



CHAPTER xxxii.

An Act to confer further powers upon the Tamworth Gaslight and Coke Company. [2nd June 1911.] A.D. 1911.

WHEREAS the Tamworth Gaslight and Coke Company (in this Act referred to as "the Company") were originally formed by a memorandum of association dated the twenty-eighth day of October eighteen hundred and thirty-five and were subsequently dissolved and re-incorporated by the Tamworth Gaslight and Coke Company Act 1872 (in this Act referred to as "the Act of 1872") and were by the said Act empowered to carry on gasworks and to supply gas within the limits therein defined:

And whereas the authorised capital of the Company under the Act of 1872 consists of nine thousand six hundred pounds in shares of twenty pounds each entitled to a maximum dividend of ten per centum per annum of which three hundred and sixty-seven shares have been issued and are fully paid up and eighteen thousand eight hundred and forty pounds in shares of twenty pounds each entitled to a maximum dividend of seven per centum per annum of which last mentioned seven hundred and one shares have been issued and are fully paid up:

And whereas the Company are by the Act of 1872 empowered to borrow sums not exceeding two thousand seven hundred pounds which power has been exercised to the full amount and the Company are further entitled under the Act of 1872 to borrow sums not exceeding four thousand seven hundred pounds after the whole of the said capital of eighteen thousand eight hundred and forty pounds carrying a seven per centum dividend shall have been issued:

And whereas the sale of gas has largely increased and is still increasing and it is expedient that the Company should be

A.D. 1911. authorised to raise further capital for the purposes of their undertaking and that the further powers contained in this Act should be conferred upon them:

And whereas the objects of this Act cannot be attained without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):—

Short title
and citation.

1. This Act may be cited as the Tamworth Gas Act 1911 and this Act and the Act of 1872 may be cited as the Tamworth Gas Acts 1872 and 1911.

Incorpora-
tion of Acts.

2. The following Acts and parts of Acts are (save where expressly varied or excepted by or inconsistent with this Act) incorporated with and form part of this Act (that is to say):—

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

The Gasworks Clauses Acts 1847 and 1871 Provided that section 13 of the former Act shall be read as if the words "or any premises" were inserted after the words "private building" and as if the words "Provided also that every such contract entered into by the Company shall be alike in terms and amount under like circumstances to all consumers" were added at the end of that section:

The provisions of the Companies Clauses Consolidation Act 1845 with respect to—

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 borrowing of money by the Company on mortgage or bond;

The remedies of creditors of the Company against the shareholders ; A.D. 1911.

The consolidation of the shares into stock ;

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 as amended by subsequent Acts.

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

The expression “the Company” means the Tamworth Gaslight and Coke Company ;

The expression “the Act of 1872” means the Tamworth Gaslight and Coke Company Act 1872 ;

The expression “the undertaking” means the undertaking of the Company and includes all their property rights powers and privileges ;

The expression “the limits of supply” means the limits of supply of the Company under the Act of 1872 as extended by this Act.

4. From and after the passing of this Act the limits of the Company for the supply of gas shall extend to and include the parishes of Shuttington and Polesworth in the county of Warwick and the Company shall have and may exercise within such extended limits all the powers rights privileges and authorities and shall be subject to the obligations in respect of the supply of gas conferred or imposed upon them by the Act of 1872 as amended by this Act with respect to the supply of gas within their limits as defined by the Act of 1872. Limits of supply.

5. The Company may on the lands described in the schedule to the Act of 1872 and the lands described in the schedule to this Act annexed so long as they are possessed of the same maintain and continue and alter enlarge improve or discontinue their existing gasworks and works connected therewith and construct erect make and maintain alter enlarge improve or discontinue additional gasworks retorts retort-houses gasholders receivers purifiers meters apparatus and works for Power to continue existing gasworks and construct gasworks on lands described in schedules to Act of 1872 and this Act.

A.D. 1911. the manufacture distribution storage conversion and sale of gas and of coke and other residual products obtained in the manufacture of gas and matters producible from or used in such manufacture and they may subject to the provisions of this Act make and store gas on such lands or any part thereof and sell the same within the limits of supply and may on the same lands or any part thereof manufacture convert and store coke asphaltum and pitch coal-tar ammoniacal liquor oil and all such other residual products as aforesaid and may sell and dispose of the same at their works and elsewhere and they may also construct and maintain alter enlarge renew or discontinue houses offices buildings and other works connected with the undertaking.

Differences
with road
authorities.

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

Purchase of
lands by
agreement.

7. The acquisition by the Company of the lands already belonging to them is hereby sanctioned and confirmed and the said lands shall for the purposes of section 3 of the Housing of the Working Classes Act 1903 be deemed to have been acquired under the powers of this section and the Company may use any such lands for the general purposes of the undertaking and the Company may for the purposes of the undertaking purchase take and hold (by agreement but not otherwise) in addition to the lands already belonging to them any lands and hereditaments not exceeding in the whole five acres which the Company may require for the purposes of the undertaking but the Company shall not create or permit a nuisance on any such lands and no lands shall be used by the Company for the purpose of manufacturing gas or residual products except the lands described in the schedule to the Act of 1872 and the lands described in the schedule to this Act.

Power to
sell and lease
lands.

8. The Company may sell and dispose of or may let on lease for such period as they think fit any lands for the time being belonging to them and which may not at the time be required for the purposes of the undertaking and any such

disposal or lease may be for such consideration and subject to such reservations stipulations and conditions as the Company think fit. A.D. 1911.

9. The Company may from time to time raise additional capital not exceeding in the whole fifteen thousand pounds by the creation and issue of new ordinary shares or stock or new preference shares or stock or wholly or partially by one or more of those modes respectively but the Company shall not issue any share of less nominal value than twenty pounds nor shall any such share or stock vest in the person accepting the same unless and until the full price of such share or stock including any premium obtained upon the sale thereof shall have been paid in respect thereof Provided that it shall not be lawful for the Company to create and issue under the powers of this Act any greater nominal amount of capital than shall be sufficient to produce including any premium which may be obtained on the sale thereof the sum of fifteen thousand pounds Provided also that the Company shall not raise by the issue of preference shares or stock a greater amount of such additional capital than seven thousand five hundred pounds. Power to
Company to
raise addi-
tional capital.

10. The Company may subject to the provisions of this Act borrow on mortgage of the undertaking any sum or sums not exceeding in the whole one-third part of the amount of the additional capital which at the time of borrowing has been raised under the powers of this Act But no sum shall be borrowed in respect of any capital so raised until the Company have proved to a justice of the peace before he gives his certificate under the fortieth section of the Companies Clauses Consolidation Act 1845 that the whole of the stock or shares at the time issued together with the premium (if any) realised on the sale thereof have been fully paid up. Power to
borrow.

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

12.—(1) All shares or stock created under the powers of this Act shall be issued in accordance with the provisions of this section. New shares
or stock to be
sold by auc-
tion or tender.

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(2) All shares or stock so to be issued shall be offered for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Company shall from time to time determine Provided as follows:—

- (a) Notice of the intended sale shall be given in writing to the town clerk of Tamworth to the clerk of every district council whose district or any part of whose district is within the limits of supply and to the secretary of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and shall also be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the limits of supply:
- (b) A reserve price shall be fixed and notice thereof shall be sent by the Company in a sealed letter to be received by the Board of Trade not less than twenty-four hours before but not to be opened till after the day of auction or last day for the receipt of tenders as the case may be:
- (c) No lot offered for sale shall comprise shares or stock of greater nominal value than one hundred pounds:
- (d) In the case of a sale by tender no preference shall be given to one of two or more persons tendering the same sum In the case of a sale by auction a bid shall not be recognised unless it is in advance of the last preceding bid:
- (e) It shall be one of the conditions of sale that the total sum payable by the purchaser shall be paid to the Company within three months after the date of the auction or of the acceptance of the tender as the case may be.

(3) Any shares or stock which have been so offered for sale and are not sold may be offered at the reserve price to the holders of ordinary and preference shares or stock of the Company in accordance with the provisions of sections 18 19 and 20 of the Companies Clauses Act 1863 and to the employees of the Company and to the consumers of gas supplied by the Company in such proportions as the Company may think fit or to one or more of these classes of persons only Provided in the case of an offer

to holders of shares or stock that if the aggregate amount of shares or stock applied for shall exceed the aggregate amount so offered as aforesaid the same shall be allotted to and distributed amongst the applicants as nearly as may be in proportion to the amounts applied for by them respectively. A.D. 1911.

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

(5) As soon as possible after the conclusion of the sale or sales the Company shall send a report thereof to the Board of Trade stating the total amount of the respective shares or stock sold the total amount obtained as premium (if any) and the highest and lowest prices obtained for the respective shares or stock.

13. Except as is by this Act otherwise provided the capital created by the Company under this Act and the holders thereof shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the capital of the Company of the same class or description and the capital so created shall form part of the capital of the Company. New capital to be subject to same incidents as existing capital.

14.—(1) The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time after the passing of this Act created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages. Debenture stock.

(2) Notice of the effect of this section shall be endorsed on all mortgages and certificates of debenture stock.

15. All mortgages granted by the Company in pursuance of the Act of 1872 and subsisting at the passing of this Act shall during the continuance thereof and subject to the pro- Existing mortgages to have priority.

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visions of the Act of 1872 have priority over all mortgages granted in pursuance of this Act 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 Company.

Priority of mortgages and debenture stock.

16. All money to be raised by the Company on mortgage or by debenture stock under the provisions of this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act Provided always that this priority shall not affect any claim against the Company 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 Company which is entitled to rank in priority to or *pari passu* with the interest or dividends on their mortgages or debenture stock.

Borrowed money not to be converted into capital.

17. The provisions of the Companies Clauses Consolidation Act 1845 with respect to the conversion of the borrowed money into capital shall cease to apply to the Company.

Repealing existing provisions as to receiver.

18. Section 42 (Powers of mortgagees &c.) of the Act of 1872 is hereby repealed but without prejudice to any appointment which may have been made or to the continuance of any proceedings which may have been commenced under any such provision prior to the passing of this Act.

For appointment of a receiver.

19.—(1) The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver.

(2) 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 five hundred pounds in the whole.

Profits on additional capital limited.

20. The Company shall not in any year pay out of their profits any larger dividend on the additional capital to be raised under the powers of this Act than seven pounds per centum per annum in respect of such capital as shall be issued as ordinary capital and as shall be actually paid up 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 six pounds per centum per annum in respect of such capital as shall be issued as preference capital and as shall be actually paid up. A.D. 1911.

21. The following provisions of the Act of 1872 are hereby repealed (that is to say):— Repeal of certain provisions of Act of 1872.

Section 30 (Power to sell lands not wanted);

Section 35 (Directors not to be disqualified by being Commissioners under local Acts);

Section 51 (Quality of Company's gas);

Section 52 (Company to erect a meter to test quality of gas);

Section 53 (Price of gas &c.);

Section 54 (Price of gas elsewhere).

22. Within three months from the passing of this Act the Company shall provide a testing place at their works in Gas Lane Tamworth and such place shall be the prescribed place for the purposes of section 28 (Testing place) of the Gasworks Clauses Act 1871. Testing place.

23. The prescribed number of candles shall be not less than fourteen. Quality of gas.

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

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

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(3) The Company shall within three months from the passing of this Act provide all the apparatus required by this Act for the testing of gas and shall at all times keep the same in proper order and repair.

Pressure.

25.—(1) All gas supplied by the Company to any consumer of gas shall be supplied at such pressure as to balance a column of water not less than eight tenths of one inch in height at the main or as near as may be to the junction therewith of the service pipe supplying such consumer.

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

Limit of price.

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

Power to charge differential price outside borough.

27. Notwithstanding anything in this Act contained the Company may demand and take for a supply of gas in any part of the limits of supply outside the borough of Tamworth charges exceeding by not more than eightpence per thousand cubic feet the charges for the time being made for a corresponding supply within the said borough. Provided that no charge shall be made under this section in excess of the maximum price of five shillings per thousand cubic feet.

Fittings not to be subject to distress.

28. Any engines stoves ranges pipes or fittings now out on hire or let for hire by the Company under the provisions of the Act of 1872 or this Act shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under process of any court or any proceedings in bankruptcy against the person in whose possession the same may be. Provided that such fittings are marked or impressed with a sufficient mark or brand indicating the Company as the actual owners thereof.

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

29. The Company may on the application of the owner or occupier of any premises within the limits of supply abutting on or being erected in any street laid out but not dedicated to public use supply such premises with gas and may lay down take up

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alter or renew in across or along such street such pipes and apparatus as may be requisite or proper for furnishing such supply and for that purpose the provisions of the Gasworks Clauses Act 1847 shall apply as if the street were land dedicated to public use Provided that nothing in this Act contained shall authorise the Company to lay pipes in any street or roadway belonging to (or in any private roadway maintained by) the Midland Railway Company or across any bridge carrying a street or roadway not dedicated to public use over or under the Midland Railway without the consent in writing of that company under their common seal.

30. The Company may contract with any local authority company or person supplying gas in any district adjacent to the limits of supply for the supply to them respectively of gas in bulk upon such terms and conditions and for such periods not exceeding in any case seven years from the making of the contract as may be agreed upon But nothing in this section shall authorise the Company to lay any mains or interfere with any street beyond the limits of supply.

Power to contract for sale of gas in bulk.

31. No penalty shall be incurred by the Company for neglect or refusal to give a supply of gas in accordance with the provisions of this Act to any company body or person who uses or is in the habit of using machinery or apparatus for making and utilising suction gas if and so long as the giving of a supply to such company body or person would interfere with or jeopardise the supply of gas by the Company for public and private lighting and to consumers not using such machinery or apparatus as aforesaid Provided that in the event of any difference or dispute arising as to whether any such supply of gas would be so interfered with or jeopardised as aforesaid such difference or dispute shall be referred to arbitration in manner provided by the Arbitration Act 1889.

Provision as to supply to users of suction gas plant.

32. Where any person has a supply of gas laid on by the Company to any premises for which he has at the same time a supply of gas from an installation other than that of the Company the Company shall be entitled to receive from him as a standing charge in addition to the price of the gas actually supplied to him a fixed sum to be determined by them not exceeding five pounds per annum Provided always that in determining such fixed sum the Company shall have regard to the probable maximum supply of gas which might at any time

Supply of gas where consumer has separate gas installation.

A.D. 1911. be required for such premises And provided also that the Company shall not be entitled to any such standing charge as aforesaid in respect of any premises for which the whole supply of gas afforded by them is taken through a meter having a nominal capacity of less than ten lights.

Minimum charge for gas laid on to premises having supply of electricity.

33. Where any person has a supply of gas laid on by the Company to any premises for which he has at the same time a supply of electricity the Company shall be entitled to charge and receive from him in respect of the supply of gas so laid on such minimum sum as shall be fixed by them not exceeding twenty-five shillings for any one quarter of the year notwithstanding that the ordinary charge for the gas actually consumed in such quarter would amount to a lower sum Provided always that in fixing the amount of such minimum charge the Company shall have regard to the probable maximum supply of gas which might at any time be required for such premises Provided also that in respect of any premises for which the whole supply of gas afforded by the Company is taken through a meter having a nominal capacity of less than ten lights the amount of the minimum charge shall not exceed five shillings for any one quarter of a year.

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

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

- (1) The Company 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 Company's mains and the meter and (so far as the same are intended to be covered over) on the consumer's premises:
- (2) The Company may if they think fit make different specifications for different classes of premises having regard to the probable maximum consumption of gas thereon at any one time:
- (3) The specification shall be published once in each of two newspapers circulating within the limits of supply and a copy thereof shall be kept exhibited in the office of the Company:
- (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 Company's main but within the outside wall of the building : A.D. 1911.

(5) When any such pipe or meter as aforesaid has been laid or placed notice thereof shall be given to the Company and the pipe shall not be covered over until after the expiration of twenty-four hours from the service of such notice on the Company Any officer of the Company duly appointed may between nine o'clock in the morning and five o'clock in the afternoon attend and inspect such pipes (with their fittings) and meter and if the officer is not permitted to make the inspection or if the pipes or fittings are not according to the Company's specification or if the meter is not placed as required by this section the Company may refuse to supply gas to the premises until the provisions of this section have been complied with :

(6) Any person to whom the Company 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 Company's specification make such order as seems to them proper in the circumstances and may order by which of the parties the costs of and incident to the appeal shall be paid.

35. Every consumer of gas supplied by the Company who uses a gas engine shall if required to do so by the Company 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 Company may cease to supply him with gas The Company 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 Company if the anti-fluctuator be found in proper order but otherwise at the expense of such consumer.

Anti-fluctuators for gas engines.

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Gas consumers to give notice to Company before removing.

36. At least twenty-four hours' notice in writing shall be given to the Company by every gas consumer before he shall quit any premises supplied with gas by meter by the Company and in default of such notice the consumer so quitting shall be liable to pay to the Company the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such premises shall require the Company to supply gas to such premises whichever shall first occur. Notice of the effect of this enactment shall be endorsed upon every demand note for gas charges payable to the Company.

Notice of discontinuance.

37. A notice to the Company from a consumer for the discontinuance of a supply of gas shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the Company.

Period of error in defective meters.

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

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

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

Power to erect buildings for officers and servants.

40. The Company may on any land for the time being belonging to or leased by them erect fit up and maintain houses cottages and buildings for the officers and servants employed by the Company for the purposes of the undertaking.

Exemption from penalties in certain cases.

41. No penalty shall be incurred by the Company for insufficiency of pressure defect of illuminating power or excess of impurity in the gas supplied by them in any case in respect

of which it is proved that such insufficiency defect or excess was produced by any circumstance beyond the control of the Company Provided that the want of sufficient funds shall not be held to be a circumstance beyond the control of the Company. A.D. 1911.

42. The following provisions for the protection of the county councils of the administrative counties of Stafford and Warwick (each of which county councils is in this section respectively referred to as "the county councils") shall have effect as regards all new works carried out by the Company under the powers of this Act or the Act of 1872 and as far as applicable as regards the alteration improvement enlargement extension renewal or re-construction of existing works unless otherwise agreed between the Company and the county council (that is to say):—

For protection of Staffordshire County Council and Warwickshire County Council.

- (1) All mains pipes and works to be laid in or along any main road or in or upon or across any county or main road bridge shall be laid in such position in or at the side thereof as the county council in writing under the hand of their surveyor may reasonably direct:
- (2) The notice required by section 8 of the Gasworks Clauses Act 1847 with respect to the breaking up of streets shall as regards any main road or any county or main road bridge be not less than seven clear days instead of three clear days:
- (3) The plan required by section 9 of the last-mentioned Act shall as regards any county or main road bridge be on a scale of not less than eight feet to an inch and in respect to any main road or bridge approach on a scale of not less than $\frac{1}{2500}$ and in the case of a bridge such plans shall be accompanied by sections to suitable scales to show clearly the proposed works and shall be delivered to the county council or their surveyor by the Company not less than in the case of a bridge fourteen days and in all other cases (except for the laying connecting or repairing of consumers' service pipes as to which three days' notice shall be given and except in cases of accidental leakage or burst in which case notice shall be immediately given thereof) seven days before the Company commence to open or break up any main road or interfere

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with any county or main road bridge or other property of the county council for the purpose of executing the works:

- (4) Nothing in this Act shall authorise the Company to interfere with the structural part of any county or main road bridge without the consent in writing of the surveyor to the county council. Such consent shall not be unreasonably withheld and may be given upon such conditions as the county council may reasonably determine:
- (5) All works shall be so executed by the Company as not to stop or (so far as reasonably practicable) impede or interfere with the traffic on any main road or over any county or main road bridge or the approaches thereto and the Company shall not break up at any one time a greater length than one hundred yards of any main road:
- (6) Where any mains pipes or other works of the Company being made of cast-iron are to be laid or constructed beneath the surface of any main road or county or main road bridge the same shall if possible be laid or constructed at such a depth that not less than two feet six inches shall intervene between the surface of such road or bridge and the upper surface of such mains pipes or works. Provided that if the Company lay steel mains or pipes instead of cast-iron mains or pipes the depth to intervene between the surface of such road or bridge and the upper surface of such mains or pipes need not exceed two feet. Any difference as to the possibility of so laying or constructing any such mains pipes or works shall be determined by arbitration as hereinafter in this section provided:
- (7) If any difference arises at any time between the county council and the Company touching this section or anything to be done or not to be done thereunder or the giving or withholding of any consent or the conditions of giving the same or any direction such difference shall be settled by the arbitration of an engineer to be agreed upon between the county council and the Company and failing agreement to

be appointed by the President for the time being of the Institution of Civil Engineers on the application of either party and the Arbitration Act 1889 shall apply to the arbitration. A.D, 1911,

43. All the costs charges and expenses of and incidental to the applying for preparing obtaining and passing of this Act and otherwise in relation thereto shall be paid by the Company. *Costs of Act,*

The **SCHEDULE** in the foregoing Act referred to.

A piece of land belonging to the Company situate in the borough of Tamworth and county of Stafford comprising four and a half acres or thereabouts lying adjacent to the lands described in the schedule to the Act of 1872 and bounded on the east by the Midland Railway on the north-west by lands of Thompson and Southwick Limited and Ernest Dent on the south-west by lands of Felix Shaw Hamel and the representatives of the late George Milbourne and on the south by other land belonging to the Company.

Printed by EYRE and SPOTTISWOODE, Ltd.,

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