

[11 & 12 GEO. 5.] *Rhymney and Aber* [Ch. cxxi.]
Valleys Gas and Water Act, 1921.



CHAPTER cxxi.

An Act for conferring further powers upon the Rhymney and Aber Valleys Gas and Water Company and for other purposes. A.D. 1921.

[19th August 1921.]

WHEREAS by the Rhymney and Aber Valleys Gas and Water Act 1898 the Rhymney and Aber Valleys Gas and Water Company (in this Act referred to as "the Company") were incorporated and authorised to supply gas and water to and within certain parishes and places in the counties of Glamorgan Monmouth and Brecon comprised within the limits of that Act and further powers were conferred upon the Company by the Rhymney and Aber Valleys Gas and Water Act 1905 the Rhymney and Aber Valleys Gas and Water Act 1908 and the Rhymney and Aber Valleys Gas and Water Act 1914 which Acts are in this Act collectively referred to as "the former Acts" and each of them separately as an Act of the year in which the same was passed :

And whereas by virtue of the various agreements specified in the First Schedule to this Act the mayor aldermen and burgesses of the borough of Merthyr Tydfil (in this Act referred to as "the corporation") were under obligations to supply water in bulk to the Company in perpetuity upon the terms and conditions in the said agreements mentioned :

And whereas by the Merthyr Tydfil Corporation Act 1920 it was enacted that notwithstanding anything contained in the said agreements and subject to the provisions of that Act the prices to be paid and the minimum

[Price 1s. 6d. Net.] A

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A.D. 1921. payments to be made by the Company under such agreements should from and after the date of the commencement of supply by the corporation to the Company of water from or by means of any of the works authorised by the Merthyr Tydfil Corporation Water Act 1911 be such as might be agreed between the corporation and the Company or in default of agreement determined by an arbitrator to be appointed failing agreement between the parties by the Minister of Health but that the corporation should not take any steps to obtain the appointment of any such arbitrator before the thirty-first day of December one thousand nine hundred and twenty-one:

And whereas the rates and charges for the supply of water by the Company for domestic purposes are prescribed by the Act of 1898 and the price to be charged by the Company for a supply of water by measure is prescribed by the Act of 1908 and by reason of the increased cost of labour and materials due to the war and other circumstances beyond the control of the Company the expenses of and in connexion with the working management and maintenance of the water undertaking of the Company have increased greatly since such rates and charges and price were so prescribed:

And whereas by virtue of the various statutory enactments and agreements which are specified in the Second Schedule to this Act the Company are under obligation to supply water to the Caerphilly Urban District Council the Gellygaer Urban District Council the Rhymney Urban District Council the Bedwelty Urban District Council and the Bedwas and Machen Urban District Council upon terms and conditions which by reason of the altered conditions arising out of the war have become inequitable and cannot be enforced without serious hardship to the Company and to the other consumers of water within the water limits of the Company:

And whereas it is expedient that provision should be made as in this Act contained for revising the terms and conditions under which the Company are authorised or required to supply water as aforesaid:

And whereas it is expedient to confer upon the Company in relation to their water undertaking and their gas undertaking such further powers as are in this Act contained:

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And whereas the amounts of the share and loan capital which the Company are by the former Acts authorised to raise are as follows:— A.D. 1921.

Authority	Amount of Share Capital and Stock authorised.	Amount of Loan Capital authorised.
Act of 1898 - -	£ 280,000	£ 70,000
Act of 1914 - -	150,000	One third part of the amount of the additional share capital authorised by the Act and at the time issued.

And whereas the Company have raised the whole of the share capital authorised by the Act of 1898 and have issued preference share capital bearing interest at the rate of five per centum per annum to the nominal amount of thirty-eight thousand two hundred and eighty pounds under the powers of the Act of 1914:

And whereas the Company have created and issued debenture stock bearing interest at the rate of four per centum per annum to the nominal amount of fifty-four thousand two hundred and thirty pounds under the powers of the Act of 1898 but have not borrowed any moneys under the powers of the Act of 1914:

And whereas by the Act of 1914 a limitation of dividend of six pounds per centum per annum was imposed upon such capital as should be issued under that Act as preference capital:

And whereas the Company have expended on capital account sums largely in excess of the amount raised by them under the powers hereinbefore referred to and further capital expenditure will require to be incurred from time to time for the general purposes of the undertaking:

And whereas it is expedient that the Company should be empowered to raise further money by borrowing on mortgage or by the creation and issue of debenture stock in respect of the capital raised and to be raised under the authority of the former Acts and to remove the limitation

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A.D. 1921. of dividend imposed as aforesaid upon such capital as should be issued under the Act of 1914 as preference capital:

And whereas it is expedient that the other provisions contained in this Act should be made:

And whereas the purposes of this Act cannot be effected 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:—

PRELIMINARY.

Short and collective titles.

1.—(1) This Act may be cited as the Rhymney and Aber Valleys Gas and Water Act 1921.

(2) The former Acts and this Act may be cited together as the Rhymney and Aber Valleys Gas and Water Acts 1898 to 1921.

Incorporation of general Acts.

2. The following Acts so far as the same are applicable for the purposes of and not varied by or inconsistent with the provisions of this Act are incorporated with and form part of this Act:—

The Waterworks Clauses Acts 1847 and 1863:

Provided that the Waterworks Clauses Act 1847 as incorporated with this Act and with the former Acts shall be read and have effect as if the words "with the previous consent in writing of the owner or reputed owner of any such house or of the agent of such owner" were omitted from the forty-fourth section thereof:

The Gasworks Clauses Acts 1847 and 1871:

Provided that section 13 of the Gasworks Clauses Act 1847 in its application to the Company 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.

3. The provisions of the Companies Clauses Consolidation Act 1845 (except the provisions thereof with respect to the conversion of borrowed money into capital) and Parts I. II. and III. of the Companies Clauses Act 1863 as amended by subsequent Acts shall so far as the same are respectively applicable and except so far as the same may be varied by or inconsistent with the provisions of this Act apply to any preference shares or stock or debenture stock to be issued under the provisions of this Act and to the proprietors thereof.

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Application
of certain
provisions of
Companies
Clauses
Acts.

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

Interpreta-
tion.

“The undertaking” means the gas and water undertaking of the Company as authorised by the former Acts and by this Act :

“The water undertaking” means the water undertaking of the Company as authorised by the former Acts and by this Act :

“The gas undertaking” means the gas undertaking of the Company as authorised by the former Acts and by this Act :

“The water limits” means the limits within which the Company are for the time being authorised to supply water :

“The gas limits” means the limits within which the Company are for the time being authorised to supply gas.

SUPPLY OF WATER.

5.—(1) The Minister of Health on the application of the Company may from time to time after such inquiry as he shall think fit fix by order the rates and charges for a supply of water for domestic purposes and the price for a supply of water by measure by the Company within the water limits :

Minister of
Health may
fix rates &c.
for supply
of water for
domestic
purposes and
for supply by
measure.

Provided always that the Company shall not make any application to the Minister of Health under the provisions of this subsection before the thirtieth day of September one thousand nine hundred and twenty-one.

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(2) The Company shall as soon as practicable after an order is made in pursuance of subsection (1) of this section cause the order to be published in two successive weeks in one or more local newspapers circulating in the water limits.

(3) On and after the date on which any order made in pursuance of subsection (1) of this section comes into operation section 69 (Rates at which water is to be supplied for domestic purposes) of the Act of 1898 and section 25 (Price of supply by measure) of the Act of 1908 shall respectively have effect as if—

(A) For the yearly rates and charges specified in the said section 69 of the Act of 1898 and for the price specified in the said section 25 of the Act of 1908 there were substituted the rates charges and price fixed by the order made as aforesaid; and

(B) Such other modifications were made in the said sections as are necessary to render the sections applicable to any premises rates charges or price specified in the said order.

On and after the date on which any order made in pursuance of subsection (1) of this section comes into operation subsection (2) of section 30 of the Act of 1914 shall be and is hereby repealed.

(4) If at any time it is represented to the Minister of Health by the local authority of any district situated within or partly within the water limits that all or any of the rates and charges for a supply of water for domestic purposes or the price for a supply of water by measure fixed by the Minister of Health under this section should be revised the Minister may after such inquiry as he shall think fit by order alter modify or reduce all or any of the said rates and charges or the said price and thenceforth such order shall be observed until the same is revoked or modified by an order of the Minister of Health made in pursuance of this section. Before making any such representation the local authority shall give to the Company one month's notice in writing of their intention so to do and the Company may submit to the Minister objections to any such representation.

(5) The rates charges and price prescribed in any order made in pursuance of this section shall be of such

respective amounts as to provide with due care and management (after paying all proper expenses of and in connexion with the working management and maintenance of the water undertaking and making good depreciation and paying all other costs charges and expenses properly chargeable to revenue excluding interest on loan capital and borrowed money) a reasonable return on the expenditure on capital account in respect of the water undertaking.

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6. Notwithstanding anything contained in the statutory enactments and agreements which are specified in the Second Schedule to this Act and subject to the provisions of this Act the prices to be paid by each of the authorities entitled (whether free or on payment) to a supply of water under such enactments and agreements shall after the thirtieth day of September one thousand nine hundred and twenty-one be such as may be agreed between the Company and such authority or in default of agreement determined by the Minister of Health Provided that either the Company or such authority may by six months' notice in writing to the other expiring at the end of five years from the date upon which such price shall be agreed or determined as aforesaid or at the end of any subsequent period of five years require the said prices to be reconsidered and as from the expiration of such notice the said prices shall be such as may be agreed between the Company and such authority or in default of agreement determined as aforesaid.

Revision of prices under statutory enactments and agreements in Second Schedule.

7. If by or under the authority of an Act passed in this present session of Parliament the water undertaking shall be transferred to or vested in a board consisting of representatives of the urban districts of Gelligaer Caerphilly Bedwellty Rhymney Bedwas and Machen and Mynyddislwyn the sections of this Act whereof the marginal notes are respectively "Minister of Health may fix rates &c. for supply of water for domestic purposes and for supply by measure" and "Revision of prices under statutory enactments and agreements in Second Schedule" shall as from the day upon which such transfer and vesting shall take place cease to apply and have effect.

Suspension of certain provisions on transfer of water undertaking.

8. If it should appear to the Company that by reason of any injury to or defect in any communication pipe for

Power to Company to repair com-

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munication
pipes.

the supply of water which is situate in a street any waste of water or injury or risk of injury to person or property is caused or likely to be caused it shall be lawful for the Company to execute such repairs as they may think necessary or expedient in the circumstances of the case without being requested so to do and the expense incurred by the Company in executing such repairs shall be recoverable by the Company from the owner of the premises supplied or in any case where the communication pipe is repairable by the occupier of such premises from the occupier.

Maintenance
of common
pipes.

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

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

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

SUPPLY OF GAS.

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

11. Where any person has for the purposes of a stand-by only a supply of gas laid on by the Company to any premises for which he has at the same time a separate supply of electricity or gas for power or other purposes 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 a year not-

withstanding that the ordinary charge for the gas actually consumed in such quarter would amount to a lower sum Provided 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 not more than ten lights the amount of the minimum charge shall not exceed five shillings for any one quarter of a year.

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12. At least twenty-four hours' notice shall be given to the Company by every gas consumer either personally at the office of the Company or in writing 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 date shall first occur Notice of the effect of this enactment shall be endorsed upon every demand note for gas charges payable to the Company.

Gas consumers to give notice to Company before removing.

13. Notwithstanding anything contained in section 77 (Register of meter to be primâ facie evidence) of the Act of 1898 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 of 1859 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 the like manner as gas charges are recoverable by the Company.

Period of error in defective meters.

14. Notwithstanding anything contained in this or any other Act relating to the Company the price to be charged by the Company for a supply of gas may vary as

Power to vary price according to purpose for which gas is supplied.

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Provided that the Company shall not under the powers of this section give any preferential price as between any consumers who shall take a supply of gas for the same purpose under like circumstances.

Amending obligations as to supply of gas.

15. Notwithstanding anything contained in any enactment to the contrary the Company shall not be obliged to give from any main a supply of gas for any purpose other than lighting or domestic use in any case where the capacity of such main is insufficient to afford the required supply or if and so long as any such supply would in the opinion of the Company interfere with the sufficiency of the gas required to be supplied by means of such main for lighting purposes or domestic use.

As to mode of cutting off supplies.

16.--(1) In any case in which the Company are by virtue of any enactment relating to the gas undertaking authorised to cut off and discontinue the supply of gas to any premises in consequence of any default on the part of the occupier of the premises it shall be lawful for the Company without prejudice to any other remedy which may be lawfully available to them to disconnect at the meter the service pipe (whether belonging to the consumer or to the Company) and any person who shall reconnect such service pipe with the meter without the consent of the Company shall be deemed to commit an offence within the meaning of section 18 of the Gasworks Clauses Act 1847 :

Provided that if and so soon as the matter complained of shall have been remedied nothing in this section shall prejudice or interfere with any rights vested in any person by virtue of section 11 of the Gasworks Clauses Act 1871 :

(2) For the purposes of this section the company shall (subject to the conditions specified in section 22 of the Gasworks Clauses Act 1871) have and may exercise the like powers of entry as are exerciseable under the said section 22 for the purposes of that section.

Power to enter premises and remove fittings.

17. The power to enter premises and to remove pipes meters fittings or apparatus conferred on the Company by section 22 of the Gasworks Clauses Act 1871 shall extend to all cases in which any person entering

into occupation of any premises previously supplied with gas by the Company shall not require to take a supply of gas from the Company or to hire from the Company all or any of the pipes meters fittings or apparatus belonging to the Company and let by them on hire to any former occupier of such premises. A.D. 1921.

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

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

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

(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 twice in some newspaper circulating within the gas limits 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 connexion with a new or substituted pipe laid by the consumer between the main and the consumer's meter shall be placed as near as reasonably practicable to the Company's 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 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

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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.

For protection of railway companies.

19. As respects any pipes to be laid on the premises of any railway company between the Company's mains and the meter the Company shall not under the powers of the section of this Act of which the marginal note is "As to construction and placing of pipes &c. between mains and meters" specify any size less than an internal diameter of two inches.

Occupiers to pay expenses of reconnecting disconnected supply.

20. In any case in which in consequence of any default on the part of the occupier of any premises the Company shall have cut off the supply of gas to such premises (whether under the existing powers of the Company or under the powers conferred by this Act) and the occupier so in default shall desire to resume such supply he shall pay to the Company the reasonable expenses of reconnecting the supply and the Company shall not be under any obligation to supply gas to such occupier until he shall have paid such expenses.

PROVISIONS COMMON TO GAS AND WATER UNDERTAKINGS.

Engines &c. though fixed to remain property of Company.

21.—(1) Subject as hereinafter provided all engines fittings apparatus and appliances (in this section referred to as "fittings") let by the Company under any statutory powers on hire or installed under a hire-purchase agreement in respect of which any instalment of purchase money shall remain unpaid shall notwithstanding that they be fixed or fastened to any part of any premises in which they may be situate or to the soil under any such premises at all times continue to be the property of and

removable by the Company Provided that such fittings are marked or impressed with a sufficient mark or brand indicating the Company as the owners thereof Provided also that nothing in this section shall affect the amount of the assessment for rating of any premises upon which any such fittings are or shall be fixed.

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(2) Section 57 (Engines &c. of Company let on hire though fixed to premises to remain property of Company) of the Act of 1908 shall be and the same is hereby repealed.

BORROWING POWERS AND FINANCIAL PROVISIONS.

22. The Company may subject to the provisions of this Act borrow on mortgage of the undertaking:—

Additional borrowing powers in respect of existing capital powers.

(a) At any time after the passing of this Act and without the certificate of a justice of the peace—

(i) Any sum or sums not exceeding in the whole (in addition to any sums already borrowed under the powers conferred by the Act of 1898 in respect of the ordinary and preference shares created under that Act and the Acts of 1905 and 1908) the sum of forty-seven thousand and eighty-seven pounds five shillings;

(ii) Any sum or sums not exceeding in the whole (in respect of the additional capital authorised by the Act of 1914) the sum of nine thousand five hundred and eighty-five pounds ten shillings:

(b) From time to time any sums not exceeding in the whole one half part of the amount of any capital (including premiums or allowing for discounts as the case may be) for the time being raised after the passing of this Act under the powers of the Act of 1914 as amended by this Act or by any other Act passed in this present session of Parliament Provided that no such 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 amounts payable in respect of the stock or shares

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at the time issued together with the premium (if any) realised on the sale thereof have been fully paid up.

Appoint-
ment of
receiver.

23. Section 22 (For appointment of receiver) of the Act of 1914 is hereby repealed but without prejudice to any appointment heretofore made or to any proceedings pending under the said section at the passing of this Act. The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver and in order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds.

Debenture
stock.

24.—(1) The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 and section 15 (Power to create debenture stock) of the Act of 1898.

(2) Notice of the effect of the said section 15 shall be endorsed on all mortgages and certificates of debenture stock granted or issued after the passing of this Act.

Issue of
redeemable
preference
capital and
debenture
stock.

25.—(1) The Company may issue as redeemable preference shares or stock or debenture stock any preference shares or stock or debenture stock which they are by the Act of 1914 or this Act authorised to create and issue and which have not been issued before the passing of this Act and the resolution authorising the creation and issue or the issue as the case may be of such redeemable preference shares or stock or debenture stock (all of which are in this section referred to as "redeemable shares or stock") shall specify the terms and conditions on which redeemable shares or stock shall be redeemed.

(2) If it is so provided in the resolution the Company may—

(A) Call in and pay off the redeemable shares or stock or any part thereof at any time before the fixed date of redemption; and

(B) Redeem the redeemable shares or stock or any part thereof either by paying off the redeemable shares or stock or by issuing to any shareholder or stockholder subject to his consent but without being subject to the provisions of section 19

(New stock to be sold by auction or tender) of the Act of 1914 other shares or stock in substitution therefor and may for the purpose of providing money for paying off the redeemable shares or stock or of providing substituted shares or stock create and issue new shares or stock (which in the case of new debenture stock or new preference shares or stock may be either redeemable or irredeemable) or reissue redeemable shares or stock originally created and issued under this section. Provided that (subject and without prejudice to the right of the Company to create and issue preference or ordinary shares or stock shortly before the date for redemption of any redeemable preference shares or stock in order to pay off such last-mentioned shares or stock) the creation and issue of any preference or ordinary shares or stock under this subsection does not make the total amount for the time being raised by the creation and issue of preference and ordinary capital under this Act exceed the amount which the Company are by the Act of 1914 and this Act authorised so to raise. Provided also that (subject and without prejudice to the right of the Company to create and issue debenture stock shortly before the date for redemption of any redeemable debenture stock in order to pay off such last-mentioned debenture stock) the total amount for the time being raised by the creation and issue of debenture stock under this Act is not in excess of the amount which the Company are by the Act of 1914 and this Act authorised so to raise.

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26. All money to be raised by the Company on mortgage or by the issue of 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

Priority of mortgages and debenture stock over other debts.

A.D. 1921. — under any lease granted or made to the Company which is entitled to rank in priority to or *pari passu* with the interest on their mortgages or debenture stock.

Priority of principal moneys secured by existing mortgages and bonds.

27. The principal moneys secured by all mortgages and bonds granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act and subsisting at the passing of this Act shall during the continuance of such mortgages and bonds have priority over the principal moneys secured by any mortgages granted by virtue of this Act.

Removal of limit of dividend on preference capital.

28. Notwithstanding anything contained in section 15 (Limits of dividend on new capital) of the Act of 1914 or any other provision relating to the Company any preference capital which may be hereafter created under the powers of that Act or this Act may be shares or stock with a dividend at such rate as the Company may determine at the time or times of the creation thereof.

Receipt in case of persons not *sui juris*.

29. If any money is payable to any stockholder mortgagee or debenture stockholder being a minor idiot or lunatic the receipt of the guardian receiver or committee of his estate shall be a sufficient discharge.

Application of money.

30. 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 stock under the provisions of this Act (after deducting therefrom the expenses of and incident to such issue) shall not be considered as part of the capital of the Company entitled to dividend. Provided that all such sums shall for the purpose of determining the powers of the Company to raise money by borrowing or the amount which the Company may carry to any reserve or other fund but for no other purpose be reckoned as part of the paid-up capital.

Minimum amounts of holdings and transfers of stocks.

31.—(1) Any ordinary stock preference stock or debenture stock of the Company may be issued and be held in amounts of five pounds or of any integral number of pounds exceeding five and not otherwise and the Company shall not be under any obligation to register a transfer of any such stock which would reduce the holding of the transferor below or make the holding of the transferee less than five pounds of stock of that class.

(2) Notice of this enactment so far as applicable shall be stated in all certificates of ordinary stock preference stock or debenture stock of the Company as the case may be. A.D. 1921.

MISCELLANEOUS.

32. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 the attorney of any shareholder or stockholder of the Company duly authorised in writing may appoint a proxy to vote for and on behalf of the shareholder or stockholder and for that purpose may execute on behalf of the shareholder or stockholder the necessary form of proxy Provided that the instrument appointing the attorney shall be transmitted to the secretary of the Company at the same time as the instrument appointing the proxy. Appointment of proxies.

33. Notwithstanding anything contained in the Companies Clauses Consolidation Act 1845 where several persons are jointly entitled to and registered as holders of any shares or stock in the capital of the Company any one of those persons may vote at any meeting at which holders of shares or stock of the same class are entitled to vote either personally or by proxy in respect of the shares or stock as if he were solely entitled thereto but if more than one of the joint holders be present at any meeting personally or by proxy that one of the said persons so present whose name stands first on the register in respect of the shares or stock shall alone be entitled to vote in respect thereof. Joint holders.

34.—(1) The Company may purchase or take on lease houses cottages and buildings for persons in their employ and offices show-rooms and other buildings for the purposes of the undertaking and may erect maintain and let any such buildings upon any lands for the time being belonging or leased to the Company. Dwelling-houses for Company's employees offices show-rooms &c.

(2) Section 42 (Dwelling-houses for workmen) of the Act of 1908 shall be and the same is hereby repealed.

35. In addition to the powers which the directors of the Company may exercise under the Companies Clauses Acts 1845 to 1889 or otherwise they may from time to time determine the remuneration of the secretary and of the auditors of the Company. Power for directors to determine remuneration of secretary and auditors.

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Power to make superannuation and other allowances.

36. It shall be lawful for the directors of the Company to make superannuation and other allowances and to pay pensions to any officers servants or employees of the Company who may be temporarily or permanently disabled by sickness infirmity or age and for that purpose to apply the funds and revenues of the Company.

Power to directors to subscribe to hospitals &c

37. The directors of the Company may subscribe or make donations to infirmaries and hospitals and to convalescent homes and to similar institutions or to any exhibition held for any purpose connected with or of benefit to the gas undertaking or the water undertaking and to the benevolent and sick funds of the employees of the Company and may for that purpose apply the funds and revenues of the Company.

Notice as to persons seeking election as auditors.

38. From and after the passing of this Act no person not being a retiring auditor of the Company shall be eligible to be elected at any general meeting an auditor of the Company unless notice in writing be given to the secretary or left at the principal office of the Company fourteen days at least before the date of such meeting that such person will be proposed for election as an auditor of the Company and the secretary shall on receipt of any such notice send a copy thereof to the retiring auditor and during such fourteen days and on the day of election fix a copy of such notice in some conspicuous place in such office.

Notice to be given as to election of director or of opposition to re-election.

39. From and after the passing of this Act no person not being a retiring director of the Company shall be eligible to be elected at any general meeting a director of the Company unless notice in writing is given to the secretary or left at the office of the Company fourteen days at least before the day of election that such person will be proposed for election as a director of the Company and the secretary of the Company shall during such fourteen days and on the day of election fix a copy of every such notice so delivered in some conspicuous place in such office Any such person must have been the holder of the qualifying amount of shares or stock for at least three months prior to his election In the case of a retiring director or directors notice of opposition to his or their re-election shall be given in like manner.

As to appointment of managing director.

40.—(1) The directors of the Company may appoint one or more of their body to be a managing director or managing directors of the Company either for a fixed

term or without any limitation as to time and may re- A.D. 1921.
move or dismiss him or them from office and appoint
another or others in his or their place or places.

(2) A managing director shall not while holding that office be subject to retirement by rotation and shall not be taken into account in determining the rotation of retirement of directors but if he ceases to hold the office of director from any other cause he shall ipso facto immediately cease to be a managing director.

(3) The remuneration of a managing director shall from time to time be fixed by the directors and may be by way of salary or commission or participation in profits or by any or all of those modes.

(4) The directors may entrust to and confer upon any managing director such of the powers exercisable by the directors and subject to such conditions as they may think fit and may from time to time revoke withdraw alter or vary all or some of such powers.

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

Authenti-
cation and
service of
notices by
Company.

42. Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs and expenses imposed or recoverable under this Act

Recovery of
penalties &c.

[Ch. cxxi.] *Rhymney and Aber* [11 & 12 GEO. 5.]
Valleys Gas and Water Act, 1921.

A.D. 1921. or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Saving as to general Acts. **43.** Nothing in this Act shall exempt the Company or their undertaking from the provisions of any general Act relating to the supply of gas or water which may be passed in this or any future session of Parliament.

Costs of Act. **44.** All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company and may in whole or in part be charged against revenue.

The SCHEDULES referred to in the
foregoing Act.

A.D. 1921.

THE FIRST SCHEDULE.

An agreement dated the thirtieth day of March one thousand nine hundred and eleven and made between the corporation of the one part and the Company of the other part as set out in the Third Schedule (Part I.) to the Merthyr Tydfil Corporation Water Act 1911 and confirmed by section 48 of such Act.

An agreement dated the sixteenth day of May one thousand nine hundred and twelve and made between the corporation of the one part and the Company of the other part.

An agreement dated the tenth day of June one thousand nine hundred and fourteen and made between the corporation of the one part and the Company of the other part.

THE SECOND SCHEDULE.

An agreement dated the fifth day of February one thousand eight hundred and ninety-eight and made between Jonathan Williams David Stephen Jones and John Llewellyn of the one part and the Caerphilly Urban District Council of the other part as set out in the Fifth Schedule to the Act of 1898 and confirmed by section 88 of such Act.

Section 30 (For protection of Gellygaer Urban District Council) of the Act of 1914.

An agreement dated the nineteenth day of January one thousand eight hundred and ninety-eight and made between Jonathan Williams David Stephen Jones and John Llewellyn of the one part and the Rhymney Urban District Council of the other part as set out in the Seventh Schedule to the Act of 1898 and confirmed by section 90 of such Act.

An agreement dated the twenty-fourth day of January one thousand eight hundred and ninety-eight and made between Jonathan Williams David Stephen Jones and John Llewellyn of the one part and the urban district council for the urban district of Bedwellty of the other part as set out in the Sixth Schedule to the Act of 1898 and confirmed by section 89 of such Act.

[Ch. cxxi.] *Rhymney and Aber* [11 & 12 GEO. 5.]
Valleys Gas and Water Act, 1921.

A.D. 1921.

An agreement dated the tenth day of February one thousand eight hundred and ninety-eight and made between Jonathan Williams David Stephen Jones and John Llewellyn of the one part and the New Tredegar Gas and Water Company Limited of the other part as set out in the Fourth Schedule to the Act of 1898 and confirmed by section 50 of such Act the rights and liabilities whereunder were transferred to the urban district council of Bedwellty under the Bedwellty Urban District Council Act 1912.

An agreement dated the twenty-fifth day of April one thousand nine hundred and fourteen and made between the Company of the one part and the urban district council of Bedwellty of the other part.

An agreement dated the thirtieth day of December one thousand nine hundred and fourteen and made between the Company of the one part and the urban district council of Bedwas and Machen of the other part.

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FOR

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