# CHAPTER xcviii.

An Act for conferring further powers on the Swansea Gas Light Company. [18th August 1911.] A.D. 1911.

WHEREAS by the Swansea Gas Act 1861 (hereinafter called "the Act of 1861") the Swansea Gas Light Company (hereinafter called "the Company") were reincorporated and were (amongst other things) authorised to manufacture and supply gas within the town and borough of Swansea the parish of Swansea (within and without that borough) the parish of Oystermouth and all places and lands situate wholly or partly within the distance of one mile from any part of that borough:

And whereas further powers were conferred on the Company by the Swansea Gas Order 1888 (hereinafter called "the Order of 1888") the Swansea Gas Act 1898 (hereinafter called "the Act of 1898") and by the Swansea Gas Order 1910 (hereinafter called "the Order of 1910"):

And whereas by the Act of 1898 the capital of the Company as existing prior to the passing of that Act was consolidated into a consolidated ordinary stock of two hundred and two thousand pounds entitled to a maximum dividend of five per centum per annum:

And whereas by the Act of 1898 the Company were authorised to raise additional capital not exceeding in the whole the sum of one hundred and twenty thousand pounds:

And whereas the whole of the authorised capital has been issued and the Company have received the sum of sixteen thousand one hundred and forty-nine pounds by way of premiums on the stock issued under the powers of the Act of 1898:

And whereas the amount of loan capital which the Company were authorised to borrow under the Act of 1861 the Order

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of 1888 and the Act of 1898 was sixty-seven thousand five hundred pounds (being one-fourth part of the capital authorised by the said Acts and Order) and the Company have borrowed on mortgage and now owe the sum of fifty-four thousand five hundred pounds and have received by way of premiums thereon the sum of six hundred and thirty-five pounds and there remains to be borrowed the sum of twelve thousand three hundred and sixty-five pounds:

And whereas the demand for gas within the Company's limits of supply has increased and is increasing it is expedient that the Company be authorised to raise additional capital and to construct additional works as hereinafter provided in order to enable them to meet such increased demand:

And whereas plans of the lands to be acquired compulsorily under the provisions of this Act with a book of reference thereto containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of such lands were duly deposited with the clerk of the peace for the county of Glamorgan and are hereinafter respectively referred to as the deposited plans and book of reference:

And whereas it is expedient that such further powers should be conferred on the Company and such further provisions enacted as are contained in this Act:

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 (that is to say):—

## Preliminary.

Short title.

**1.** This Act may be cited as the Swansea Gas Act 1911.

Incorporation of general Acts.

**2.** The following Acts and parts of Acts are except where expressly varied by this Act incorporated with and form part of this Act (namely):—

The Gasworks Clauses Acts 1847 and 1871 (except sections 30 to 34 of the former Act) 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 con-"sumers" were added at the end of that section; A.D. 1911.

The provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say):—

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions and the means of enforcing the 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;

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;

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; and

The Lands Clauses Acts.

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

"The recited Acts and Orders" means the Act of 1861 the Order of 1888 the Act of 1898 and the Order of 1910.

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PURCHASE OF LANDS.

Power to take lands.

**4.** Subject to the provisions of this Act the Company may enter upon take hold and use the lands and hereditaments which are shown on the deposited plans and described in the deposited book of reference and in Part I. of the schedule to this Act but they shall not be required to purchase the minerals (if any) under any of the said lands or hereditaments.

Correction of errors &c. in deposited plans and book of reference.

**5.** If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Company after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county of Glamorgan for the correction thereof and if it appear to the justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Glamorgan and a duplicate thereof shall also be deposited with the town clerk of the county borough of Swansea in which the lands affected thereby are situate and such certificate and duplicate respectively shall be kept by such clerk of the peace and town clerk respectively with the other documents to which the same relate and thereupon the deposited plans and deposited book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Company to take the lands and execute the works in accordance with such certificate.

Period for compulsory purchase of lands.

**6.** The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

As to private rights of way over lands taken compulsorily.

**7.** All private rights of way over any lands which shall under the powers of this Act be acquired compulsorily shall as from the date of such acquisition be extinguished Provided that the Company shall make full compensation to all parties interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

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For protection of Swansea Corporation.

**8.** Notwithstanding anything contained in this Act the following provisions for the protection of the mayor aldermen and burgesses of the borough of Swansea (in this Act called "the corporation") shall unless otherwise agreed between the corporation and the Company apply and have effect (that is to say):—

If within three months after the Company have given to the corporation notice that they require to purchase or take any of the lands of the corporation abutting upon Wellington Street Clarence Terrace and Bathurst Street respectively the corporation give notice to the Company that they require to retain so much of such lands as may be necessary for the purpose of widening Wellington Street and Clarence Terrace westward of Mysydd Street to a width of forty feet the Company shall not acquire so much of such lands as aforesaid and the Company shall at the request of the corporation sell to them the interests of the Company in so much of such lands as aforesaid at a price to be settled failing agreement by arbitration in accordance with the provisions of the Lands Clauses Acts.

For protection of Frederick Ffitch Mason.

**9.** For the protection of Frederick Ffitch Mason his heirs executors administrators and assigns (in this section referred to as "the owner") the following provisions shall unless otherwise agreed in writing between the Company and the owner have effect (that is to say):—

(1) In the event of the Company purchasing under the provisions of this Act the land and premises (*b*) referred to in Part I. of the schedule to this Act they shall also purchase and the owner shall sell to the Company the whole estate and interest of the owner in the lands and premises situate on the north side of Wellington Street and on the west side of Bathurst Street in the county borough of Swansea which on the eighth day of May one thousand nine hundred and eleven were held and used by the owner for and in connection with the business carried on by him under the style of Powlesland and Mason all of which said lands and premises are hereinafter called "the premises":

(2) The sum to be paid for the premises shall be ascertained in manner provided by the Lands Clauses Acts with respect to the purchase and taking of lands other-

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wise than by agreement but the owner shall not be required to give up possession of the premises to the Company before the expiration of a period of twelve months from the date upon which he shall have been served with a notice to treat by the Company for the purchase of the premises.

Power to sell and lease lands.

**10.** Subject to the provisions of the Lands Clauses Consolidation Act 1845 the Company may sell or let on lease for such periods 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 their undertaking and may retain and hold sell and dispose of any interest in or reversion to any lands so let Any such sale disposal or lease may be for such consideration and subject to such reservations stipulations restrictions and provisions and generally upon such terms and conditions as the Company think fit.

Power to purchase lands by agreement.

**11.** The Company may for the purposes of their undertaking purchase take and hold (by agreement but not otherwise) in addition to any lands now belonging to them and to any other lands which they are by this Act authorised to acquire any lands and hereditaments not exceeding in the whole fifteen acres which the Company may require for the purposes of their works and 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 Part I. of the schedule to this Act and in the schedule to the Order of 1888.

## Construction of Gasworks.

Powers as to construction and maintenance of gasworks &c.

**12.** Subject to the provisions of this Act the Company may—

(1) Upon the lands described in Part I. of the schedule to this Act erect maintain alter improve enlarge extend and renew or discontinue gasworks retorts gasometers receivers mains pipes stopcocks machinery and other works and apparatus and conveniences and may do all such acts as may be proper for making and storing gas and for supplying gas within their limits for the supply of gas and may make store and supply gas accordingly and may manufacture sell provide supply and deal in coke tar and all other residual

products or refuse of any materials employed in or resulting from the manufacture of gas:

(2) Upon the land described in Part II. of the schedule to this Act construct erect and maintain alter improve enlarge extend and renew or discontinue gasholders receivers drains sewers mains pipes meters machinery and other works apparatus and conveniences and may do all such acts as they may think proper for the storage of gas and of coke and other residual products obtained in the manufacture of gas and matters producible therefrom and the Company may store gas upon that land and may supply the same therefrom but shall not manufacture gas or manufacture or convert residual products or matters producible therefrom on such land.

## Capital.

Power to raise additional capital.

**13.** The Company may from time to time raise additional capital not exceeding in the whole two hundred thousand pounds by the creation and issue of new ordinary shares or stock or of 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 or stock of less nominal value than ten pounds 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 additional capital than shall be sufficient to produce including any premium which may be obtained on the sale thereof the sum of two hundred thousand pounds.

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

**14.**—(1) All shares or stock created under the powers of this Act shall be issued in accordance with the provisions of this section.

(2) All shares or stock so to be issued shall be offered for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the 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 the county borough of Swansea and to the clerk of every district council any part of whose district is within the limits of supply of the Company and to the secretary of the London Stock

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Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and shall also be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the said limits of supply:

(*b*) A reserve price 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 such letter shall not 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 disposed of by the directors at a price not less than the reserved price put upon the same for the purpose of sale by auction or tender or may be offered at the reserve price to the holders of ordinary and preference shares or stock of the Company or 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.

(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.

Privileges &c. of holders of additional capital.

**15.** The additional capital from time to time raised by the Company under this Act by shares or stock shall be part of the general capital of the Company and save as otherwise provided by this Act the holders of shares or stock in such additional capital shall be entitled to the like rights of voting and other rights qualifications and privileges in proportion to the amount of their shares or stock from time to time paid up and be subject to the like provisions forfeitures and liabilities as the holders of shares or stock in the present capital of the Company 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.

Power to borrow.

**16.** The Company may subject to the provisions of this Act borrow on mortgage of the undertaking firstly an additional sum not exceeding twenty-two thousand five hundred pounds in respect of the existing capital authorised by the recited Acts and Orders (being the difference between one third and one fourth of the capital thereby authorised) and secondly in respect of the additional capital authorised by this Act to be raised 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 premiums (if any) realised on the sale thereof have been fully paid up.

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Appointment of a receiver.

**17.** Section 11 of the Act of 1898 is hereby repealed but without prejudice to any appointment heretofore made or to any proceedings pending thereunder 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 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 in the whole.

Debenture stock.

**18.** The Company may create and issue additional debenture stock subject to the provisions of section 12 of the Act of 1898.

Provisions as to auction &c. to apply to loan capital.

**19.** The provisions of this Act relating to the offering of shares or stock for sale by public auction or by tender and to the sale thereof and to the application of the premiums arising from such sale shall so far as applicable apply mutatis mutandis in relation to the granting of mortgages and the issuing of debenture stock by the Company after the passing of this Act.

Priority of mortgages and debenture stock over other debts.

**20.** All moneys raised or to be raised by the Company on mortgage or debenture stock under the provisions of the recited Acts and Orders or under 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 rent-charge 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 dividend on their mortgages or debenture stock.

Receipt in case of persons not sui juris.

**21.** If any money is payable to a shareholder stockholder or mortgagee or debenture stock holder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Application of money.

**22.** All money raised under this Act whether by stock debenture stock or borrowing shall be applied for the purposes of this Act and for the general purposes of the Company being in all cases purposes to which capital is properly applicable.

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Limits of dividend on capital.

**23.** 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 five pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital and four pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as preference capital unless a larger dividend be at any time necessary to make up the deficiency of any previous dividend on any ordinary capital which may have fallen short of the said sum of five pounds per centum per annum.

Application of excess of profits.

**24.** If the clear profits of the undertaking of the Company after making provision for depreciation in any year amount to a larger sum than is sufficient to pay dividends on the then existing share capital of the Company at the authorised rate the excess shall subject as hereinafter provided be carried to the credit of the divisible profits of the undertaking for the next following year:

Provided that whenever the sum standing to the credit of such divisible profits shall exceed a sum equal to the amount which would be required to pay dividends on the share capital of the Company for the time being issued for one year at the authorised rate the balance shall be applied firstly in filling up the reserve fund and any balance remaining shall be applied in reduction of the price of gas Within two years after the passing of this Act the Company shall invest their reserve fund in accordance with section 31 of the Gasworks Clauses Act 1847.

Scale of voting.

**25.** As from the passing of this Act the voting power of every shareholder present in person or by proxy at any general meeting of the Company shall be one vote for every ten pounds nominal value of ordinary stock or for each ordinary share of the nominal value of ten pounds held by him and the Act of 1861 and the Order of 1888 are hereby amended accordingly.

## Miscellaneous.

Power to make superannuation and other allowances.

**26.** It shall be lawful for 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.

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Profit sharing.

**27.**—(1) The directors of the Company may with the sanction of a majority of the shareholders present and voting at an extraordinary general meeting of the Company prepare put in force and from time to time modify or alter a scheme enabling the workmen servants and employees of the Company (hereinafter called "employees") or any class or classes of such employees as may be defined in such scheme or schemes to participate in the profits of the undertaking as part of the terms of remuneration for the services of any such employee.

(2) Any agreement as to service with any employee in pursuance of any such scheme may be entered into with any employee above the age of sixteen and shall be in writing and may be made on the part of the Company under the hands of any two directors of the Company or under the hand of the secretary of the Company or of any person from time to time appointed on that behalf by resolution of the board of directors of the Company.

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

**28.** 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 (not being domestic 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 notwithstanding 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 less than ten lights the amount of the minimum charge shall not exceed five shillings for any one quarter of a year.

Power to Company to provide and work independent installations.

**29.** The Company may at the request of the owner or occupier of any premises within the limits of supply which cannot conveniently or without undue expense be supplied from any existing main for the supply of gas from their authorised gasworks provide and fix upon such premises upon and subject

to such terms and conditions as to payment and otherwise as may be agreed between the Company and such owner or occupier stoves ranges pipes fittings and appliances necessary or convenient for the purposes of the generation supply use or consumption upon such premises of acetylene gasolene or suction gas or any other gas and may enter into and carry into effect contracts or agreements with any such owner or occupier as aforesaid for the working and use of any engines motors dynamos generating and other apparatus Provided that the Company shall not without the consent of the corporation supply gas under the provisions of this or the next following section except temporarily and pending the laying down of a main from which the premises can be conveniently supplied with gas from the Company's authorised gasworks Provided also that nothing in this section shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any such premises as aforesaid.

Conditions as to quality of power-gas supplied.

**30.**—(1) It shall not be lawful for the Company at any time to supply power-gas which does not possess a distinctive and readily perceptible smell.

(2) For every contravention of this section the Company shall be liable on summary conviction to a fine not exceeding fifty pounds.

(3) It shall be the duty of the inspectors of factories and the inspectors of mines to enforce the provisions of this section within their districts so far as respects factories workshops and mines inspected by them respectively and such inspectors shall for this purpose have all powers and authorities conferred by section 119 of the Factory and Workshops Act 1901 and by section 41 of the Coal Mines Regulation Act 1887 and section 17 of the Metalliferous Mines Regulation Act 1872 respectively Provided that no proceedings shall be taken against the Company by any such inspector in respect of any contravention of the provisions of this section discovered by him on any inspection of a factory workshop or mine unless he shall have given notice in writing to the Company at their principal office of such contravention and of the nature of the contravention as soon as possible after he discovers the same.

Power-gas not to be supplied for illumination.

**31.** The Company shall not supply power-gas for the purpose of illumination and no power-gas supplied by the Company shall be used for that purpose.

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If any person supplied by the Company with power-gas shall use the same for the purposes of illumination the Company shall forthwith upon becoming aware thereof discontinue the supply If the Company act in contravention of the provisions of this section they shall for every such offence be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds.

Home Secretary may make regulations as to supply of power-gas.

**32.** The Secretary of State for the Home Department may at any time either before or after the Company shall have commenced to give a supply of power-gas to consumers (after holding such inquiries as he may think fit and considering any representations made to him by the Company) make or impose in the interests of safety to persons regulations terms and conditions with respect to such supply The Company shall not under the powers of this Act supply or continue to supply power-gas otherwise than in accordance with any regulations and upon and subject to any terms and conditions which shall have been so made or imposed and shall for the time being be in force Provided that if in the opinion of the Company compliance with any such regulations terms and conditions would render the supply or continued supply of power-gas by them unremunerative or impracticable it shall be lawful for the Company upon giving to all consumers of power-gas supplied by them not less than three months' notice of their intention so to do to discontinue such supply and in that event the Company shall not be under any obligation to supply or to continue to supply power-gas to any person For every contravention of this section the Company shall be liable on summary conviction to a fine not exceeding fifty pounds For the purpose of enforcing this section or for the purpose of any inquiry by the said Secretary of State thereunder inspectors of factories and inspectors of mines shall have such and the like powers and authorities as are conferred by the enactments referred to in the section of this Act the marginal note whereof is " Conditions as to quality of power-gas supplied."

Provision as to general Acts relating to power-gas.

**33.** Nothing in this Act contained shall exempt the Company from the provisions of any general Act relating to the manufacture or supply of power-gas passed before or after the passing of this Act or from any regulations which may be made under any such general Act.

Ordinary meetings.

**34.** From and after the passing of this Act section 39 of the Act of 1861 shall be read and construed as if the month of

February were substituted for the month of April for the time prescribed by the said Act for the holding of the ordinary meetings of the Company.

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**35.** 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 for such purpose 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.

Amending obligations as to supply of gas.

**36.** In making any test for illuminating power under the Gasworks Clauses Act 1871 the standard light to be used shall be that supplied by Harcourt's ten-candle pentane lamp or such other standard light which may at any time appear to the Board of Trade to be equally or more suitable for the test and section 29 of the Order of 1888 is hereby amended accordingly.

Prescribing use of pentane lamp.

**37.**—(1) Every consumer of gas supplied by the Company who uses a gas engine shall if required to do so by the Company use an effective anti-fluctuator and shall at all times at his own expense keep such anti-fluctuator in proper order and if any consumer shall make default in complying with the provisions of this section the Company may cease to supply him with gas.

Anti-fluctuators for gas engines.

(2) 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.

**38.** The Company may on the application of the owner or occupier of any premises within their limits of supply abutting on or being erected in any street laid out but not dedicated to public use supply such premises with gas and may lay down take up alter re-lay or renew in across or along such street such pipes and apparatus as may be requisite or proper for furnishing such supply:

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

And the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when so laid so far as

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they are respectively applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof.

Dwelling-houses for persons in Company's employ.

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

Gas consumers to give notice to Company before removing.

**40.** 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 on every demand note for gas charges payable to the Company.

Power to enter premises and remove fittings.

**41.** 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.

Recovery of demands under one hundred pounds.

**42.** Proceedings for the recovery of any demand made under the authority of this Act or the recited Acts and Orders or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in the county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

Power to lay down pipes for ancillary purposes.

**43.** The Company may lay down and repair take up alter or relay or renew mains pipes and culverts within the Company's limits of supply of gas for the purpose of procuring

conducting or disposing of any oil or other materials used by them in or resulting from the manufacture of gas or any residual products thereof or for any purpose connected with their business and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid so far as they are applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof.

For protection of London and North Western Railway Company.

**44.** In executing the work authorised by the section of this Act whereof the marginal note is "Power to lay down pipes for ancillary purposes" (hereinafter referred to as "the work") where the same will cross over or under or otherwise affect any railway or any part of the works or property of the London and North Western Railway Company (hereinafter referred to as "the railway company") the Company shall (except so far as it may be otherwise agreed between the railway company and the Company) be subject to the following conditions:—

(1) The work shall be executed under the superintendence (if the same be given) and to the reasonable satisfaction of the principal engineer for the time being of the railway company and according to plans and drawings to be previously submitted to and reasonably approved by him or in case of difference by an arbitrator appointed in pursuance of this section Provided that if for twenty-eight days after such plans and drawings shall have been submitted to the said engineer he shall fail to give notice to the Company of his objections thereto he shall be deemed to have approved thereof:

(2) If within twenty-eight days after the receipt of any such plans and drawings the railway company give to the Company notice that they desire themselves to execute any part of the work (other than the actual laying down of the mains which shall be done by the Company) which will cross over or under any railway or work belonging to them the railway company may themselves execute such part of the work and recover the reasonable costs thereof from the Company:

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(3) The work shall be so constructed as to cause no injury to the railways works and property of the railway company or interruption to the passage or conduct of traffic over the same and if in consequence of the execution maintenance or failure of the work any injury be caused to the said railways works and property or any interruption be caused to the traffic the Company shall make full compensation to the railway company in respect of such injury or interruption the amount of such compensation unless agreed upon to be determined by arbitration as hereinafter provided:

(4) The Company shall bear and on demand pay to the railway company the reasonable expense of the employment by the railway company during the execution of the work affecting their railways of a sufficient number of inspectors watchmen and signalmen to be appointed by the railway company for watching and signalling the same with reference to and during the execution of the work and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Company or their contractors:

(5) Any additional expense which the railway company may reasonably and properly incur in maintaining their existing railway bridges and works by reason of the existence of any mains or pipes of the Company laid under the powers of the section of this Act hereinbefore referred to across or under such bridges or works shall be paid by the Company:

(6) Any dispute or difference which may arise between the railway company and the Company with reference to the provisions of this section or in any way arising thereout or as to the work shall be settled by arbitration by an engineer or other fit person to be appointed (in default of agreement) by the Board of Trade on the application of the railway company or the Company and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

For protection of Great Western Railway

**45.** Notwithstanding anything contained in the section of this Act whereof the marginal note is "Power to lay pipes in

streets not dedicated to public use" the provisions of such section shall not apply to any street or road belonging to the Great Western Railway Company the Midland Railway Company the Rhondda and Swansea Bay Railway Company or the Swansea Harbour Trustees nor shall the Company in carrying out such works obstruct or interfere with the convenient access to any such street or road.

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Company Midland Railway Company Rhondda and Swansea Bay Railway Company and Swansea Harbour Trustees.

**46.** The following sections of the Act of 1861 are hereby repealed (that is to say):—

Repeal of certain sections of Act of 1861.

Section 51 (Company bound to supply gas):
Section 56 (Power to Company to require consumers to consume gas by meter):
Section 58 (Penalties for injuring meters):
Section 59 (Company not to recover):
Section 60 (Recovery of gas and other rents &c. by action):
Section 61 (Gas rates may be recovered by distress):
Section 62 (Several names in one warrant):
Section 63 (Costs):
Section 64 (Liability to rate &c. not to disqualify justice):
Section 65 (Power to remove meter and fittings).

**47.** All the 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.

Costs of Act.

A.D. 1911.

# The SCHEDULE referred to in the foregoing Act.

## Part I.

### Lands to be acquired compulsorily under the Powers of the Act and on which the Company may manufacture Gas and residual Products and store Gas.

Lands houses and other property situate in the parish of Swansea in the county of Glamorgan and containing in the whole by admeasurement 2 acres 3 roods or thereabouts and comprising—

(*a*) Land and houses belonging or reputed to belong to the mayor aldermen and burgesses of the county borough of Swansea and leased to the Company and being Nos. 32 to 58 inclusive Wellington Street and houses and premises known as Wellington Hall:

(*b*) Land and premises belonging or reputed to belong to the mayor aldermen and burgesses of the county borough of Swansea and in the occupation of Messrs Powlesland and Mason abutting upon and bounded on the north by Wellington Street and on the west by Bathurst Street:

(*c*) Land and houses belonging or reputed to belong to the mayor aldermen and burgesses of the county borough of Swansea and being Nos. 1 to 13 inclusive Bathurst Street:

(*d*) Land and houses belonging or reputed to belong to the mayor aldermen and burgesses of the county borough of Swansea and facing Oystermouth Road and being the public house known as the Langdon Arms Hotel and houses Nos. 15 16 and 17 Langdon Place.

## Part II.

Lands now belonging to the Company and on which they may store gas and residual products:—

A piece or parcel of land situate in the parish of Swansea in the county of Glamorgan known as the Vetch Field belonging or reputed to belong to the Company bounded on the north in part by Madoc Place and in part by the houses and premises on the south side of Madoc Street on the south by Glamorgan Street and Gordon Terrace on the east in part by William Street and Williams Terrace Glamorgan Street and on the west by Richardson Street.

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