Secretary for Scotland shall be substituted for the Secretary of State, and the licensing court shall be substituted for the licensing justices, and the general half-yearly meeting of the court, or any adjournment thereof, shall be substituted for the general annual licensing meeting; "sheriff-depute" shall be substituted for "chief officer of police"; the reference to an appeal to quarter sessions shall not apply; "summary conviction" means summary conviction in the sheriff court; "intoxicating liquor" means exciseable liquor, and "retailers' licence" means certificate as defined in Part VII. of the Licensing (Scotland) Act, 1903.

3 Edw. 7. c. 25.

(3) In the application of this Act to Ireland the Lord Lieutenant shall be substituted for the Secretary of State, and the expression "licensing district" means, as respects the police district of Dublin metropolis, that district, and elsewhere in Ireland the petty sessions district. The expression "chief officer of police" means, as respects the police district of Dublin metropolis, either of the commissioners of police for that district, and elsewhere in Ireland a district inspector of the Royal Irish Constabulary, and the expression "licensing justices" means, as

respects the police district of Dublin metropolis, the Recorder of the city of Dublin, and, as respects any other licensing district, two or more justices at petty sessions.

(4) This Act may be cited as the Intoxicating Liquor (Temporary Restriction) Act, 1914.

(5) This Act shall remain in force during the continuance of the present war, and for a period of one month after the close thereof.

Intoxicating Liquor (Temporary Restriction).

A

B I L L

INTITULED

An Act to enable orders to be made in connection with the present war for restricting the sale or consumption of intoxicating liquor.

(*Brought from the Commons* 31*st August* 1914.)

Ordered to be printed 31st August 1914.

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(281)

A

B I L L

INTITULED

An Act to confirm a Provisional Order under the Burgh Police (Scotland) Act, 1892, relating to Inverness Water and Gas. A.D. 1914.

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) Act 1892 and it is requisite that the said Order should be confirmed by Parliament: 55 & 56 Vict. c. 55.

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:—

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

2. This Act may be cited as the Inverness Water and Gas Order Confirmation Act 1914. Short title.

A.D. 1914.

SCHEDULE.

INVERNESS WATER AND GAS.

Provisional Order.

WHEREAS by the Burgh Police (Scotland) Act 1892 it is (inter alia) provided (section 45) that whenever it shall appear to the commissioners of any burgh to which that Act applies that they require additional powers for the better carrying out of the purposes thereof and specially powers relating to the supply of gas or water or to roads or streets or to the drainage or sewers or the utilisation of sewerage in addition to the powers conferred by the Public Health Acts or for the repeal or amendment of any local Act of Parliament relating to such subjects or for the adjustment of the provisions of the said Act or for the other purposes therein mentioned they may apply to the Secretary for Scotland for a Provisional Order and that by section 46 of the said Act the Secretary for Scotland may after such inquiry as he may direct 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 that no Provisional Order shall be of any validity unless the same has been confirmed by Parliament:

And whereas the said Burgh Police (Scotland) Act 1892 is in force within the Burgh of Inverness (herein-after referred to as "the burgh"):

And whereas by the Inverness Water and Gas Act 1875 (herein-after called "the Act of 1875") the provost magistrates and councillors of the burgh as then commissioners of police of the burgh (herein-after referred to as "the Commissioners") acquired the undertaking of the Inverness Gas and Water Company and the right to make and maintain waterworks and gasworks and to supply gas and water within the burgh and places adjacent:

And whereas the commissioners were authorised to borrow for the purposes of the waterworks undertaking any sum not exceeding forty-one thousand pounds on the security of the rates assessments and charges by the said Act authorised and for the purposes of the gas undertaking any sum not exceeding forty thousand pounds on the security of the gasworks undertaking and the rents charges and revenues to arise from the supply of gas and the sale of residual products:

And whereas the cost of such purchase and of carrying into execution the Act of 1875 had considerably exceeded the amount estimated at the time of the application for the Act of 1875 and the

moneys which the Commissioners were authorised to borrow by that Act and had borrowed for the purposes of the said water and gas supply and of that Act were found to be insufficient to defray the cost thereof:

And whereas by the General Police and Improvement (Scotland) Act (1862) Order Confirmation (Inverness) Act 1879 (herein-after called "the Order of 1879") the sum authorised to be borrowed by the Commissioners for the purposes of the said waterworks undertaking was increased to the sum of fifty-six thousand pounds and for the purposes of the said gasworks undertaking to the sum of forty-five thousand pounds:

And whereas by the General Police and Improvement (Scotland) Act (1862) Order Confirmation (Inverness) Act 1892 (herein-after called "the Order of 1892") the sum authorised to be borrowed by the Commissioners for the purposes of the said waterworks undertaking was further increased to the sum of sixty-six thousand pounds and for the purposes of the said gasworks undertaking to the sum of fifty-seven thousand pounds:

And whereas by the Inverness Gas and Water Order Confirmation Act 1905 (herein-after called "the Order of 1905") the sum authorised to be borrowed for the purposes of the said waterworks undertaking was further increased to the sum of seventy-six thousand pounds and for the purposes of the said gasworks undertaking to the sum of seventy-two thousand pounds:

And whereas the provost magistrates and councillors of the said burgh (herein-after referred to as "the Corporation") are under the Town Councils (Scotland) Act 1900 now in the room and place of the Commissioners:

And whereas the said sum of seventy-six thousand pounds has been duly expended by the Corporation for the purposes of their water undertaking:

And whereas the demand for water in the said Burgh of Inverness and the suburbs and places adjacent thereto has increased and is increasing necessitating the laying of a second main from Loch Ashie to the Culduthel Reservoir the laying down of new distributing mains and the enlargement of the existing mains and other works and it is expedient that powers should be conferred on the Corporation to borrow additional money to the extent herein-after provided to defray the cost of the said works:

And whereas the sum of sixty-seven thousand pounds of the said sum of seventy-two thousand pounds has been duly expended by the Corporation for the purposes of their gas undertaking:

A.D. 1914.

And whereas the demand for gas in Inverness and the suburbs thereof has increased and is increasing and in order to meet such demand the Corporation require to further extend and improve their works and it has become necessary that powers should be conferred on the Corporation to borrow additional money to the extent herein-after provided to defray the cost of such extensions and improvements:

And whereas it is expedient that the other provisions contained in this Order should be sanctioned:

And whereas the Corporation 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:

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:

Citation of Order and Acts.

1. This Order may be cited as the Inverness Water and Gas Order 1914 The Act of 1875 and the Acts confirming the Orders of 1879 1892 and 1905 and this Order may be collectively cited as the Inverness Water and Gas Acts 1875 to 1914.

Amendment of Order of 1905.

2. Section 1 of the Provisional Order confirmed by the Inverness Gas and Water Order Confirmation Act 1905 shall be read as if the figures "1905" were inserted therein instead of the figures "1903."

Power to borrow.

3.—(1) In addition to the sum of seventy-six thousand pounds which the Corporation are already authorised to borrow for the purposes of their water undertaking on the security of the water rates assessments and charges authorised by the Act of 1875 the Corporation may borrow on such security the further sum of fourteen thousand pounds And from and after the passing of the Act confirming this Order section 74 of the Act of 1875 as amended by the Orders of 1879 1892 and 1905 shall be read as if the words "ninety thousand pounds" had been inserted therein instead of the words "seventy-six thousand pounds."

(2) In addition to the sum of seventy-two thousand pounds which the Corporation are already authorised to borrow for the purposes of their gas undertaking on the security of their gasworks undertaking and of the rents charges and revenues accruing to them under the Act of 1875 the Corporation may borrow on such security the further sum of thirteen thousand pounds and from and after the passing of the Act confirming this Order section 75 of the Act of 1875 as amended by the Orders of 1879 1892 and 1905 shall be read as if the words "eighty-five thousand pounds" had been inserted therein instead of the words "seventy-two thousand pounds."

A.D. 1914.

Priority of existing mortgages.

4. All mortgages granted by the Corporation for securing money borrowed under the provisions of the Act of 1875 and the Orders of 1879 1892 and 1905 and subsisting at the date of the passing of the Act confirming this Order shall while subsisting and without prejudice to their priorities inter se have priority over any mortgages granted by the Corporation under the provisions of this Order.

Sinking fund.

5. The Corporation shall from and after the passing of the Act confirming this Order out of the revenues respectively liable set apart annually as a sinking fund for the repayment of the additional money authorised to be borrowed by this Order such a sum as will produce a fund equal to three per centum per annum upon the sum or sums of money so to be borrowed and which sum of three per centum per annum the Corporation shall annually appropriate set apart and invest at the highest rate of interest which can be had for the same in securities in which trustees are by law for the time being authorised to invest or they shall lodge the same in bank on deposit receipt as a sinking fund applicable and to be applied by the Corporation from time to time to the repayment of the moneys borrowed under this Order until the amount so borrowed shall be extinguished or the Corporation may agree with the lender so that the amounts of three per centum shall annually be receivable by him in liquidation pro tanto of the principal debt Provided that in respect of all moneys already borrowed (excluding loans on account of which contributions providing for full repayment have already been set aside out of revenue) and of all moneys to be borrowed for the purchase of gas meters and stoves under the Act of 1875 as amended by the Orders of 1879 1892 and 1905 and this Order the sum to be annually set apart as a sinking fund shall be such a sum as will produce a fund equal to five per centum per annum upon the moneys so borrowed which sum of five per centum shall be set apart and invested as herein-before provided and applied by the Corporation from time to time in repayment of the moneys borrowed under the said Act and Orders Provided also that any money borrowed to defray the cost of works of a temporary character for the purpose of a supplementary supply of water shall be paid off in such period as the Secretary for Scotland on the application of the Corporation may sanction Sections 96 and 97 of the Act of 1875 shall not apply to the additional money authorised to be borrowed by this Order.

Working balance.

6. Notwithstanding anything contained in section 101 of the Act of 1875 it shall be lawful for the Corporation and they are hereby required to reserve and set apart the sum of four thousand five hundred pounds of the accumulated revenue surplus at 15th May 1913 towards providing a working balance and the said sum shall not be used for any other purpose and the amount of any working balance so provided

A.D. 1914.

shall not at any time exceed one-third of the total revenue of the undertaking.

Gas contingency and depreciation of works fund.

7. It shall be lawful for the Corporation and they are hereby required as from and after the fifteenth day of May nineteen hundred and fifteen to set apart annually from the revenues of the gas undertaking as a gas contingency and depreciation of works fund the following sums:—

(1) In the year ending on the fifteenth day of May nineteen hundred and fifteen a sum of not less than five hundred pounds;

(2) In each succeeding year a sum not less than a sum bearing to the said sum of five hundred pounds the same ratio as the number of cubic feet of gas sold by the Corporation in such year bears to the number of cubic feet of gas sold by them in the year ending on the said fifteenth day of May nineteen hundred and fifteen and the sums so set apart shall until applied to one or other of the purposes hereinafter mentioned be invested in securities in which trustees are by law for the time being authorised to invest the Corporation being at liberty from time to time to vary and transpose such investments and pending such investment the said sums may be lodged in bank on deposit receipt;

(3) The Corporation shall from time to time apply the fund formed in terms of the immediately preceding subsection together with any accumulation of interest thereon in payment of the cost and expenses of any extension of their works or of any extraordinary repairs thereon or of enlarging or renewing or increasing the number of their mains and pipes or in meeting any extraordinary contingency liabilities and claims which may arise or may be incurred in respect of the gas works or gas undertaking of the Corporation provided that the said fund shall not be applied in defraying the cost of renewing meters or gas stoves.

Gas guarantee rate.

8. It shall be lawful for the Corporation and they are hereby required from time to time to impose levy and collect as part of the burgh general assessment under the Burgh Police (Scotland) Act 1892 such a rate as shall be necessary to meet any deficiency in the moneys required to pay the interest on and instalments of moneys borrowed and to be borrowed for gas purposes under the Inverness Water and Gas Acts 1875 to 1914 and the sum required to be paid into the sinking fund for repayment of such money.

Costs of Order.

9. All costs charges and expenses of and incidental to preparing for obtaining and confirming this Order or otherwise in relation thereto

shall be paid by the Corporation out of the moneys to be borrowed by them under the powers of this Order or out of any other moneys received by them or out of any rates or assessments which they are authorised to levy Provided that all borrowed money so applied shall
5 be repaid within five years from the commencement of this Order.

Given under my hand and seal at Whitehall this seventh day of April one thousand nine hundred and fourteen.

(L.S.) T. McKinnon Wood.

Inverness Water and Gas Provisional Order.

A

B I L L

INTITULED

An Act to confirm a Provisional Order under the Burgh Police (Scotland) Act, 1892, relating to Inverness Water and Gas.

(*Brought from the Commons* 27*th April* 1914.)

Ordered to be printed 27th April 1914.

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(64)

A

B I L L

INTITULED

An Act to make provision with respect to Constables of the Royal Irish Constabulary and Dublin Metropolitan Police who are Reservists or join the Naval or Military Forces. A.D. 1914.

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:—

Naval or military service of Irish Police Reservists.

5 **1.**—(1) Where a constable of the Royal Irish Constabulary or Dublin Metropolitan Police has, in pursuance of a Royal proclamation, been called into actual service as a member of any Royal Naval Reserve force, or been called out for permanent service as a member of the Army Reserve, on his return to the 10 police force his subsequent pay in that force, and any pension, allowance, or gratuity granted after his return to him or his dependents under the Acts relating to that force, may, if the Lord Lieutenant so directs, be calculated in like manner as if his service under the proclamation had been service in the police 15 force.

(2) The provisions of the Constabulary and Police (Ireland) Act, 1883, with respect to constables of the Royal Irish Constabulary and Dublin Metropolitan Police who belong to the Army Reserve shall extend to constables of those police forces 20 who belong to any Royal Naval Reserve force, with the substitution of "required for training or called into actual service" for "called out for training or for permanent service."

(3) His Majesty may, by Order in Council, extend to constables of the Royal Irish Constabulary or Dublin Metro- 25 politan Police all or any of the provisions of the Police

A.D. 1914. Reservists (Allowances) Act, 1914, or the Police Constables (Naval and Military Service) Act, 1914, with such adaptations and modifications as appear to His Majesty to be necessary or expedient.

Short title. **2.** This Act may be cited as the Irish Police Constables (Naval and Military Service) Act, 1914. 5

Irish Police Constables (Naval and Military Service).

A

B I L L

INTITULED

An Act to make provision with respect to Constables of the Royal Irish Constabulary and Dublin Metropolitan Police who are Reservists or join the Naval or Military Forces.

(*Brought from the Commons* 15*th September* 1914.)

Ordered to be printed 15th September 1914.

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[*Price* ½*d.*]

(290)

A

B I L L

INTITULED

An Act to amend the Law with respect to Customs in the Isle of Man. A.D. 1914.

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 imported 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 fourteen until the first day of August nineteen hundred and fifteen.

Continuance of additional duties on tea, tobacco, spirits, ale, and beer. 6 Edw. 7. c. 18. 63 & 64 Vict. c. 31.

15 **2.** This Act may be cited as the Isle of Man (Customs) Act, 1914.

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 7th August* 1914.)

Ordered to be printed 7th August 1914.

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(239)

A

B I L L

INTITULED

An Act to enable His Majesty, by Order in Council, to extend to the Isle of Man Acts passed in connection with the present War. A.D. 1914.

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:—

Power to extend certain Acts to the Isle of Man.

1.—(1) His Majesty may, by Order in Council, extend to the Isle of Man any Act which, in the opinion of His Majesty, was passed for the purpose of meeting any emergency created by the present war, and does not extend to the Isle of Man; and any Act so extended shall have effect accordingly, subject to such adaptations as may be made by the order for the purpose of making the Act applicable to the Isle of Man.

(2) Any Act so extended by Order in Council shall, if the order so provides, be deemed to have taken effect in the Isle of Man at the same time as it took effect in the United Kingdom.

Short title.

2. This Act may be cited as the Isle of Man (War Legislation) Act, 1914.

Isle of Man (War Legislation).

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B I L L

INTITULED

An Act to enable His Majesty, by Order in Council, to extend to the Isle of Man Acts passed in connection with the present War.

(*Brought from the Commons* 27*th August* 1914.)

Ordered to be printed 27th August 1914.

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BILL

INTITULED

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Kirkcaldy Corporation. A.D. 1914.

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: 62 & 63 Vict. c. 47.

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:—

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

2. This Act may be cited as the Kirkcaldy Corporation Order Confirmation Act 1914. Short title.

A.D. 1914.

SCHEDULE.

KIRKCALDY CORPORATION.

Provisional Order to repeal the provisions of the Kirkcaldy Burgh and Harbour Act 1876 *relating to the footways in the district annexed to the Burgh by that Act and to substitute therefor the provisions of the Burgh Police Acts to define the limits within which the Corporation may supply gas to make provision as to office of Town Clerk accident insurance fund enlargement and maintenance of Philp Memorial Hall 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 Corporation") and whereas by the Kirkcaldy Burgh and Harbour Act 1876 (herein-after called "the 1876 Act") the boundaries of the burgh were extended so as to include a certain adjacent district (herein-after called "the district annexed"):

And whereas by the 1876 Act it was provided that it should be lawful for the Corporation to cause footways to be made on the sides of any street within the district annexed or where any footways existed but were not properly made to cause the same to be properly made and to make payment of the cost thereof from the moneys to be raised by them on the security of the special footway improvement rate by the said Act authorised:

And whereas by the 1876 Act it was provided that the Corporation might once in every year assess and levy on the owners of all lands and heritages within the district annexed a rate of such amount as they might think proper to be called the special footway improvement rate (herein-after called "the footway rate") to defray the cost of making and improving the said footways:

And whereas by the 1876 Act it was provided that the Corporation might for the purposes of the making and improvement of the said footways from time to time borrow any sums not exceeding £10,000:

5 And whereas the greater and more important part of the streets in the district annexed were at the date of the passing of the 1876 Act turnpike roads and statute labour roads (both herein-after referred to as "turnpike roads") under the management of the county of Fife road trustees:

10 And whereas soon after the passing of the 1876 Act the Corporation under the power above recited borrowed the sum of £10,000 and spent the same in making and improving the footways in the streets (including the turnpike roads) in the district annexed:

15 And whereas the Corporation annually levied the footway rate by the 1876 Act authorised and applied the same to paying the interest and sinking fund on the said sum of £10,000 and also to paying the cost of making and improving the footways in further streets in the district annexed:

20 And whereas after the passing of the 1876 Act new streets came to be formed in the district annexed (all streets formed in the district annexed after the passing of the 1876 Act being herein-after called "new streets" and all streets in the district annexed in existence at the passing of the said Act being 35 herein-after called "old streets"):

And whereas the Corporation for many years applied the footway rate in making and improving the footways in the new streets as well as in the old streets:

And whereas on 20th March 1901 it was in an action raised 30 by Lady Massareene against the Corporation decided by the sheriff-substitute of Fifeshire sitting at Kirkcaldy that the footway rate was not applicable to making and improving footways in new streets and the Corporation thereafter applied the said rate only to making and improving footways in old streets:

35 And whereas the Corporation did not levy the footway rate after their financial year from 15th May 1907 to 15th May 1908:

And whereas by that time the whole of the said sum of £10,000 had been repaid:

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And whereas after 15th May 1908 the Corporation issued notices to a number of proprietors in the district annexed under the powers contained in the Burgh Police (Scotland) Act 1892 and the Burgh Police (Scotland) Act 1903 (herein-after called "the Police Acts") calling on them to lay the footways in front of their properties:

And whereas disputes arose as to whether the Corporation were entitled to issue and enforce the said notices:

And whereas for the purpose of settling the said disputes a special case was submitted by the Corporation and certain proprietors in the district annexed to the first division of the Court of Session:

And whereas by a judgment delivered in the said special case on 10th February 1911 it was decided (first) that the footway rate was not applicable to new streets nor to old streets which were turnpike roads at the passing of the 1876 Act (second) that the Corporation were bound to pay the cost of making and improving the footways on all old streets other than turnpike roads out of the footway rate and that the Corporation were not entitled in the case of such old streets to put in force the powers contained in the Police Acts of calling on owners to lay their own footways:

And whereas owing to this decision the position of matters in regard to the footway rate has become most inequitable as many owners have paid the rate for many years without having received any benefit therefrom and they now have no possibility of receiving any benefit:

And whereas it is desirable that the levying of the footway rate should be brought to an end in the course of a short definite period on equitable terms:

And whereas after the said judgment was pronounced the Corporation issued notices to a number of proprietors in new streets annexed under the powers contained in the Police Acts calling on them to lay the footways in front of their properties:

And whereas none of the proprietors appealed against the said notices:

And whereas the Corporation having in virtue of their powers contained in the Police Acts laid the footways mentioned in the said notices served notices on the respective proprietors

imposing on them the cost of laying the said footways as private improvement expenses under the Police Acts:

And whereas the Corporation also served notices on certain proprietors in new streets to whom notices to lay their footways had been issued prior to the said judgment of the Court of Session but who had not yet paid the private improvement expenses due by them in respect of the footways having been laid by the Corporation under the powers contained in the Police Acts:

And whereas a number of the proprietors under the provisions contained in the Police Acts appealed to the Corporation against the imposition of the said private improvement expenses:

And whereas at the hearing of the said appeals the appellants admitted that they had no valid legal grounds for appealing but had made the said appeals with the object of raising the whole footway question in the district annexed and undertook that on a Provisional Order in terms satisfactory to them and the other proprietors in the district annexed being promoted by the Corporation they would consent to the said appeals being dismissed and would pay the amount of the private improvement expenses levied on them respectively:

And whereas the terms herein-after set forth have been adjusted between the Corporation and a committee representing all classes of proprietors in the district annexed as being fair and equitable:

And whereas the Corporation inserted advertisements in the local papers setting forth briefly the provisions of this Order in regard to the footway rate and calling on any person who objected thereto to lodge a statement of his objections with the town clerk but no person lodged any objections:

And whereas the Corporation have adopted the Burghs Gas Supply (Scotland) Act 1876 and have acquired the undertaking of the Kirkcaldy Gas Light Company Limited:

And whereas the said company supplied gas not only in the burgh of Kirkcaldy but also in certain adjacent districts:

And whereas by the Burghs Gas Supply (Scotland) Act 1876 the Corporation are authorised to supply gas to any district adjacent to the burgh not being at the time of the adoption of the Act within the area of supply of any incorporated company or company authorised by Provisional Order confirmed by Act of

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Parliament town council or other commissioners but the Corporation in respect of such adjacent districts does not possess the compulsory powers contained in the Gasworks Clauses Act 1847:

And whereas it is expedient to confer such compulsory powers on the Corporation and to define the limits within which the Corporation may supply gas:

And whereas by the Kirkcaldy Corporation Order 1910 (herein-after called the "1910 Order") provision was made for the Corporation making byelaws prohibiting the putting into the waters of the Forth within 50 yards of low water mark solid refuse and other waste matter:

And whereas it is desirable to extend the area to which the byelaws may apply:

And whereas it is expedient that further provision should be made with respect to the tenure of office of any town clerk of the burgh to be hereafter appointed and that further powers should be conferred on the Corporation with reference to payment of retiring allowances to town clerks and making agreements in relation thereto:

And whereas a number of the citizens recently at their own expense purchased the Philp Memorial Hall which is situated in the first ward of the burgh and handed over the same to the Corporation as a hall for public meetings:

And whereas it is desirable that the Corporation should be authorised to enlarge improve furnish and fit up the said hall:

And whereas it is desirable that the Corporation should be authorised to establish an accident insurance fund for the purpose of meeting claims upon them arising out of accidents to persons in their employment:

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:

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

title and commencement.

1. This Order may be cited as the Kirkcaldy Corporation Order 1914 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."

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Order divided into Parts.

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

I.—Preliminary.
II.—Footways.
III.—Gas.
IV.—Byelaws.
V.—Town Clerk.
VI.—Financial.

PART I.

PRELIMINARY.

Interpretation.

3. In this Order unless there be something in the subject or context repugnant to such construction the following expressions shall have the meanings respectively herein assigned to them:—

"The burgh" means the burgh of Kirkcaldy;

"The Corporation" means the provost magistrates and councillors of the burgh;

"The 1876 Act" means the Kirkcaldy Burgh and Harbour Act 1876;

"The district annexed" means the district annexed to the burgh by the 1876 Act;

"The footway rate" means the special footway improvement rate by the 1876 Act authorised;

"The Police Acts" means the Burgh Police (Scotland) Acts 1892 to 1903;

"New streets" means streets in the district annexed that were not in existence at the passing of the 1876 Act but have been formed since that date;

"Old streets" means streets in the district annexed that were in existence at the passing of the 1876 Act;

"Turnpike roads" means roads in the district annexed that were under the management of the county road trustees at the passing of the 1876 Act and includes statute labour roads.

PART II.

FOOTWAYS.

Powers in Police Acts for formation of footways to be put in force.

4. From and after the commencement of this Order the Corporation shall be entitled in the district annexed to put in force the powers contained in the Police Acts of calling on owners to cause the footways in front of their properties to be

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made in the same manner and to the same effect as if the provisions in regard to footways contained in the 1876 Act had never been enacted and as if the footway rate had never been authorised or levied.

Footway rate to be levied for three years.

5. The Coporation may in their financial year from 15th May 1915 to 15th May 1916 and in the two succeeding years but not in any subsequent year assess and levy in the district annexed the footway rate by the 1876 Act authorised.

Footway rates to be applied in equitable compensation to owners.

6. The footway rates by the immediately preceding section of this Order authorised to be levied shall be applied by the Corporation in making such payments by way of equitable compensation to owners of properties in the district annexed as to the Corporation shall appear to be just. The said payments shall be made without distinction as to whether the properties are situated in old streets new streets or turnpike roads. The said payments shall be made and the footway rate levied according to the following regulations:—

(1) Where any owner of ground upon which buildings have been erected shall have made or shall make the footway in front of that property in the manner prescribed in section 141 of the Burgh Police (Scotland) Act 1892 whether voluntarily or under an order from the Corporation such owner shall be entitled to receive from the Corporation $\frac{1}{28}$th part of the cost (so far as the same has not already been paid out of the footway rate) for every year not exceeding 28 during which the ground has been built on prior to 15th May 1908:

(2) Where buildings have been erected since 15th May 1908 or where buildings have been erected prior to that date if no claim for compensation under subsection (1) hereof is made by the owner of ground which was previously unbuilt on the owner thereof shall not be liable to be assessed for the footway rate to be levied under this Order:

(3) Where the Corporation are satisfied that buildings have been erected in any street or part of a street for 28 years prior to 15th May 1908 the Corporation may themselves if they see fit cause the footways

therein to be paved and may defray the cost thereof out of the footway rate:

(4) In levying the assessments under this part of this Order section 94 of the 1876 Act shall not apply:

(5) Every owner entitled to receive payment under sub-section (1) of this section shall as early as possible lodge his claim with the Corporation and any owner who does not lodge his claim prior to the 15th June 1917 shall forfeit all claim that would otherwise have been competent to him under the said sub-section:

(6) Whereas the footway rate to be levied in one year may not be sufficient to meet all the claims which may in that year have been made the Corporation may in one year pay the claims arising from one part or district of the district annexed and may leave the other claims over to be dealt with in the following year but in the year from 15th May 1917 to 15th May 1918 they shall deal with all claims which have been lodged prior to 15th June 1917 and which have not already been paid and they shall in the said year from 15th May 1917 to 15th May 1918 levy a footway rate sufficient to enable them to pay all the claims still outstanding:

(7) If any dispute arises as to the meaning and intent of this section or as to the carrying of the same into effect the decision of the Corporation as to such dispute shall be final.

Maintenance of footways.

7.—(1) All footways within the district annexed that may have been or shall hereafter be made paved and constructed either by the Corporation or to their satisfaction shall be maintained repaired and upheld by the Corporation in the same manner as if the footways had been formed under section 141 of the Burgh Police (Scotland) Act 1892.

(2) Section 75 of the 1876 Act is hereby repealed.

Past application of footway rates sanctioned and confirmed.

8. The manner in which the footway rates already levied by the Corporation have been applied is hereby sanctioned and confirmed and no person shall be entitled to make any claim of any nature soever against the Corporation in respect thereof.

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Assessments already imposed confirmed.

9. The assessments already imposed by the Corporation in respect of the laying of footways in new streets are hereby confirmed.

Special Agreements not affected.

10. Nothing contained in this Order shall in any way affect any special agreement already entered into between the Corporation and any proprietor with reference to the footway to be laid in front of his property.

Expenses to be paid out of footway rate.

11. The Corporation may out of the footway rates to be levied under this Order pay (1) the expenses incurred by them in the said special case laid before the Court of Session (2) such part of the expenses of the other parties to the said case as the Corporation have agreed or may agree to pay (3) the expenses incurred by the said committee of proprietors in connexion with this Order and the negotiations preceding the same to an amount not exceeding £100 and (4) a proportion of the expenses incurred by the Corporation in connection with this Order.

PART III.

Gas.

Incorporation of Acts.

12. The following Acts, and parts of Acts (so far as the same are not inconsistent with the provisions of this Order) are hereby incorporated with and form part of this Order:—

The Gasworks Clauses Act 1847 except the provisions with respect to the amount of profit to be received by the undertakers when the gas works are carried on for 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 "provided also that every such contract entered into by "the Corporation shall be alike in terms and amount under "the like circumstances to all consumers" were added at the end of that section:

The Gasworks Clauses Act 1871 except section 35 "Accounts &c.":

And in construing the said Acts and parts of Acts for the purposes of this Order the expressions "the promotors" and "the promotors of the undertaking" or "the undertakers" shall mean the Corporation unless there be something in the subject or the context repugnant to such constructions respectively.

This Order shall be deemed a special Act within the meaning of the said Acts wholly or partially incorporated herewith.

Limits of supply of gas.

13. The limits of this Order for the supply of gas by the Corporation shall be the burgh and the portion of the parish of Kirkcaldy and Dysart beyond the same and the parishes of Kinghorn Auchtertool Kinglassie and Markinch all within the county of Fife Provided (A) that the price to be charged by the Corporation for the supply of gas by them within the burgh of Dysart or within any future extension thereof shall be the same price as that charged by them for gas supplied for the same purpose within the burgh and (B) that the price to be charged by the Corporation for the supply of gas by them within the county of Fife beyond the burgh for any purpose (excepting public purposes) shall not exceed the price charged by them for gas supplied for the same purpose within the burgh by more than fourpence per thousand cubic feet for each mile or part of a mile beyond the boundaries of the burgh providing that the price in the area of the village of Thornton as coloured green on the plan relative to this section and signed in triplicate by the town clerk of the burgh shall not exceed the price charged for gas supplied for the same purpose within the burgh by more than tenpence per thousand cubic feet.

Power to supply gas.

14. Subject to the provisions of this Order the Corporation may supply gas within the limits of this Order Provided always that the Corporation shall not supply gas (A) within that part of the parish of Kirkcaldy and Dysart lying to the east and south-east of the following boundaries:—A line from the foreshore at the west point of the White Craigs extending northwards to the south side of the Dysart Road at the west corner of the buildings known as the Teind Barns and from a point on the south side of said road 34 yards eastwards from the said west corner of said Teind Barns also extending northwards to the west side of the North British Railway bridge crossing Windmill Road and thence northwards along the North British Railway line including both platforms of Dysart Station to the point where the said line enters the parish of Wemyss as the same is coloured red on the plan relative to this section marked Plan No. 1 and signed in triplicate by the town clerk of the burgh without first obtaining the consent of the Dysart Gas Light Company Limited or of the town council of the burgh of Dysart in the event of that burgh adopting the Burghs Gas

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Supply (Scotland) Act 1876 or any amending Act or Act in lieu thereof and acquiring the undertaking of the said Dysart Gas Light Company Limited (B) within that portion of the parish of Kinghorn coloured blue on the plan relative to this section marked Plan No. 2 and signed in triplicate by the town clerk of the burgh without first obtaining the consent of the Kinghorn Gas Light Company Limited or of the town council of the burgh of Kinghorn in the event of that burgh adopting the last-mentioned Act and acquiring the undertaking of the said Kinghorn Gas Light Company Limited and (C) within that portion of the parish of Markinch coloured yellow on the plan relative to this section marked Plan No. 3 and signed in triplicate by the town clerk of the burgh without first obtaining the consent of the Markinch Gas Light Company.

Power to lay pipes in private streets.

15. The Corporation may on the application of the owner or occupier of any premises within the limits of this Order for the supply of gas abutting on or being erected in any street laid out but not dedicated to public use supply these premises with gas and for that purpose the Gasworks Clauses Acts 1847 and 1871 shall apply as if the street were a street within the meaning of those Acts.

For protection of mines.

16. Nothing in this Order or in the Acts or parts of Acts incorporated therewith shall limit or interfere with the rights of any owner lessee or occupier of any mines or minerals outside of the burgh lying under or adjacent to any road along or across which any gas main or pipe shall be laid to work such mines or minerals.

Local or lighting authority may purchase portion of gas undertaking.

17. If at any time the local or lighting authority whether constituted before or after the commencement of this Order of any district (the burgh of Dysart being included in the expression "district") beyond the burgh included in the limits of this Order are desirous to purchase so much of the gas undertaking of the Corporation as is situate within such district or any part thereof and of such desire shall give to the Corporation at least six months' notice in writing the Corporation shall notwithstanding the provisions of section 2 of the Burghs Gas Supply (Scotland) Act 1876 or of any other Act at the expiration of such notice sell that portion of their gas undertaking except the works mains and pipes or other apparatus which shall be necessary for supplying with gas any other district or districts at a price to

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be determined in default of agreement by arbitration in manner provided by the Lands Clauses Acts: Provided that after the completion of such purchase all powers and obligations on the part of the Corporation to supply gas within such first-mentioned district or part thereof as aforesaid shall cease and determine.

For protection of county authorities and the burgh of Dysart.

18. In the exercise of the powers conferred by this Order the following provisions for the protection of (1) the county council of the county of Fife and the Kirkcaldy District Committee of that county council (who for their respective rights jurisdictions and interests are herein-after referred to as "the county authorities," and (2) the provost magistrates and councillors of the burgh of Dysart (herein-after referred to as "the burgh of Dysart") the county authorities and the burgh of Dysart (being both herein-after included in the expression "the local authorities") shall (except so far as otherwise agreed upon in writing between the local authorities and the Corporation) have effect as regards the respective areas of the several local authorities (that is to say):—

(1) (A) All mains pipes and works to be laid in or along any highway or street or in upon or across any bridge repairable by the local authorities or the roadway over the same or approaches thereto shall be laid in such position in such highway street bridge roadway or approaches or at the side thereof and at such depth as the local authorities may reasonably direct:

(B) In all cases where the Corporation propose to lay mains pipes and works in proximity to any mains sewers pipes or other works belonging to the local authorities these shall be laid in such positions and at such levels in relation to the mains sewers pipes and works of the local authorities as the local authorities may reasonably direct:

(2) The provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall subject to the provisions of this section extend and apply to all highways streets and bridges and the roadways over the same and the approaches thereto and to all other property of the local authorities opened and broken up or interfered with by the Corporation in the exercise of the

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powers of this Order Provided that the notice required by section 8 of that Act shall (except for laying connecting or repairing consumers' service pipes as to which three days' notice shall be given and except in cases of accidental leakage or burst as to which notice shall be given thereafter as soon as may be) be not less than in the case of a bridge or the approaches thereto one month and in all other cases fourteen days and with such notice there shall in every case (except as aforesaid) be sent a plan and section showing the proposed works:

(3) Nothing in this Order shall authorise the Corporation to interfere with the structural part of any bridge repairable by the local authorities without the consent in writing of the local authorities which consent shall not be unreasonably withheld and may be given upon such conditions as the local authorities may reasonably determine:

4) The Corporation shall not themselves alter or interfere with any sewers water pipes or other works of the local authorities or the lines and levels of the same or any apparatus valves accesses or entrances connected therewith but in the event of any alterations or interference with such works aforesaid being required by the Corporation in the exercise of the powers conferred upon them by this Order such alterations or interference with such works shall be executed by the local authorities and the local authorities shall use every means in their power to have such alterations on or interference with their respective works executed as economically as possible and with all reasonable despatch and in such a manner as will not unduly delay any operations of the Corporation The reasonable cost of so much of such alterations or interference with such works by the local authorities as is reasonably due to the operations of the Corporation shall be paid by the Corporation to the local authorities within three months after a detailed account thereof shall have been rendered to the Corporation and should any dispute arise as to what is due by the Corporation

the same shall be determined by arbitration as hereinafter in this section provided:

(5) In the event of any alterations on or deviations of any sewers water pipes or other works and property of the local authorities being necessary by or in consequence of the operations of the Corporation for more effectually securing and safeguarding the same or for the construction of such works as may be required for the protection of the local authorities such alterations or deviations or protection works shall be executed and completed by the local authorities at the expense of the Corporation Provided that no such works intended to be executed at the expense of the Corporation shall be commenced without giving at least fourteen days' previous notice in writing or if the circumstances are urgent then such notice as the circumstances permit to the Corporation with the particulars including plans and sections of the works intended and the estimated cost thereof and the same shall be executed as economically as possible and so as to interfere as little as possible with the works of the Corporation and the Corporation may elect to vary or alter their works so as to render unnecessary or lessen the proposed operations on the part of the local authorities and require the intended alterations or deviations to be correspondingly varied:

(6) The local authorities shall at all times have right of access to their existing and future sewers water pipes and other works and to any protective works which may be constructed as herein provided for the purpose of the examination cleansing and renewal repair and duplication enlargement alteration and maintenance of the same and for making any additional works which they may consider necessary or may see fit or may be hereafter authorised to construct:

(7) The local authorities shall not be liable for or in respect of any damage or injury to any mains pipes or other works of the Corporation laid down or constructed under the powers of this Order in or on any highway street or bridge or the roadway over a bridge or the

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approaches thereto caused by the use of road rollers and other road plant and heavy traffic or resulting from the exercise by the local authorities of the powers vested in them from time to time:

(8) Nothing in this Order contained shall take away or abridge any power vested or to be vested in the local authorities to construct build lay repair maintain open or break up alter enlarge improve widen divert or relay or reconstruct any highway road street bridge or any sewer drain main pipe channel or conduit or other works of the local authorities and in the event of the local authorities in the exercise of any such power finding it necessary to interfere with any pipes works lamp-posts or fittings of the Corporation the Corporation shall at their own cost alter relay or if necessary remove such pipes works lamp-posts or fittings temporarily or permanently as may be reasonably required to meet the new or changed conditions:

(9) All works shall be so executed by the Corporation 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 highway or street or over any bridge carrying any highway or the approaches thereto:

(10) The Corporation in opening or breaking up the highways streets bridges or roadways under the jurisdiction of the local authorities shall not without the consent of the local authorities have more than one hundred lineal yards open or broken up at any one place at one time in any such highway street bridge or roadway and the Corporation shall complete their operations and restore the said highway street bridge or roadway and the surface thereof to the satisfaction of the local authorities with all reasonable despatch and maintain the same for a period of twelve months from the date of a certificate by the local authorities or their surveyor certifying that such highway street bridge or roadway has been satisfactorily restored. The restoration of highways streets or roadways under this section shall mean and include the bottoming of the tracks opened up with materials and in a manner

reasonably satisfactory to the local authorities and the metalling rolling and completion of the tracks also with materials and in a manner reasonably approved of by the said authorities and in the case of streets which are causewayed it shall mean the causewaying of the streets in a manner reasonably satisfactory to and reasonably approved of by the local authorities Provided that in the event of the local authorities so determining they may themselves restore the surface of the roadway or street where interfered with by the Corporation and the expense incurred by them in so doing and any extra expense in subsequent maintenance of the roadway or street on account of the interference of the Corporation therewith shall be repaid by the Corporation to the local authorities:

(11) In the event of the local authorities deciding at any time to apply for powers to supply electric light within any portion of their districts situate within the limits of this Order the Corporation shall not oppose any such application:

(12) The Corporation shall if required by the local authorities supply such local authorities with gas for the purpose of the public lighting of any special lighting district formed or which may be formed by the local authorities which is within the limits of this Order or any portion thereof or for the public lighting of any highway within such limits at a price to be agreed upon or failing agreement determined by arbitration as herein-after in this section provided and if any portion of such special lighting district or highway be outside but adjoins such limits the Corporation shall if required by the local authorities so far as they competently may also supply such local authorities with gas at the price to be agreed upon or determined by arbitration as aforesaid for the purposes of the public lighting of such portion of such special lighting district or such highway:

(13) The Corporation shall pay to the local authorities the reasonable costs which they may incur in the repair and reinstatement of so much of any highway or street or the roadway of any bridge carrying any

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highway or street or the approaches thereto in which the mains pipes and works of the Corporation 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: 5

(14) Any extra expense which may be incurred by the local authorities in carrying out any powers vested or which may be vested in them by any existing or future Act of Parliament or otherwise in consequence of works of the Corporation already existing or of 10 the construction of works by this Order authorised shall be repaid to the local authorities by the Corporation:

(15) The Corporation shall pay to the local authorities the costs or expenses they may reasonably incur or be 15 put to in superintending the works authorised by this Order or with reference to any of the matters contained in this section:

(16) All notices to be given or plans to be submitted under the provisions of this section shall be deemed to 20 be sufficiently served on or submitted to the local authorities if the same be sent to the clerk to the Kirkcaldy District Committee of the county council of the county of Fife at his office at Kirkcaldy or the town clerk of Dysart as the case may be: 25

(17) The powers of the Corporation to supply gas within any part of the county of Fife or within the burgh of Dysart shall not on any future occasion be founded on as an argument for the extension of the boundaries of the burgh: 30

(18) The Corporation shall not oppose any application by the county authorities for powers to supply gas within the limits of this Order so far as within the county of Fife or any part thereof or by the burgh of Dysart for powers to supply gas within the limits of this 35 Order so far as within the burgh of Dysart or within any extension of the burgh of Dysart Provided that the respective local authorities applying for such powers are willing to take over in the manner provided in the section of this Order of which the 40

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marginal note is "Local or lighting authority may "purchase portion of gas undertaking" the works mains pipes or other apparatus of the Corporation so far as within any area within which or for which the respective local authorities might obtain powers to supply gas (except the works mains pipes or other apparatus of the Corporation which shall be necessary for supplying with gas any other district or districts) or alternatively provided the respective local authorities agree to take from the Corporation a supply of gas in bulk for the service of such area:

(19) If any difference at any time arises between the local authorities and the Corporation touching this section or anything to be done or not to be done thereunder such differences shall be settled by an arbiter to be agreed upon between them or failing such agreement to be appointed on the application of either party by the sheriff of Fife and Kinross.

For protection of waterworks commissioners of Kirkcaldy and Dysart.

19. For the protection of the waterworks commissioners of Kirkcaldy and Dysart (in this section called "the commissioners") the following provisions shall unless otherwise agreed upon between the Corporation and the commissioners have effect (that is to say):—

(1) In carrying out any of the works to be constructed by the Corporation authorised by this Order or by the Acts incorporated therewith the Corporation shall not themselves alter or interfere with the existing mains branch and service pipes or other works of the commissioners or the lines and levels of the same or any apparatus valves accesses or entrances connected therewith nor prevent nor injuriously affect or interrupt the flow of water but in the event of any alterations or interference with such works aforesaid being required by the Corporation in the exercise of the powers conferred upon them by this Order such alterations or interference with such works shall be executed by the commissioners and the commissioners shall use every means in their power to have such alterations on or interference with their respective works executed as economically as posssible and with all reasonable despatch and in such a manner as will

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enable the Corporation to carry out their works without undue delay. The reasonable cost of so much of such alterations or interference with such works by the commissioners as is reasonably due to the operations of the Corporation shall be paid by the Corporation to the commissioners within three months after a detailed account thereof shall have been rendered to the Corporation and should any dispute arise as to what is due by the Corporation the same shall be determined by arbitration as hereinafter in this section provided and the Commissioners' works as so altered shall remain part of the statutory undertaking of the commissioners:

(2) In the event of any alterations on or deviations of any water mains branch or service pipes or other works and property of the commissioners being necessary by or in consequence of the operations of the Corporation for more effectually securing and safeguarding the same or for the construction of such works as may be required for the protection of the commissioners' undertaking such alterations or deviations or protection works shall be executed and completed by the commissioners at the expense of the Corporation provided that no such works intended to be executed at the expense of the Corporation shall be commenced without giving at least fourteen days' written notice or if the circumstances are urgent then such notice as the circumstances permit to the Corporation with the particulars including plans and sections of the works intended and the estimated cost thereof and the same shall be executed as economically as possible and so as to interfere as little as possible with the works of the Corporation and the Corporation may elect to vary or alter their works so as to render unnecessary or lessen the proposed operations on the part of the commissioners and require the intended alterations or deviations to be correspondingly varied:

(3) The commissioners shall at all times have right of access to their existing and future mains branch and service pipes and works connected therewith and to

any protective works which may be constructed as herein provided for the purpose of the examination cleansing and renewal repair and duplication enlargement alteration and maintenance of the same and for making any additional works which they may consider necessary or may see fit or may be hereafter authorised to construct:

(4) The Corporation shall before proceeding with any works or operations which interfere with or affect any of the mains branch and service pipes and other works of the commissioners give at least one month's previous written notice of the intention of the Corporation so to do to the secretary of the commissioners and shall submit plans and sections showing the intended operations which plans and sections shall so far as any of the mains or branch pipes or other works of the commissioners shall or may be interfered with or affected be subject to the reasonable approval of the engineer of the commissioners and the Corporation shall carry out such works only in accordance with the plans so approved:

(5) All additional expenditure which at any time after the commencement of this Order may be reasonably incurred by the commissioners in consequence of the construction or laying down or by reason of the existence of any mains pipes or other apparatus of the Corporation which but for the confirmation of this Order and the exercise of the powers conferred on the Corporation would not have otherwise arisen shall be borne and paid by the Corporation:

(6) The commissioners shall not be liable for any loss or damage which the Corporation may sustain by the exercise in a reasonable manner by the commissioners of any statutory powers possessed by them for the time being for the management inspection repair maintenance and renewal of their works or in connexion with the construction and maintenance at any time of new and additional mains branch and service pipes and other works which may be found necessary for the purposes of their undertaking:

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(7) If any difference shall arise at any time between the Corporation and the commissioners with respect to any of the matters referred to in or arising out of this section with respect to the execution of any works therein provided for or referred to such difference shall failing agreement of the parties to name an arbiter be referred to an arbiter to be nominated by the sheriff of Fife and Kinross on the application of either of the said parties and the decision of the said arbiter in all such matters so referred shall be final Provided however that in reference to the eight inch or larger mains of the commissioners and the apparatus and valves connected therewith the commissioners shall be entitled absolutely to decide the manner in which and the conditions upon which such mains apparatus and valves shall be altered or interfered with and in these cases the said arbiter shall failing agreement decide whether and to what extent such alteration or interference was due to the operations of the Corporation and the amounts reasonably chargeable against the Corporation in respect thereof.

Part IV.

Byelaws.

Byelaws for preserving amenity of seashore and strand.

20. Section 54 of the 1910 Order shall be read and construed as if the words "half a mile" had been there inserted in place of the words "50 yards" Provided that no byelaw made under the provisions of section 54 of the 1910 Order and this section shall come into operation until the consent of the Board of Trade has first been obtained Provided further that the Board of Trade may by Order signed by a secretary or an assistant secretary of the Board revoke any such byelaw Before consenting to or revoking any such byelaw the Board of Trade may make such inquiry (if any) as the Board consider necessary and the expenses of any such inquiry shall be defrayed by the town council.

Part V

Town Clerk.

Regulation of Office of town clerk.

21. The following provisions shall apply to the office of town clerk of the burgh and shall take effect from and after

the day on which William Lowson Macindoe present town clerk of the burgh ceases to hold that office (herein-after called "the appointed day"):—

(1) Every person appointed by the Corporation to the office of town clerk after the appointed day shall hold office during the pleasure of the Corporation or during such period as may be fixed in any agreement made or to be made between the Corporation and such person and upon such terms and conditions as the Corporation may from time to time determine and shall be paid for his personal services and in respect of the duties devolving upon him by virtue of his office or under any resolution of the Corporation a salary to be fixed by the Corporation and such salary may from time to time be raised or reduced by and at the pleasure of the Corporation No person appointed to the office of town clerk shall be removed from office except by the votes of not less than two-thirds of those members of the Corporation who shall be present at a meeting of the Corporation specially called for the purpose by a circular addressed to the members of the Corporation not less than seven nor more than fourteen days before the date such meeting All fees and emoluments pertaining to the office of town clerk or claimable in respect of the duties which any town clerk may perform shall be charged collected and accounted for as herein-after provided:

(2) The Corporation may require the town clerk to act as law agent Parliamentary solicitor clerk and secretary of the Corporation or in any one or more of such capacities in relation to all or such parts of the business of the Corporation and of all or any trusts boards or commissions now existing or which may hereafter be created in connexion with the Corporation or in which the Corporation may be interested as they think proper from time to time to entrust to such town clerk or the Corporation may appoint other persons to act in any of such capacities or to perform all or any part of such business All fees and emoluments payable (unless it should be

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otherwise resolved by the Corporation) for the services of the town clerk as such law agent Parliamentary solicitor clerk or secretary or payable in respect of the services of any deputy or assistant town clerks and other persons employed on the establishment and staff of the town clerk's office shall be charged collected accounted for and applied as herein-after provided:

(3) No person appointed to the office of town clerk shall without the permission of the Corporation undertake or discharge any other business or duties and every person so appointed shall devote his whole time to the service of the Corporation:

(4) The town clerk shall subject to such regulations as the Corporation may from time to time make have the management direction and control of the town clerk's department and the staff thereof and may from time to time appoint and suspend and subject to the approval of the Corporation dismiss any person employed in the said department The town clerk may also subject to the approval of the Corporation appoint such number of deputy or assistant town clerks as the Corporation may from time to time determine The salaries to be paid to the deputy or assistant town clerks and other persons employed in the said department shall be fixed by the Corporation:

(5) The town chamberlain or other person to be appointed by the Corporation shall be treasurer of a fund to be called "the Town Clerk's Fee Fund" which shall be under the control and management of the Corporation and all fees and emoluments pertaining to the office of town clerk and all the fees and emoluments referred to in subsection (2) of this section and also all costs charges and disbursements recoverable from third parties and recovered (the right of recovering such costs charges and disbursements in proceedings between the Corporation and third parties being in no respect prejudiced by this Order) shall be charged and collected by the town clerk or other person to be appointed by the Corporation for that purpose

and shall be paid over to such treasurer all at such times and in such manner as the Corporation may from time to time determine and shall be placed to the credit of the said fee fund Provided always that it shall not be necessary unless the Corporation otherwise resolve to make out accounts for or recover any fees or emoluments which may be payable by the Corporation:

(6) The town chamberlain or other such person shall apply the moneys of the said fee fund in paying the salaries of the town clerk the deputy or assistant town clerks and the other persons employed on the establishment or staff of the department and also retiring allowances to any town clerk or deputy or assistant town clerk as herein-after provided and all disbursements and payments made or incurred in connexion with and for the proper equipment of the department and if the same be insufficient the Corporation shall allocate the deficiency against all or any of their several funds and assessments as they think proper but if there be any surplus of the said fee fund in any year after satisfying the said purposes and the other purposes of this section such surplus shall be placed to the credit of such of the funds departments and assessments of the Corporation as they think proper.

Power to agree for retirement with present town clerk.

22. The Corporation may at any time after the passing of the Act confirming this Order enter into an agreement with William Lowson Macindoe for his retirement from the office of town clerk and any other office or appointment held by him under the Corporation at such date and in consideration of such retiring allowance and subject to such conditions as may be agreed upon Such retiring allowance shall form a first charge on the said fee fund subject to the provision herein-before contained as to the liability of the funds and assessments of the Corporation for any deficiency in the fee fund.

Provision for retirement of future town clerk.

23. The Corporation may if they think fit on the retirement hereafter of any town clerk other than William Lowson Macindoe and of any deputy or assistant town clerk grant to such person a retiring allowance of such amount and payable during his life

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or for such shorter period as the Corporation may determine The Corporation may at any time commute any retiring allowance into a capital sum to be paid out of the fee fund or other funds and assessments of the Corporation of such amount as shall be fixed by an actuary to be named by the sheriff of Fife and Kinross on the application of the Corporation as the value of an annuity equal in amount to such retiring allowance having regard to the age of the person so entitled and the period for which such retiring allowance has been granted Provided that retiring allowances shall not at any one time be paid to more than two persons who have held the office of town clerk.

Saving clause.

24. Nothing in this Order shall in any way extend or prejudicially affect or impair the rights and interests of the Corporation on the one hand or of William Lowson Macindoe on the other hand in or in relation to the office of town clerk or any other office or appointment held by him under the Corporation while William Lowson Macindoe shall continue in office.

Part VI.

Financial.

Gas guarantee rate to apply to sinking fund.

25. Section 38 ("Guarantee rate") of the Burgh Gas Supply (Scotland) Act 1876 shall in its application to the gas undertaking be read as if the words "and the sinking fund thereon" were inserted after the words "or to be borrowed."

Enlarging and fitting up Philp Memorial Hall.

26. The powers to contribute towards the expense of enlarging and furnishing and fitting up and of borrowing for that purpose contained in section 315 of the Burgh Police (Scotland) Act 1892 shall apply to the Philp Memorial Hall. In the application of that section to the said hall that section shall read as if the words "enlarge alter or" were inserted between the words "may" and "repair" and as if the words "altering or repairing" were inserted between the words "enlarging" and "any" and as if the words "enlargement alteration" were inserted between the words "erection" and "furnishing". The annual revenue of the said hall shall be applied (1) in paying the expenses of managing and repairing the said hall (2) in paying the interest and sinking fund on any money borrowed on the security of the General Improvement Assessment in respect of the said hall (3) any

surplus after providing for such payments as aforesaid shall be carried to the General Improvement Assessment.

Accident insurance fund.

27.—(1) The Corporation may establish an accident insurance fund in this section called "the fund" to meet claims upon them arising out of accidents occurring to persons in their employment or to third parties and may contribute thereto annually out of the revenues of their several departments such sums as they may from time to time determine.

(2) The fund and the annual contribution shall be invested in securities in which trustees are for the time being authorised to invest and shall be accumulated at compound interest but the Corporation may at any time resort to the fund for the purpose of meeting any such claim as is mentioned in this section.

(3) In the event of the claims arising at any time exceeding the amount of the fund the Corporation may charge the revenues of the several departments liable to contribute to the fund with such sums as may be necessary to meet such claims Such sums shall be paid into the fund under the name of extraordinary contributions and shall along with the fund be applied in meeting such claims.

Crown rights.

28. Nothing in this Order shall affect prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained shall authorise the Corporation to take use or in any manner interfere with or restrict the use of any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land heritages 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 or of 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).

Costs.

29. The costs charges and expenses of and incident to the preparing obtaining and confirming of this Order or otherwise in relation thereto shall be paid by the Corporation out of the footway rate or the revenue of the gas undertaking or the revenue of the other departments of the Corporation or out of some or all of them in such proportions as the Corporation may determine.

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 6th August* 1914.)

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