CHAPTER cxxiii.

An Act to make better provision for the recovery by the Brighton and Hove General Gas Company of Gas Rents and Rates, to alter existing Rents and Rates; and for other purposes. [7th July 1873.]

A.D. 1873.

WHEREAS the Brighton and Hove General Gas Company (in this Act called the Company) are incorporated and empowered for the purpose of manufacturing gas and supplying the same to the town and parishes of Brighton, Aldrington, Portslade, Southwick, Kingston, New Shoreham, Preston, Patcham, Pyecomb, Clayton, Old Shoreham, and Lancing; and the several Acts relating to the Company are described in the schedule to this Act:

And whereas the maximum dividend to be paid on the capital of the Company is defined by the Company's Acts, and the maximum price to be charged by the Company for a supply of gas within their limits is likewise defined in those Acts:

And whereas the price of labour, and of coal and other materials used by the Company in their business, has so greatly increased that it is necessary and just that the said maximum price should be increased:

And whereas it is expedient to simplify the recovery of gas rents, and to prevent fraud on the part of consumers:

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 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, as follows; (that is to say,)

Short title.

1. This Act may be cited as the Brighton and Hove Gas Act, 1873, and the several Acts described in the schedule hereto may be cited for all purposes by the short titles given in the third column of the said schedule.

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Sect. 28. of 29 & 30 Vict. c. clxxxiv., repealed.

2. Section twenty-eight of the Brighton and Hove Gas Act, 1866, is hereby repealed.

Price of gas.

3. Subject to any contracts subsisting at the passing of this Act between the Company and any consumers, other than the mayor, aldermen, and burgesses of Brighton, the Company may, after the passing of this Act, charge to consumers by meter for each one thousand cubic feet of gas a price not exceeding the following respective amounts; that is to say, in the parish of Brighton or within the parish of Hove, four shillings; in the parishes of Portslade, Southwick, Kingston, and New Shoreham, four shillings and sixpence; and in any other parish or place within the Company's limits of supply, five shillings and sixpence; and section twenty-nine of the Brighton and Hove Gas Act, 1866, shall have effect accordingly; but the consent of the Board of Trade shall at the expiration of the period of one year from the passing of this Act be obtained for the continuance of the prices hereby authorised to be charged within the parishes of Brighton and Hove, and if such consent be not obtained, then the prices to be charged by the Company in those parishes shall be reduced sixpence per thousand cubic feet: Provided always, that the Company shall not divide more than at the rate of five per cent. per annum on their ordinary capital for any half year in which they shall have charged within the parishes of Brighton and Hove more than the maximum prices allowed under their Acts existing prior to the passing of this Act.

Power to Board of Trade to grant provisional orders.

4. It shall be lawful for the Board of Trade, with a view to prevent undue loss to the Company arising from unusual increase in cost of production, or to the prevention of undue accumulation of profits, from time to time, upon the application of the Company or of any municipal, sanitary, or other local authority in respect to any district under its control, to make from time to time provisional orders increasing or reducing and regulating the price of gas chargeable by the Company to the consumers, or the scales of illuminating power of the gas supplied by the Company, and all the provisions of "The Gas and Water Facilities Act, 1870," with respect to application for the making, publication, and confirmation of provisional orders, shall, so far as the same are applicable, apply to any provisional order made under this section.

Recovery of charges for gas.

5. In case any person who has been supplied with gas by the Company, or who is liable under the Company's Acts to any payment in respect of a supply of gas or the use or repair of any meter, fails after demand thereof in writing left upon the premises

of the person by the Company, their agent or collector, to pay the amount due in respect of the supply or of the meter, any justice, on application by the Company, shall issue his summons to the person, requiring him to appear at a time and place named therein, and then and there to show cause why the sum so demanded should not be paid; and if on the appearance of the person, or in default of appearance, after proof of the service of the summons either personally or at his last known place of abode or of business, sufficient cause be not shown to the contrary, the justice shall issue his warrant of distress for the seizure and sale of the goods and chattels of the person for the recovery of the amount proved before the justice to be due from the person, with such costs to be settled by the justice, and including the costs of cutting off the gas if the same be cut off by the Company, as the justice thinks just and reasonable; and proceedings under this section for the recovery of money due to the Company for the supply of gas or for the use or repair of any meter may, notwithstanding the provisions of any Act to the contrary, be taken by the Company at any time after such money becomes due.

Mode of testing gas.

6. Sections thirty-nine and forty of "The Brighton and Hove General Gas Company's Act, 1866," shall be and the same are hereby repealed; and in lieu thereof be it enacted as follows:

All gas supplied by the Company shall be tested by Sugg's No. 1 London argand burner, consuming five cubic feet of gas per hour, with a six-inch by one-and-three-quarter inch glass chimney, and if at any time the gas flame rises above the top of the glass a six-inch by two-inch chimney shall be used, and such gas shall produce a light equal in intensity to the light produced by fourteen uncased sperm candles of six to the pound, each burning one hundred and twenty grains an hour, and shall be so far free from sulphuretted hydrogen as not to discolour moistened test-paper imbued with acetate or carbonate of lead when exposed for one minute to a current of gas issuing under a pressure of five tenths of an inch of water: Provided that if the council of the borough of Brighton shall at any time by notice under the hand of their town clerk require that gas of not less than the illuminating power of fifteen such candles shall be supplied, the Company shall within six months from the service of such notice supply gas of fifteen-candle quality (such quality to be ascertained mutatis mutandis as herein-before mentioned with respect to gas of fourteen-candle quality), and in such case the Company may charge a price not exceeding four shillings and threepence

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per thousand cubic feet in lieu of four shillings per thousand feet as in this Act is mentioned.

Deposit of model burner.

7. The Company shall, within one month after the passing of this Act, deposit at the town hall at Brighton a model of the burner required by this Act, and such model shall be verified by the inspector acting for Brighton under the Public General Act of the twenty-second and twenty-third years of the reign of Her present Majesty, chapter sixty-six, in such manner as he thinks best, and shall be kept by the town clerk; and all consumers of the Company's gas shall at all reasonable times be allowed to inspect the said model.

New burner to be used for testing gas.

8. In testing gas supplied by the Company in pursuance of the forty-first section of "The Brighton and Hove General Gas Company's Act, 1866," the corporation of the borough of Brighton, or any other local authority, shall use the burner in this Act described instead of the burner described in the said Act of 1866.

Company to supply gas to public lamps in Brighton on request of corporation.

9. The Company shall from time to time, at the request in writing of the corporation of Brighton, supply all or any of the public lamps within the borough of Brighton with so much gas, not being less than fifteen thousand cubic feet for each lamp in each year, as the corporation may from time to time desire, anything in "The Brighton and Hove General Gas Company's Act, 1866," contained to the contrary notwithstanding.

Expenses of Act.

10. The costs, charges, and expenses preliminary to and of and incidental to the preparing, applying for, obtaining, and passing of this Act shall be paid by the Company.

The SCHEDULE to which the foregoing Act refers.

The Company's former Acts.

Session and Chapter.	Title or Short Title.	Short Title under foregoing Act.
2 and 3 Victoria, chap. 38.	An Act for better lighting with gas the town of Brighton and the several places therein mentioned in the county of Sussex.	The Brighton and Hove Gas Act, 1839.
6 and 7 Victoria, chap. 21.	An Act to amend an Act of the second year of Her present Majesty's reign, for better lighting with gas the town of Brighton and the several places therein mentioned in the county of Sussex.	The Brighton and Hove Gas Act, 1843.
17 and 18 Victoria, chap. 42.	The Brighton and Hove Gas Act, 1854.	The Brighton and Hove Gas Act, 1854.
29 and 30 Victoria, chap. 184.	The Brighton and Hove General Gas Company's Act, 1866.	The Brighton and Hove Gas Act, 1866.
33 and 34 Victoria, chap. 106.	The Brighton and Hove General Gas Company's Act, 1870.	The Brighton and Hove Gas Act, 1870.

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