CHAPTER lix.

An Act for incorporating and conferring powers on the Bawtry and District Gas Company. [7th August 1912.] A.D. 1912.

WHEREAS the Bawtry Gas Company Limited (in this Act called "the Limited Company") were in the year one thousand nine hundred incorporated under the Companies Acts 1862 to 1898 for the purpose (inter alia) of manufacturing supplying and selling gas within the township of Bawtry in the West Riding of the county of York and the neighbourhood thereof:

And whereas the authorised share capital of the Limited Company is two thousand pounds divided into two thousand shares of one pound each of which one thousand seven hundred shares have been issued and are fully paid:

And whereas the Limited Company have not borrowed any money on mortgage of their undertaking:

And whereas the Limited Company acquired the land described in Part I. of the schedule to this Act and erected gasworks thereon and are now supplying gas within the said township of Bawtry and in part of the parish of Harworth:

And whereas the demand for gas in the district supplied by the Limited Company has increased and is increasing and other parishes and places adjacent thereto are wholly without a supply of gas:

And whereas it is expedient that the Limited Company be dissolved and re-incorporated with further powers and that the Company so re-incorporated should be authorised to improve and extend their works and to extend their mains and to supply

A.D. 1912.

gas within the limits defined by this Act and that additional capital should be provided for such purposes:

And whereas the Tickhill Gas Light Coal and Coke Company Limited and the Gringley and District Gas and Coal Company are respectively supplying gas within parts of the limits defined by this Act and it would be of public and local advantage if the undertakings of those companies respectively were vested in the Company incorporated by this Act:

And whereas it is expedient that provision should be made as contained in this Act with reference to such vesting:

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

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

PRELIMINARY.

Short title.

1. This Act may be cited as the Bawtry and District Gas Act 1912.

Incorporation of general Acts.

2. The following Acts and parts of Acts are (subject to the provisions of and so far as applicable to the purposes of this Act) hereby incorporated with and form part of this Act (namely):—

The Companies Clauses Consolidation Act 1845 (except the provisions relating to the conversion of borrowed money into capital) 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;

The Lands Clauses Acts (except the provisions thereof with respect to the purchase and taking of lands otherwise than by agreement); and

The Gasworks Clauses Acts 1847 and 1871 Provided that section 13 of the former Act shall be read as if the words "or any premises" were inserted after the words "private building" and as if the words "Provided also "that every such contract entered into by the Company

" shall be alike in terms and amount under like circum- " stances to all consumers" were added at the end of that section.

Interpretation.

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

The expression "the Company" means the Bawtry and District Gas Company incorporated by this Act;

The expressions "the gasworks" "the gas undertaking" "the undertaking" respectively mean and include the gasworks and works connected therewith by this Act vested in or authorised to be continued and maintained by the Company and any improvement and extension thereof which they may make or construct under the powers of this Act and the lands buildings estate right title property and privileges and effects and the undertaking of the Company for the supply of gas as authorised by this Act;

The expression "the Tickhill Company" means the Tickhill Gas Light Coal and Coke Company Limited;

The expression "the Gringley Company" means the Gringley and District Gas and Coal Company.

RE-INCORPORATION.

Re-incorporation of Company.

4. On the passing of this Act the Limited Company shall be dissolved and the several persons who immediately before the passing of this Act were members of that company and all other persons who have already subscribed to or who shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a company for the purposes herein-after mentioned and shall be and are hereby re-incorporated by the name of "The Bawtry and District Gas Company" and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act and of the undertaking.

General purposes of Company.

5. The Company shall be established for the purpose of manufacturing storing and supplying gas for lighting heating

A.D. 1912.

motive power and other purposes within the limits of supply as defined by this Act and may convert manufacture and sell all residual products resulting from the manufacture of gas by them and generally may carry on any business usually carried on by gas companies but the Company shall not purchase or use in any process of manufacture any materials other than those required for the making and supply of gas by them or for the working up of their own residual products or for the construction maintenance and repair of their gasworks plant and buildings or for the maintenance and repair of gas fittings.

Present property of Limited Company vested in Company.

6. Subject to the provisions of this Act all the lands gasworks erections buildings rights and easements which immediately before the passing of this Act were vested in the Limited Company or any person in trust for them or to which the Limited Company were in anywise entitled and all mains and pipes plant apparatus stock effects matters and things which have been by them purchased provided laid down erected or placed in any place or house within the limits of supply or which immediately before the passing of this Act were the property of the Limited Company and all moneys securities credits effects and other property whatsoever which immediately before the passing of this Act belonged to the Limited Company or to any trustee on their behalf and the benefit of all contracts and engagements entered into by or on behalf of the Limited Company and immediately before the passing of this Act in force shall be and the same are hereby transferred to and vested in the Company to the same extent and for the same estate and interest as the same were immediately before the passing of this Act vested in the Limited Company or any trustee on their behalf and may according to the provisions of this Act be held and enjoyed sued for and recovered maintained altered discontinued removed dealt with and disposed of by the Company as they think fit.

Memorandum and articles of association of Limited Company to be void.

7. Subject to the provisions of this Act the memorandum and articles of association of the Limited Company shall as to any prospective operation thereof be wholly void and the Company and the shareholders shall be exempted from all the provisions restrictions and requirements of any Act which applied to the Limited Company and the members thereof as such but nothing in this Act contained shall release or discharge any person from any liability or obligation in respect of any breach of the provisions of the said memorandum and articles of

association incurred before the passing of this Act but such liability or obligation in respect of any such breach shall continue and save as in this Act otherwise provided may be enforced by or on behalf of the Company as nearly as may be in like manner as the same might have been enforced by or on behalf of the Limited Company if this Act had not been passed.

Saving of existing rights and liabilities.

8. Except as is by this Act otherwise expressly provided everything before the passing of this Act done or suffered by or with reference to the Limited Company or the members thereof as such shall be as valid as if the Company had not been incorporated and the memorandum and articles of association had not been avoided by this Act and such incorporation and avoidance and this Act respectively shall accordingly be subject and without prejudice to everything so done or suffered and to all rights liabilities claims and demands both present and future which if the Company were not incorporated and the said memorandum and articles of association were not avoided by this Act and this Act were not passed would be incident to or. consequent on any and every thing so done or suffered and with respect to all such rights liabilities claims and demands the Company and its shareholders and property shall to all intents and purposes represent the Limited Company and the members thereof as such and the property of the Limited Company as the case may be and the generality of this enactment shall not be restricted by any of the other sections and provisions of this Act.

Contracts prior to Act to be binding.

9. Except as is by this Act otherwise specially provided all purchases sales conveyances grants assurances deeds contracts bonds and agreements entered into or made before the passing of this Act by to or with the Limited Company or any trustees or persons acting on behalf of the Limited Company or by to or with any other person to whose rights and liabilities they have succeeded and in force at the passing of this Act shall be as binding and of as full force and effect in every respect against or in favour of the Company and may be enforced as fully and effectually as if instead of the Limited Company or any trustees or persons acting on behalf of the Limited Company the Company had been a party thereto.

Actions &c not to abate.

10. Nothing in this Act contained shall release discharge or suspend any action or other proceeding which was pending

A.D. 1912.

by or against the Limited Company or any member thereof in relation to the affairs of the Limited Company or to which the Limited Company or any member thereof in relation to such affairs were parties immediately before the passing of this Act but such action or other proceeding may be maintained prosecuted or continued by or in favour of or against the Company (as the case may be) in the same manner and as effectually and advantageously as the same might have been maintained prosecuted or continued by or in favour of or against the Limited Company or any member thereof if this Act had not been passed the Company and the shareholders therein being in reference to the matters aforesaid in all respects substituted for the Limited Company and its members respectively.

Indemnity.

11. Every trustee or other person in whom or in whose name any lands works buildings easements rights property or effects belonging to the Limited Company were vested immediately before the passing of this Act and who (being authorised so to do) before the passing of this Act entered into any bond covenant contract or engagement on behalf of the Limited Company shall be indemnified out of the funds and property of the Company against all liability (including costs charges and expenses) which he may sustain or incur or be put unto by reason of his having entered into such bond covenant contract or engagement.

Company to satisfy liabilities of Limited Company.

12. From and after the passing of this Act and except as is by this Act otherwise expressly provided the Company shall in all respects be subject to and shall discharge all obligations and liabilities to which the Limited Company immediately before the passing of this Act were subject and shall indemnify the members directors officers and servants of the Limited Company and their respective representatives from all such obligations and liabilities and from all expenses and costs in that behalf.

Recovery of gas rents &c.

13. All gas rents and sums of money which immediately before the passing of this Act were due or accruing to the Limited Company shall be payable to and may be collected and recovered by the Company in like manner as if they had become payable for the like matters supplied or done under this Act.

As to payment of debts owing before passing of Act.

14. All persons who immediately before the passing of this Act owed any money to the Limited Company or to any person on their behalf shall pay the same with all interest (if any) due or accruing upon the same to the Company and all debts

and moneys which immediately before the passing of this Act were due or recoverable from the Limited Company or for the payment of which the Limited Company were or but for this Act would be liable shall be paid with all interest (if any) due or accruing upon the same by or be recoverable from the Company.

Certificates &c. to remain in force.

15. Notwithstanding the avoidance of the said memorandum and articles of association all certificates (until cancelled under the powers of this Act) and all sales transfers and dispositions heretofore made or executed under them before the passing of this Act for and with respect to any shares in the Limited Company shall remain in full force and continue and be available in all respects as if the said memorandum and articles of association had not been avoided.

Books &c. continued evidence.

16. All documents books and writings which if the said dissolution and avoidance had not taken place would have been receivable in evidence shall be admitted as evidence in all courts and elsewhere notwithstanding such dissolution and avoidance.

Officers of Limited Company to continue.

17. All officers and servants of the Limited Company who were in office immediately before the passing of this Act shall hold and enjoy their respective offices and employments together with the salaries and emoluments thereunto attaching until they shall resign the same or be removed therefrom by the Company and shall be subject and liable to the like conditions obligations pains and penalties and to the like powers of removal and to the like rules restrictions and regulations in all respects whatsoever as if they had been appointed under this Act.

Present registers of members to be continued.

18. The books kept by the Limited Company for entering the names and designations of the members thereof shall continue to be kept for similar purposes by the Company and shall be taken and considered as the register of shareholders required to be kept by the Companies Clauses Consolidation Act 1845 until a new register is provided by the Company.

CAPITAL.

Capital.

19. The capital of the Company shall be thirty-five thousand two hundred and sixty-seven pounds whereof the sum of two thousand two hundred and sixty-seven pounds divided into two thousand two hundred and sixty-seven ordinary shares of one pound each is in this Act called "the original capital" and the

A.D. 1912.

sum of thirty-three thousand pounds is in this Act called "the additional capital" and shall be raised in manner herein-after mentioned.

Vesting of capital.

20.—(1) The original capital shall be appropriated to and vested in the several persons who immediately before the passing of this Act were registered members of the Limited Company and shall be distributed between such persons in proportion to their respective holdings in and in substitution for their shares in the Limited Company Provided that in any case in which any person would but for this provision have become entitled to a fractional part of a share in the original capital in respect of his holding in the Limited Company the Company may pay to such person such a sum in cash as shall be equal to the market value of such fractional part and the holding of such person in the Company shall thereupon be reduced accordingly and the directors may raise the money necessary to enable the Company to make such cash payment by the sale of the shares in the original capital which represent the fractional parts of such shares and are not so appropriated and vested as aforesaid.

(2) All shares so vested shall be deemed to be fully paid up and shall be held with the same rights and on the same trusts and shall be subject and liable to the same powers provisions declarations agreements charges liens incumbrances and liabilities as immediately before the passing of this Act affected the share or shares as the case may be for which the same is substituted and so as to give effect to and not revoke any agreement deed or other instrument or any testamentary disposition disposing of or affecting the same and every such agreement deed or other instrument or testamentary disposition shall take effect with reference to the whole or a proportionate part as the case may be of the shares substituted therefor and trustees executors or administrators and all other holders in any representative or fiduciary capacity of any share or shares are hereby expressly authorised and required to accept any shares vested in them pursuant to the provisions of this Act and to hold dispose of or otherwise deal with the same as they might have held disposed of or otherwise dealt with such share or shares in the capital of the Limited Company and are hereby indemnified in respect of all acts bonâ fide done by them in pursuance of the provisions of this Act.

Certificates of shares to be called in

21.—(1) The Company shall call in the existing certificates of shares in the Limited Company and issue in exchange for

those certificates to the respective proprietors thereof free of charge certificates for the shares to which those proprietors are by this Act respectively entitled. A.D. 1912. and others issued.

(2) No shareholder of the Limited Company shall be entitled to a new certificate until he shall have delivered up to the Company to be cancelled the existing certificate for which such new certificate is to be substituted or shall have proved to the reasonable satisfaction of the directors of the Company the loss or destruction thereof and shall have given such guarantee or indemnity as the Company may require.

(3) If any holder of shares in the capital of the Limited Company neglects or omits to send or deliver to the Company his existing certificate or certificates for the period of one year after notice in writing sent by post to the address appearing in the shareholders' address book of the Limited Company the Company may suspend the payment of any dividend declared or made payable upon or in respect of the shares substituted under the provisions of this Act for the shares so held by him until such existing certificate or certificates is or are sent or delivered to the Company or is or are proved to the reasonable satisfaction of the directors of the Company to have been lost or destroyed.

(4) On the issue of any certificate of shares in the Company the certificate or certificates for which it is substituted shall be cancelled.

22. All transfers or other dispositions of shares in the capital of the Limited Company shall after the substitution therefor of shares in the Company and notwithstanding this Act be valid and have due effect given to them respectively as transfers for the respective amounts of new shares which the shares thereby expressed to be transferred or disposed of represent or which are or may be substituted for the same under the provisions of this Act although the instrument transferring or disposing thereof shall describe the same by the name or denomination which the shares transferred or disposed of had before such substitution and the bequest of or any covenant or provision of any deed or agreement relating to any such shares shall be held to apply to the nominal amount of new shares issued in substitution for such shares under the provisions of this Act. Transfers of shares although by present name to be valid.

A.D. 1912.

Power to raise additional capital.

23. The Company may from time to time raise additional capital not exceeding in the whole (except as is by this Act otherwise specially provided) thirty-three thousand pounds by the creation and issue at their option of new ordinary shares or new preference shares of the nominal value of one pound each or ordinary or preference stock or partially by one or other of those modes respectively Provided that it shall not be lawful for the Company to create and issue under the powers of this section 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 thirty-three thousand pounds Provided also that the Company shall not raise by the issue of preference shares or stock a greater amount of such additional capital than fifteen thousand pounds.

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

24.—(1) All shares or stock created under the powers of the section of this Act of which the marginal note is "Power to raise additional capital" 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 clerk of every urban and rural district council within the limits of supply and to the secretary of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and shall also be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the limits of supply:

(B) A reserve price shall be fixed and notice thereof shall be sent by the Company in a sealed letter to be received by the Board of Trade not less than twenty-four hours before but not to be opened till after the day of auction or last day for the receipt of tenders as the case may be:

(C) No lot offered for sale shall comprise shares or stock of greater nominal value than one hundred pounds:

(D) In the case of a sale by tender no preference shall be given to one of two or more persons tendering the

same sum and in the case of a sale by auction a bid shall not be recognised unless it is in advance of the last preceding bid:

(E) It shall be one of the conditions of sale that the total sum payable by the purchaser shall be paid to the Company within three months after the date of the auction or of the acceptance of the tender as the case may be.

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

Application of moneys.

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

A.D. 1912.

BORROWING POWERS.

Power to borrow.

26. The Company may subject to the provisions of this Act borrow on mortgage of the undertaking any sum or sums not exceeding in the whole one-third part of the amount of the capital of the Company which at the time of borrowing has been created or raised under the powers of this Act but no sum shall be borrowed in respect of any capital so created or 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 shares or stock at the time issued together with the premium (if any) realised on the sale thereof has been fully paid up.

Debenture stock.

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

Priority of mortgages and debenture stock over other debts &c.

28. All money 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 the Company after the passing of this Act but this priority shall not affect any claim against the Company or their property in respect of any rentcharge 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 or vested in the Company which is entitled to rank in priority to or pari passu with the interest on their mortgages or debenture stock.

For appointment of a receiver.

29. 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 one-tenth of the amount for the time being owing by the Company upon mortgage.

DIVIDENDS &C.

Limitation of profits.

30. Except as is by this Act provided the profits of the Company to be divided among the holders of shares or stock of the Company in any year shall not exceed the following rates (in this Act referred to as "the standard rates of dividend") that is to say on the original capital the rate of ten pounds in respect of every one hundred pounds of such capital and on the additional capital the rate of seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital and the rate of six pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as preference capital.

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

31. In case in any year the funds of the Company applicable to dividend shall be insufficient to pay the full amount of dividend at the authorised rates on each class of ordinary shares or stock in the capital of the Company a proportionate reduction shall be made in the dividend of each such class.

Interim dividend.

32. The directors may in any year without calling a meeting of holders of shares or stock for the purpose declare and pay an interim half-yearly dividend out of the then ascertained profits of the Company Provided that no such interim dividend shall exceed one half of the amount of the authorised rate of dividend.

Closing of transfer books previous to declaring interim dividend.

33. The directors may close the register of transfers for a period not exceeding fourteen days previous to a declaration of any interim dividend and they may fix a day for closing the same of which seven days' notice shall be given by advertisement in some newspaper published or circulating in the district within which the Company's principal place of business is situate and any transfer made during the time when the transfer books are so closed shall as between the Company and the person claiming under the same but not otherwise be considered as made subsequently to the declaration of any such dividend.

A.D. 1912.

SPECIAL PURPOSES AND RESERVE FUNDS.

Power to create a special purposes fund.

34.—(1) The directors of the Company may if they think fit in any year appropriate out of the revenue of the Company as part of the expenditure on revenue account any sum not exceeding an amount equal to one per centum of the paid-up capital of the Company including premiums thereon to a fund to be called "the special purposes fund."

(2) The special purposes fund shall be applicable only to meet such charges as a chartered accountant or an incorporated accountant being an auditor of the Company or appointed for the purpose by the Board of Trade shall approve as being—

(A) Expenses incurred by reason of accidents strikes or circumstances which due care and management could not have prevented; or

(B) Expenses incurred in the replacement or removal of plant or works other than expenses requisite for the ordinary maintenance and renewal of plant and works.

(3) The maximum amount standing to the credit of the special purposes fund shall not at any time exceed an amount equal to one-tenth part of the paid-up capital of the Company including premiums thereon.

(4) The moneys representing the special purposes fund or any portion thereof may be invested in securities in which trustees are authorised by law to invest money or may be applied for the general purposes of the Company to which capital is properly applicable or may be used partly in the one way or partly in the other.

(5) Resort may from time to time be had to the special purposes fund notwithstanding that the sum standing to the credit of the fund is for the time being less than the maximum allowed by this section.

Application of excess of profits over authorised rates of dividend.

35. If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the dividend on the preference capital and the dividend at the authorised rates on the ordinary capital of the Company the excess shall be carried to the credit of the divisible profits of the undertaking for the next following year Provided that the sum standing to the credit of such divisible profits shall not at any

time exceed the amount required to pay one year's dividends at the authorised rates.

Power to create a reserve fund.

36. When in any year the dividends on the ordinary capital of the Company shall exceed the standard rate by reason of the price charged by the Company for gas in such year being below the standard price then out of the amount of the divisible profits of the Company applicable to the payment of such excess of dividend the Company may in such year set apart such sum as they shall think fit and all sums so set apart by the Company and any reserve or other fund of the Limited Company existing at the passing of this Act may be invested in Government or other securities and the dividends and interest arising from such securities may also be invested in the same or the like securities in order that the same may accumulate at compound interest and the fund so formed shall be called "the reserve fund" and shall be applicable to the payment of dividend in any year in which the clear profits of the Company shall be insufficient to enable the Company in such year to pay the dividends at the authorised rates on the ordinary capital of the Company and save as in this Act provided no sum shall in any year be carried by the Company to any reserve fund.

MEETINGS.

First ordinary meeting.

37. The first ordinary meeting of the Company shall be held within six months after the passing of this Act and the subsequent ordinary meeting shall be held in the month of February or March in each year at the Company's principal office or at such other place and at such other time as shall be appointed for that purpose by an order of the directors.

Quorum for general meetings.

38. The quorum for all general meetings of the Company shall be five holders of shares or stock present in person or by proxy holding in the aggregate not less than one-tenth part of the capital of the Company for the time being issued and entitling the holders to vote in respect thereof.

Scale of voting.

39. Every holder of ordinary shares or stock shall be entitled to one vote in respect of each share or one pound of stock held by him.

Votes in respect of preference shares or stock.

40. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any shares or stock to which a preferential dividend shall be assigned.

A.D. 1912.

DIRECTORS AND AUDITORS.

Number of directors.

41. The number of directors shall be three but the Company may vary the number provided that the number be not at any time more than five nor less than three.

Qualification of directors.

42.—(1) The qualification of a director shall be the possession in his own right of shares or stock of the Company to the nominal amount of not less than two hundred pounds in the aggregate.

(2) If any director shall be made bankrupt or shall become lunatic or of unsound mind or shall neglect to attend the meetings of directors for six months (unless such neglect to attend be occasioned by illness or any other reasonable cause allowed by the directors) then in any of the cases aforesaid the office of such director shall become vacant and thenceforth he shall cease from voting or acting as a director.

(3) The continuing directors may act notwithstanding any vacancy in their body but so that if at any time the number of directors of the Company holding office shall be less than the minimum number prescribed by this Act the directors shall not except for the purpose of filling vacancies and allotting shares to any proposed director or directors act so long as the number is below such minimum.

Quorum of directors.

43. The quorum of a meeting of directors shall be two.

Notice of candidature for office of director.

44. Except in the case of a director retiring by rotation and offering himself or being proposed for re-election no person shall be capable of being elected a director of the Company in place either of a director retiring by rotation or of a director dying refusing to act or ceasing to be qualified or being disqualified to act unless notice in writing that such person intends to offer himself or will be proposed for the office of director shall have been given to the secretary of the Company or left at the office of the Company fourteen days at least before the day of election.

First and subsequent directors.

45. Henry Ellison John Henry Brearley and one other person to be nominated by them shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act At that meeting the holders of shares or stock present in person or by proxy may either continue in office the directors appointed by this

Act or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act being (if they continue qualified) eligible for election and at the ordinary meeting to be held in every year after the first ordinary meeting the holders of shares or stock present in person or by proxy shall (subject to the power herein-before contained for varying the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are duly elected in their stead.

Auditors.

46.—(1) The prescribed number of auditors shall be one unless the number be increased to two by an order of a general meeting and such auditor or auditors shall be a member or members of the Institute of Chartered Accountants or of the Society of Incorporated Accountants and Auditors.

(2) It shall not be necessary for any auditor to hold shares or stock in the Company.

Supply of Gas Works &c.

Limits of supply.

47. The limits within which the Company may supply gas under this Act (in this Act called "the limits of supply") shall be the parishes or townships of Bawtry Rossington Austerfield Wadworth Awkley and Blaxton and the urban district of Tickhill all in the West Riding of the county of York and the parishes of Harworth Styrrup Blyth Finningley Scrooby Mattersey Scaftworth Misson Ranskill Torworth Everton Wiseton Clayworth and Gringley on the Hill all in the county of Nottingham Provided that the Company shall not supply gas in the urban district of Tickhill unless and until they shall have acquired the undertaking of the Tickhill Company and shall not supply gas in the parish of Gringley on the Hill unless and until they shall have acquired the undertaking of the Gringley Company.

Powers as to construction and maintenance of gasworks &c.

48. Subject to the provisions of this Act the Company may upon the land described in Part I. of the schedule to this Act maintain and continue the existing gasworks of the Limited Company and may upon such land and upon the land described in Part II. of the said schedule or any part thereof erect make maintain alter improve enlarge extend and renew or discontinue

A.D. 1912.

additional and other gasworks retorts gasholders drains sewers mains pipes machinery and other works and apparatus and conveniences and may do all such acts as they may think proper for making and storing gas and for supplying gas for public or private purposes in bulk or otherwise for lighting heating motive power or other purposes within the limits of supply and for the conversion and manufacture of residual products in accordance with the provisions of this Act.

Power to purchase lands by agreement.

49. The Company may for the purposes of the undertaking purchase take and hold (by agreement but not otherwise) in addition to the lands described in the schedule to this Act any lands and hereditaments not exceeding in the whole five 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 the schedule to this Act.

Power to purchase undertakings of Tickhill Company and Gringley Company.

50.—(1) The Company may subject to the approval of the Board of Trade purchase the undertakings of the Tickhill Company and of the Gringley Company or either of them (each of which companies is in this section included in the expression "the selling Company") for such price or consideration and upon such terms and conditions as may be agreed upon between the selling Company and the Company and upon completion of the purchase the undertaking of the selling Company shall be vested in and for all purposes form part of the gas undertaking of the Company.

(2) The Company may apply any moneys vested in them or moneys which they are authorised to raise by way of additional capital or by borrowing under or by virtue of this Act in or towards the payment of the price or consideration for the purchase of the undertaking of the selling Company or may with the approval of the Board of Trade raise by the creation and issue of ordinary shares or stock or preference shares or stock such further capital (in addition to the additional capital which the Company are authorised to raise under the powers of this Act) as may be necessary for the purpose of paying the said price or consideration and such price or consideration may if the selling Company and the Company so agree be discharged wholly or partly by the allocation to the shareholders of the selling Company of any shares or stock in the capital of the

Company which the Company may be authorised to create and issue under this section.

(3) Any shares or stock so created in pursuance of the provisions of this section other than shares or stock allocated to the shareholders of the selling Company shall be issued in accordance with the provisions of the section of this Act of which the marginal note is "New shares or stock to be sold by auction or tender."

(4) Any shares or stock so created and issued in pursuance of the provisions of this section and allocated to the shareholders of the selling Company shall be deemed to be fully paid up.

(5) All shares or stock so created and issued in pursuance of the provisions of this section shall form part of the ordinary shares or stock or the preference shares or stock (as the case may be) in the additional capital which the Company are authorised to raise under the powers of this Act.

(6) For the purposes of this section the undertaking of the selling Company includes the gasworks apparatus plant lands buildings mains pipes and other property effects and interests whatsoever of the selling Company.

Power to sell and lease lands.

51. Subject to the provisions of the Lands Clauses Consolidation Act 1845 the Company may sell and dispose of or may let on lease for such periods as they may 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 and 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 may think fit.

Power to lay pipes &c. for purposes ancillary to business of Company.

52. The Company may lay down place repair alter remove and renew mains pipes culverts and other apparatus within the limits of supply for the purpose of procuring conducting or disposing of any oil or other material used by them in or resulting from the manufacture of gas or any residual products thereof or for any other 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 so laid so far as applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof.

A.D. 1912.

Power to lay pipes in private streets.

53. The Company may upon the application of the owner or occupier of any premises within the limits of supply abutting on or being erected in any street laid out but not dedicated to public use supply such premises with gas and for that purpose the Gasworks Clauses Acts 1847 and 1871 shall apply as if the street were a street within the meaning of that Act.

Dividend dependent on price charged.

54. The standard price to be charged by the Company for gas supplied by them by ordinary meter shall be four shillings and sevenpence per one thousand cubic feet:

Provided that the Company may increase or reduce the price charged by them for gas above or below the standard price subject to a reduction or increase in the dividend payable by the Company on the ordinary shares or stock in the capital of the Company as follows:—

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

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

Charge for gas supplied by means of prepayment meters.

55.—(1) The Company may demand for any gas supplied through a prepayment meter any charge not exceeding the charge for gas supplied to private consumers within the limits

of supply through any other kind of meter or by any other method of supply.

(2) The Company shall not charge for the hire of any prepayment meter and fittings to be used therewith any sum other than a sum of money calculated according to the quantity of gas supplied through such prepayment meter and the maximum sum to be so charged shall be at the rate of tenpence per one thousand cubic feet supplied in manner aforesaid such sum to include the hire of meter and the fittings used therewith or at the rate of one shilling per one thousand cubic feet if such fittings include a cooking stove:

The said charge shall include the providing letting fixing repairing and maintenance of the meter and fittings and the cost of collection and other costs incurred by the Company in connexion with the meter and fittings.

(3) The Company shall not charge for the hire of any prepayment meter without fittings any sum other than a sum of money calculated according to the quantity of gas supplied through such prepayment meter and the maximum sum to be so charged shall be at the rate of sixpence per one thousand cubic feet supplied in manner aforesaid such sum to include the hire of the meter:

The said charge shall include the providing letting fixing repairing and maintenance of the meter and the cost of collection and other costs incurred by the Company in connexion with the meter.

(4) For the purpose of this section the expression "prepayment meter" means any meter or appliance by which the quantity of gas supplied is regulated according to the amount of money prepaid therefor through or by means of such meter or appliance.

Quality of gas.

56. The prescribed number of candles shall be not less than fourteen.

Testing place.

57. For the purposes of the Gasworks Clauses Act 1871 the prescribed testing place shall be a testing place which shall be provided by the Company at their works within three months after the passing of this Act.

Testing quality.

58.—(1) The quality of the gas supplied by the Company shall with respect to its illuminating power be such as to

A.D. 1912.

produce at the testing place when burned at the rate of five cubic feet per hour a light equal in intensity to the light produced by fourteen sperm candles of six to the pound each consuming one hundred and twenty grains of sperm per hour and shall be in all respects in accordance with the provisions of the Gasworks Clauses Act 1871.

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

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

Pressure of gas.

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

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

Saving as to penalties.

60. No penalty shall be incurred by the Company for insufficiency of pressure defect of illuminating power or excess of impurity in the gas supplied by them in any case in respect of which it is proved that such insufficiency defect or excess was produced by any circumstance beyond the control of the Company Provided that the want of sufficient funds shall not be held to be a circumstance beyond the control of the Company.

A.D. 1912.

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

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

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

(6) Any person to whom the Company refuses a supply of gas under the provisions of this section may appeal

A.D. 1912.

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.

Power to supply fittings &c. for heating and other purposes.

62.—(1) The Company may purchase sell let for hire fix repair and remove but shall not manufacture engines stoves ranges pipes and other gas fittings for lighting motive heating ventilating cooking or any other purposes and may provide all materials and work necessary or proper in that behalf and with respect thereto may demand and take such remuneration or rents and charges and make such terms and conditions as may be agreed upon.

(2) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under process of any court or proceedings in bankruptcy against the persons in whose possession the same may be and all fittings let for hire as aforesaid 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 actual owners thereof.

Consumers to give notice to Company before removing.

63. 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 the Company and in default of such notice the consumer so quitting shall be liable to pay to the Company the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such premises shall require the Company to supply gas to such premises whichever shall first occur Notice of the effect of this enactment shall be endorsed upon every demand note for gas charges payable to the Company.

Power to refuse supply to per-

64. If a person requiring a supply of gas from the Company for any premises occupies or has previously occupied other

premises at which gas is being or has been supplied to him by the Company and has not paid all gas charges and meter rent due from him to the Company they may refuse to furnish to him a supply of gas until he pays the same.

A.D. 1912.

sons in debt for other premises.

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

Notice to discontinue supply.

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

Period of error in defective gas meters.

67. 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 together with an effective non-return valve and shall at all times and at his own expense keep such anti-fluctuator and valve in proper repair and in default of his so using or keeping such anti-fluctuator and valve in proper repair the Company may cease to supply gas to such consumer The Company shall have access to and be at liberty to take off remove test inspect and replace any such anti-fluctuator and valve 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 and valve be found in proper order but otherwise at the expense of the consumer.

Anti-fluctuators for gas engines.

68. The power to enter premises and to remove pipes meters fittings or apparatus conferred upon 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.

Power to enter premises and remove fittings.

A.D. 1912.

Supply of gas where consumer has separate supply.

69. Notwithstanding anything contained in the Gasworks Clauses Act 1871 or any other Act a person shall not be entitled to demand or continue to receive from the Company a supply of gas for any premises for which he has at the same time a supply of gas from any installation other than that of the Company or a supply of electricity unless he shall have agreed to pay to the Company such minimum annual sum as will give to them a reasonable return on the capital expenditure and will cover other standing charges incurred by them in order to meet the possible maximum demand for those premises and the sum to be so paid shall be determined in default of agreement by arbitration in manner provided by the Arbitration Act 1889.

Company may contract with local authority &c. for supply in bulk.

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

For protection of Nottinghamshire County Council.

71. The following provisions for the protection of the county council of the administrative county of Nottingham (in this section called "the county council") shall notwithstanding anything in this Act contained and unless otherwise agreed in writing between the county council and the Company apply and have effect (that is to say):—

(1) The notice required by section 8 of the Gasworks Clauses Act 1847 incorporated with this Act (except for laying connecting or repairing consumers' service pipes as to which three days' notice shall be sufficient) shall be given to the surveyor of the county council by the Company not less than seven clear days before the Company commence to open or break up any road for the time being vested in the county council:

(2) The plan required by section 9 of the Gasworks Clauses Act 1847 shall be accompanied by a section of the proposed works:

(3) The Company shall not in the construction or maintenance of the works by this Act authorised or in the

maintenance of any existing works of the Company without the previous consent in writing of the county council under the hand of their clerk raise lower or divert any such road nor shall the Company without such consent as aforesaid interfere with the structure of any county or hundred bridge or approach repairable by or under the control of the county council but such consent shall not be unreasonably withheld:

(4) In laying or constructing any mains pipes culverts or other works of the Company in along or across any such road bridge or approach the Company shall conform with all reasonable requirements of the county surveyor:

(5) The surplus paving metalling or materials removed during the laying of mains pipes culverts or other works shall not be placed on the metalled portion of such road except subject to such conditions and directions as the county surveyor may reasonably require or give:

(6) All surplus paving metalling or materials removed during the laying of the mains pipes culverts or other works in any such road bridge or approach and not required by the Company for the purpose of reinstating and making good the same may be used by the county council in the maintenance and repair of any such road in the county:

(7) When the Company open or break up any such road bridge or approach they shall with all convenient speed complete the work for which the same shall be broken up and fill in and soundly ram in with filling matter approved by the county surveyor the ground so opened or broken up and if the county council so desire the work of reinstatement of the road surface shall be carried out by the workmen of the county council and in such case the Company shall pay to the county council in respect of such reinstatement such sums per lineal yard in the case of a slag road a road constructed of granite and a road constructed of tarmac respectively as may be agreed or failing agreement settled by arbitration as herein-after provided and such sum or sums shall be

A.D. 1912.

payable by the Company to the county council on the completion of the work and shall be a debt recoverable by the county council from the Company:

(8) All works shall be executed so as not to stop the traffic and except so far as in the reasonable opinion of the county surveyor is absolutely necessary so as not to impede or interfere with the traffic over or along any such road bridge or approach:

(9) In lieu of keeping such roads bridges and approaches in repair as provided by section 10 of the Gasworks Clauses Act 1847 the Company shall repay to the county council all reasonable expenses of and incident to the maintenance and repair thereof for three months after the proper reinstatement thereof and for such further period if any (not being more than twelve months in the whole) during which there shall be any subsidence in the surface thereof caused by such works:

(10) Nothing in this Act contained shall in any way limit or affect the powers of the county council to divert improve alter widen or reconstruct any such road or to remove alter widen or rebuild any such bridge or approach in alongside or near to which such mains pipes culverts or other works are laid in the same manner as they might have diverted improved removed altered widened reconstructed or rebuilt any such road bridge or approach if this Act had not been passed and in the event of any such road bridge or approach in alongside or near to which the mains pipes culverts or other works are laid being diverted improved removed altered widened reconstructed or rebuilt as aforesaid the Company shall within such reasonable time as the county surveyor may prescribe alter to such position as he may fix such mains pipes culverts or other works and replace the same to his reasonable satisfaction Provided that before such diversion improvement removal alteration widening reconstruction or rebuilding of any such road bridge or approach shall be commenced the county council shall (except in cases of emergency) give fourteen days' notice in writing to the Company of their intention to carry out such works and shall afford all

reasonable facilities for temporarily carrying the mains pipes culverts or other works along such road or across or under the stream so as not to interrupt the continuous supply of gas Provided also that all expense reasonably incurred by the Company under the provisions of this subsection in altering the position of such mains pipes culverts or other works shall be repaid to them by the county council except as far as such expense is necessarily incurred consequent upon the removal alteration widening or rebuilding of any county or hundred bridge or approach:

(11) If any difference shall arise between the county council and the Company under this section such difference shall be settled by an arbitrator to be appointed by the President of the Institution of Civil Engineers on the application of either party and subject thereto in accordance with the provisions of the Arbitration Act 1889.

For protection of West Riding County Council.

72. In executing the works and exercising the powers by this Act authorised so far as they affect main roads and county bridges of the West Riding of the county of York the following provisions for the protection of the county council of the said West Riding (in this section called "the county council") shall have effect unless otherwise agreed on in writing between the county council and the Company (that is to say):—

(1) All mains pipes or works to be laid in or along any main road shall so far as is reasonably practicable be constructed and laid in such position at the side thereof as the county council shall by writing under the hand of their surveyor direct Provided that this subsection shall not apply to service pipes:

(2) Nothing in this Act shall authorise the Company to interfere with the structural part of any county or main road bridge without the consent in writing of the said surveyor Such consent shall not be unreasonably withheld and may be given upon such conditions as the county council may reasonably determine:

(3) All works to be constructed or laid in along or across or in any way affecting any main road or county or main road bridge or any approach thereto shall be

A.D. 1912.

executed at the expense of the Company under the superintendence and to the reasonable satisfaction of the said surveyor and (except in the case of emergency and of the laying of service pipes) in accordance with plans and sections to be submitted to and reasonably approved of by him in writing before the commencement of any such work and seven days' notice shall be given to the said surveyor of the intention to lay any service pipes in such road Provided that if the said surveyor shall not within twenty-one days after the said plans and sections shall have been submitted so express his approval or disapproval thereof or signify his requirements in relation thereto he shall be deemed to have approved thereof:

(4) The works shall be so executed as not in any way to stop or unreasonably interfere with the traffic of any main road or county or main road bridge or any approach thereto and all such works shall be proceeded with and completed with all possible dispatch:

(5) Notwithstanding anything in this Act contained it shall be lawful for the county council at any time or times to divert widen or improve any such main road and also to remove alter widen or renew any such county or main road bridge or the approaches thereto in alongside or near to which any such mains pipes or works are carried in the same manner as they might have diverted widened or improved removed altered or renewed any such main road or bridge or the approaches thereto if this Act had not been passed and such mains pipes or works had not been constructed or laid in over alongside or near to such main road or bridge respectively without making any compensation to the Company for any expense or loss to which they may be put in consequence of such diversion widening improvement removal alteration or renewal And in the event of any such main road or bridge or the approaches thereto in alongside or near to which such mains pipes or works are laid being diverted widened or improved removed altered or renewed as aforesaid the Company shall within such reasonable time as

the said surveyor may prescribe remove or alter the position of their said mains or pipes and the works by which the same are carried alongside or near to any such main road or bridge or the approaches thereto as aforesaid and replace the same to the reasonable satisfaction of the said surveyor Provided that before and during such diversion widening improvement removal alteration or renewal of any such main road or bridge as aforesaid the county council shall afford all reasonable facilities for temporarily carrying such mains pipes or works along the main road or across the stream so as not to interrupt the continuous supply of gas Provided also that all expense reasonably incurred by the Company under the provisions of this subsection in altering the position of such mains pipes or works shall be repaid to them by the county council except so far as such expense is necessarily incurred consequent upon the removal alteration widening or renewal of any county or main road bridge or approach:

(6) Notwithstanding anything in this Act contained if any difference arise between the Company and the county council touching this section or anything to be done or not to be done thereunder such difference shall be settled by arbitration by an arbitrator to be agreed upon or failing agreement to be appointed by the President of the Institution of Civil Engineers on the application of either of the parties in difference and subject thereto in accordance with the provisions of the Arbitration Act 1889.

For protection of Great Northern Railway Company.

73. The following provisions for the protection of the Great Northern Railway Company (hereafter in this section called "the Great Northern Company") shall unless otherwise agreed in writing between the Company and the Great Northern Company apply and have effect:—

(1) The Company shall sell and the Great Northern Company shall purchase and may hold and use for the purposes of their undertaking the fee simple in possession free from incumbrances of and in the lands coloured red on the plan marked "A" which has been signed in duplicate by the Right Honourable the Earl of Donoughmore the Chairman of the

A.D. 1912.

Committee of the House of Lords to whom the Bill for this Act was referred (one copy of which has been deposited in the Private Bill Office of the House of Commons and one copy in the Parliament Office of the House of Lords and which plan is herein-after called "the signed plan") together with all mines and minerals (if any) belonging to the Company in and under the said lands at such price and on and subject to such terms and conditions as may have been agreed between the Limited Company and the Great Northern Company before the passing of this Act or failing such agreement at such price and on such terms and conditions as shall be agreed between the Company and the Great Northern Company or failing such agreement as shall be determined by arbitration under the Arbitration Act 1889:

(2) Whenever under the powers of this Act the Company shall require to lay down place repair alter remove or renew any mains pipes culverts or apparatus in connexion with their undertaking upon across or under any railway for the time being belonging to or worked by the Great Northern Company or the stations bridges approaches or other works thereof or to construct any works adjoining thereto they shall (except in cases of emergency) give to the engineer of the Great Northern Company fourteen days' notice in writing of their intention to carry out any such works accompanied by sufficient plans:

(3) Such works including the making good and repairing of any roads over any such railway and over any bridges and approaches which the Great Northern Company are or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Company shall be laid constructed and executed at the expense of the Company under the superintendence (if given) and to the reasonable satisfaction of the said engineer and except in cases of emergency according to plans to be previously reasonably approved by him and so as to avoid as far as possible injury to any such railway or any of the works thereof and so as not to cause any interruption to the passage or conduct of the traffic over or at

any such railway or station Provided that if the said engineer shall not express his disapproval of such plans within fourteen days from the submission thereof he shall be deemed to have approved thereof:

(4) When the Company open or break up any road or pavement of any street or other works belonging to or repairable by the Great Northern Company they shall with all convenient speed complete the work for which the same shall be broken up and reinstate and make good the road or works so opened or broken up and shall keep any road or pavement so broken up in good repair for three months after reinstatement and making good and for such further time if any not exceeding in the whole twelve months as the soil so broken up shall continue to subside:

(5) If the Company make any unnecessary delay in completing such work or reinstating and making good such road or works so opened or broken up or neglect to keep the road or pavement in repair as aforesaid the Great Northern Company may cause such work to be executed or effect such repair and the reasonable expense of executing the same shall be repaid to them by the Company:

(6) The Company shall repay to the Great Northern Company the reasonable expense of any temporary works or watching which may be necessary to provide for the protection of any such railway or the traffic thereon or thereto during the carrying out of the works aforesaid:

(7) If in the execution or maintenance of the works any injury shall arise to any such railway or station or any works connected therewith or any interruption of traffic be caused the Company shall make full satisfaction in respect thereof to the Great Northern Company and in the event of any dispute as to the amount of any such satisfaction the same shall be determined by arbitration in manner herein-after provided:

(8) Any difference which may arise between the Company and the Great Northern Company under the provisions of this section shall unless otherwise agreed be

A.D. 1912.

settled by arbitration under the provisions of the Arbitration Act 1889 by an engineer to be appointed by the President of the Institution of Civil Engineers at the request of either party.

For protection of certain railway companies and committees.

74. The provisions of subsections (2) to (8) both inclusive of the section of this Act of which the marginal note is "For protection of Great Northern Railway Company" shall extend to and apply and have effect for the protection of the Dearne Valley Railway Company the Lancashire and Yorkshire Railway Company the Great Northern and Great Eastern Joint Committee and the South Yorkshire Joint Line Committee respectively as if such railway companies and committees respectively had been named therein instead of the Great Northern Railway Company.

For protection of Doncaster Rural District Council.

75. For the protection of the rural district council of Doncaster (hereafter in this section called "the council") the following provisions shall unless otherwise agreed between the Company and the council have effect (that is to say):—

(1) All mains pipes or works to be laid in or along any road under the jurisdiction of the council shall be constructed and laid in such position in or at the side thereof as the council shall in writing under the hand of their engineer or surveyor reasonably direct and shall not be constructed or laid so as to interfere with the structural part of any bridge under the jurisdiction of the council or any arch connected therewith without the consent of the council and such consent shall not be unreasonably withheld Provided that this subsection shall not apply to service pipes:

(2) All works to be constructed or laid in along or across or in any way affecting any such road or bridge or any approach thereto shall be executed at the expense of the Company under the superintendence (if given) and to the reasonable satisfaction of the engineer or surveyor of the council and except in cases of emergency in accordance with plans and sections to be submitted to and reasonably approved of by him in writing before the commencement of any such work Provided that if the said engineer or surveyor shall not within fourteen days after the same shall have been submitted so express his approval or disapproval

thereof or signify his requirements in relation thereto he shall be deemed to have approved thereof:

(3) The said works shall be so executed as not in any way to stop or unreasonably interfere with the traffic of any such road or bridge or any approach thereto and all such works shall be proceeded with and completed with all reasonable dispatch:

(4) Nothing in this Act contained shall affect the powers of the council at any time or times to divert widen or improve any such road or to remove alter widen or renew any such bridge or the approaches thereto in or alongside which any such mains pipes or works are carried in the same manner as they might have diverted widened or improved removed altered or renewed any such road or bridge or the approaches thereto if this Act had not been passed and such mains pipes and works had not been constructed or laid in over or alongside such road or bridge respectively without making any compensation to the Company for any expense or loss to which the Company may be put in consequence of such diversion widening improvement removal alteration or renewal and in the event of any such road or bridge or the approaches thereto in or alongside which such mains pipes or works are laid being diverted widened improved removed altered or renewed as aforesaid the Company shall within such reasonable time as the engineer or surveyor of the council may prescribe remove or alter the position of their said mains pipes or works and replace the same to the reasonable satisfaction of the said engineer or surveyor Provided that before and during such diversion widening improvement removal alteration or renewal of any such main road or bridge as aforesaid the council shall afford all reasonable facilities for temporarily carrying such mains pipes or works along the road or across or under the stream so as not to interrupt the continuous supply of gas Provided also that all expense reasonably incurred by the Company under the provisions of this subsection in removing or altering the position of such mains pipes or works shall be repaid to them by the council except so far as such

A.D. 1912.

expense is necessarily incurred consequent upon the removal alteration widening or rebuilding of any such bridge as aforesaid or approach:

(5) Notwithstanding anything in this Act contained if any difference arise between the Company and the council touching this section or anything to be done or not to be done thereunder such difference shall be settled by an engineer as arbitrator agreed upon or failing agreement to be appointed by the President of the Institution of Civil Engineers on the application of either of the parties.

MISCELLANEOUS.

Receipt in case of persons not sui juris.

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

Company to pay interest on money deposited as security for gas meter &c.

77. If any person is required by the Company to give to them security for any supply of gas or for the payment of the price or rent of a meter and such security is made by way of deposit the Company shall pay interest at the rate of four pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands as security.

Power to take licences for use of patents.

78. The Company may acquire take and use any leave licence or authority to work use exercise and put in practice any invention under letters patent made or to be made granting any right or privilege of working using exercising or vending any invention in relation to the production manufacture utilisation or distribution of gas or materials employed in or resulting from the manufacture of gas or any residual products thereof but not so as to acquire any exclusive right to the working using exercising or putting in practice of any such invention.

Dwelling-houses for workmen.

79. 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 their undertaking and may erect fit up maintain and let any of such buildings upon any lands for the time being belonging or leased to the Company.

Recovery of demands.

80. Proceedings for the recovery of any demand made under the authority of this Act or any incorporated enactment whether

provision is or is not made for the recovery in any specified court or manner may be taken in any 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.

Authentication of notices.

81. Any notice to be served by the Company demanding payment of any charge in respect of a supply of gas or of fittings shall be sufficiently authenticated by the name of the secretary or of a collector or other officer of the Company for the time being authorised in writing by the directors being affixed thereto in print or by a stamp.

Recovery of penalties &c.

82. 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 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.

Copy of Act to be registered.

83. The Company shall deliver to the Registrar of Joint Stock Companies a printed copy of this Act and he shall retain and register the same and if such copy is not so delivered within three months from the passing of this Act the Company shall incur a penalty not exceeding two pounds for every day after the expiration of those three months during which the default continues and any director or manager of the Company who knowingly and wilfully authorises such default shall incur the like penalty Every penalty under this section shall be recoverable summarily.

There shall be paid to the Registrar by the Company on such copy being registered the like fee as is for the time being payable under the Companies (Consolidation) Act 1908 on registration of any document other than a memorandum or the abstract required to be filed with the Registrar by a receiver or manager or the statement required to be sent to the Registrar by the liquidator in a winding-up in England.

Costs of Act.

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

A.D. 1912.

The SCHEDULE referred to in the foregoing Act.

LANDS FOR GASWORKS.

PART I.

A piece of land containing by admeasurement 1113 square yards or thereabouts situate in the parish or township of Bawtry in the West Riding of the county of York bounded on or towards the north-west by a public footpath on or towards the south-west in part by the Congregational Chapel (now disused) and in part by property belonging or reputed to belong to the Reverend Thomas Thornley Taylor on or towards the south-east by a stream or watercourse and on or towards the north-east in part by the said stream or watercourse and in part by other property belonging or reputed to belong to the said Reverend Thomas Thornley Taylor.

PART II.

A piece of land containing by admeasurement five acres three roods and twenty-nine perches or thereabouts situate in the aforesaid parish or township of Bawtry bounded on or towards the east by the lands coloured red on the plan referred to in the section of this Act of which the marginal note is "For protection of Great Northern Railway Company" on or towards the north-east by property belonging or reputed to belong to Henry Berry on or towards the north-west by property belonging or reputed to belong to James Abson and on or towards the south-west in part by property belonging or reputed to belong to Mrs. Elizabeth Holden and in part by property belonging or reputed to belong to John Walker.

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