CHAPTER cxxii.

An Act for conferring further powers on the Broadstairs Gas Company. A.D. 1903.

[21st July 1903.]

WHEREAS by the Broadstairs Gas Act 1875 (herein-after called "the Act of 1875") the Broadstairs Gas Light and Coke Company Limited was dissolved and re-incorporated as the Broadstairs Gas Company (herein-after called "the Company") for the purpose of (amongst other things) making and supplying gas to the places and within the limits in the said Act described:

And whereas further powers were conferred upon the Company by the Broadstairs Gas Order 1883 (herein-after referred to as "the Order of 1883") which was confirmed by the Gas and Water Orders Confirmation Act 1883 and the Broadstairs Gas Act 1902 (herein-after referred to as "the Act of 1902"):

And whereas the capital of the Company including premiums is as follows:—

Under the Act of 1875—

	£
The "original capital" bearing a maximum dividend of ten per centum per annum -	6,000
"Additional capital" bearing a maximum dividend of seven per centum per annum -	6,000
In respect of borrowing powers afterwards converted into preference stock - -	2,000
Under the Order of 1883—	
The "new capital" bearing a standard dividend of seven per centum per annum -	20,000
Under the Act of 1902—	
"Additional capital" bearing a standard dividend of seven per centum per annum -	9,000

And whereas under the Order of 1883 a sliding scale of dividend governed by the price of gas for the time being was applied to the capital of the Company:

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And whereas the Company have under the powers of the Acts and Order herein-before recited borrowed and now owe sums amounting in the aggregate to six thousand six hundred and fifty pounds and there remains to be borrowed under the said Acts and Order the sum of one thousand three hundred and fifty pounds:

And whereas the Company have created and issued the whole of their authorised capital:

And whereas it is expedient that the Company be authorised to raise additional capital and that its borrowing powers be enlarged and that such further powers be conferred upon the Company as are herein-after contained:

And whereas the demand for gas within the Company's limits of supply is increasing and the existing works of the Company and the lands whereon the same are erected are insufficient to enable the Company to meet such demand and it is expedient that the Company be authorised to acquire additional lands for extending their works and to erect thereon additional works for the manufacture and storage of gas and for other purposes connected with their undertaking:

And whereas plans showing the lands required or which may be taken or used for the purposes of this Act and a book of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of and describing such lands have been deposited with the clerk of the peace for the county of Kent and are herein-after referred to as "the deposited plans and book of reference":

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

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

Preliminary.

Short title.

1. This Act may be cited as the Broadstairs Gas Act 1903.

Incorporation of general Acts.

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

The Lands Clauses Acts:

The Gasworks Clauses Act 1847 and the Gasworks Clauses Act 1871:

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

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions and the means of enforcing the payment of calls;

The forfeiture of shares for non-payment of calls;

The remedies of creditors of the Company against the shareholders;

The borrowing of money by the Company on mortgage or bond;

The consolidation of the shares into stock;

The general meetings of the Company and the exercise of the right of voting by the shareholders;

The making of dividends;

The giving of notices; and

The provision to be made for affording access to the special Act by all parties interested:

Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts.

Interpretation.

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

Purchase of Lands and Construction of Gasworks.

Power to acquire lands.

4. Subject to the provisions and for the purposes of this Act the Company may enter upon take hold and use as part of and for the purposes of their undertaking all or any of the lands described in the schedule to this Act and which are delineated on the deposited plans and described in the deposited book of reference.

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

5. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Company after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county of Kent for the correction thereof

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and if it appear to the justices that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Kent and a duplicate thereof shall also be deposited with the clerk to the parish council of St. Peter Extra in which the lands affected thereby are situate and such certificate and duplicate respectively shall be kept by such clerk of the peace and clerk of the said parish council with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Company to take the lands and execute the works in accordance with such certificate.

Power to construct gasworks.

6. Subject to the provisions of this Act the Company may upon the lands described in the schedule to this Act or upon any part thereof erect construct lay down provide and maintain alter improve enlarge extend and renew or discontinue additional or other gasworks and works for the manufacture and storage of gas and for the manufacture conversion utilisation storage and distribution of materials used in or residual products resulting from such manufacture and the Company may also from time to time as they think fit provide lay down maintain alter improve enlarge extend and renew all necessary retorts gasholders receivers drains sewers mains pipes machinery and other works and apparatus and conveniences and do all such acts as they may think proper for making and storing gas and for supplying gas within their limits for the supply of gas and may make store and supply gas accordingly and manufacture sell provide supply and deal in lime coke chemicals tar pitch asphaltum sulphate of ammonia ammoniacal liquor and all other products or residuum of any materials employed in or resulting from the manufacture of gas.

Period for compulsory purchase of lands.

7. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Power to purchase lands by agreement.

8. The Company may for the purposes of their 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 Provided that the Company shall not create

or permit a nuisance on any such lands and no lands acquired by the Company under the powers of this Act except the lands described in the schedule to this Act shall be used by the Company for the purpose of manufacturing gas or residual products or except subject to the provisions of section 5 of the Gasworks Clauses Act 1871 for the purpose of storing gas.

Company not to manufacture gas on existing site after twenty years from passing of Act.

9. The Company shall not except with the consent of the Broadstairs and St. Peter's Urban District Council manufacture gas on their existing site after the expiration of a period of twenty years from the date of the passing of this Act.

Restriction on taking houses of labouring class.

10. The Company shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the Court may if it think fit reduce such penalty.

For the purposes of this section the expression "house" means any house or part of a house occupied as a separate dwelling and the expression "labouring class" means mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Capital.

Power to Company to raise additional capital.

11. The Company may from time to time raise additional capital not exceeding in the whole sixty thousand pounds by the creation and issue of new ordinary shares or stock or new preference shares or stock or wholly or partially by one or more of those modes respectively but the Company shall not issue any

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share of less nominal value than ten pounds nor shall any such share or stock vest in the person or corporation accepting the same unless and until the full price of such share or stock including any premium obtained upon the sale thereof shall have been paid in respect thereof Provided that it shall not be lawful for the Company to create and issue under the powers of this Act any greater nominal amount of capital than shall be sufficient to produce (including any premium which may be obtained on the sale thereof) the sum of sixty thousand pounds:

Provided also that the Company shall not under the powers of this Act create a greater amount than twenty thousand pounds (nominal value) of such additional capital as preference capital.

Except as otherwise provided new shares or stock to be subject to same incidents as existing stock.

12. Except as is by this Act otherwise provided the additional capital in new shares or stock created by the Company under this Act and the holders thereof shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company of the same class or description and the new shares or stock were stock in that capital.

New capital to form part of capital of Company.

13. The additional capital in new shares or stock so created shall form part of the capital of the Company.

Dividends on new ordinary stock.

14.—(1) The provisions of section 23 of the Order of 1883 shall extend and apply to so much of the additional capital by this Act authorised as shall be raised by the creation and issue of ordinary stock and for the purposes of that section the standard rate of dividend payable to the holders of such capital shall be seven pounds in respect of every one hundred pounds actually paid up of such capital subject to reduction or increase as prescribed in the said section in relation to the existing capital at the rate of three shillings and sixpence in the one hundred pounds.

(2) The profits of the Company to be divided in any one year among the holders of so much of the additional capital to be raised under the powers of this Act as shall be issued as preference capital shall not exceed the rate of four pounds in respect of every one hundred pounds.

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

15. Notwithstanding anything in this Act contained the Company shall when any shares or stock created under the powers of this Act are or is to be issued and before offering the same to the holder of any other shares or stock in the Company and whether the ordinary shares or ordinary stock of the Company are or is at a premium or not offer the same for sale by public auction or by tender in such manner at such times and subject to such

conditions of sale as the Company shall from time to time determine Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock and that the reserved price put upon such shares or stock shall not be less than the nominal amount thereof and notice of the amount of such reserved price shall be sent by the Company in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner And provided that no priority of tender shall be allowed to any holder of shares or stock in the Company except that if any bid or offer by tender of any holder or holders of shares or stock in the Company be the same in amount as any bid or offer made by any other person the bid or offer of such holder or holders of shares or stock in the Company may be accepted in preference and preference may in like manner be given to any employee or gas consumer whose bid or offer is the same in amount as any bid or offer made by any other person not being a holder of shares or stock in the Company.

Purchase money of capital sold to be paid within three months.

16. It shall be one of the conditions of any sale of shares or stock under this Act that the full amount thereof including any premium given by any purchaser at such sale shall be paid to the Company within three months after such sale.

Notice to be given as to sale of shares or stock.

17. The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the clerk to the urban district council of Broadstairs and St. Peter's and to the secretary of the committee 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 notice of such intention shall be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the limits of the Company for the supply of gas.

Shares or stock not sold by auction or by tender to be offered to holders of ordinary shares or stock.

18. When any shares or stock created under the powers of this Act have been offered for sale by auction or tender and not sold the same shall be offered at the reserved price put upon the same respectively for the purpose of sale by auction or tender to the holders of ordinary shares or ordinary stock of the Company in manner provided by the Companies Clauses Act 1863 Provided always that any shares or stock so offered and not accepted within the time prescribed by the said Act shall again be offered for sale by public auction or by tender in the manner and subject to the

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provisions of this Act with respect to the sale of shares or stock created under the powers of this Act and the reserve put upon such stock may upon such second auction or tender if the directors of the Company think fit be less than the nominal amount thereof and any stock or shares not then sold shall be again offered to the holders of ordinary shares or ordinary stock at the last-mentioned reserved price and so from time to time until the whole of such shares or stock is sold.

Power to borrow.

19. The Company may subject to the provisions of this Act borrow on mortgage of the undertaking in respect of the additional capital by this Act authorised to be created and issued any sum or sums not exceeding in the whole one-third part of the amount which the Company have at the time actually raised by the issue of shares or stock in such additional capital but no part thereof shall be borrowed until the whole of the shares or stock at the time issued together with the premium (if any) realised on the sale thereof shall have been fully paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that such shares or stock and premium (if any) have been issued and fully paid up and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Appointment of receiver.

20. Section 37 of the Act of 1875 and section 21 of the Order of 1883 are hereby repealed but without prejudice to any appointment heretofore made or to any proceedings pending at the passing of this Act and in lieu thereof the mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver and 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 five thousand pounds in the whole.

Power to create debenture stock.

21. 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 of all debenture stock and of all mortgages at any time after the passing of this Act created and issued or granted by the Company under any previous Act or 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 issued after the passing of this Act.

Priority of mortgages and debenture stock over other debts.

22. All money to be raised by the Company on mortgage or by the issue of debenture stock shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act Provided always that this priority shall not affect any claim against the Company or their property in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company in pursuance of any Act relating to the Company which is entitled to rank in priority to or pari passu with the interest or dividend on their mortgages or debenture stock.

Existing mortgages to have priority.

23. All mortgages granted by the Company in pursuance of any Act of Parliament or Order before the passing of this Act and subsisting at the date of the passing of this Act shall during the continuance thereof have priority over all mortgages granted in pursuance of this Act but nothing in this section contained shall affect the priority of the interest of any debenture stock at any time created and issued by the Company.

Receipt in case of persons not sui juris.

24. If any money is payable by the Company to a shareholder stockholder 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.

Application of moneys.

25. All moneys raised under this Act whether by shares or stock debenture stock or borrowing shall be applied for the purposes of this Act and for the general purposes of the Company being in all cases purposes to which capital is properly applicable and the Company may apply to the purposes of this Act to which capital is properly applicable any moneys they may have already raised or are authorised to raise.

Application of excess of profits over standard rate of dividend.

26. If the clear profits of the undertaking of the Company in any year amount to a larger sum than is sufficient to pay the dividend at the authorised rates the excess or such portion of it as is not carried to the insurance fund shall subject to the provisions of this Act be carried to the credit of the divisible profits of such undertaking for the next following year.

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Miscellaneous.

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

27. The Company may manufacture purchase provide supply sell let for hire or on hire-purchase use and otherwise deal in fit up alter repair remove and re-fix fittings engines machines stoves and other apparatus and fittings (herein-after collectively referred to as "articles and fittings") for lighting for motive power and for the heating of houses and buildings by gas and for any other purposes to which gas may be applied and may provide all materials and do all works necessary or proper in that behalf and charge the cost thereof to capital account Any such letting for hire or hire-purchase may be for such rent or remuneration in money and on such terms with respect to the repair of articles and fittings let and for securing the safety and return to the Company of such articles and fittings and otherwise as may be agreed upon between the Company and the persons to or for whom the same are sold supplied let fixed up altered or removed And the Company may supply gas for heating motive power and any other purpose as aforesaid and may do all things needful therefor on such terms and conditions in all respects as may be agreed on between the Company and the party to or for whom such supply shall be given.

Any articles and 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 any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be Provided that such articles and fittings have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Company as the actual owners thereof.

Power to refuse supply to persons in debt for other premises.

28. If a person requiring a supply of gas from the Company has previously quitted premises at which gas was supplied to him by the Company without paying to them all gas or meter rent due from him to the Company they may refuse to furnish to him a supply of gas until he pays the same.

Expenses of Act.

29. All the costs charges and expenses preliminary to and of and incident to the preparing applying for and the obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

The SCHEDULE referred to in the foregoing Act.

Land upon which Gasworks may be erected and maintained.

A piece of land being part of the Hopeville Estate situate in the parish of St. Peter Extra in the Isle of Thanet in the county of Kent containing by admeasurement three acres or thereabouts belonging or reputed to belong to Stanley Mockett Brooke Mockett and Sherwood Mockett and in the occupation of Stephen Holley and forming part of enclosure No. 95 on the 1/2500 Ordnance Map of the Isle of Thanet (2nd Edition 1898) which said piece of land is bounded on the north-east by the London Chatham and Dover Railway on the south-east by other land belonging or reputed to belong to the said Stanley Mockett Brooke Mockett and Sherwood Mockett and on the south-west by land belonging or reputed to belong to Edward Lock Tomlin.

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