CHAPTER xix.

An Act to extend the limits of supply of the Brighton and Hove General Gas Company and for other purposes. A.D. 1915

[24th June 1915.]

WHEREAS the Brighton and Hove General Gas Company (in this Act referred to as "the Company") are incorporated and empowered by the Brighton and Hove Gas Acts 1839 to 1912 to manufacture gas and supply the same within the limits in the said Acts mentioned:

And whereas it is expedient that the Company should be authorised to extend their present limits of supply so as to include therein the parishes of Botolphs and Coombes in the county of West Sussex:

And whereas it is expedient that such other provisions be made with respect to the Company and their undertaking as are in this Act contained:

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 and collective titles.

1. This Act may be cited as the Brighton and Hove Gas Act 1915 and the Brighton and Hove Gas Acts 1839 to 1912 and this Act may be cited together as the Brighton and Hove Gas Acts 1839 to 1915 and each of those Acts is hereinafter

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referred to separately as the Act of the year in which the same was passed.

Interpretation.

2. In this Act unless there be something in the subject or context repugnant to such construction—

The expression "the undertaking" means the undertaking of the Company as authorised by the Brighton and Hove Gas Acts 1839 to 1915;

The expression "the directors" means the directors of the Company.

EXTENSION OF LIMITS OF SUPPLY.

Extension of limits of supply.

3. From and after the passing of this Act the limits of the Company for the supply of gas shall include in addition to their existing limits of supply the parishes of Botolphs and Coombes in the rural district of Steyning West in the county of West Sussex and subject to the provisions of this Act the Company shall have and may exercise within the limits of supply as so extended all and the like powers privileges and authorities and shall be subject to all and the like duties liabilities and obligations as they now have and are subject to within the said existing limits of supply of the Company.

Price of gas.

4.—(1) The Company may charge for gas supplied by them within the said parishes of Botolphs and Coombes such price as they think fit not exceeding by more than one shilling and three pence per thousand cubic feet of gas the price for the time being charged by the Company in the inner area referred to in section 18 of the Act of 1910.

(2) The Company may notwithstanding anything contained in this section charge in either of the said parishes a price or prices being less than the price which they are from time to time authorised to charge therein but not less than the price or prices charged in respect of the same period within the said inner area.

RESERVE FUND.

Power to create a reserve fund.

5.—(1) Where in any half-year the dividends on the ordinary capital of the Company shall exceed the standard rates by reason of the price charged by the Company for gas in such half-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 dividends the Company may in such half-year

set apart such sum as they shall think fit and all sums (if any) so set apart by the Company and any reserve fund of the Company existing at the passing of this Act shall be invested in securities in which trustees are authorised by law to invest money or in such other securities as shall be authorised by a resolution of the Company and the dividends and interest arising from such securities shall 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 dividends in any half-year in which the clear profits of the Company shall be insufficient to enable the Company in such half-year to pay 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.

(2) Section 11 of the Act of 1910 is hereby repealed.

DIRECTORS AND AUDITORS.

Notice of candidature for office of director.

6. 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.

Amendment of sections 16 and 17 of Act of 1881.

7. The proviso to section 16 of the Act of 1881 and the proviso to section 17 of that Act (as amended by section 15 of the Act of 1910) shall be read and construed as if the same respectively referred to any chief engineer general manager or secretary of the Company instead of the then present engineer and general manager of the Company in the said provisoes referred to Provided always that in no event shall there be more than one such person at the same time holding office as director by virtue of the provisions of this section.

Notice as to persons seeking election as auditors.

8.—(1) From and after the passing of this Act no person not being a retiring auditor of the Company shall be eligible to be elected at any general meeting an auditor of the Company

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unless notice in writing be given to the secretary or left at the principal office of the Company fourteen days at least before the day of election that such person will be proposed for election as an auditor of the Company and the secretary of the Company shall during such fourteen days and on the day of election fix a copy of every such notice so delivered in some conspicuous place in such office.

(2) Nothing in this section shall be deemed to in any way affect the powers of the mayor aldermen and burgesses of the county borough of Brighton under section 21 of the Act of 1866 or the powers of the mayor aldermen and burgesses of the borough of Hove under section 35 of the Act of 1879.

MISCELLANEOUS.

Power to directors to make donations subscriptions &c.

9. The directors may subscribe or make donations to any fund raised in any case of national emergency or to infirmaries or hospitals which are within the limits of supply for the time being of the Company and to convalescent homes and to other institutions and objects to any exhibitions and to the benevolent and sick funds of the employees of the Company and may subject to the provisions of this Act for any of those purposes apply the funds and revenues of the Company.

Benefits to employees injured and dependents of employees killed &c. in war.

10.—(1) The directors may subject to the provisions of this Act grant such gratuities or make such pension or other allowance or payment as they may think fit out of the funds and revenues of the Company to any employee of the Company disabled injured or incapacitated while serving with any of His Majesty's forces in war or in the event of any such employee being killed in action or dying of wounds injuries or disease received or contracted whilst in such service to the widow family or any dependent of any such employee.

(2) The directors may enter into and carry into effect agreements with any insurance company or other association or company for securing to any such employee or the widow family or any dependent of any such employee gratuities pension or other allowance or payment as aforesaid and may subject to the provisions of this Act make payments out of the revenues of the Company for that purpose.

Limit of payments in donations benefits &c.

11. The total amount of the payments made by the directors in any year out of the funds and revenues of the Company under the provisions of the sections of this Act of which the

marginal notes respectively are "Power to directors to make donations subscriptions &c." and "Benefits to employees injured and dependents of employees killed &c. in war" shall not exceed a sum equal to one halfpenny per thousand cubic feet of gas supplied by the Company during such year.

Power to grant pensions &c.

12. The directors may in addition to forming a benefit fund under the Act of 1912 grant pensions and retiring or superannuation allowances to officers and servants (other than weekly servants) of the Company and for that purpose may apply the funds and revenues of the Company Provided that the total amount of the payments made by the directors in any year under the provisions of this section shall not exceed an amount equal to one halfpenny per thousand cubic feet of gas supplied by the Company during such year.

Purchase of gas in bulk.

13. The Company may enter into and carry into effect agreements with any company body or person for the purchase of gas in bulk by the Company for such price and on such terms and conditions and for such period as may be agreed upon and any gas so purchased may be used by the Company for distribution within their limits of supply and otherwise for the purposes of the undertaking.

Company to pay interest on money deposited.

14. As from the first day of January one thousand nine hundred and sixteen section 36 of the Act of 1879 shall be and the same is hereby repealed and in lieu thereof the following provisions shall apply and have effect (that is to say):—

(1) If any person is required by the Company to give 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 after 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:

(2) The provisions of subsection (1) of this section shall apply to any deposit in the hands of the Company on the said date and any such interest on any such last-mentioned deposit shall be calculated as from such date accordingly.

Appointment of proxies.

15. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 the attorney of any stockholder of the Company duly authorised in writing may appoint a proxy to vote

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for and on behalf of the stockholder and for that purpose may execute on behalf of the stockholder the necessary form of proxy Provided that the instrument appointing the attorney shall be transmitted to the secretary of the Company at the same time as the instrument appointing the proxy.

Joint holders.

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

Engines &c. though fixed to premises to remain Company's property.

17. Subject as hereinafter provided all engines fittings apparatus and appliances (in this section referred to as "fittings") let by the Company on hire or under hire-purchase agreements under any statutory powers 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 owners thereof Provided also that nothing in this section shall affect the amount of the assessment for rating of any premises upon which any such fittings are or shall be fixed.

As to mode of cutting off supplies.

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

Provided that if and so soon as the matter complained of shall have been remedied nothing in this section shall prejudice

or interfere with any rights vested in any person by virtue of section 11 of the Gasworks Clauses Act 1871.

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

Occupier to pay expenses of re-connecting discontinued supply.

19. In any case in which in consequence of any default on the part of the occupier of any premises the Company have cut off the supply of gas to such premises and the occupier so in default shall desire to resume such supply he shall pay to the Company the expenses of re-connecting the supply and the Company shall not be under any obligation to supply gas to such occupier until he shall have paid such expenses.

Supply of gas when consumer has separate supply.

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

Amending obligations as to supply of gas.

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

Several sums in one summons.

22.—(1) Where the payment of more than one sum by any person is due under this or any other Act of or relating to the Company or the undertaking any summons or warrant issued for the purposes of any of those Acts in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

(2) Section 34 of the Act of 1910 is hereby repealed.

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Recovery of demands.

23. 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.

Recovery of penalties &c.

24. 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 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.

Power to Company to apply their funds.

25. The Company may from time to time apply for or towards all or any of the purposes of this Act and for or towards the general purposes of the undertaking to which capital is properly applicable any sums of money which they have already raised or are authorised to raise under and by virtue of the Brighton and Hove Gas Acts 1839 to 1912 or which may be in their possession or under their control and which are not required for the purposes to which they are by those Acts made specially applicable.

Costs of Act.

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

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