

ANNO DECIMO

VICTORIÆ REGINÆ.

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CAP. XV.

An Act for consolidating in One Act certain Provisions usually contained in Acts authorizing the making of Gasworks for supplying Towns with Gas. [23d *April* 1847.]

WHEREAS it is expedient to comprise in One general Act sundry Provisions usually contained in Acts of Parliament authorizing the Construction of Gasworks for supplying Towns with Gas, and that as well for avoiding the Necessity of repeating such Provisions in each of the several Acts relating to such Undertakings as for ensuring greater Uniformity in the Provisions themselves: Be it enacted by the Queen'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, That this Act shall extend only to such Gasworks as shall be authorized by any Act of Parliament hereafter to be passed which shall declare that this Act shall be incorporated therewith, and all the Clauses of this Act, save so far as they shall be expressly varied or excepted by any such Act, shall apply to the Undertaking authorized thereby, so far as the same shall be applicable to such Undertaking, and shall, with the Clauses of every other Act which shall be incorporated therewith, form Part of such Act, and be construed therewith as forming One Act. Extent of Act.

Interpretations in this Act:

And with respect to the Construction of this Act and any Act incorporated therewith, be it enacted as follows:

"special Act:"

II. The Expression "the special Act," used in this Act, shall be construed to mean any Act which shall be hereafter passed authorizing the Construction of Gasworks, and with which this Act shall be so incorporated as aforesaid; and the Word "prescribed," used in this Act in reference to any Matter herein stated, shall be construed to refer to such Matter as the same shall be prescribed or provided for in the special Act, and the Sentence in which such Word occurs shall be construed as if, instead of the Word "prescribed," the Expression "prescribed for that Purpose in the special Act" had been used;

"prescribed:"

"the Lands:"

"the Undertaking:"

"the Undertakers:"

and the Expression "the Lands" shall mean the Lands which shall by the special Act be authorized to be taken or used for the Purposes thereof; and the Expression "the Undertaking" shall mean the Gasworks and the Works connected therewith by the special Act authorized to be constructed; and the Expression "the Undertakers" shall mean the Persons by the special Act authorized to construct the Gasworks.

Interpretations in this and the special Act:

III. The following Words and Expressions, in both this and the special Act, and any Act incorporated therewith, shall have the Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Number: Words importing the Singular Number only shall include the Plural Number, and Words importing the Plural Number only shall include also the Singular Number:

Gender: Words importing the Masculine Gender shall include Females:

"Person:" The Word "Person" shall include Corporation, whether aggregate or sole:

"Lands:" The Word "Lands" shall include Messuages, Lands, Tenements, and Hereditaments or Heritages of any Tenure:

"Street:" The Word "Street" shall include any Square, Court, or Alley, Highway, Lane, Road, Thoroughfare, or public Passage or Place within the Limits of the special Act:

"the Gasworks:" The Expression "the Gasworks" shall mean the Gasworks and the Works connected therewith by the special Act authorized to be constructed:

"Gas Rate:" The Expression "Gas Rate" shall include any Rent, Reward, or Payment to be made to the Undertakers for a Supply of Gas:

"Month:" The Word "Month" shall mean Calendar Month:

"Superior Courts:" The Expression "Superior Courts," where the Matter submitted to the Cognizance of the Superior Courts arises in *England* or *Ireland*, shall mean Her Majesty's Superior Courts of Record at *Westminster* or *Dublin*, as the Case may require, and shall include the Court of Common Pleas of the County Palatine of *Lancaster* and the Court of Pleas of the County of *Durham*; and where such Matter arises in *Scotland* it shall mean the Court of Session:

"Oath:" The Word "Oath" shall include Affirmation in the Case of Quakers, and any Declaration lawfully substituted for an Oath in the Case of any other Persons allowed by Law to make a Declaration instead of taking an Oath:

The

The Word "County" shall include Riding or other Division of a County having a separate Commission of the Peace, and in *Scotland* Stewartry, and any Ward or other Division of a County or Stewartry having a separate Sheriff; and it shall also include County of a City or County of a Town: "County:"

The Word "Justice" shall mean Justice of the Peace acting for the Place where the Matter requiring the Cognizance of any such Justice arises; and where any Matter shall be authorized or required to be done by Two Justices, the Expression "Two Justices" shall be understood to mean Two or more Justices met and acting together: "Justice:" "Two Justices:"

The Word "Sheriff" shall mean the Sheriff Depute of the County or Ward of a County in *Scotland*, and the Steward Depute of the Stewartry in *Scotland* in which the Matter submitted to the Cognizance of the Sheriff arises, and shall include the Substitutes of such Sheriff Depute and Steward Depute respectively: "Sheriff:"

The Expression "Quarter Sessions" shall mean Quarter Sessions as defined in the special Act; and if such Expression be not there defined it shall mean the Court of General or Quarter Sessions of the Peace which shall be held at the Place nearest to the Gasworks, or the principal Office thereof, for the County or Place in which the Gasworks are situate, or for some Division of such County having a separate Commission of the Peace. "Quarter Sessions."

And with respect to citing this Act or any Part thereof, be it enacted as follows: *Citing the Act.*

IV. In citing this Act in other Acts of Parliament, and in legal Instruments, it shall be enough to use the Expression "The Gasworks Clauses Act, 1847." Short Title of the Act.

V. For the Purpose of incorporating Part only of this Act with any Act hereafter to be passed, it shall be enough to describe the Clauses of this Act with respect to any Matter in the Words introductory to the Enactment with respect to such Matter, and to enact that the Clauses so described, or that this Act, with the Exception of the Clauses so described, shall be incorporated with such Act, and thereupon all the Clauses of this Act so incorporated shall, save so far as they are expressly varied or excepted by such Act, form Part of such Act; and such Act shall be construed as if such Clauses were set forth therein with reference to the Matter to which such Act relates. Form in which Portions of this Act may be incorporated in other Acts.

And with respect to the breaking up of Streets for the Purpose of laying Pipes, be it enacted as follows: *Laying of Pipes.*

VI. The Undertakers, under such Superintendence as is hereinafter specified, may open and break up the Soil and Pavement of the several Streets and Bridges within the Limits of the special Act, and may open and break up any Sewers, Drains, or Tunnels within or under such Streets and Bridges, and lay down and place within the same Limits Pipes, Conduits, Service Pipes, and other Works, and from Time to Time repair, alter, or remove the same, and also make any Power to break up Streets, &c. under Superintendence, and to open Drains.

Laying of Pipes.

any Sewers that may be necessary for carrying off the Washings and waste Liquids which may arise in the making of the Gas, and for the Purposes aforesaid may remove and use all Earth and Materials in and under such Streets and Bridges, and they may in such Streets erect any Pillars, Lamps, and other Works, and do all other Acts which the Undertakers shall from Time to Time deem necessary for supplying Gas to the Inhabitants of the District included within the said Limits, doing as little Damage as may be in the Execution of the Powers hereby or by the special Act granted, and making Compensation for any Damage which may be done in the Execution of such Powers.

Not to enter on private Land without Consent.

VII. Provided always, That nothing herein shall authorize or empower the Undertakers to lay down or place any Pipe or other Works into, through, or against any Building, or in any Land, not dedicated to public Use, without the Consent of the Owners and Occupiers thereof; except that the Undertakers may at any Time enter upon and lay or place any new Pipe in the Place of an existing Pipe in any Land wherein any Pipe hath been already lawfully laid down or placed in pursuance of this or the special Act or any other Act of Parliament, and may repair or alter any Pipe so laid down.

Notice to be served on Persons having Control, &c. before breaking up Streets or opening Drains.

VIII. Before the Undertakers proceed to open or break up any Street, Bridge, Sewer, Drain, or Tunnel, they shall give to the Persons under whose Control or Management the same may be, or to their Clerk, Surveyor, or other Officer, Notice in Writing of their Intention to open or break up the same, not less than Three clear Days before beginning such Work, except in Cases of Emergency arising from Defects in any of the Pipes or other Works, and then so soon as is possible after the beginning of the Work, or the Necessity for the same shall have arisen.

Streets or Drains not to be broken up except under Superintendence of Persons having Control of the same,

IX. No such Street, Bridge, Sewer, Drain, or Tunnel shall, except in the Cases of Emergency aforesaid, be opened or broken up except under the Superintendence of the Persons having the Control or Management thereof, or of their Officer, and according to such Plan as shall be approved of by such Persons or their Officer, or in case of any Difference respecting such Plan, then according to such Plan as shall be determined by Two Justices; and such Justices may, on the Application of the Persons having the Control or Management of any such Sewer or Drain, or their Officer, require the Undertakers to make such temporary or other Works as they may think necessary for guarding against any Interruption of the Drainage during the Execution of any Works which interfere with any such Sewer or Drain: Provided always, that if the Persons having such Control or Management as aforesaid, and their Officer, fail to attend at the Time fixed for the Opening of any such Street, Bridge, Sewer, Drain, or Tunnel, after having had such Notice of the Undertakers Intention as aforesaid, or shall not propose any Plan for breaking up or opening the same, or shall refuse or neglect to superintend the Operation, the Undertakers may perform the Work specified in such Notice without the Superintendence of such Persons or their Officer.

If Persons having the Control, &c. fail to superintend, Undertakers may perform the Work without them.

X. When

Streets, &c. broken up to be reinstated without Delay.

X. When the Undertakers open or break up the Road or Pavement of any Street or Bridge, or any Sewer, Drain, or Tunnel, they shall with all convenient Speed complete the Work for which the same shall be broken up, and fill in the Ground, and reinstate and make good the Road or Pavement, or the Sewer, Drain, or Tunnel, so opened or broken up, and carry away the Rubbish occasioned thereby, and shall at all Times, whilst any such Road or Pavement shall be so opened or broken up, cause the same to be fenced and guarded, and shall cause a Light sufficient for the warning of Passengers to be set up and maintained against or near such Road or Pavement where the same shall be open or broken up, every Night during which the same shall be continued open or broken up, and shall keep the Road or Pavement which has been so broken up in good Repair for Three Months after replacing and making good the same, and for such further Time, if any, not being more than Twelve Months in the whole, as the Soil so broken up shall continue to subside.

Penalty for Delay in reinstating Streets, &c.

XI. If the Undertakers open or break up any Street or Bridge, or any Sewer, Drain, or Tunnel, without giving such Notice as aforesaid, or in a Manner different from that which shall have been approved of or determined as aforesaid, or without making such temporary or other Works as aforesaid when so required, except in the Cases in which the Undertakers are hereby authorized to perform such Works without any Superintendence or Notice, or if the Undertakers make any Delay in completing any such Work, or in filling in the Ground, or reinstating and making good the Road or Pavement, or the Sewer, Drain, or Tunnel, so opened or broken up, or in carrying away the Rubbish occasioned thereby, or if they neglect to cause the Place where such Road or Pavement has been broken up to be fenced, guarded, and lighted, or neglect to keep the Road or Pavement in repair for the Space of Three Months next after the same is made good, or such further Time as aforesaid, they shall forfeit to the Persons having the Control or Management of the Street, Bridge, Sewer, Drain, or Tunnel, in respect of which such Default is made, a Sum not exceeding Five Pounds for every such Offence, and they shall forfeit an additional Sum of Five Pounds for each Day during which any such Delay as aforesaid shall continue after they shall have received Notice thereof.

In case of Delay, other Parties may reinstate and recover the Expences.

XII. If any such Delay or Omission as aforesaid take place, the Persons having the Control or Management of the Street, Bridge, Sewer, Drain, or Tunnel in respect of which such Delay or Omission shall take place, may cause the Work so delayed or omitted to be executed, and the Expence of executing the same shall be repaid to such Persons by the Undertakers; and such Expences may be recovered in the same Manner as Damages are recoverable under this or the special Act.

Supply of Gas.

And with respect to the Supply of Gas, and the Recovery of the Rent to be paid for the same, be it enacted as follows:

Power of the Company to

XIII. The Undertakers may from Time to Time enter into any Contract with any Person for lighting or supplying with Gas any public

contract for lighting Streets, &c.

public or private Building, or for providing any Person with Pipes, Burners, Meters, and Lamps, and for the Repair thereof; and may also from Time to Time enter into any Contract with the Commissioners, Trustees, or other Persons having the Control of the Streets within the Limits of the special Act for lighting the same or any of them with Gas, and for providing such Commissioners, Trustees, or Persons with Lamps, Lamp Posts, Burners, and Pipes for such Purpose, and for the Repairs thereof, in such Manner and upon such Terms as shall be agreed upon between the Undertakers and the said Commissioners, Trustees, or other Persons.

Power to Undertakers to let Meters.

XIV. The Undertakers may let for Hire any Meter for ascertaining the Quantity of Gas consumed or supplied, and any Fittings for the Gas, for such Remuneration in Money as shall be agreed upon between the Undertakers and any Person to whom the same may be so let, and such Remuneration shall be recoverable in the same Manner as the Rents or Sums due to the Undertakers for Gas,

Meters not liable to Distraint for Rent, &c.

and such Meters and Fittings shall not be subject to Distress or to the Landlord's Hypothec for Rent of the Premises where the same may be used, nor to be taken in Execution under any Process of a Court of Law or Equity, or any Fiat or Sequestration in Bankruptcy against the Person in whose Possession the same may be.

Undertakers may enter Buildings for ascertaining Quantities of Gas consumed.

XV. The Clerk, Engineer, or other Officer duly appointed for the Purpose by the Undertakers may at all reasonable Times enter any Building or Place lighted with Gas supplied by the Undertakers, in order to inspect the Meters, Fittings, and Works for regulating the Supply of Gas, and for the Purpose of ascertaining the Quantity of Gas consumed or supplied; and if any Person hinder such Officer as aforesaid from entering and making such Inspection as aforesaid at any reasonable Time, he shall for every such Offence forfeit to the Undertakers a Sum not exceeding Five Pounds.

Recovery of Rents due for Gas.

XVI. If any Person supplied with Gas by virtue of this or the special Act neglect to pay the Rent due for the same to the Undertakers, the Undertakers may stop the Gas from entering the Premises of such Person, by cutting off the Service Pipe, or by such Means as the Undertakers shall think fit, and recover the Rent due from such Person, if less than Twenty Pounds, together with the Expence of cutting off the Gas, and the Costs of recovering the Rent, in the same Manner as any Damages for the Recovery of which no special Provision is made are recoverable under this or the special Act, or if the Rent so due amount to Twenty Pounds or upwards, the Undertakers may recover the same, together with the Expences of cutting off the Gas, by Action in any Court of competent Jurisdiction.

Power to take away Pipes, &c. when Supply of Gas discontinued.

XVII. In all Cases in which the Undertakers are authorized to cut off and take away the Supply of Gas from any House or Building or Premises, under the Provisions of this or the special Act, the Undertakers, their Agents or Workmen, after giving Twenty-four Hours previous Notice to the Occupier, may enter into any such House, Building, or Premises, between the Hours of Nine in the Forenoon and Four in the Afternoon, and remove and carry away any Pipe, Meter, Fittings, or other Works the Property of the Undertakers.

And

Undue Use of Gas.

And with respect to Waste or Misuse of the Gas, or Injury to the Pipes and other Works, be it enacted as follows:

Penalty for fraudulently using the Gas of the Undertakers.

XVIII. Every Person who shall lay or cause to be laid any Pipe to communicate with any Pipe belonging to the Undertakers without their Consent, or shall fraudulently injure any such Meter as aforesaid, or who, in case the Gas supplied by the Undertakers is not ascertained by Meter, shall use any Burner other than such as has been provided or approved of by the Undertakers, or of larger Dimensions than he has contracted to pay for, or shall keep the Lights burning for a longer Time than he has contracted to pay for, or who shall otherwise improperly use or burn such Gas, or shall supply any other Person with any Part of the Gas supplied to him by the Undertakers, shall forfeit to the Undertakers the Sum of Five Pounds for every such Offence, and also the Sum of Forty Shillings for every Day such Pipe shall so remain, or such Works or Burner shall be so used, or such Excess be so committed or continued, or such Supply furnished; and the Undertakers may take off the Gas from the House and Premises of the Person so offending, notwithstanding any Contract which may have been previously entered into.

Penalty for wilfully damaging Pipes.

XIX. Every Person who shall wilfully remove, destroy, or damage any Pipe, Pillar, Post, Plug, Lamp, or other Work of the Undertakers for supplying Gas, or who shall wilfully extinguish any of the public Lamps or Lights, or waste or improperly use any of the Gas supplied by the Undertakers, shall for each such Offence forfeit to the Undertakers any Sum not exceeding Five Pounds, in addition to the Amount of the Damage done.

Satisfaction for accidentally damaging Pipes.

XX. Every Person who shall carelessly or accidentally break, throw down, or damage any Pipe, Pillar, or Lamp belonging to the Undertakers, or under their Control, shall pay such Sum of Money by way of Satisfaction to the Undertakers for the Damage done, not exceeding Five Pounds, as any Two Justices or the Sheriff shall think reasonable.

Nuisance from Gas.

And with respect to the Provision for guarding against fouling Water, or other Nuisance from the Gas, be it enacted as follows:

Penalty on Undertakers for causing Water to be corrupted.

XXI. If the Undertakers shall at any Time cause or suffer to be brought or to flow into any Stream, Reservoir, or Aqueduct, Pond or Place for Water, or into any Drain communicating therewith, any Washing or other Substance produced in making or supplying Gas, or shall wilfully do any Act connected with the making or supplying of Gas whereby the Water in any such Stream, Reservoir, Aqueduct, Pond or Place for Water shall be fouled, the Undertakers shall forfeit for every such Offence the Sum of Two hundred Pounds.

Penalty to be sued for in Superior Court within Six Months.

XXII. The said Penalty of Two hundred Pounds shall be recovered, with full Costs of Suit, in any of the Superior Courts, by the Person into whose Water such Washing or other Substance shall be conveyed or shall flow, or whose Water shall be fouled by any such Act as aforesaid; but such Penalty shall not be recoverable unless it

Nuisance from Gas.

it be sued for during the Continuance of the Offence, or within Six Months after it shall have ceased.

Daily Penalty during the Continuance of the Offence.

XXIII. In addition to the said Penalty of Two hundred Pounds (and whether such Penalty shall have been recovered or not) the Undertakers shall forfeit the Sum of Twenty Pounds (to be recovered in the like Manner) for each Day during which such Washing or other Substance shall be brought or shall flow as aforesaid, or the Act by which such Water shall be fouled shall continue after the Expiration of Twenty-four Hours from the Time when Notice of the Offence shall have been served on the Undertakers by the Person into whose Water such Washing or other Substance shall be brought or shall flow, or whose Water shall be fouled thereby, and such Penalty shall be paid to such last-mentioned Person.

Daily Penalty during Escape of Gas after Notice.

XXIV. Whenever any Gas shall escape from any Pipe laid down or set up by or belonging to the Undertakers, they shall, immediately after receiving Notice thereof in Writing, prevent such Gas from escaping; and in case the Undertakers shall not within Twenty-four Hours next after Service of such Notice effectually prevent the Gas from escaping, and wholly remove the Cause of Complaint, they shall for every such Offence forfeit the Sum of Five Pounds for each Day during which the Gas shall be suffered to escape after the Expiration of Twenty-four Hours from the Service of such Notice.

Penalty if Water contaminated by Gas.

XXV. Whenever any Water within the Limits of the special Act shall be fouled by the Gas of the Undertakers, they shall forfeit to the Person whose Water shall be so fouled for every such Offence a Sum not exceeding Twenty Pounds, and a further Sum not exceeding Ten Pounds for each Day during which the Offence shall continue after the Expiration of Twenty-four Hours from the Service of Notice of such Offence.

Power to examine Gas Pipes to ascertain Cause of Contamination, if Notice be given of the same.

XXVI. For the Purpose of ascertaining whether such Water be fouled by the Gas of the Undertakers the Person to whom the Water supposed to be fouled shall belong may dig up the Ground and examine the Pipes, Conduits, and Works of the Undertakers; provided that such Person, before proceeding so to dig and examine, shall give Twenty-four Hours Notice in Writing to the Undertakers of the Time at which such digging and Examination is intended to take place, and shall give the like Notice to the Persons having the Control or Management of the Road, Pavement, or Place where such digging is to take place; and they shall be subject to the like Obligation of reinstating the said Road and Pavement, and the same Penalties for Delay or any Nonfeasance or Misfeasance therein, as are herein-before provided with respect to Roads and Pavements broken up by the Undertakers for the Purpose of laying their Pipes.

Expences to abide Result of Examination.

XXVII. If, upon any such Examination, it appear that such Water has been fouled by any Gas belonging to the Undertakers, the Expences of the Digging, Examination, and Repair of the Street or

Nuisance from Gas.

Place disturbed in any such Examination shall be paid by the Undertakers; but if upon such Examination it appear that the Water has not been fouled by the Gas of the Undertakers, the Person causing such Examination to be made shall pay all such Expences, and shall also make good to the Undertakers any Injury which may be occasioned to their Works by such Examination.

How Expences to be ascertained.

XXVIII. The Amount of the Expences of every such Examination and Repair, and of any Injury done to the Undertakers, shall, in case of any Dispute about the same, together with the Costs of ascertaining and recovering the same, be ascertained and recovered in the same Manner as Damages for the ascertaining and Recovery whereof no special Provision is made are to be ascertained and recovered.

Nothing to exempt Undertakers from being indicted for a Nuisance.

XXIX. Nothing in this or the special Act contained shall prevent the Undertakers from being liable to an Indictment for Nuisance, or to any other legal Proceeding to which they may be liable, in consequence of making or supplying Gas.

Profits of the Company.

And with respect to the Amount of Profit to be received by the Undertakers when the Gasworks are carried on for their Benefit, be it enacted as follows:

Profits of the Company limited.

XXX. The Profits of the Undertaking to be divided amongst the Undertakers in any Year shall not exceed the prescribed Rate, or where no Rate is prescribed they shall not exceed the Rate of Ten Pounds in the Hundred by the Year on the paid-up Capital in the Undertaking, which in such Case shall be deemed the prescribed Rate, unless a larger Dividend be at any Time necessary to make up the Deficiency of any previous Dividend which shall have fallen short of the said yearly Rate.

If Profits exceed the Amount limited, Excess to be invested and form a reserved Fund.

XXXI. If the clear Profits of the Undertaking in any Year amount to a larger Sum than is sufficient, after making up the Deficiency in the Dividends of any previous Year as aforesaid, to make a Dividend at the prescribed Rate, the Excess beyond the Sum necessary for such Purpose shall from Time to Time be invested in Government or other Securities; and the Dividends and Interest arising from such Securities shall also be invested in the same or like Securities, in order that the same may accumulate at Compound Interest until the Fund so formed amounts to the prescribed Sum, or if no Sum be prescribed a Sum equal to One Tenth of the nominal Capital of the Undertakers, which Sum shall form a reserved Fund to answer any Deficiency which may at any Time happen in the Amount of divisible Profits, or to meet any extraordinary Claim or Demand which may at any Time arise against the Undertakers; and if such Fund be at any Time reduced, it may thereafter be again restored to the said Sum, and so from Time to Time as often as such Reduction shall happen.

Reserved Fund not to be resorted

XXXII. Provided always, That no Sum of Money shall be taken from the said Fund for the Purpose of meeting any extraordinary Claim,

to unless to meet an extraordinary Claim.

Claim, unless it be first certified in *England* or *Ireland* by Two Justices, and in *Scotland* by the Sheriff, that the Sum so proposed to be taken is required for the Purpose of meeting an extraordinary Claim within the Meaning of this or the special Act.

When Fund amounts to prescribed Sum, Interest to be applied to Purposes of the Undertaking.

XXXIII. When such Fund shall, by Accumulation or otherwise, amount to the prescribed Sum, or One Tenth of the nominal Capital of the Company, as the Case may be, the Interest and Dividends thereon shall no longer be invested, but shall be applied to any of the general Purposes of the Undertaking to which the Profits thereof are applicable.

If Profits are less than the prescribed Rate, a Sum may be taken from the reserved Fund to supply Deficiency.

XXXIV. If in any Year the Profits of the Undertaking divisible amongst the Undertakers shall not amount to the prescribed Rate, such a Sum may be taken from the reserved Fund as, with the actual divisible Profits of such Year, will enable the Undertakers to make a Dividend of the Amount aforesaid, and so from Time to Time as often as the Occasion shall require.

If Profits are more than the Amount prescribed, a rateable Reduction to be made in the Price of Gas.

XXXV. In *England* or *Ireland* the Court of Quarter Sessions, and in *Scotland* the Sheriff, may, on the Petition of any Two Gas Rate-payers within the Limits of the special Act, nominate and appoint some Accountant or other competent Person, not being a Proprietor of any Gasworks, to examine and ascertain, at the Expence of the Undertakers (the Amount of such Expence to be determined by the said Court or Sheriff), the actual State and Condition of the Concerns of the Undertakers, and to make Report thereof to the said Court at the then present or some following Sessions or to the Sheriff; and the said Court or Sheriff may examine any Witnesses upon Oath touching the Truth of the said Accounts and the Matters therein referred to; and if it thereupon appear to the said Court or Sheriff that the Profits of the Undertakers for the preceding Year have exceeded the prescribed Rate, the Undertakers shall, in case the whole of the said reserved Fund has been and then remains invested as aforesaid, and in case Dividends to the Amount herein-before limited have been paid, make such a rateable Reduction in the Rate for Gas to be furnished by them as in the Judgment of the said Court or Sheriff shall be proper, but so as such Rates, when reduced, shall ensure to the Undertakers (regard being had to the Amount of Profit before received) a Profit as near as may be to the prescribed Rate.

Court may order Petitioner to pay Costs of groundless Petition.

XXXVI. Provided always, That if, in the Case of any Petition so presented, it appear to the said Court or Sheriff that there was no sufficient Ground for presenting the same, the said Court or Sheriff may, if they or he think fit, order the Petitioner to pay the whole or any Part of the Costs of or incident to such Petition (the Amount thereof to be determined by the said Court or Sheriff), and the Costs so ordered to be paid shall be recoverable in the same Way as Damages are recoverable under this or the special Act.

Penalty on Undertakers for refusing to

XXXVII. If the Undertakers shall, for Seven Days after being required to produce to the said Court or Sheriff, or to the said Accountant or other Person as aforesaid, any Books of Account or

other Books, Bills, Receipts, Vouchers, or Papers relating to the pecuniary Affairs of the Undertakers, refuse or neglect to produce such Books, Bills, Receipts, Vouchers, or Papers, they shall forfeit the Sum of One hundred Pounds for every such Refusal or wilful Neglect, and the further Sum of Ten Pounds for every Day such Refusal or wilful Neglect shall continue after the Expiration of the said Seven Days, such respective Penalties to be recovered by any Person who will sue for the same, with full Costs of Suit, in any of the Superior Courts.

produce Books, Vouchers, &c.

XXXVIII. And with respect to the yearly Receipt and Expenditure of the Undertakers, be it enacted, That the Undertakers shall, in each Year after they have begun to supply Gas under the Provisions of this or the special Act, cause an Account in abstract to be prepared of the total Receipts and Expenditure of all Rents or Funds levied under the Powers of this or the special Act for the Year preceding, under the several distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Account, duly audited and certified by the Chairman of the Undertakers, and also by the Auditors thereof, if any; and a Copy of such annual Account, if the Gasworks be situated in *England* or *Ireland*, shall be transmitted, free of Charge, to the Clerk of the Peace for the County in which the Gasworks are situate, and if the Gasworks be situated in *Scotland*, such Copy shall be transmitted, free of Charge as aforesaid, to the Sheriff Clerk of such County, and such Transmission shall be made on or before the Thirty-first Day of *January* in each Year, under a Penalty of Twenty Pounds for each Default; and the Copy of such Account so sent to the said Clerk of the Peace or Sheriff Clerk shall be kept by him, and shall be open to Inspection by all Persons at all seasonable Hours, on Payment of One Shilling for each Inspection.

Annual Account to be made up by Undertakers, and sent to the Clerk of the Peace in England or Ireland, or to the Sheriff Clerk in Scotland, and to be open to Inspection.

XXXIX. And with respect to Tender of Amends, be it enacted, That if any Person shall have committed any Irregularity, Trespass, or other wrongful Proceeding in the Execution of this or the special Act, or any Act incorporated therewith, or by virtue of any Power or Authority thereby given, and if before Action brought in respect thereof such Person make Tender of sufficient Amends to the Party injured, such last-mentioned Party shall not recover in any such Action; and if no such Tender have been made the Defendant may, by Leave of the Court where such Action is pending, at any Time before Issue joined, pay into Court such Sum of Money as he thinks fit, and thereupon such Proceedings shall be had as in other Cases where Defendants are allowed to pay Money into Court.

Tender of Amends.

And with respect to the Recovery of Damages not specially provided for, and of Penalties, and to the Determination of any other Matter referred to Justices or to the Sheriff, be it enacted as follows:

Recovery of Damages and Penalties.

XL. If the Gasworks be in *England* or *Ireland*, the Clauses of the Railways Clauses Consolidation Act, 1845, with respect to the Recovery of Damages not specially provided for, and of Penalties, and

The Railways Clauses Consolidation Act,

1845, as to Damages, &c., to be incorporated with this and the special Act.

and to the Determination of any other Matter referred to Justices, shall be incorporated with this and the special Act; and if the Gasworks be in *Scotland*, the Clauses of the Railways Clauses Consolidation Act (*Scotland*), 1845, with respect to the Recovery of Damages not specially provided for, and to the Determination of any other Matter referred to the Sheriff or to Justices, shall be incorporated with this and the special Act, and such Clauses shall apply to the Gasworks and to the Undertakers respectively, and shall be construed as if the Word "Undertakers" had been inserted therein instead of the Word "Company."

In Ireland Part of Penalties to be paid to Guardians of Unions.

XLI. Provided always, That in *Ireland*, in the Case of any Penalty imposed by Justices, where the Application is not otherwise provided for, such Justices may award not more than One Half of such Penalty to the Informer, and shall award the Remainder to the Guardians of the Poor of the Union within which the Offence shall have been committed, to be applied in aid of the Poor Rates of such Union.

All Things required to be done by Two Justices in England and Ireland may, in certain Cases, be done by One, and in Scotland by the Sheriff, &c.

XLII. All Things herein, or in the special Act or any Act incorporated therewith, authorized or required to be done by Two Justices, may and shall be done in *England* and *Ireland* by any One Magistrate having by Law Authority to act alone for any Purpose with the Powers of Two or more Justices, and in *Scotland* by the Sheriff or Steward of any County, Stewartry, or Ward, or his Substitute.

Penalties, &c. imposed in respect of Offences committed within the Metropolitan Police District, to be paid to the Receiver, and applied under 2 & 3 Vict. c. 71.

XLIII. Every Penalty or Forfeiture imposed by this or the special Act, or any Act incorporated therewith, or by any Bye Law in pursuance thereof, in respect of any Offence which shall take place within the Metropolitan Police District, shall be recovered, enforced, accounted for, and, except where the Application thereof is otherwise specially provided for, shall be paid to the Receiver of the Metropolitan Police District, and shall be applied in the same Manner as Penalties or Forfeitures other than Fines upon drunken Persons, or upon Constables for Misconduct, or for Assaults upon Police Constables are directed to be recovered, enforced, accounted for, paid, and applied by an Act passed in the Third Year of the Reign of Her present Majesty, intituled *An Act for regulating the Police Courts in the Metropolis;* and every Order or Conviction of any of the Police Magistrates in respect of any such Forfeiture or Penalty shall be subject to the like Appeal, and upon the same Terms, as is provided in respect of any Order or Conviction of any of the said Police Magistrates by the said last-mentioned Act; and every Magistrate by whom any Order or Conviction shall have been made shall have the same Power of binding over the Witnesses who shall have been examined; and such Witnesses shall be entitled to the same Allowance of Expences as they would have had or been entitled to in case the Order, Conviction, and Appeal had been made in pursuance of the Provisions of the said last-mentioned Act.

Persons giving false Evidence

XLIV. Every Person who, upon any Examination upon Oath under the Provisions of this or the special Act, or any Act incorporated therewith,

therewith, shall wilfully and corruptly give false Evidence, shall be liable to the Penalties of wilful and corrupt Perjury. liable to Penalties of Perjury.

And with respect to Access to the special Act, be it enacted as follows: *Access to special Act.*

XLV. The Undertakers shall at all Times, after the Expiration of Six Months after the passing of the special Act, keep in their principal Office of Business a Copy of the special Act, printed by the Printers to Her Majesty, or some of them, and shall also within the Space of such Six Months deposit in the Office of the Clerk of the Peace in *England* or *Ireland*, and of the Sheriff Clerk in *Scotland*, of the County in which the Undertaking is situated, a Copy of such special Act, so printed as aforesaid; and the said Clerk of the Peace and Sheriff Clerk shall receive, and they and the Undertakers respectively shall keep, the said Copies of the special Act, and shall permit all Persons interested to inspect the same, and make Extracts or Copies therefrom, in the like Manner, and upon the like Terms, and under the like Penalty for Default, as is provided in the Case of certain Plans and Sections by an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act to compel Clerks of the Peace for Counties, and other Persons, to take the Custody of such Documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament.* Copies of special Act to be kept by Undertakers in their Office, and deposited with the Clerks of the Peace, &c., and be open to Inspection. 7 W. 4. & 1 Vict. c. 83.

XLVI. If the Undertakers fail to keep or deposit, as herein-before mentioned, any of the said Copies of the special Act, they shall forfeit Twenty Pounds for every such Offence, and also Five Pounds for every Day afterwards during which such Copy shall be not so kept or deposited. Penalty on Undertakers failing to keep or deposit such Copies.

XLVII. And be it enacted, That nothing in this Act contained shall be deemed to exempt the Undertakers from the Provisions of an Act passed in the Fifty-seventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for better paving, improving, and regulating the Streets of the Metropolis, and removing and preventing Nuisances and Obstructions therein*, or from the Laws of Sewers for the Time being in force within Ten Miles from the *Royal Exchange* in the City of *London*. Undertakers not exempt from the Provisions of 57G.3.c.xxix. or from the Laws regulating Sewers.

XLVIII. And be it enacted, That nothing in this or the special Act shall be deemed to extend to or affect any Act of Parliament relating to Her Majesty's Duties of Customs or Excise, or any other Revenue of the Crown, or to extend to or affect any Claim of Her Majesty in right of Her Crown or otherwise howsoever, or any Proceedings at Law or in Equity, by or on behalf of Her Majesty, in any Part of the United Kingdom of *Great Britain* and *Ireland*. Nothing in this or the special Act to affect the Rights of the Crown.

XLIX. And be it enacted, That nothing herein or in the special Act contained shall be deemed to exempt the Undertakers from any general Act relating to Gasworks, or any Act for improving the sanatory Condition of Towns and populous Districts, which may be passed Undertakers not exempted from Provisions of any future general Act.

passed in the same Session in which the special Act is passed, or any future Session of Parliament.

Act may be amended,&c.

L. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

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