



CHAPTER cxvii.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act 1870 relating to Dorking Water Maidenhead Water Tavistock Gas Wey Valley Water and Ystalyfera Gas. A.D. 1905.

[4th August 1905.]

**W**HEREAS 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:

And whereas the limits of supply as defined by the Wey Valley Water Order 1905 hereby confirmed include a portion of the area within which the corporation of the borough of Godalming were by the Godalming Corporation Water Act 1899 authorised to supply water but the said corporation have not in fact supplied water within the portion aforesaid and it has been agreed between the said corporation and the undertakers for the purposes of the said Order that the said undertakers shall be authorised by the said Order to supply water therein and that so much of the said Act as authorises the said corporation to supply water therein shall be repealed:

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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:—

Short title.

1. This Act may be cited as the Gas and Water Orders Confirmation (No. 2) Act 1905.

Confirmation of Orders in schedule.

2. The several 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.

Amendment of Frith Hill Godalming and Farncombe Water Order 1890 and 62 & 63 Vict. c. ccix.

3. So much of the Frith Hill Godalming and Farncombe Water Order 1890 and the Godalming Corporation Water Act 1899 as authorise the corporation of the borough of Godalming to supply water within the parish of Puttenham is hereby repealed and from and after the passing of this Act all the powers duties and obligations of the said corporation with reference to the supply of water within the said parish shall absolutely cease and determine and the said Order and Act shall be read and construed accordingly and the Wey Valley Water Order 1905 shall have full validity and effect as if the said parish had never been included within the limits within which the said corporation were authorised to supply water.

SCHEDULE.

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**DORKING WATER.**—Order empowering the Dorking Water Company to extend their limits of supply.

**MAIDENHEAD WATER.**—Order empowering the Maidenhead Waterworks Company to extend their limits of supply and to raise additional capital.

**TAVISTOCK GAS.**—Order empowering the Tavistock Lighting Coal and Coke Company Limited to maintain and continue their existing gasworks and to erect and maintain new gasworks and to make store and supply gas within the urban district and parish of Tavistock and within the parish of Whitchurch both in the county of Devon and for other purposes.

**WEY VALLEY WATER.**— Order empowering the Wey Valley Water Company to extend their limits of supply and raise additional capital and for other purposes.

**YSTALYFERA GAS.**—Order authorising the maintenance and continuance of gasworks and the manufacture and supply of gas within parts of the parishes of Llanguicke and Cilybebyll otherwise Killybebill both in the county of Glamorgan and parts of the parish of Ystradgynlais Lower in the county of Brecknock.

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DORKING WATER.

*Dorking.* Order empowering the Dorking Water Company to extend their limits of Supply.

Short title.

1. This Order may be cited as the Dorking Water Order 1905.

Commence-  
ment 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."

Construction  
of Order.

3. The Dorking Water Act 1869 (in this Order referred to as "the Act of 1869") the Dorking Water Order 1879 and the Dorking Water Act 1900 and this Order shall be construed together except so far as such construction would be inconsistent with or repugnant to the provisions of this Order.

Incorporation  
of Acts.

4. The Waterworks Clauses Acts 1847 and 1863 are except where the same are 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.

Interpretation.

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

Undertakers.

6. The Dorking Water Company incorporated by the Act of 1869 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.

7. The Undertakers shall have and may exercise subject to the provisions of this Order within the following new limits namely the parishes of Capel and Ockley both in the county of Surrey all the like powers privileges and authorities for or in relation to the supply of water and shall 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 supply as defined by the Act of 1869 and from and after the commencement of this Order the limits of that Act shall be deemed to include the said new limits.

Where Under-  
takers not  
furnishing  
sufficient  
supply local  
authority or  
Company may  
supply.

8. If at any time after the expiration of five years from the commencement of this Order the Undertakers are not furnishing or prepared on demand to furnish within the new limits a sufficient supply of water in accordance with the provisions of the Act of 1869 and this Order in any part of the district of any local authority within the new limits such local authority may provide a supply of water 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 not sufficiently supplied by the Undertakers as if in either case there were no company authorised by this Order to supply water therein.

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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.

9. In executing the works and exercising the powers by this Order respectively authorised and conferred so far as the same affect roads bridges and other property vested in or under the jurisdiction of the Surrey County Council (in this section called "the council") the following provisions for the protection of the council shall have effect (that is to say):—

For protection  
of Surrey  
County  
Council.

- (1) All aqueducts conduits and lines of pipes to be laid in or along any main road or in upon or across any county or main road bridge shall be laid in such position in or at the side thereof as the council in writing under the hand of their surveyor may reasonably direct:
- (2) The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall extend and apply to all main roads and county or main road bridges and to all other property of the council opened and broken up or interfered with by the Undertakers in the exercise of the powers of this Order provided that the notice required by the thirtieth section of that Act shall be not less than seven days instead of three days:
- (3) The plan required by the thirty-first section of the last-mentioned Act shall be accompanied by a section of the proposed works and shall be delivered to the council or their surveyor by the Undertakers not less than in the case of a bridge one month and in all other cases fourteen days before the Undertakers commence to open or break up any main road or interfere with any county or main road bridge for the purpose of executing the works:
- (4) Nothing in this Order shall authorise the Undertakers to interfere with the structural part of any county or main road bridge without the consent in writing of the surveyor of the council which consent may be given upon such conditions as the council or such surveyor may reasonably determine:
- (5) Nothing in this Order contained shall interfere with the right of the council to alter the level of deviate or improve in any manner they think fit any main road in or along which any aqueduct conduit or line of pipes of the Undertakers shall have been laid and the Undertakers shall forthwith on receiving notice in writing under the hand of the clerk or surveyor to the council so to do alter the position of any such aqueduct conduit or line of pipes

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in the manner and to the extent prescribed by such notice or as in case of difference shall be determined by arbitration in the manner herein-after prescribed and the expense of any such alteration deviation or improvement shall be paid to the Undertakers by the council :

- (6) Nothing in this Order contained shall interfere with the right of the council at any time or times to remove alter or rebuild any county or main road bridge or the approaches thereto over near or attached to which any aqueduct conduit or line of pipes of the Undertakers is carried in the same manner as they might have removed altered or rebuilt such bridge or the approaches thereto if this Order had not been confirmed and such aqueduct conduit or line of pipes had not been constructed or laid over or near or attached to such bridge and in the event of any such bridge or the approaches thereto over or near or attached to which any such aqueduct conduit or line of pipes is laid being removed altered or rebuilt as aforesaid the Undertakers shall at their own cost in all things alter the position of such aqueduct conduit or line of pipes and any works by which such aqueduct conduit or line of pipes is carried over or near or attached to such bridge or the approaches thereto as aforesaid Provided that during the removal alteration or rebuilding of such bridge or the approaches thereto as aforesaid the council shall at their own expense afford all reasonable facilities for temporarily carrying such aqueduct conduit or line of pipes across any stream or river so as not to interrupt the continual supply of water or to diminish the pressure of such supply through such aqueduct conduit or line of pipes :
- (7) 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 or the approaches thereto :
- (8) The Undertakers shall pay to the council the reasonable expenses incurred by them in relation to the reasonable superintendence by the council or their surveyor of any work to be done by the Undertakers under the provisions of this section :
- (9) If any difference at any time arises between the council and the Undertakers touching this section or anything to be done or not to be done thereunder such difference shall be settled by an engineer to be appointed by the President of the Institution of Civil Engineers on the application of either party :
- (10) The council shall not be liable for or in respect of any damage or injury done to any work of the Undertakers by reason of such work being laid at a depth below the surface of any main road

insufficient for its protection from injury arising from the use of any steam or other roller or from the passage of the traffic in such road or in repairing any county or main road bridge or the approaches thereto or by reason of the non-repair of any such bridge or approaches.

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

For protection  
of London  
Brighton and  
South Coast  
Railway Com-  
pany.

(A) In laying down altering and repairing or removing any mains pipes or conduits or executing any other works in exercise of the powers contained in this Order in the parishes of Capel and Ockley in the county of Surrey upon across over or under or in any way affecting the railways bridges works and property of the Brighton Company (herein-after together referred to as "the railways of the Brighton Company") the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the Brighton Company and according to such plans and in such manner as shall be previously submitted to and approved by him in writing or in the event of disapproval then in such manner as shall be determined by arbitration in manner herein-after provided:

(B) All such works shall be done by and at the expense of the Undertakers who shall restore and make good to the reasonable satisfaction of the said engineer any portion of the railways of the Brighton Company which may be interfered with and all such 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 of the Brighton Company shall think it necessary for the safety of the railways of the Brighton Company that any works of the Undertakers over under or in any way affecting the railways of the Brighton Company shall be done or carried out by the Brighton Company and shall notify such desire to the Undertakers any such works shall be done or carried out by the Brighton Company accordingly at the cost of the Undertakers:

(C) The Undertakers shall bear and on demand pay to the Brighton Company all costs of the superintendence by the said engineer of the construction maintenance and renewal of the mains pipes conduits and other works of the Undertakers over or under or in any way affecting the railways of the Brighton Company 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 such construction maintenance and renewal but such superintendence by the Brighton Company

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shall not relieve the Undertakers from liability for any accident which may be occasioned by or through the operations of the Undertakers or by their contractors agents and workmen :

- (D) If any injury or interruption of traffic shall arise from or be in any way owing to any of the works of the Undertakers or to the bursting leakage or failure of any such mains pipes conduits or works the Undertakers shall make full compensation to the Brighton Company in respect thereof :
- (E) The Undertakers shall from time to time pay to the Brighton Company any additional expense which the Brighton Company may incur in effecting any widening or alteration of the railways of the Brighton Company by reason of the existence of any mains pipes or conduits of the Undertakers upon across over or under or in any way affecting the railways of the Brighton Company :
- (F) 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 said engineer and delivered at the principal office of the Undertakers call upon the Undertakers to divert or alter the level of any main pipe or conduit of the Undertakers passing over or under or in any way affecting the railways of the Brighton Company so as to admit of any repairs 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 :
- (G) 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 either party and the costs of such arbitration shall be in the discretion of the arbitrator.

Costs of Order.

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



MAIDENHEAD WATER.

A.D. 1905.

*Order empowering the Maidenhead Waterworks Company to extend their limits of supply and to raise additional capital.* Maidenhead.

1. This Order may be cited as the Maidenhead Water Order 1905. Short title.

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

3. The Maidenhead Waterworks Act 1875 (in this Order referred to as "the Act of 1875") the Maidenhead Water Order 1893 and the Maidenhead Water Order 1900 (in this Order respectively referred to as "the Order of 1893" and "the Order of 1900") and this Order shall be construed together except so far as such construction would be inconsistent with or repugnant to the provisions of this Order. Construction  
of Order.

4. So far as the same relate to the powers conferred by this Order the provisions of the Companies Clauses Consolidation Acts 1845 to 1889 with respect to the several matters following (that is to say):— Incorporation  
of Acts.

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 cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 and the Companies Clauses Act 1869 and 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 purpose 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.

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*Maidenhead.*  
Interpretation.

5. 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.

Extension of  
limits of  
supply.

6. The Undertakers shall have and may exercise within the following new limits herein-after referred to as "the new limits" namely the parishes of Shottesbrook and Waltham St. Lawrence and that portion of the parish of White Waltham which lies south of the northern side of the main line of railway of the Great Western Railway Company and was not included in the limits of supply as extended by the Order of 1893 all which parishes are within the rural district of Cookham in the county of Berks 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 supply as defined by the Act of 1875 and as extended by the Order of 1893 and the expression "limits of this Act" in the Act of 1875 and the expression "the limits of supply" in the Order of 1893 shall be deemed from and after the commencement of this Order to include the said new limits.

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

7. If at any time after the expiration of six years from the commencement of this Order the Undertakers are not furnishing a sufficient supply of water in accordance with the provisions of the Act of 1875 or the Order of 1893 and this Order in any part of the district 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.

*Undertakers.*

Undertakers.

8. The Maidenhead Waterworks Company incorporated by the Act of 1875 shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

*Additional Capital.*

Additional  
capital.

9. In addition to the capital already authorised to be raised by the Undertakers under the Act of 1875 the Order of 1893 or the Order of 1900 (in this Order referred to as "the original capital") they may—

- (1) Raise any further sums not exceeding in the whole nine thousand pounds by the issue of new ordinary shares or stock or new

preference shares or stock or wholly or partly by any one or more of those modes respectively (in this Order referred to as "the additional capital") but the Undertakers shall not issue any share under the authority of this Order of less nominal value than ten pounds nor shall any such share or stock issued under the authority of this Order vest in the person accepting the same unless and until the full nominal amount of such share or stock together with any premium obtained on the sale thereof as herein-after 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 capital than will be sufficient to produce including any premium which may be obtained on the sale thereof the sum of nine thousand pounds; and

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- (2) Borrow on mortgage such sum or sums of money as together with the amount which before the commencement of this Order they were authorised to borrow upon the security of the undertaking shall not exceed one-third part of the aggregate amount of the existing capital and the additional capital actually raised by the issue of 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 the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that such shares or stock including the premiums (if any) realised on the sale thereof have been fully paid up and upon production to such justice of the books of the Undertakers and such other evidence as he may think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

10. 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 shares or stock instead of borrowing or to convert into capital the amount borrowed under the provisions of this Order.

As to conversion of borrowed money into capital.

11. Except as by this Order otherwise provided the additional capital created by the Undertakers under this Order and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that additional capital were part of the original capital of the Undertakers of the same class or description and the new shares or stock were shares or stock in that capital.

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

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*Maidenhead.*  
New shares or  
stock to be  
offered by  
auction or  
tender.

12. The Undertakers shall when any shares or stock created under the powers of this Order are to be issued and before offering the same to the holder of any other shares or stock of the Undertakers and whether the ordinary shares or ordinary stock of the Undertakers are or is at a premium or not offer the same for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Undertakers may by special resolution determine. Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock and that the reserved price put upon such shares or stock shall not be less than the nominal value thereof and notice of the amount of such reserved price shall be sent by the Undertakers in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares or stock of the Undertakers except that if the bidding or offer by tender of any holder of shares or stock be the same in amount as the bidding or offer by tender made by any other person the bidding or offer of such holder shall be accepted in preference.

Purchase  
money of  
capital sold to  
be paid within  
three months.

13. It shall be one of the conditions of any sale of shares or stock under the provisions of this Order that the whole nominal amount thereof together with any premium given by any purchaser at such sale in respect thereof shall be paid to the Undertakers within three months after such sale.

Notice to be  
given as to  
sale of shares  
or stock.

14. The intention to sell any shares or stock by auction or tender under the provisions of this Order shall be communicated by the Undertakers in writing to the clerk of every local authority having jurisdiction within the limits of supply and to the secretary of the committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised by the Undertakers once in each of two consecutive weeks in one or more newspapers circulating within the limits of supply.

Shares or stock  
not sold by  
auction or by  
tender to be  
offered to hol-  
ders of ordi-  
nary shares or  
stock.

15. When any shares or stock have been offered for sale by auction or tender under the provisions of this Order and not sold the same shall be offered at the reserved price put upon the same respectively for the purpose of sale by auction or tender to the holders of the ordinary shares or ordinary stock of the Undertakers in the manner provided by the Companies Clauses Act 1863. Provided that any shares or stock so offered and not accepted within the time prescribed by the said Act shall again be offered for sale by public auction or tender in the manner and subject to the provisions of this Order with respect to the sale of shares or stock created under the powers of this Order except that the reserved price put upon such shares or stock may at such second or any subsequent sale if the directors of the Undertakers think fit be less than the nominal value thereof and any shares or stock not then sold may be disposed of by the directors or offered to the holders of

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ordinary shares or ordinary stock at the last-mentioned reserved price and so on until the whole of such shares or stock is sold.

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*Maidenhead.*

16. Any sum of money which may arise from the issue of any shares or stock under the provisions of this Order by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Undertakers but shall be expended in extending or improving the works of the Undertakers or in paying off money borrowed or owing on mortgage by the Undertakers and shall not be considered as part of the capital of the Undertakers entitled to dividend.

Application of premium arising on issue of shares or stock.

17. The Undertakers shall not in any year 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 or six pounds in respect of every one hundred pounds actually paid of so much of such capital as may be issued as preference capital.

Limits of dividend on additional capital.

18. 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 maximum rate of dividend on each class of ordinary shares or stock in the capital of the Undertakers a proportionate reduction shall be made in the dividends payable on each class.

Dividends on different classes of shares or stock to be paid rateably

19. The Undertakers may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein or in any Act previous to this Order contained the interest of all debenture stock and of all mortgages at any time after the commencement of this Order created and issued or granted by the Undertakers under any previous Act or this Order or any subsequent Act or Order shall (subject to the provisions of any subsequent Act or Order) rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament Orders or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages. Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Debenture stock.

20. All mortgages granted by the Undertakers under the authority of the Act of 1875 or the Orders of 1893 and 1900 before the commencement of this Order and subsisting at the date of such commencement shall during the continuance of such mortgages and subject to the provisions of the said Act and Orders have priority over all 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 and notwithstanding anything in the said Act contained all debenture stock at any time created and issued by the Undertakers after the commencement of this Order whether under the said Act or Orders or this Order shall rank *pari passu*.

Existing mortgages to have priority.

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*Maidenhead.*  
Limit of interest on moneys borrowed.

21. 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 raised by the creation and issue of debenture stock under the authority of this Order.

Appointment of a receiver.

22. Section 20 of the Order of 1900 is hereby repealed and as from the commencement of this Order the mortgagees of the undertaking under the Act of 1875 or the Orders of 1893 and 1900 and this Order may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one-tenth part of the total amount for the time being owing by the Undertakers on mortgage.

Application of money.

23. All moneys raised under this Order shall be applied to the purposes of the water undertaking authorised by the Act of 1875 the Order of 1893 the Order of 1900 and this Order to which capital is properly applicable.

*Works.*

For protection of Great Western Railway Company.

24.—(1) Any mains or pipes which the Undertakers may lay down in or along any road crossing either over under or on the level of the Great Western Railway Company (herein-after referred to as "the Great Western Company") shall so far as they may affect such railway be laid down by the Undertakers at such time as may be reasonably required by and under the direction and superintendence and to the reasonable satisfaction of the engineer for the time being of the Great Western Company and in accordance with plans and sections (when necessary in the opinion of such engineer) previously submitted to and approved of by him in writing and any of such mains or pipes from time to time renewed or repaired by the Undertakers shall be renewed and repaired in the same manner and under the like conditions and the reasonable charges of such engineer shall be borne by the Undertakers. Provided that where any mains or pipes require to be laid under or over any level crossing of the said railway the Great Western Company may if they elect so to do themselves lay such mains or pipes at the costs charges and expenses of the Undertakers.

(2) The said mains or pipes shall be laid down maintained repaired and used by the Undertakers as not to cause any damage or injury to or to impede the free and uninterrupted use of the said railway and works.

(3) The Undertakers shall at all times keep the Great Western Company indemnified against all damages losses expenses or injuries which they or the traffic on the said railway may sustain or incur by reason or in consequence of the laying down maintaining and using such mains and pipes as aforesaid.

(4) If the Great Western Company at any time hereafter require to construct any additional or other works upon their lands or railways or to alter renew or repair the railways bridges viaducts or works upon across over or under which any of the works of the Undertakers may have been constructed or laid the Great Western Company may on giving to the Undertakers seven days' notice in writing under the hand of their secretary or general manager for the time being and in case of emergency of which their engineer shall be the sole judge without notice divert support or carry the said works of the Undertakers across over or under their lands railways bridges or works at any other point or otherwise deal with the same in as convenient a manner as circumstances will permit and doing as little damage as may be without being liable to pay compensation in respect thereof.

A.D. 1905.  
*Maidenhead*

25. If any difference arise between the Undertakers and any railway or other company whose lands or works the Undertakers have power to cross under the authority of this Order for the purpose of meeting the demands for water within the limits of supply as to the mode of laying down repairing altering or enlarging their conduits mains pipes or 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.

Differences  
with railway  
or other com-  
panies.

26. Notwithstanding anything in section 39 of the Act of 1875 contained the Undertakers shall provide and keep a supply of pure and wholesome water constantly laid on under pressure throughout the borough of Maidenhead.

Constant  
supply in  
Maidenhead.

27. All the provisions of section 83 of the Waterworks Clauses Act 1847 with respect to the sending to the clerk of the peace of the account required by that section to be kept by the Undertakers shall extend and apply to the sending of a copy of the said account to the town clerk of the borough of Maidenhead as fully and effectually as if the said town clerk had been mentioned in the said section.

Account to be  
sent to Corpor-  
ation of Maid-  
enhead.

28. 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.

A.D. 1905.

TAVISTOCK GAS.

*Tavistock.* Order empowering the *Tavistock Lighting Coal and Coke Company Limited* to maintain and continue their existing Gasworks and to erect and maintain new Gasworks and to make store and supply Gas within the Urban District and Parish of *Tavistock* and within the Parish of *Whitchurch* both in the County of *Devon* and for other purposes.

Short title. 1. This Order may be cited as the *Tavistock Gas Order 1905*.

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* (except sections 30 to 34 both inclusive) and of the *Gasworks Clauses Act 1871* are hereby incorporated with this Order (except where the same are expressly varied by this Order) and the said provisions of the said *Gasworks Clauses Acts* shall apply as well to the mains pipes and works of the undertakers laid down or constructed before the commencement of this Order and situate within the limits of supply as defined by this Order as to any mains pipes or works which may be laid down or constructed under the authority of this Order. Provided that for the purpose of such incorporation section 35 of the said *Gasworks Clauses Act 1847* shall be read and construed as though the words from "in case the whole" down to "have been paid" all inclusive had been omitted therefrom and as though the expression "the prescribed rate" included the prescribed rates as defined by this Order together with any sum which under the provisions of this Order might lawfully be carried to the insurance fund.

Interpretation. 4. In this Order the expression "the prescribed rates" means the rates of dividend authorised by this Order on the capital of the Undertakers or such 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 the same respective meanings and in the construction of this Order or of any such Act for the purposes of this Order the expression "the undertaking" shall include the gasworks and works connected therewith by this Order authorised to be maintained continued and erected.



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 urban district and parish of Tavistock and the whole of the parish of Whitchurch both in the county of Devon.

A.D. 1905.  
 —  
*Tavistock.*  
 Limits of supply.

*Undertakers.*

6. The Tavistock Lighting Coal and Coke Company Limited shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Undertakers.

*Capital.*

7. The share capital of the Undertakers for the purposes of the undertaking shall not exceed fifteen thousand pounds consisting of the share capital of thirteen thousand pounds already raised by the Undertakers (in this Order referred to as "the original capital") and of additional capital (in this Order referred to as "the additional capital") to be issued subject to the provisions of this Order not exceeding two 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 such purposes further additional capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

Capital.

8. The Undertakers shall when any shares or stock forming part of the additional capital are or is to be issued and before offering the same to the holder of any other shares or stock of the Undertakers and whether the ordinary shares or ordinary stock of the Undertakers are or is at a premium or not offer the same for sale by public auction or by tender in such manner at such times and subject to such conditions of sale as the Undertakers may by special resolution determine. Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock and that the reserved price put upon such shares or stock shall not be less than the nominal value thereof and notice of the amount of such reserved price shall be sent by the Undertakers in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders (as the case may be) and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares or stock of the Undertakers except that if the bidding or offer by tender of any holder of shares or stock be the same in amount as the bidding or offer by tender of any other person the bidding or offer of such holder shall be accepted in preference.

New shares or stock to be offered by auction or tender.

9. It shall be one of the conditions of any sale of shares or stock under this Order that the full price thereof including any premium given by any purchaser at such sale in respect thereof shall be paid to the Undertakers within three months after such sale.

Purchase money of capital sold by auction to be paid within three months.

[Ch. cxvii.] *Gas and Water Orders Confirmation* [5 EDW. 7.]  
(No. 2) Act, 1905.

A.D. 1905.

*Taristock.*  
Notice to be given of sale of shares or stock.

10. The intention to sell any shares or stock by auction or by tender under the provisions of this Order shall be communicated by the Undertakers in writing to the clerk of every district council having jurisdiction within the limits of supply and to the secretary of the committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders (as the case may be) and notice of such intention shall be duly advertised by the Undertakers once in each of two consecutive weeks in one or more newspapers circulating within the limits of supply.

Shares or stock not sold by auction or tender to be offered to holders of ordinary shares or stock.

11. When any shares or stock have been offered for sale by auction or by tender under the provisions of this Order and not sold the same shall be offered at the reserved price put upon the same respectively for the purpose of sale by auction or tender to the holders of the ordinary shares or ordinary stock of the Undertakers in the manner prescribed by special resolution passed by the Undertakers. Provided that any shares or stock so offered and not accepted within the time prescribed by such resolution shall again be offered for sale by public auction or tender in the manner and subject to the provisions of this Order with respect to the sale of shares or stock forming part of the additional capital and the reserve put upon such shares or stock may upon such second or any subsequent auction or tender if the directors of the Undertakers think fit be less than the nominal value thereof and any shares or stock not then sold shall be again offered to the holders of ordinary shares or ordinary stock at the last-mentioned reserved price and so on until the whole amount of such shares or stock is sold.

Application of premium arising on issue of shares or stock.

12. Any sum of money which may arise from the issue of any shares or stock under the provisions of this Order by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Undertakers but shall be expended in extending or improving the works of the Undertakers or in paying off money borrowed or owing on mortgage by the Undertakers and shall not be considered as part of the capital of the Undertakers entitled to dividend.

Limits of dividend on capital.

13. Except as by this Order expressly provided the Undertakers shall not in any year declare or make out of their profits any larger dividends on the said original and additional capital than ten pounds in respect of every one hundred pounds actually paid up 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 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.

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

14. 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 dividend at the prescribed rate on each class of ordinary stock or shares in the capital of the Undertakers a proportionate reduction shall be made in the dividends payable on each class.

[5 EDW. 7.] *Gas and Water Orders Confirmation* [Ch. cxvii.]  
 (No. 2) Act, 1905.

15. 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-fourth 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 sale of any shares or stock under the provisions of this Order 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.

A.D. 1905.  
*Turistock.*  
 Borrowing powers.

16. All moneys raised under this Order shall be applied to the purposes of the undertaking to which capital is properly applicable.

Application of money.

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

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

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

Application of further excess of profits over prescribed rates.

19. Where in any year the prescribed rates on the ordinary capital of the Undertakers exceed the standard rate by reason of the price charged by the Undertakers for gas in such year being below the standard price then out of the amount of the divisible profits of the Undertakers applicable to the payment of such increase the Undertakers may in such year set apart such sum as they think fit by way of a reserve fund and all sums (if any) so set apart by the Undertakers and any reserve or other fund of a similar character of the Undertakers existing at the commencement of this Order may be invested in government or other securities and the dividends and interest

Power to create a reserve fund and application thereof.

[Ch. cxvii.] *Gas and Water Orders Confirmation* [5 EDW. 7.]  
(No. 2) Act, 1905.

A.D. 1905. 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 are insufficient to enable the Undertakers in such year to pay the prescribed rates and save as by this Order specially provided no sum shall in any year be carried by the Undertakers to any reserve fund.

*Taristock.*

*Purchase of Land.*

Power to purchase land by agreement.

20. The Undertakers may for the purposes of the undertaking purchase take on lease or acquire by agreement but not otherwise and hold in addition to the lands described in the First and Second Schedules to this Order annexed any lands which they may require Provided that they shall not create or permit a nuisance on any such lands and that they shall not at any time hold for such purposes more than three acres of land in the whole including the lands described in the said schedules 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 schedules.

*Maintenance and Continuance of Gasworks Manufacture and Sale of Gas Coke and Residual Products.*

Power to maintain and to construct gasworks.

21. The Undertakers on the land being the site of the existing gasworks shown on the map deposited for the purposes of this Order and described in the First Schedule while they are possessed of the same may until the date named for the completion of the new works herein-after referred to continue and maintain their existing gasworks and works connected therewith and may on the land also shown on the said deposited map and described in the Second Schedule construct erect make and complete not later than the 25th day of March 1908 and thereafter maintain alter and enlarge retorts gasholders receivers purifiers meters apparatus and works for the manufacture and storage of gas and of coke and other residual products obtained in the manufacture of gas and matters producible therefrom (herein-after referred to as "the new works") and on completion of the new works the Undertakers shall discontinue their existing gasworks and they may subject to the provisions of this Order make and store gas on the lands described in the First and Second Schedules but as to the land described in the First Schedule only until the date above mentioned and supply and sell the same within the limits of supply subject to the provisions of this Order and may on the said lands described in the First and Second Schedules but as to the land described in the First Schedule only until the date above mentioned manufacture and store coal tar coke pitch asphaltum and ammoniacal liquor oil and all other residual products obtained in the manufacture of gas and matters producible therefrom and may sell and dispose of the same at the works and elsewhere and they may also deal in and sell lime at the works and elsewhere and they may also construct and maintain alter extend enlarge renew or discontinue houses offices buildings and other works connected with the undertaking.

22.—(1) The Undertakers may at their works or elsewhere purchase hire supply sell or let on hire but shall not manufacture gas meters fittings gas stoves and cooking and other apparatus and may also purchase hire sell let deal in and contract for doing work in connection with but shall not manufacture fittings tubes meters pipes apparatus stoves ranges and apparatus for heating for domestic and other purposes by means of gas and all articles and things in any way connected with gasworks or with the supply use or consumption of gas and may make and take charges and remuneration in respect thereof.

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*Tavistock.*

Power to Undertakers to purchase and supply gas fittings &c. and not to be subject to distress.

(2) All fittings and appliances let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent nor 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 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.

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

Power to take licences for patents.

24. For the protection of the Great Western Railway Company and the London and South Western Railway Company (herein-after respectively referred to as "the company") the following provisions shall be in force and have effect:—

For protection of Great Western and London and South Western Railway Companies.

(A) In laying down repairing or removing any mains or pipes or executing any other works in the exercise of the powers contained in this Order upon across over under or in any way affecting the railway of the company or any bridge over or under such railway or any approaches to any such bridge within the company's boundary the same shall be done under the superintendence and to the reasonable satisfaction of the engineer of the company and according to such plans sections and specifications and except in case of urgent necessity at such times as shall be previously submitted to and as shall be reasonably approved in writing by him and shall be executed by and at the expense in all things of the Undertakers and so as not to cause any injury to the said railway or to any such bridge or the approaches thereto within the company's boundary and shall

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*Taristock.*

within such boundary so execute any works as having regard to the existing level of the roadway shall interfere with or impede as little as possible any improvement or widening of such railway or bridge or the introduction of side openings to such bridge Provided that if the said engineer does not express his approval or disapproval of the said plans sections and specifications within fourteen days after the same have been submitted to him he shall be deemed to have approved thereof and if the said engineer shall refuse or neglect to superintend any operation the Undertakers may execute the work without his superintendence :

- (B) If any injury or damage to the railway works or property of the company or any interruption of the company's traffic shall be in any way occasioned by the Undertakers or by their contractors agents or workmen the Undertakers shall forthwith make full compensation to the company in respect thereof :
- (C) All mains pipes and other works of the Undertakers upon across over under or in any way affecting the railway of the company or any bridge over or under the same or the approaches thereto within the company's boundary shall be at all times maintained in good repair by the Undertakers and in default of their being so maintained the company may by notice in writing signed by their said engineer and delivered at the principal office for the time being of the Undertakers require the Undertakers to forthwith put into good repair any such main pipe or other work as aforesaid and if the Undertakers for seven days after the receipt of such notice refuse or neglect to proceed with repair of the same and do not dispute the necessity thereof the company may without any further notice to the Undertakers repair the same and all expenses reasonably incurred by them in or about such repair shall be repaid to them by the Undertakers Provided that in case of accidents happening or immediate danger being apprehended to the railway of the company or any bridge over or under such railway or the approaches thereto by reason of any such main pipe or other work as aforesaid being out of repair the company may without giving such notice as aforesaid make such repairs as may be necessary and the expenses of the same shall be repaid as herein-before provided :
- (D) If the company require to widen or alter their railway or to widen lengthen strengthen reconstruct alter repair lift or support any bridge over or under their railway or the approaches to such bridge the Undertakers shall afford to the company all reasonable and proper facilities for the purposes and the Undertakers shall pay to the company any additional expenses which the company may incur in effecting such widening lengthening strengthening reconstructing altering repairing lifting or supporting or in the maintenance of any bridge approach or other

work of the company by reason of the existence or user of the mains pipes or other works constructed under the powers of this Order :

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*Taxistock.*

- (E) The Undertakers shall bear and on demand pay to the company all reasonable costs of the superintendence by them of the construction of the works and repairs thereof and all reasonable costs of watching lighting and protection of the railway with reference to and during such construction and repairs so far as such costs may be in case of difference determined by the arbitrator to have been necessary :
- (F) Any difference which may arise between the company and the Undertakers touching any of the matters referred to in this section shall be decided by arbitration by an engineer or other fit person to be appointed by the Board of Trade on the application of the company and the Undertakers or either of them.

25. If any difference arise between the Undertakers and any railway canal or other company whose lands or works the Undertakers have power to cross under the authority of this Order as to the mode of laying down repairing altering or enlarging their mains pipes or other works in over or upon such lands or works or the facilities to be 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.

Differences with railway and other companies.

#### *Quality of Gas.*

26. The quality of the gas supplied by the Undertakers shall with respect to its illuminating power be such as to produce a light equal in intensity to the light produced by not less than fourteen sperm candles and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act 1871.

Quality of gas.

#### *Price of Gas.*

27. The standard price to be charged by the Undertakers for gas supplied by them to private consumers by meter shall be three shillings and ninepence per thousand cubic feet and so in proportion for any less quantity supplied. Provided that the Undertakers may increase or reduce the price so charged by them for gas above or below the standard price subject to a reduction or increase in the dividend payable by the Undertakers on the ordinary capital of the Undertakers as follows :—

Price of gas.

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

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*Tunstock.*

three shillings and sixpence on every hundred pounds of ordinary paid-up capital with a seven per centum standard rate of dividend and so in proportion for any fraction of one hundred pounds :

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

*Pressure of Gas.*

Pressure of gas.

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

*Testing of Gas.*

Testing.

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

*Miscellaneous.*

Exemption  
from penalty  
in case of  
unavoidable  
cause.

30. No penalty shall be incurred by the Undertakers for insufficiency of pressure defect of illuminating power or for excess of impurity in the gas supplied by them in any case in which it is proved that such insufficiency defect or excess was produced by an unavoidable cause or accident.



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

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*Tavistock.*

Undertakers to pay interest on deposit.

32. The Undertakers may contract with any local authority company or person beyond the limits of supply (but only with the consent in writing of the local authority of and of any company or person supplying gas under parliamentary powers within the district within which the supply is to be afforded) 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 contracts as may be agreed upon.

Power to supply gas in bulk.

33. In the event of any gas 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 last preceding quarter of the year unless it be proved to have first arisen during the current quarter. The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Undertakers shall be paid by or to the Undertakers to or by the consumer as the case may be and shall be recoverable in like manner as gas rents are recoverable.

Period of error in defective meter.

34. 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.

Anti-fluctuators for gas engines.

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

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

36. If the urban district council of Tavistock or other local authority for the time being having jurisdiction within the limits of supply (in this section referred to as "the council") shall at any time before the expiration of five years from the commencement of this Order be duly authorised and empowered to purchase the undertaking and shall by notice in writing to be given six months before the 25th day of March in any year before the

As to sale of undertaking to Tavistock Urban District Council.

[Ch. cxvii.] *Gas and Water Orders Confirmation*. [5 EDW. 7.]  
(No. 2) Act, 1905.

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*Tavistock.*

expiration of the five years aforesaid require the Undertakers to sell to them the undertaking on the 25th day of March next following then the Undertakers shall sell to them and the council shall purchase the undertaking as defined by this Order and all lands buildings works materials utensils and plant of the Undertakers held or owned by them for the purposes of the undertaking for such sum in gross and on such terms and conditions as may be determined by agreement between the Undertakers and the council or failing such agreement as shall be determined by arbitration in accordance with the provisions of the Lands Clauses Acts.

Gas consumers  
to give notice  
to Undertakers  
before removing.

37.—(1) Twenty-four hours' notice in writing shall be given to the Undertakers by every gas consumer before he shall quit any premises supplied with gas by meter by the Undertakers and in default of such notice the consumer so quitting shall be liable to pay to the Undertakers the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such premises shall require the Undertakers to supply gas to such premises whichever shall first occur.

(2) Notice of the effect of this enactment shall be endorsed on every demand note for gas rent

Notice of discontinuance.

38. 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.

8 & 9 Vict.  
c. xvii. s. 142  
incorporated.

39. 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.

Costs of Order.

40. 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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SCHEDULES.

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FIRST SCHEDULE.

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SITE OF EXISTING GASWORKS.

All that piece of land having a frontage on Ford Street in the parish of Tavistock in the county of Devon and containing 0a. 3r. 0p. or thereabouts and numbered 1536 on the  $\frac{1}{2500}$  inch Ordnance map Devonshire sheet C.V. 8 1888 edition held under an agreement dated 21st June 1904 made between

the most noble Herbrand 11th Duke of Bedford K.G. of the one part and the Tavistock Lighting Coal and Coke Company Limited of the other part upon which the present gasworks and buildings known as the Tavistock Gasworks are now erected.

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Tavistock.

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## SECOND SCHEDULE.

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### SITE OF PROPOSED NEW GASWORKS.

All that piece of land containing 1a. 2r. 12p. being a portion of the close or field called Doidge's West Bridge Meadow numbered 1478 on the  $\frac{1}{2500}$  inch Ordnance map 105—12—1888 edition situate at West Bridge in the parish of Tavistock in the county of Devon and held under a building agreement dated 20th October 1904 made between the most noble Herbrand 11th Duke of Bedford K.G. of the one part and the Tavistock Lighting Coal and Coke Company Limited (the Undertakers) of the other part on which the proposed new works are intended to be erected.

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### WEY VALLEY WATER.

*Order empowering the Wey Valley Water Company to extend their Limits of Supply and raise Additional Capital and for other purposes.*

Wey Valley.

1. This Order may be cited as the Wey Valley Water Order 1905.

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 Wey Valley Frimley and Farnham Water Act 1898 (in this Order referred to as "the Act of 1898") so far as it relates to the Undertakers and this Order shall be construed together except so far as such construction would be inconsistent with or repugnant to the provisions of this Order.

Construction of Order.

4. So far as the same relate to the powers conferred by this Order the provisions of the Companies Clauses Consolidation Acts 1845 to 1889 with respect to the following matters (that is to say):—

Incorporation of Acts.

The distribution of the capital of the company into shares ;

The transfer or transmission of shares ;

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

The forfeiture of shares for non-payment of calls ;

[Ch. cxvii.] *Gas and Water Orders Confirmation* [5 EDW. 7.]  
(No. 2) Act, 1905.

A.D. 1905.  
Wey Valley.

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 cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 the Companies Clauses Act 1869 and the Waterworks Clauses Acts 1847 and 1863 are (except where expressly varied by this Order) incorporated with and form part of this Order :

Provided that section 44 of the Waterworks Clauses Act 1847 shall for the purposes of this Order have effect as if the words "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner" were omitted therefrom.

For the purpose 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. 5. 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.

Undertakers. 6. The Wey Valley Water Company incorporated by the Act of 1898 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. 7. The Undertakers shall have and may exercise subject to the provisions of this Order within the following new limits (that is to say) within the parishes of Puttenham and Wanborough in the rural district of Guildford in the county of Surrey and notwithstanding the provisions of section 42 of the Act of 1898 within the parishes of Fernhurst Linchmere and North Ambersham in the rural district of Midhurst in the county of West Sussex all and the like powers privileges and authorities for or in relation to the supply of water and be subject to all and the like duties and obligations in respect thereof as they now have and are subject to within the limits of the Act of 1898 and the expressions "the limits of this Act" and "the company's district" in the Act of 1898 shall from and after the commencement of this Order be deemed to include the said new limits and the expression "limits of supply" in this Order means the district within which the Undertakers are by virtue of the Act of 1898 and this Order authorised to supply water and the Undertakers may continue maintain and use any mains pipes and works laid down or constructed by them in the new limits

as if the same had been laid down and constructed by them under the powers of this Order. A.D. 1905.

Wey Valley.

8. If at any time after the expiration of five years from the commencement of this Order the Undertakers are not furnishing or prepared on demand to furnish within the new limits a sufficient supply of water in accordance with the provisions of the Act of 1898 and this Order in any part of the district of any local authority included within the limits of supply the local authority of any 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 not sufficiently supplied by the Undertakers as if in either case there were no company authorised by this Order to supply water therein.

Where Undertakers do not furnish a sufficient supply local authority or company may supply.

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.

9.—(1) The provisions of section 44 of the Act of 1898 shall extend and apply to so much of the new limits as are within the counties of Surrey and West Sussex respectively and to the county councils of Surrey and West Sussex and to the Undertakers in relation thereto as if that section had been expressly re-enacted in this Order with reference thereto and the name of the county council of West Sussex had been inserted therein in lieu of the county council of the administrative county of Southampton.

For protection of Surrey and West Sussex County Councils.

(2) No water obtained by the Company under the provisions of the Act of 1898 or this Order from Works No. 6 and No. 8 by the Act of 1898 authorised shall be sold or supplied by them in bulk or otherwise outside or for consumption or use outside the county of Surrey except for consumption or use within the parishes of Bentley Binstead Kingsley Headley Grayshott and Bramshott all in the county of Hants and the parishes of Fernhurst Linch Linchmere and North Ambersham all in the county of West Sussex.

10.—(1) Nothing in this Order contained shall authorise any water obtained by the Company from the parish of Wanborough to be sold or supplied by them in bulk or otherwise outside or for consumption or use outside the county of Surrey.

For protection of Guildford Rural District Council.

(2) If and whenever the Undertakers in the exercise of any power in that behalf possessed by them sink any well in the parish of Wanborough they shall before supplying water obtained from such well to any other part of their area of supply furnish continuously at the same rates and upon the same conditions as the Undertakers are bound to supply water within other parts of their area of supply to the inhabitants of that parish such water as may be demanded by them for their reasonable sanitary and domestic requirements.

[Ch. cxvii.] *Gas and Water Orders Confirmation* [5 EDW. 7.]  
(No. 2) Act, 1905.

A.D. 1905.

*Wey Valley.*  
For protection  
of John  
Grover.

11. For the protection of John Grover or other the owner for the time being of the existing well herein-after mentioned (in this section called "the owner") the following provisions shall unless otherwise agreed between the owner and the Undertakers apply and have effect (that is to say) :—

The Undertakers shall not without the consent of the owner at any time either directly or indirectly sink or deepen any well or make any boring or drive any adits within 300 yards of the existing well on the lands of the owner in the parish of Linchmere from which he is now supplying water to houses situate on the said lands.

For protection  
of London and  
South Western  
Railway Com-  
pany.

12. For the protection of the London and South Western Railway Company (in this section referred to as "the South Western Company") the following provisions shall apply and have effect viz. :—

(A) In laying down repairing or removing any mains or pipes or executing any other works in the exercise of the powers contained in this Order upon across over under or in any way affecting the railways or any bridge over or under such railways or any approaches to any such bridge within the South Western Company's boundary the same shall be done under the superintendence and to the reasonable satisfaction of the engineer of the South Western Company and according to such plans sections and specifications and except in case of urgent necessity at such times as shall be previously submitted to and as shall be reasonably approved in writing by him and shall be executed by and at the expense in all things of the Undertakers and so as not to cause any injury to the said railways or to any such bridge or the approaches thereto within the South Western Company's boundary and shall within such boundary so execute any works as having regard to the existing level of the roadway shall interfere with or impede as little as possible any improvement or widening of such railway or bridge or the introduction of side openings to such bridge Provided that if the said engineer does not express his approval or disapproval of the said plans sections and specifications within fourteen days after the same have been submitted to him he shall be deemed to have approved thereof and if the said engineer shall refuse or neglect to superintend any operation the Undertakers may execute the work without his superintendence :

(B) If any injury or damage to the railways works or property of the South Western Company or any interruption of the South Western Company's traffic shall be in any way occasioned by the Undertakers or by their contractors agents or workmen the Undertakers shall forthwith make full compensation to the South Western Company in respect thereof :

(C) All mains pipes and other works of the Undertakers upon across over under or in any way affecting the South Western Railway or any bridge over or under the same or the approaches thereto

within the South Western Company's boundary shall be at all times maintained in good repair by the Undertakers and in default of their being so maintained the South Western Company may from time to time by notice in writing signed by their said engineer and delivered at the principal office for the time being of the Undertakers require the Undertakers to forthwith put into good repair any such main pipe or other work as aforesaid as may be in want of repair and if the Undertakers for seven days after the receipt of such notice refuse or neglect to proceed with the repair of the same and do not dispute the necessity thereof the South Western Company may without any further notice to the Undertakers repair the same and all expenses reasonably incurred by them in or about such repair shall be repaid to them by the Undertakers. Provided that in case of accidents happening or immediate danger being apprehended to the South Western Railway or any bridge over or under such railway or the approaches thereto by reason of any such main pipe or other work as aforesaid being in want of repairs the South Western Company may without giving such notice as aforesaid make such repairs as may be necessary and the expenses of the same shall be repaid as herein-before provided :

A.D. 1905.  
*Wey Valley.*

- (D) The Undertakers shall bear and on demand pay to the South Western Company all reasonable costs of the superintendence by them of the construction of the works and repairs thereof and all reasonable costs of watching lighting and protection of the railway with reference to and during such construction and repairs so far as such costs may be in case of difference determined by the arbitrator to have been necessary :
- (E) Any difference which may arise between the South Western Company and the Undertakers touching any of the matters referred to in this section shall be decided by a single arbitrator to be appointed on the application of either party by the President of the Institution of Civil Engineers and any such arbitration shall be subject to the provisions of the Arbitration Act 1889.

13. If any difference arises between the Undertakers and any railway canal or other company (other than the London and South Western Railway Company) whose land or works the Undertakers have power to cross under the authority of this Order for the purposes of meeting the demands for water within the limits of supply as to the mode of laying down repairing altering or enlarging their conduits or pipes or the facilities to be afforded for the same the same shall be settled by an engineer to be appointed by the Board of Trade at the request of either party.

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

14. Nothing contained in this Order shall extend to or be construed to extend to prejudice or derogate from the estates rights interests privileges liberties or franchises of the Conservators of the River Thames or to prohibit

Saving for Conservators of Thames.

[Ch. cxvii.] *Gas and Water Orders Confirmation* [5 EDW. 7.]  
(No. 2) Act, 1905.

A.D. 1905. defeat alter or diminish any powers authority or jurisdiction which at the  
*Wey Valley.* commencement of this Order the Conservators did or might lawfully claim  
use or exercise.

Additional  
capital.

15. In addition to the capital already authorised to be raised by the  
Undertakers they may—

(1) Raise any further sums not exceeding in the whole thirty thousand  
pounds by the issue of new ordinary shares or stock or new  
preference shares or stock or wholly or partly by any one or more  
of those modes respectively (in this Order referred to as “the  
new capital”) but the Undertakers shall not issue any share  
under the authority of this Order of less nominal value than  
ten pounds nor shall any such share or stock issued under the  
authority of this Order vest in the person accepting the same  
unless and until the full price of such share or stock including  
any premium obtained on the sale thereof as herein-after provided  
shall have been paid in respect thereof Provided that it shall  
not be lawful for the Undertakers to create and issue under  
the powers of this Order any greater nominal amount of capital  
than will be sufficient to produce including any premium which  
may be obtained on the sale thereof the sum of thirty thousand  
pounds; and

(2) Borrow on mortgage in respect of the new capital by this Order  
authorised to be raised any sum or sums not exceeding in the  
whole one-fourth part of the amount of the new capital 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 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 the fortieth section of the Com-  
panies Clauses Consolidation Act 1845 before he so certifies  
that such shares or stock including the premiums (if any)  
realised on the sale thereof have been fully paid up and upon  
production to such justice of the books of the Undertakers and  
of such other evidence as he may think sufficient he shall grant  
a certificate that the proof aforesaid has been given which  
certificate shall be sufficient evidence thereof.

As to conver-  
sion of bor-  
rowed money  
into capital.

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

Except as  
otherwise pro-  
vided new

17. Except as by this Order otherwise provided the new capital created  
by the Undertakers under this Order and the new shares or stock therein and



the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that new capital were part of the existing capital of the Undertakers of the same class or description and the new shares or stock were shares or stock in that capital Provided that except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned.

A.D. 1905.

*Wey Valley.*  
 shares or stock to be subject to same incidents as other shares or stock.

18. The provisions contained in the First Schedule to the Act of 1898 shall apply to the new capital as if the same had been expressly incorporated with this Order with reference thereto and in construing those provisions for the purposes of this Order the expression "the company" shall mean the Undertakers.

Incorporating provisions of Act of 1898 as to offering new capital by auction or tender.

19. The Undertakers may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 and of section 29 of the Act of 1898.

Power to create debenture stock.

20. All money to be raised by the Undertakers on mortgage or 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.

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

21. All mortgages granted by the Undertakers in pursuance of or in conformity with any Acts before the commencement of this Order and subsisting at the date of such commencement shall during the continuance of such mortgages and subject to the provisions of the Acts in pursuance of or in conformity with which the same were granted 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.

Existing mortgages to have priority.

22. Section 28 (For appointment of receiver) of the Act of 1898 is hereby repealed as from the commencement of this Order but without prejudice to any appointment heretofore made or to the continuance of any proceedings then pending The mortgagees of the Undertakers 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 receiver.

[Ch. cxvii.] *Gas and Water Orders Confirmation* [5 EDW. 7.]  
(No. 2) Act, 1905.

A.D. 1905. 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 not be less than one thousand five hundred pounds in the whole.  
*Wey Valley.*

Limits of dividend on new capital.

23. The Undertakers shall not in any year declare or make out of their profits any larger dividend on the new 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 new capital as may be issued as preference capital.

Preference shares or stock may be created subject to redemption.

24. Any preference shares or stock created and issued under the powers of this Order may be issued subject to the conditions that the same may be redeemed by the Undertakers at such times and on such terms and conditions as shall be expressed on the certificates of such shares or stock.

Limit of interest on money borrowed.

25. 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 raised by the creation and issue of debenture stock under the authority of this Order.

Application of moneys.

26. All moneys raised under this Order shall be applied to the purposes of the undertaking authorised by the Act of 1898 and this Order (including the purposes of an agreement dated the sixteenth day of October one thousand nine hundred and one made in pursuance of the Act of 1898 between the Frimley and Farnborough District Water Company and the Undertakers) to which capital is properly applicable.

Power to apply funds.

27. The Undertakers may apply to any of the purposes of this Order to which capital is properly applicable any sums of money which they have already raised or are authorised to raise under the Act of 1898 or this Order or which may be under their control (including any moneys paid to them by the Frimley and Farnborough District Water Company under the said agreement of the sixteenth day of October one thousand nine hundred and one) and which are not required for the purposes to which they are by the said Act or Order made specially applicable.

Further powers to acquire lands by agreement.

28. In addition to any other lands which the Undertakers are under the Act of 1898 authorised to take or purchase the Undertakers may by agreement take purchase and hold for the purposes of this Order and for the general purposes of their undertaking any lands within their limits of supply not exceeding in the whole ten acres in extent or any easement (not being an easement of water in which any persons other than the grantors have an interest) in over or under any such lands Provided that the Undertakers shall not upon any such lands create or permit any nuisance and that no buildings shall be erected on such lands except such as are required for the purposes of the undertaking.

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

A.D. 1905.  
*Wey Valley.*  
Costs of Order.

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### YSTALYFERA GAS.

*Order authorising the maintenance and continuance of Gasworks and the manufacture and supply of Gas within parts of the Parishes of Llanguicke and Cilybebyll otherwise Killybebill both in the County of Glamorgan and parts of the Parish of Ystradgynlais Lower in the County of Brecknock.* *Ystalyfera.*

1. This Order may be cited as the Ystalyfera Gas Order 1905.

Short title.

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

Commence-  
ment of Order.

3. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) of the Gasworks Clauses Act 1847 and of the Gasworks Clauses Act 1871 are hereby incorporated with this Order (except where the same are expressly varied by this Order) and the said provisions of the said Gasworks Clauses Acts shall apply as well to the mains pipes and works of the Undertakers laid down or constructed before the commencement of this Order and situate within the limits of supply, as defined by this Order as to any mains pipes or works which may be laid down or constructed under the authority of this Order.

Incorporation  
of Acts.

4. In this Order the expression "the prescribed rates" means the rates of dividend authorised by this Order on the capital of the Undertakers or such rates as reduced or increased in accordance with the provisions of this Order and the several words terms and expressions to which by any Act in whole or in part incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have in this Order the same respective meanings and in the construction of this Order or of any such Act for the purposes of this Order the expression "the undertaking" shall include the gasworks and works connected therewith by this Order authorised to be maintained continued and extended.

Interpretation

[Ch. cxvii.] *Gas and Water Orders Confirmation* [5 EDW. 7.]  
(No. 2) Act, 1905.

A.D. 1905.  
*Ystalyfera.*  
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—

- (A) So much of the parish of Llanguicke in the county of Glamorgan as is known as the Alltygrug Ward of that parish :
- (B) So much of the parish of Cilybebyll (otherwise Killybebill) in the county of Glamorgan as lies to the north of an imaginary line commencing at the gasworks of the Ystalyfera Gas Company and drawn in a south-easterly direction to the Ynis-y-geinon Junction of the Midland Railway Company thence proceeding in a north-easterly direction along the Neath and Brecon Railway to and terminating at the point where that railway is intersected by the extreme north-eastern boundary of the said parish of Cilybebyll (otherwise Killybebill) :
- (C) So much of the parish of Ystradgynlais Lower in the county of Brecknock as lies north of the northern boundary of the parish of Cilybebyll (otherwise Killybebill) at the point where the boundary of the said parish of Cilybebyll (otherwise Killybebill) intersects the Neath and Brecon Railway and thence along the Neath and Brecon Railway in an easterly direction to the Abercraf Railway Station thence in a northerly direction along the boundary of the parish of Ystradgynlais Higher to Dunfant thence along an imaginary line drawn in a westerly direction to the Lamb Bridge Upper Cwmtwrch thence in a south-easterly direction along the boundary of the said parish of Ystradgynlais Lower to and terminating at the new bridge over the River Twrch near the Swan Hotel.

Undertakers.

6. John Newton of Ystradgynlais in the county of Brecknock trading under the name of the Ystalyfera Gas Company the owner or reputed owner of the gasworks situate at Ystalyfera in the county of Glamorgan and his 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 that if at any time the undertaking is assigned to any other body company or person such body company or person shall from the date of such assignment be the Undertakers for the purposes of this Order in lieu of the person or persons above mentioned but no such assignment shall have any validity or effect until after the approval of the Board of Trade to such assignment has been signified in writing signed by a secretary or assistant secretary of the said Board Provided that nothing in this Order contained shall prevent the Undertakers borrowing money on the security of mortgages of the undertaking not exceeding the amount by this Order prescribed or shall make the consent or approval of the Board of Trade necessary to the validity or effect of any such mortgage.

*Capital.*

A.D. 1905.

7. The capital of the Undertakers shall for the purposes of the undertaking consist of the original capital of six thousand five hundred pounds already expended upon the undertaking and of additional capital not exceeding eight thousand five hundred pounds and the original and additional capital of the Undertakers shall not for the purposes of the undertaking exceed fifteen thousand pounds unless any increase thereto be hereafter authorised by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

*Ystalyfera.*  
 Capital.

8. Except as by this Order expressly provided the Undertakers shall not in any year make out of their profits any larger dividend on the original capital than ten pounds in respect of every one hundred pounds of such original capital actually paid up nor on the additional capital by this Order authorised than seven pounds in respect of every one hundred pounds of such additional capital actually paid up Provided that if and so long as the undertaking is carried on by an individual or individuals as Undertakers and not by a duly constituted company in the construction of this Order the expression "actually paid up" shall be deemed to mean actually expended on or actually being used for the purposes of the undertaking.

Limits of  
 dividend on  
 capital.

9. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the undertaking shall not at any time exceed in the whole one-third of the amount of the capital of the Undertakers at that time actually paid up 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.

Limits of bor-  
 rowing powers.

*Lands.*

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

Power to pur-  
 chase addi-  
 tional lands.

11. 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.

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

12. For the protection of the Great Western Railway Company and the Midland Railway Company (herein-after together referred to as "the railway companies") the following provisions shall apply:—

For protec-  
 tion of Great  
 Western and  
 Midland Rail-  
 way Com-  
 panies.

(A) In laying down altering improving enlarging extending maintaining or renewing or in executing or effecting the repairs or renewals

A.D. 1905.

*Ystalyfera.*

of any mains pipes or other works in the exercise of the powers contained in this Order upon across under or adjoining or in any way affecting the railways canals lands and property now or hereafter belonging to or used or occupied by the railway companies or the bridges approaches viaducts stations or other works or any level crossings over the railways of the railway companies the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the railway companies respectively and only according to such plans and in such manner as shall be submitted to and as shall be previously reasonably approved by him in writing or in case of difference as may be determined by arbitration in manner herein-after provided Provided that if such principal engineer shall not approve or disapprove any plans or proposals so submitted to him within twenty-eight days after the same are delivered or shall refuse or neglect to superintend the work the Undertakers may proceed with the same without the approval of the plans as aforesaid or without the superintendence of the said engineer :

- (B) All such works shall be done by and at the expense of the Undertakers (except as in this section otherwise provided) who shall also restore and make good to the reasonable satisfaction of the said engineer the roads over or under any bridge of the railway or canal or over any level crossing of the railway of the railway companies 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 companies elect so to do where any mains or pipes require to be laid under or across any level crossing of their railway they may themselves lay the same at the costs charges and expenses of the Undertakers but so nevertheless that any mains or pipes so laid by the railway companies shall be laid under the superintendence and to the reasonable satisfaction of the Undertakers' engineer :
- (C) All such works and operations and all matters incidental thereto shall be constructed executed and done so as to cause as little injury as may be to such railways canals 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 and canals or at to or from any station thereon :
- (D) If any injury or interruption as aforesaid shall arise from or in any way be owing to any of the acts works operations and matters aforesaid or the leakage or failure of any such mains pipes or works in under or near to any railway canal bridge level crossing embankment cutting approach viaduct station land works or property of the railway companies the Undertakers shall make

compensation to the railway companies in respect thereof the amount of such compensation unless agreed upon to be determined by arbitration in the manner herein-after provided :

A.D. 1905.  
*Ystalyfera.*

(E) If the railway companies at any time or times hereafter require (of which they shall be the sole judges) to construct any additional or other works upon their lands or railways or to alter or repair their railways canals bridges viaducts or works upon across over or under which any of the works of the Undertakers may have been constructed or laid the railway companies may on giving to the Undertakers fourteen days' notice in writing under the hand of their secretary or general manager and in case of emergency of which their engineer shall be the sole judge then on giving as long a notice as possible divert support or carry the said works of the Undertakers across over or under their lands railways bridges or works at any other point or otherwise deal with the same in as convenient a manner as circumstances will admit and doing as little damage as may be without being liable to pay compensation in respect of such diversion supporting carrying or dealing with such works Provided that such works shall be done subject to the reasonable satisfaction of the engineer of the Undertakers and without unduly interfering with the supply of gas by the Undertakers :

(F) Except as in this section otherwise provided any dispute or difference which may arise between the railway companies 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 companies and the Undertakers or either of them.

13. The reinstatement of roads within the county of Glamorgan broken up under the powers of this Order shall include the application of a sufficient layer of surface metalling of the same specification as that employed by the road authority for the particular road and where the road is ordinarily repaired by the use of steam or other roller shall include the use of such roller on the places where the road has been broken up until the surface thereof has been made uniform with the unbroken surface adjoining.

For protection  
of Glamorgan-  
shire County  
Council.

14. If any difference arises between the Undertakers and any road authority (other than the Glamorganshire County Council) railway canal or other company whose land 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 as to the facilities to be afforded for the same such difference shall be settled by an engineer to be appointed by the Board of Trade at the request of either party.

Differences  
with road  
authority or  
railway or  
other company.

A.D. 1905.

*Maintenance and Continuance of Gasworks Manufacture and Sale of Gas  
Coke and Residual Products.*

*Ystalyfera.*

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

15. The Undertakers on the lands being the site of the existing gasworks shown on the map deposited for the purposes of this Order and described in Schedule A to this Order annexed while they are possessed of the same may maintain and continue alter and enlarge renew and discontinue retorts retort-houses gas-holders receivers purifiers meters apparatus and works for the manufacture and storage of gas and of coke and other residual products obtained in the manufacture of gas and matters producible therefrom and they may subject to the provisions of this Order upon the said lands make and store gas and supply and sell the same within the limits of supply and may manufacture coal-tar coke pitch asphaltum and ammoniacal liquor oil and all other residual products obtained in the manufacture of gas and matters producible therefrom and may store the same and may sell and dispose of the same at their works and elsewhere and may also deal in and sell lime at their works and elsewhere and they may construct and maintain alter extend enlarge and renew or discontinue houses offices buildings and other works connected with the undertaking.

Power to sup-  
ply gas meters  
&c. Fittings  
not to be sub-  
ject to distress.

16.—(1) The Undertakers may purchase hire supply sell let on hire but shall not manufacture gas meters fittings gas stoves and cooking and other apparatus and may also purchase hire sell let or deal in and contract for doing and execute work in connection with but shall not manufacture fittings tubes meters pipes apparatus stoves ranges and other apparatus for heating for domestic and other purposes by means of gas and all articles and things in any way connected with gasworks or with the supply use or consumption of gas and may take charges and remuneration in respect thereof.

(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.

Power to take  
licences for  
patents.

17. 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.



*Quality of Gas.*

A.D. 1905.

Ystalyfera.  
Quality of gas.

18. The quality of the gas supplied by the Undertakers shall with respect to its illuminating power be such as to produce a light equal in intensity to the light produced by not less than fourteen sperm candles and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act 1871.

*Price of Gas.*

Price of gas.

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

*Pressure of Gas.*

Pressure of gas.

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

*Testing of Gas.*

Testing of gas.

21. The Undertakers shall within six months after the commencement of this Order cause to be provided at their works and shall thereafter maintain a testing place with apparatus therein according to the provisions of the Gasworks Clauses Act 1871 and the burner to be used for testing gas shall be a Sugg's London Argand No. 1 with a six-inch by one-and-three-quarter-inch glass chimney and if at any time the gas flame tails over the top of the glass a six-inch by two-inch chimney shall be used. Provided that any other description of burner may be used which may for the time being be approved for the purpose by the Board of Trade and any gas examiner appointed under the Gasworks Clauses Act 1871 for the purposes of this Order may subject to the

A.D. 1905. *Ystalyfera*,  
terms of his appointment at such testing place or elsewhere as and when he thinks fit test the pressure at which the gas is supplied and for that purpose may open any street road passage or place (not being the immediate approach to any railway or canal bridge or railway station) vested in or under the control of any local or road authority.

*Miscellaneous.*

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

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

Anti-fluctuators for gas engines.

23. 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.

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

24. In order to enable the Undertakers to insure a satisfactory supply of gas to their consumers the following provisions shall have effect :---

- (1) The Undertakers may specify the size and material of the pipes with the fittings thereof which are to be laid by the consumer either in the first instance or on the occasion of any renewal between the Undertakers' mains and the meter and (so far as the same are intended to be covered over) on the consumer's premises :
- (2) The Undertakers may if they think fit make different specifications for different classes of premises having regard to the probable maximum consumption of gas thereon at any one time :
- (3) The specification shall be published once in each of two newspapers circulating in the limits of supply of the Undertakers 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 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 :

A.D. 1905.

*Ystalyfera.*

- (6) Any person to whom the Undertakers refuse a supply of gas under the provisions of this section may appeal to a petty sessional court against such refusal and the court may after hearing the parties and considering any questions as to the reasonableness of the Undertakers' specification make such order as seems to them proper in the circumstances and may order by which of the parties the costs of and incident to the appeal shall be paid.

25. Twenty-four hours' notice in writing shall be given to the Undertakers by every gas consumer before he shall quit any premises supplied with gas by meter by the Undertakers and in default of such notice the consumer so quitting shall be liable to pay to the Undertakers the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such premises shall require the Undertakers to supply gas to such premises whichever shall first occur Provided that notice of the provisions of this section shall be endorsed upon every demand note for gas rent payable to the Undertakers.

Gas consumers to give notice to Undertakers before removing.

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.

Notice of discontinuance.

27. The Undertakers may contract with any local authority company or persons beyond the limits of supply (but only with the consent in writing of the local authority or of any company or person supplying gas under parliamentary powers within the district within which the supply is to be afforded) for the supply to them respectively of gas in bulk upon such terms and conditions and for such periods not exceeding seven years from the making of the contract as may be agreed upon.

Power to contract for sale of gas in bulk.

28. 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 last preceding quarter of the year unless it be proved to have first arisen during the current quarter The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Undertakers shall be paid by or to the Undertakers to or by the consumer as the case may be and shall be recoverable in like manner as gas rents are recoverable by the Undertakers.

Period of error in defective meters.

[Ch. cxvii.] *Gas and Water Orders Confirmation* [5 EDW. 7.]  
(No. 2) Act, 1905.

A.D. 1905.

*Ystalyfera.*  
No penalty in  
case of un-  
avoidable  
cause.

29. No penalty shall be incurred by the Undertakers for insufficiency of pressure defect of illuminating power or for excess of impurity in the gas supplied by them in any case in which it is proved that such insufficiency defect or excess was produced by an unavoidable cause or accident.

Undertakers to  
pay interest on  
deposits.

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

Costs of Order.

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

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SCHEDULES.

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SCHEDULE A.

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GAS LANDS.

A piece or parcel of land situate in the parish of Llanguicke in the county of Glamorgan containing by admeasurement 2 roods 35 perches or thereabouts and bounded on the north by property belonging to or reputed to belong to Fleming Gough and in the occupation of the Ystalyfera Iron and Tin Plate Company Limited on the south by property belonging to or reputed to belong to Fleming Gough and in the occupation of Ioan Davies on the west by the stream belonging to the Great Western Railway Company and running from the River Tawe to the Swansea Canal on the north and east by an occupation road leading to the gasworks and land in the occupation of Ioan Davies and also by property belonging to or reputed to belong to Fleming Gough.

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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 in-  
corporated.

(1) Sections 30 to 34 (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

[5 EDW. 7.] *Gas and Water Orders Confirmation* [Ch. cxvii.]  
(No. 2) Act, 1905.

section 35 of the said Act shall be read and construed as though the words from "in case the whole" down to "have been paid" all inclusive had been omitted therefrom and as though the expression "the prescribed rate" included the prescribed rates as defined by the foregoing Order together with any sum which under the provisions of this schedule might lawfully be carried to the insurance fund.

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(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:

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 on the ordinary share capital or stock as follows:—

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

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

(3) If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates the excess beyond the sum necessary for that purpose may to the extent of one per centum per annum upon the paid-up capital of the Undertakers be invested in Government or other securities and the dividends and interest arising from such securities shall also be invested in the same or like securities in order that the same may accumulate at compound interest until the fund so formed amounts to a sum equal to one-twentieth part of the paid-up capital of the Undertakers which sum shall form an insurance fund to meet any extraordinary claim demand or charge which may at any time arise against or fall upon the Undertakers from accident strike or other circumstance which in the opinion of a court of

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

[Ch. cxvii.] *Gas and Water Orders Confirmation* [5 EDW. 7.]  
(No. 2) Act, 1905.

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summary jurisdiction due care and management could not have prevented and if such fund be at any time reduced it may thereafter be again made up to the said limit as often as such reduction happens Provided that when and so often as the said fund reaches the said limit of one-twentieth part of the paid-up capital the interest thereon shall be carried to the credit of the fund available for dividend Provided also that resort may be had to the insurance fund to meet any extraordinary claim demand or charge as aforesaid although such fund may not at the time have reached or may have been reduced below the full amount of one-twentieth as aforesaid.

Application of further excess of profits over prescribed rates.

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

Power to create a reserve fund and application thereof.

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

Saving for existing contracts.

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

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