CHAPTER vi.

An Act for supplying with Gas the District of Crowborough in the County of Sussex and adjacent places. A.D. 1899.

[6th June 1899.]

WHEREAS there is no adequate supply of gas to the district of Crowborough in the county of Sussex and other parishes and places in that county adjacent thereto:

And whereas the persons in that behalf in this Act named with others are willing on being incorporated into a company with the necessary powers for such purposes to undertake the supply of gas to such district parishes and places and it is expedient that they should be incorporated accordingly and authorised to construct gasworks as by this Act provided and that such other powers as are in this Act contained should be conferred on them for the better and more effectually carrying the purposes of this Act into effect:

And whereas it is expedient that the undertakings of the Crowborough District Gas Company Limited and the Mayfield District Gas Light Company Limited should be acquired by the Company and that the Limited Companies should sell and transfer their undertakings to the Company upon the terms and conditions and in the manner herein-after contained in that behalf:

And whereas the objects of this Act 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:—

Short title.

1. This Act may be cited for all purposes as the Crowborough District Gas Act 1899.

Incorporation of general Acts.

2. The following Acts and parts of Acts (so far as they are applicable for the purposes and are not inconsistent with the powers of this Act) are hereby incorporated with this Act namely The

A.D. 1899.

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) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts and the Gasworks Clauses Acts 1847 and 1871.

Interpretation.

3. In this Act the several words and expressions herein-after mentioned have the meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction (that is to say):—

Words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings;

The expression "the Company" means the Company incorporated by this Act;

The expression "the Crowborough Company" means the Crowborough District Gas Company Limited;

The expression "the Mayfield Company" means the Mayfield District Gas Light Company Limited;

The expression "the Limited Companies" means the Crowborough Company and the Mayfield Company and all persons claiming under or by virtue of anything done by them or either of them respectively;

The expression "the gasworks" means and includes the gasworks and works connected therewith by this Act authorised to be maintained.

Company incorporated.

4. Sidney Robert Dennis Frederick Miller Richard Barnes and all other persons who have already subscribed or 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 of this Act and for those purposes shall be and are hereby incorporated by the name of "The Crowborough 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.

General purposes of the Company.

5. The Company shall be established for the purpose of making and maintaining gasworks and for manufacturing and supplying gas and electricity within the limits of this Act and for carrying on the business usually carried on by gas and electricity supply companies and generally for carrying the powers of this Act into execution.

Capital.

6. The capital of the Company shall be twenty-four thousand pounds in twenty-four thousand ordinary shares of one pound each.

Shares not to be issued until one fifth paid up.

7. Except as otherwise expressly provided by this Act the Company shall not issue any share created under the authority of this Act nor shall any such share vest in the person accepting the same unless and until a sum not being less than one fifth of the amount of such share is paid in respect thereof.

Power to borrow.

8. The Company may from time to time borrow on mortgage of the undertaking any sums not exceeding in the whole six thousand pounds in respect of the capital authorised by this Act Provided that the amount of all moneys borrowed by the Company and secured by mortgage of the undertaking shall not at any time exceed in amount one fourth of the amount of the capital of the Company actually raised by the issue of shares or stock and no higher rate of interest than five pounds per centum per annum shall be paid by the Company in respect of any moneys borrowed under the powers of this Act and secured as aforesaid.

Calls.

9. One fifth of the amount of a share shall be the greatest amount of a call and two months at least shall be the interval between successive calls.

For appointment of a receiver.

10. 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 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 thousand pounds in the whole.

Receipt in case of persons not sui juris.

11. If any money is payable to a shareholder or 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 of the Company.

Debenture stock.

12. 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 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.

A.D. 1899.

Application of moneys.

13. All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied only for the purposes of this Act to which capital is properly applicable.

First ordinary meeting.

14. The first ordinary meeting of the Company shall be held within four months after the passing of this Act.

Number of directors.

15. The number of directors shall be five but the Company may from time to time increase or reduce the number provided that the number be not more than seven or less than three.

Qualification of directors.

16. The qualification of a director shall be the possession in his own right of not less than two hundred shares.

Quorum.

17. The quorum of a meeting of directors shall be three.

First directors.

18. Sidney Robert Dennis Frederick Miller Richard Barnes and any two other persons to be nominated by them and consenting to such nomination 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 shareholders present in person or by proxy may either continue in office the directors appointed by this Act or nominated as aforesaid 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 or nominated as aforesaid being if they continue qualified eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for reducing 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 resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Election of directors.

Auditors need not hold shares.

19. It shall not be necessary for auditors appointed by the Company to hold shares in the capital of the Company.

Limits of Act.

20. The limits of this Act for the supply of gas shall be the following parishes and places namely Crowborough Mayfield Buxted and Hartfield in the county of Sussex and so much of the parishes of Rotherfield Withyham and Frant in that county and Speldhurst in the county of Kent as is not within a radius of four miles from the centre of the western door of Holy Trinity Church Tunbridge Wells.

A.D. 1899.

Purchase of lands by agreement.

21. The Company may by agreement take purchase and hold for the general purposes of the Company any lands within their limits of supply not exceeding in the whole five acres in extent or any easement (not being an easement or right of water in which other parties than the grantors have an interest) in over or under any such lands Provided that the Company shall not upon any such lands create or permit any nuisance and that no buildings shall be erected on such lands except such as are required for or are connected with the purposes of the Company's gasworks and undertaking and also that 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.

For protection of East Sussex County Council.

22. No main or other pipe shall be laid so that any part thereof shall be within two feet six inches of the surface of any road maintained by the county council but this clause shall not apply or be deemed to apply to any hydrant or valve boxes which may be constructed by the Company.

Restriction on taking houses of labouring class.

23. The Company shall not under the powers of this Act purchase or acquire in any city borough or other urban district or in any parish or part of a parish not being within an urban district ten or more houses which on the fifteenth day of December next before the passing of this Act were occupied either wholly or partly 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 under the powers by this Act granted in contravention of the foregoing provision 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 "labouring class" means mechanics artizans 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 such persons who may be residing with them.

A.D. 1899.

Sale and purchase of undertakings of Limited Companies.

24. The Company shall purchase and the Limited Companies shall sell and transfer to the Company their respective undertakings and their gasworks mains or pipes gasholders lands purifiers plant stores works and conveniences in connection therewith together with all their rights and privileges upon such terms and conditions pecuniary or otherwise as may be mutually agreed upon between the parties respectively within six months after the passing of this Act or failing such agreement as shall be settled by arbitration under the Lands Clauses Acts by an arbitrator to be appointed by the President of the Institution of Civil Engineers.

Undertakings of Limited Companies when purchased to vest in Company.

25. Immediately on the payment or satisfaction to either of the Limited Companies by the Company of the price or consideration agreed upon or settled by the arbitrator as aforesaid the undertaking of that company shall become absolutely vested in the Company for all such or the like estate and interest as that company was seised or possessed of or entitled to at the date of such payment or satisfaction.

Receipt of purchase money.

26. The receipt in writing under the hands of the secretary and two of the directors of either of the Limited Companies for the purchase money or consideration shall effectually discharge the Company from such purchase money or consideration payable to that company and from being answerable or accountable for the loss mis-application or non-application thereof.

Copy of Act to be registered.

27. 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.

Company may maintain existing gasworks.

28. The Company may continue maintain and renew alter improve and enlarge or discontinue and abandon as they may think fit any works acquired by and vested in them by this Act upon the lands or any part thereof which are described in the schedule to this Act and they may also on those lands erect lay down provide maintain alter improve enlarge extend and renew or discontinue additional and other gasworks retorts gasometers manufactories condensers scrubbers exhausters purifiers gasholders tanks receivers drains sewers mains pipes meters lamps lamp posts burners stop-cocks 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 within the limits of this Act and may make store and supply gas accordingly and may produce manufacture sell provide supply and deal in coke tar pitch asphaltum ammoniacal liquor and all other products or residuum of any materials employed in or resulting from the manufacture of gas and residual products.

Power to supply gas fittings engines and other apparatus.

29. The Company may purchase provide supply sell let for hire use and otherwise deal in fit up alter repair remove and refix (but shall not manufacture) engines machines stoves ranges burners meters fittings pipes and other apparatus appliances and conveniences for heating ventilating motive power cooking lighting and other domestic manufacturing industrial or other purposes for which gas can or may be used and may provide all materials and do all 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 between the Company and the persons to or for whom the fittings are sold let fixed up repaired or removed And such letting for hire may be on such terms and conditions with respect to the repair of the articles and things let and for securing the safety and return thereof to the Company and otherwise as may be agreed upon between the hirer and the Company.

Fittings not to be subject to distress.

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 any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be Provided that such 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 supply gas for heating cooking and other purposes.

30. The Company may on the request of the owner or occupier of any property within the Company's limits of supply give and continue to give a supply of gas for all or any of the purposes mentioned in the last preceding section of this Act on such terms and conditions in all respects as may be agreed on between the Company and such owner or occupier as aforesaid.

Maximum price of gas.

31. The maximum price to be charged by the Company for gas supplied by them shall not exceed five shillings per thousand cubic feet.

A.D. 1899.

Pressure of gas.

32. All gas supplied by the Company to any consumer of gas shall be supplied at such pressure as to balance a column of water from midnight to sunset not less than six-tenths of an inch in height and from sunset to midnight not less than eight-tenths of an inch in height at the main as near as may be to the junction therewith of the service pipe supplying such consumer and any gas examiner appointed under the Gasworks Clauses Act 1871 may subject to the terms of his appointment test the pressure at which the gas is supplied and may for that purpose open any street road passage or place vested in or under the control of any local or road authority and the provisions of the Gasworks Clauses Act 1871 with reference to testing of gas and to penalties shall mutatis mutandis apply to such testing of pressure and at least three hours previous notice shall be given to the Company of the time and place at which such testing shall be conducted.

No penalty in case of unavoidable cause or accident.

33. No penalty shall be incurred by the Company for insufficiency of pressure defect of illuminating power or for 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 caused by an unavoidable cause or accident Provided that want of funds shall not be deemed an unavoidable cause.

Quality of gas.

34. The prescribed number of candles shall be not less than fifteen.

Testing place.

35. Within six months from the passing of this Act a testing place shall be provided at the works of the Company.

Burner.

36. The prescribed burner shall be Sugg's London Argand burner number one with a six-inch by one-and-three-quarter-inch glass chimney but if at any time and so long as the gas flame rises above the top of that glass a six-inch by two-inch chimney shall be used or any other burner or chimney approved for this purpose by the Board of Trade.

Power to sell or let meters.

37. The Company may sell and dispose of meters or let meters on hire and may charge a rent for each meter at a rate per annum not exceeding fifteen per centum of the price of such meter such rent to be paid quarterly in advance and recoverable with and as a gas rent.

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

38. If any person is required by the Company to give to them security for the payment of the price or rent of a meter 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 twelve months during which the same remains in their hands.

A.D. 1899.

Company to keep meters in repair.

39. The Company shall at all times at their own expense keep all meters or other instruments for measuring gas let by them for hire to any consumer in proper order for correctly registering the supply of gas and in default of their so doing the consumer shall not be liable to pay rent for the same during such time as such default continues The Company shall for the purposes aforesaid have access to and be at liberty to remove test inspect and replace any such meter or other instrument at all reasonable times.

Register of meters to be evidence.

40. Where the Company supply gas by measure the register of the meter or other instrument for measuring gas shall be primâ facie evidence of the quantity of gas consumed and in respect of which any gas rent is charged and sought to be recovered by the Company Provided always that if the Company and the consumer differ as to the quantity consumed such difference shall be determined upon the application of either party by a court of summary jurisdiction who may also order by which of the parties the costs of the proceedings before them shall be paid and the decision of such justices shall be final and binding on all parties.

Period of error in defective meters.

41. 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 rents are recoverable by the Company.

Consumers to give notice to Company before removing.

42. Twenty-four hours' notice in writing shall be given to the Company by every gas consumer before he shall quit any premises supplied with gas by meter 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 contained in every demand note for gas rent.

A.D. 1899.

Power to refuse supply to persons in debt for other pre nises.

43. 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 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.

Injuring meters &c.

44. Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or fittings belonging to the Company or who fraudulently alters the index to any meter or prevents any meter from duly registering the quantity of gas supplied shall (without prejudice to any other right or remedy for the protection of the Company) for every such offence forfeit and pay to the Company a sum not exceeding five pounds and the Company may in addition thereto recover the amount of any damage by them sustained and in any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Company or has fraudulently altered the index to any meter or other instrument for measuring gas or prevented the same from duly registering the quantity of gas supplied or has fraudulently abstracted consumed or used gas of the Company the Company may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for insuring the proper registering by such meter of the quantity of gas supplied by means thereof and the expense of such repair and of all such works matters and things shall be repaid to the Company by the person so offending and may be recovered by them as gas rates are recoverable The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using gas of the Company when such pipe meter or fittings is or are under the custody or control of the consumer shall be primâ facie evidence that such injury alteration prevention abstraction consumption or user as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such meter.

Notice of discontinuance.

45. 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 and be left at or sent by post to the principal office for the time being of the Company.

Compauy may contract with local authority

46. The Company may contract with any local authority company or persons beyond the Company's limits of supply (but only with the consent in writing of the local authority of and of

any company or person supplying gas under parliamentary powers within the district within which the supply is to be given) 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 contracts as shall be agreed upon.

for supply in bulk.

Powers as to electricity.

47. The Company if they think fit may under the provisions of the Electric Lighting Acts 1882 and 1888 or any other Act for the time being in force with respect to the supply of electricity make application for a provisional order or licence to produce and supply electricity for public and private purposes and may apply their funds for the purpose of such application.

Penalties not cumulative.

48. Penalties imposed for one and the same offence by several Acts of Parliament shall not be cumulative and for this purpose this Act and any Act incorporated wholly or in part with this Act shall be deemed several Acts.

Costs of Act.

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

A.D. 1899.

SCHEDULE referred to in the foregoing Act.

Gas Lands.

A piece of land containing one acre and twenty perches or thereabouts situate at Crowborough in the parish of Rotherfield in the county of Sussex upon which or part of which the gasworks of the Crowborough District Gas Company Limited have been erected and which piece of land adjoins the road leading from Rotherfield to Crowborough and the London Brighton and South Coast Railway.

A piece of land in the parish of Mayfield in the county of Sussex being the site of the existing works of the Mayfield District Gas Light Company Limited containing two roods and twelve perches situate at the south-east corner of the pieces of land known as the Island Estate bounded on the west by a parish road called Love Lane and on the south-west by cottages and gardens belonging or reputed to belong to James Wigan and on the north and east by land belonging or reputed to belong to Joseph John Tylor.

Printed by Eyre and Spottiswoode,
for
T. Digby Pigott, Esq., C.B., the Queen's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
Eyre and Spottiswoode, East Harding Street, Fleet Street, E.C.; or
John Menzies & Co., 12, Hanover Street, Edinburgh, and
90, West Nile Street, Glasgow; or
Hodges, Figgis, & Co., Limited, 104, Grafton Street, Dublin.