CHAPTER xii.

An Act to provide for the conversion and consolidation of the existing capital of the East Grinstead Gas and Water Company to authorise the Company to raise additional capital to confer further powers upon the Company with reference to their gas and water undertakings and for other purposes. [20th December 1945.]

WHEREAS the East Grinstead Gas and Water Company (in this Act called "the Company") were incorporated by the East Grinstead Gas and Water Act 1878: 41 Vict. c. lxxvi.

And whereas powers were conferred upon the Company by the East Grinstead Gas and Water Acts and Orders 1878 to 1925 and the Company are empowered to supply gas and water within the respective limits therein defined:

And whereas a statement of the share and loan capital of the Company showing the amounts which the Company are authorised to issue and borrow the amounts issued and borrowed and the amount remaining to be borrowed by the Company is set forth in the schedule to this Act:

And whereas it is expedient that the ordinary stock and shares of the Company should be converted and consolidated as provided by this Act:

And whereas it is expedient that the Company should be authorised to raise additional capital and to borrow further moneys and that such other financial provision should be made as is in this Act contained:

And whereas it is expedient that such further powers with regard to the supply of gas and water should be conferred upon the Company and that such other provision should be made as is in this Act contained:

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 (that is to say):—

Part I.

Preliminary.

Short and collective titles.

1.—(1) This Act may be cited as the East Grinstead Gas and Water Act 1945.

(2) The East Grinstead Gas and Water Acts and Orders 1878 to 1925 and this Act may be cited together as the East Grinstead Gas and Water Acts and Orders 1878 to 1945.

Division of Act into Parts.

2. This Act is divided into Parts as follows:—

Part I.—Preliminary,
Part II.—Financial provisions,
Part III.—Administrative provisions,
Part IV.—Gas,
Part V.—Water,
Part VI.—Gas and water,
Part VII.—Miscellaneous.

Incorporation of Acts.

3.—(1) The following enactments so far as the same are applicable to the purposes and are not inconsistent with the provisions of the East Grinstead Gas and Water Acts and Orders 1878 to 1945 are hereby incorporated with this Act (namely):—

The Lands Clauses Acts;

8 & 9 Vict. c. 16. The Companies Clauses Consolidation Act 1845 except the provisions thereof with respect to the conversion of the borrowed money into capital;

26 & 27 Vict. c. 118. The Companies Clauses Act 1863 (except Part IV thereof) as amended by subsequent Acts;

10 & 11 Vict. c. 15. The Gasworks Clauses Act 1847;

34 & 35 Vict. c. 41. The Gasworks Clauses Act 1871;

10 & 11 Vict. c. 17. The Waterworks Clauses Act 1847 (except the words "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner" in section 44 of that Act);

26 & 27 Vict. c. 93. The Waterworks Clauses Act 1863.

8 & 9 Vict. c. 18. (2) Sections 127 to 132 of the Lands Clauses Consolidation Act 1845 relating to the sale of superfluous lands shall not apply to any land which is now vested in the Company in

PART I. —*cont.*

connection with the gas undertaking or the water undertaking or is hereafter acquired by the Company in connection with either of those undertakings and in the application to the Company of the Gasworks Clauses Act 1871 section 6 of that Act shall be read and have effect as if the words " and the provisions of the Lands Clauses Consolidation Act 1845 sections 128 to 132 (both sections inclusive) shall apply to any such sale " were omitted therefrom.

(3) In the application to the Company of Part III of the Companies Clauses Act 1863 section 22 of that Act shall be read as if the words " and to the same amount as " were omitted therefrom.

(4) In the application to the Company of the Gasworks Clauses Act 1847 section 31 of that Act shall be read as if the words " investments in which trustees are authorised by law to invest " were substituted for the words " government or other securities " and the word " investments " were substituted for the word " securities " wherever that word occurs elsewhere in the said section.

Interpretation.

4. In this Act—

The several words and expressions to which meanings are assigned by the Acts wholly or partly incorporated herewith shall have the same respective meanings unless there be something in the subject or context repugnant to such construction;

" The Company " means the East Grinstead Gas and Water Company;

" The directors " means the directors of the Company;

" The secretary " means the secretary of the Company;

" The gas undertaking " means the gas undertaking of the Company for the time being authorised;

" The water undertaking " means the water undertaking of the Company for the time being authorised;

" The undertaking " means the gas undertaking and the water undertaking;

" The Act of 1878 " means the East Grinstead Gas and Water Act 1878;

" The Act of 1892 " means the East Grinstead Gas and Water Act 1892; 55 & 56 Vict. c. civ.

" The Act of 1910 " means the East Grinstead Gas and Water Act 1910; 10 Edw. 7. & 1 Geo. 5. c. xxxvii.

" The date of conversion " means the first day of January nineteen hundred and forty-six;

PART I. —*cont.*

"The gas limits" means the limits within which the Company are for the time being authorised to supply gas;

"The water limits" means the limits within which the Company are for the time being authorised to supply water;

"The statement of capital" means the statement set forth in the schedule to this Act of the capital which the Company have issued and are authorised to issue under the powers in that behalf contained in the East Grinstead Gas and Water Acts and Orders 1878 to 1925:

"The existing ordinary capital" means the seventy-six thousand two hundred and fifty-four pounds ordinary stock and share capital of the Company issued at the passing of this Act particulars of which are set forth in the statement of capital;

"Capital A stock" means the five thousand eight hundred and fourteen pounds stock in the capital of the Company issued at the passing of this Act particulars of which are set forth in the statement of capital;

"Share of capital A" and "share of capital B" mean respectively a share created under one of those respective designations in the existing ordinary share capital under the Act of 1878;

"C share" means any share in the existing ordinary share capital created under the Act of 1892 or the Act of 1910 and described in the statement of capital as "C share capital";

"Employee" means any workman servant or officer of the Company other than a director.

"The tribunal" means the arbitrator or other authority to whom any question of disputed purchase money or compensation is under this Act referred;

"The Minister" means the Minister of Health.

PART II.

FINANCIAL PROVISIONS.

Conversion and consolidation of existing ordinary capital.

5.—(1) On the date of conversion the existing ordinary capital (together with the premiums paid in respect thereof) shall be converted into ninety-five thousand three hundred and seventy pounds of stock to be called "consolidated ordinary stock."

(2) On the date of conversion there shall by virtue of this section be created ninety-five thousand three hundred and

PART II. —*cont.*

seventy pounds of consolidated ordinary stock for the purposes of this section and the consolidated ordinary stock so created shall be deemed to be fully paid up and shall be divided among and shall on the said date be vested without payment in the persons who immediately before the said date are entitled to be the holders of the existing ordinary capital according to their respective holdings as follows:—

For every one hundred pounds of existing capital A stock one hundred and sixty-six pounds thirteen shillings and fourpence of consolidated ordinary stock and so in proportion for every fraction of one hundred pounds of the existing capital A stock;

For every one share of capital A sixteen pounds thirteen shillings and fourpence of consolidated ordinary stock;

For every one share of capital B eleven pounds thirteen shillings and fourpence of consolidated ordinary stock;

For every one C share eleven pounds thirteen shillings and fourpence of consolidated ordinary stock.

(3) The consolidated ordinary stock so to be created and divided as aforesaid shall as soon as practicable after the date of conversion be registered in the books of the Company in the respective names of the persons entitled thereto and shall rank for dividend as from the date of conversion whereupon the existing ordinary capital shall cease to bear any dividend.

As to fractional parts of one pound.

6.—(1) In every case where under the foregoing provisions of this Act a holder of shares or stock in the existing ordinary capital would be entitled to be registered as the holder of any fractional part of one pound of consolidated ordinary stock or of any amount of consolidated ordinary stock including any such fractional part the Company in lieu of registering such holder and issuing to him a certificate as holder of such fractional part of one pound of consolidated ordinary stock or of an amount of consolidated ordinary stock including such fractional part shall pay to such holder a sum in cash equal to the value of such fractional part at the nominal value thereof and shall register such holder and issue to him a certificate as holder of the amount of consolidated ordinary stock to which he shall be entitled as aforesaid excluding such fractional part and the receipt of such holder for the sum in cash so paid as aforesaid shall be a sufficient discharge to the Company in respect of such fractional part.

(2) The Company may either cancel all or any of the consolidated ordinary stock in respect of which such payment has been made or issue the same to any willing purchaser

PART II. —*cont.*

thereof in amounts of one pound or multiples thereof but not otherwise and any loss or expense which may be incurred in connection with such issue shall be borne by the Company:

Provided that any such issue shall be exempt from the provisions of the section of this Act of which the marginal note is "Sale of ordinary or preference capital by auction or tender."

Transfers of existing stock and shares to operate as transfers of substituted stock.

7. All transfers or other dispositions of any shares or stock in the existing ordinary capital of the Company made but not registered prior to the issue to the holder thereof of the certificate of consolidated ordinary stock to which he is entitled under this Act shall notwithstanding this Act be valid and have due effect given to them respectively as transfers or dispositions of the respective amounts of consolidated ordinary stock which represent the shares or stock thereby expressed to be transferred or disposed of and are 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 or stock transferred or disposed of had before the date of conversion and the bequest of or any covenant or provision of any deed or agreement relating to any specific amount of stock or number of any shares in the existing ordinary capital shall be held to apply to an amount of consolidated ordinary stock equal to that into which such specific amount of stock or number of shares shall have been converted or which shall be substituted for the same under the provisions of this Act.

Substituted stock to be held on same trusts &c.

8.—(1) All consolidated ordinary stock of which the holders of shares or stock in the existing ordinary capital of the Company are pursuant to the foregoing provisions of this Act registered as holders and the sums of cash to be paid by the Company under this Act in respect of the fractional parts of one pound as aforesaid shall be held in the same rights upon the same trusts and subject (so far as is consistent with those provisions) to the same powers provisions charges and liabilities as those in upon or subject to which the shares or stock in the existing ordinary capital for which the consolidated ordinary stock and sums of cash (if any) are respectively substituted were held immediately before the date of conversion and shall be dealt with applied and disposed of accordingly and so as to give effect to and not to revoke any deed will or other instrument disposing of or affecting any shares or stock in such existing ordinary capital.

(2) Trustees executors administrators and all other holders in any representative or fiduciary capacity are hereby expressly authorised to accept the consolidated ordinary stock

PART II. —*cont.*

of which they are pursuant to the foregoing provisions of this Act registered as holders and any sums of cash paid to them under the provisions of this Act in substitution for the shares or stock in the existing ordinary capital of the Company held by them and may subject to the provisions of this Act retain dispose of or otherwise deal with the same as fully and freely in all respects as they might have retained disposed of or otherwise dealt with such shares or stock in such existing ordinary capital.

Exchange of certificates.

9. The Company shall call in and cancel the certificates of the shares or stock in the existing ordinary capital of the Company for which consolidated ordinary stock and sums of cash (if any) shall be substituted by virtue of this Act and shall issue in exchange for those certificates to the respective holders thereof free of charge certificates of consolidated ordinary stock to the amount and pay to such holders the sums of cash (if any) to which those holders are by this Act respectively entitled but no holder shall be entitled to a new certificate or to receive any such sum of cash as aforesaid until he shall have delivered up to the Company to be cancelled the existing certificate for which such new certificate and sum of cash (if any) are to be substituted or shall have proved to the reasonable satisfaction of the directors the loss or destruction of such existing certificate and shall have given such guarantee or indemnity in respect thereof as the directors may require:

Provided that until the issue of new certificates the holders of existing certificates shall according to the amount of consolidated ordinary stock to be substituted by virtue of this Act (either with or without a sum in cash as the case may require) for the shares or stock in the existing ordinary capital to which such existing certificates respectively relate have and possess the same rights and privileges as if such existing certificates were certificates for the amount of consolidated ordinary stock so to be substituted but if any holder of shares or stock in the existing ordinary capital of the Company neglect or omit to send or deliver to the Company his existing certificate for the period of nine months after notice in writing sent by post to the address of such holder appearing in the shareholders' address book of the Company or the register kept in lieu thereof the Company may suspend the payment of any dividend declared or made payable upon or in respect of the consolidated ordinary stock to which he is entitled until such existing certificate is delivered to the Company or is proved to the reasonable satisfaction of the directors to have been lost or destroyed and such guarantee or indemnity as aforesaid is given.

PART II. —*cont.*

Additional capital.

10. The Company may from time to time after the date of conversion raise additional capital not exceeding in the whole sixty thousand pounds by the creation and issue of further amounts of consolidated ordinary stock or by the creation and issue of preference shares or stock or wholly or partly by one or more 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 premiums and allowing for any discounts which may be obtained or allowed on the issue thereof the sum of sixty thousand pounds and any sum so raised may be applied to the purposes of the gas undertaking or of the water undertaking (being purposes to which capital is properly applicable) as the Company may determine.

New capital to rank with existing capital of same class.

11. Any consolidated ordinary stock or preference shares or stock created and issued by the Company under the section of this Act of which the marginal note is "Additional capital" shall form part of the general capital of the Company and save as is otherwise expressly provided by this Act the holders thereof respectively in proportion to the amount of their stock or shares shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents in all respects as if such capital were part of the consolidated ordinary stock or preference shares or stock as the case may be at the date of the issue of such capital.

Sale of ordinary or preference capital by auction or tender.

24 & 25 Geo. 5. c. 28.

12.—(1) Subject to the provisions of the Gas Undertakings Act 1934 and save as otherwise expressly provided by this Act all ordinary or preference capital issued by the Company after the date of conversion shall be issued in accordance with the provisions of this section.

(2) All capital 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 directors shall from time to time determine:

Provided as follows:—

(*a*) Notice of the intended sale shall be given in writing to the clerk to the council of every urban and rural district wholly or partly included within the gas limits and the water limits and to the secretary of the London Stock Exchange at least fourteen 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 gas limits and the water limits;

(*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 Minister of Fuel and Power not less than twenty-four hours before but not to be opened until after the day of auction or last day for the reception of tenders as the case may be;

(*c*) In the case of a sale by auction no lot offered for sale shall comprise capital of greater nominal value than one hundred pounds and a bid (other than a first bid) shall not be recognised unless it is in advance of the last preceding bid;

(*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 except that the offer by tender of any holder of ordinary or preference capital of the Company may be accepted in preference to the offer of the same sum by any person not such a holder and preference may in like manner be given to the offer of any employee or of any consumer of gas or water supplied by the Company;

(*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 capital which has been so offered for sale and is not sold may be offered at the reserve price to the holders of ordinary or preference capital of the Company in accordance with the provisions of sections 18 19 and 20 of the Companies Clauses Act 1863 and to employees and to consumers of gas or water supplied by the Company in such proportions as the directors 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 ordinary or preference capital if the aggregate amount of any class of capital applied for shall exceed the amount thereof 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) As soon as possible after the conclusion of the sale or sales the Company shall send a report thereof to the Minister of Fuel and Power stating the total amount of each class of capital sold the total amount (if any) obtained as premium or allowed as discount in each case and the highest and lowest prices obtained for each class of capital.

PART II. —*cont.*

Special provision for benefit of small investors.

13. Notwithstanding anything in the last preceding section of this Act the directors may if so authorised by a resolution of a general meeting of the Company reserve a proportion not exceeding one-fourth of each issue of capital which but for the provisions of this section would be offered by public auction or tender under the said last preceding section for exclusive offer in the first instance to consumers of gas or water supplied by the Company and to employees at such price and upon such terms and conditions as to payment therefor and the payment of dividends thereon until the same become fully paid as the directors may prescribe:

Provided that every allotment of capital under this section shall be at a price not less than the reserve price at which the like class of capital of the same issue shall be offered under the provisions of the last preceding section of this Act.

Sale of capital to employees and consumers at a fixed price.

14. When any capital is to be issued by the Company and whether any of the shares or stock of the Company are or is at a premium or not the Company before or in lieu of offering the capital for sale by public auction or tender may with the previous approval of the Minister of Fuel and Power and subject to such conditions as he may think fit to impose offer such capital to employees and to consumers of gas or water supplied by the Company at not less than the average price (after due allowance has been made for any anticipated dividend) at which according to the books of the Company sales of capital of the same class were effected within the period of six months immediately preceding the date of application by the Company for such approval as aforesaid.

Dividends of Company limited.

15. The profits of the Company to be divided in respect of any year or half-year after the date of conversion among the holders of consolidated ordinary stock and preference shares or stock shall not exceed the following rates (namely):—

On preference shares or stock such rate (not exceeding the rate of six pounds per centum per annum) as shall be specified in the resolution creating the stock; and

On consolidated ordinary stock the rate of six pounds per centum per annum;

unless a larger dividend be at any time necessary to make up the deficiency of any previous dividend on the consolidated ordinary stock in respect of any year or half-year subsequent to the date of conversion which shall have fallen short of the said rate of six pounds per centum per annum:

PART II. —*cont.*

Provided that notwithstanding anything in this or any other Act relating to the Company it shall not be lawful for the Company to apply any of their funds or profits to the payment of moneys to make up the deficiency of any dividend paid or payable more than five years previously.

Application of excess of profits over authorised rates of dividend.

16. The Company may carry forward at the end of any year after the date of conversion to the credit of the profit and loss account (net revenue) of the undertaking any sum not exceeding the total of the following amounts (that is to say):—

(*a*) The amount required by the Company for paying any dividend or interest which the Company are entitled or required to pay but have not paid in respect of that year;

(*b*) An amount equal to the total sum which the Company will require for payment of dividends at the maximum rates on their preference and ordinary capital in respect of the next following year; and

(*c*) An amount equal to the total sum which the Company will be required to pay during the next following year as interest on any mortgages or debenture stock.

Power to borrow.

17.—(1) As from the date of conversion the Company may subject to the provisions of this Act but without the certificate of a justice borrow on mortgage of the undertaking in respect of the capital created by virtue of the section of this Act of which the marginal note is "Conversion and consolidation of existing ordinary capital" any sum or sums not exceeding in the whole (when added to any money borrowed on mortgage or raised by the creation and issue of debenture stock by the Company before the date of conversion and outstanding at the date or respective dates on which the Company exercise the powers of this subsection) forty-seven thousand six hundred and eighty-five pounds.

(2) The Company may also subject to the provisions of this Act borrow on mortgage of the undertaking in respect of any ordinary or preference capital issued by them after the date of conversion other than under subsection (1) of this section any sum or sums not exceeding in the whole sixty per centum of the amount (including premiums and allowing for discounts) which at the time of borrowing has been raised by the issue of such capital But no sum shall be borrowed in respect of any such capital until the Company have proved to a justice before he gives his certificate under section 40 of the Companies Clauses Consolidation Act 1845

PART II. —*cont.*

that the whole of the amounts payable in respect of such capital at the time issued together with the premiums (if any) realised on the issue thereof have been fully paid up.

Debenture stock.

18.—(1) The Company may create and issue debenture stock subject to the provisions of Part III of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 but notwithstanding anything therein contained—

(*a*) all debenture stock (other than redeemable debenture stock) created and issued by the Company under this or any former or subsequent Act shall subject to the provisions of any subsequent Act rank pari passu without respect to the dates of the securities or the Acts of Parliament or resolutions by which the stock was authorised;

(*b*) the interest on all debenture stock whether redeemable or otherwise and whether existing at or created and issued after the passing of this Act under this or any subsequent Act and the interest on all mortgages 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 the mortgages were authorised) and subject as mentioned in the section of this Act of which the marginal note is "Priority of money raised on mortgage or debenture stock over other debts" have priority over all principal moneys secured by such debenture stock and mortgages.

(2) Notice of the effect of this enactment shall be endorsed on all certificates of debenture stock issued after the passing of this Act and so far as applicable thereto on all mortgages granted after that date.

Limit of interest on borrowed money.

19. The Company shall not without the consent of the Minister of Fuel and Power pay interest at a higher rate than five pounds per centum per annum in respect of any money borrowed after the passing of this Act whether on mortgage or otherwise for the purposes of the undertaking or in respect of any debenture stock issued after the passing of this Act.

Priority of money raised on mortgage or debenture stock over other debts.

20. All money to be raised by the Company on mortgage or by the creation and 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 them after the passing of this Act:

PART II. —*cont.*

Provided always that this priority shall not affect any claim against the Company or their property in respect of any rent-charge 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 which is entitled to rank in priority to or pari passu with the interest on their mortgages or debenture stock.

Existing mortgages to have priority.

21. The principal moneys secured by all mortgages granted by the Company in pursuance of the powers of any Act before the passing of this Act and subsisting at the passing of this Act shall during the continuance of such mortgages have priority over the principal moneys secured by any mortgage granted by the Company after the passing of this Act.

Appointment of receiver.

22. 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 borrowed by the Company or ten thousand pounds whichever is the less.

Application of certain provisions of Gas Undertakings Act 1934.

23. The following provisions of the Gas Undertakings Act 1934 shall extend and apply to any ordinary or preference capital or debenture stock of the Company created or to be issued or to be offered for subscription for the purposes of the water undertaking or of the gas undertaking and the water undertaking in like manner as they extend and apply to any share capital (as defined by that Act) or debenture stock of the Company created or to be issued or to be offered for subscription for the purposes of the gas undertaking (that is to say):—

Subsections (1) (2) (3) and (4) of section 1 (Issue of share capital by undertakers);

Subsections (1) and (3) of section 3 (Power for certain undertakers to pay underwriting commission);

Section 4 (Power for certain undertakers to issue redeemable preference and debenture stock).

Application of moneys.

24. 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.

PART II. —*cont.*

Purchase and cancellation of Company's securities.

25.—(1) The Company may at any time purchase by agreement any debentures or debenture stock of the Company at a price not exceeding the market value thereof but for that purpose may apply only moneys for the time being in their hands which they are entitled to apply to capital purposes.

(2) Any debentures or debenture stock purchased under the provisions of this section shall be cancelled.

Minimum holdings of stock.

26.—(1) All consolidated ordinary stock preference stock and debenture stock of the Company shall be issued and be held in amounts of one pound or of an integral number of pounds and not otherwise and the Company shall not be under any obligation to register a transfer of any consolidated ordinary stock or preference stock or debenture stock which would make the holding (if any) of the transferor or transferee an amount other than one pound or an integral number of pounds of consolidated ordinary stock or preference stock or debenture stock as the case may be.

(2) Notice of this enactment so far as applicable shall be stated in all certificates of consolidated ordinary stock preference stock and debenture stock of the Company (as the case may be) issued after the passing of this Act.

Reserve fund.

27.—(1) The directors may in any year set apart out of the clear profits of the undertaking such sum as they may determine (subject to the provisions of subsections (2) and (3) of this section) and any sums so set apart may from time to time be invested in investments in which trustees are authorised by law to invest money and the dividends and interest arising from such investments may also be invested in the same or like investments in order that the same may accumulate at compound interest The fund so formed shall form a reserve fund to answer any deficiency which may at any time happen in the amount of divisible profits or to meet any extraordinary claim or demand which may at any time arise against the Company and if such fund be at any time reduced it may thereafter be again restored within the limit prescribed by this section and so from time to time as often as such reduction shall happen.

(2) The amount which may be carried by the Company in any year to the reserve fund shall not exceed a sum equal to one per centum of the amount for the time being expended on the gas undertaking and the water undertaking and charged to capital account.

(3) The amount standing to the credit of the reserve fund shall not at any time exceed a sum equal to one tenth part of the amount for the time being expended on the gas undertaking and the water undertaking and charged to capital

PART II. —*cont.*

account and whenever and so long as the reserve fund amounts to such sum the interest and dividends on the reserve fund shall no longer be invested but shall be applied to any of the general purposes of the undertaking to which the profits of the Company are applicable.

(4) Notwithstanding anything contained in the East Grinstead Gas and Water Acts and Orders 1878 to 1945 sections 31 to 34 of the Gasworks Clauses Act 1847 and sections 76 to 78 of the Waterworks Clauses Act 1847 shall cease to apply to the Company and the undertaking and the amount standing to the credit of the reserved fund at the date of conversion shall be transferred to the reserve fund.

Power to create special purposes funds.

28.—(1) The directors may if they think fit in any year after the date of conversion appropriate out of the revenue of the Company arising from the gas undertaking as part of the expenditure on revenue account of that undertaking any sum not exceeding an amount equal to one per centum of the amount for the time being expended on the gas undertaking and charged to capital account to a fund to be called " the gas special purposes fund."

(2) The directors may if they think fit in any year after the date of conversion appropriate out of the revenue of the Company arising from the water undertaking as part of the expenditure on revenue account of that undertaking any sum not exceeding an amount equal to one per centum of the amount for the time being expended on the water undertaking and charged to capital account to a fund to be called " the water special purposes fund."

(3) The gas special purposes fund and the water special purposes fund respectively shall be applicable only to meet such charges as an accountant being the auditor of the Company or appointed for the purpose by the Minister of Fuel and Power 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 maintenance and renewal of plant and works.

(4) The maximum amount standing to the credit of the gas special purposes fund and the water special purposes fund respectively shall not at any time exceed an amount equal to one-tenth part of the amount for the time being expended on the gas undertaking or the water undertaking as the case may be and charged to capital account.

PART II. —*cont.*

(5) The moneys forming the gas special purposes fund and the water special purposes fund respectively or any portion thereof may pending requirement for application under the provisions of subsection (3) of this section be invested in investments in which trustees are authorised by law to invest or be temporarily employed for the general purposes of the Company to which capital is properly applicable or partly in the one way and partly in the other.

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

Renewal funds.

29.—(1) The directors may if they think fit in any year after the date of conversion appropriate out of the revenue of the Company arising from the gas undertaking as part of the expenditure on revenue account of that undertaking any sum not exceeding an amount equal to one per centum of the amount for the time being expended on the gas undertaking and charged to capital account to a fund to be called " the gas renewal fund."

(2) The directors may if they think fit in any year after the date of conversion appropriate out of the revenue of the water undertaking as part of the expenditure on revenue account of that undertaking any sum not exceeding an amount equal to one per centum of the amount for the time being expended on the water undertaking and charged to capital account to a fund to be called " the water renewal fund."

(3) The gas renewal fund and the water renewal fund respectively shall be applicable only to meet expenses requisite for the maintenance and renewal of gas or water plant and works as the case may be (other than expenses incurred in the replacement or removal of plant or works) and shall be so applied from time to time for the purpose of equalising as far as may be the annual charge to revenue in respect of such expenses.

(4) The maximum amount standing to the credit of the gas renewal fund and the water renewal fund respectively shall not at any time exceed an amount equal to one-twentieth part of the amount for the time being expended on the gas undertaking or the water undertaking as the case may be and charged to capital account.

Saving for emergency powers of Treasury.

30.—(1) So long as this section continues in force it shall not be lawful without the consent of the Treasury to exercise the powers of borrowing or raising capital conferred by this Act.

PART II. —*cont.*

(2) Section 113 of the Stamp Act 1891 (which in the case of any increase in the amount of nominal share capital of a company being authorised by any Act charges stamp duty on a statement of the amount of such increase to be delivered within one month from the passing of the Act) shall as amended by any subsequent enactment have effect as respects any share capital authorised to be raised by this Act as if this Act had been passed on the date when such consent as aforesaid is given as respects that capital or on the date when this section expires whichever first occurs. 54 & 55 Vict. c. 39.

(3) This section shall continue in force so long as the making of an issue of capital in the United Kingdom without the consent of the Treasury is prohibited by regulations made under the Emergency Powers (Defence) Acts 1939 and 1940. 2 & 3 Geo. 6. c. 62. 3 & 4 Geo. 6. c. 20.

Separate accounts of gas and water undertakings.

31. Separate capital and revenue accounts shall be kept of the gas undertaking and the water undertaking The gas undertaking and the water undertaking respectively shall be duly credited and debited with the receipts and payments exclusively attributable thereto The Company shall fairly apportion between the separate accounts the expenses of direction and management and any expenses common to both the gas undertaking and the water undertaking.

PART III.

ADMINISTRATIVE PROVISIONS.

Meetings of Company.

32. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 or in any Act or Order relating to the Company the Company may by a resolution of a general meeting at any time determine that the future ordinary meetings of the Company shall be held once only in each year in such month as the directors may from time to time determine and the Company may from time to time in like manner alter or rescind any such resolution.

Quorum for general meetings.

33. As from the date of conversion the quorum for a general meeting of the Company (whether ordinary or extraordinary) shall be stockholders or shareholders to whose stock or shares voting rights are attached holding in the aggregate not less than one thousand pounds in nominal value of the capital of the Company to which voting rights are attached and being present in person in number not less than five.

Voting rights.

34. At all general meetings of the Company (whether ordinary or extraordinary) after the date of conversion every holder of consolidated ordinary stock or of any preference shares or stock to which voting rights are attached by the

PART III. —*cont.*

resolution creating the same shall on a show of hands be entitled to one vote and on a poll to one vote and an additional vote for each complete ten pounds of the nominal value of such capital held by him beyond ten pounds.

Proof of majority of votes only required when poll demanded.

35. At any meeting of the Company a majority of votes shall only be required to be proved if a poll be demanded at the meeting and if a poll be not demanded at the meeting then a declaration by the chairman that the resolution has been carried or has not been carried and an entry to that effect in the book of proceedings of the Company shall be sufficient and conclusive evidence of the fact without proof of the number or proportion of votes recorded in favour of or against the resolution.

Notices of meetings.

36. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 notice of all meetings of the Company (whether ordinary or extraordinary) may (if the directors so determine) be given by letter sent by ordinary letter post to each shareholder instead of by public advertisement:

Provided that the letters giving the notice shall be directed according to the registered address or other known address of each shareholder and posted not later than seven clear days before the date of the meeting In proving that any such notice has been given it shall be sufficient to prove that the letter containing the notice was properly addressed and posted as a prepaid letter not later than the time prescribed in this section.

As to appointment of proxies.

37. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 the attorney of any stockholder or shareholder duly authorised in writing may appoint a proxy to vote for and on behalf of the stockholder or shareholder and for that purpose may execute on behalf of the stockholder or shareholder the necessary form of proxy:

Provided that the instrument appointing the attorney or if it has been deposited in the central office of the Supreme Court an office copy thereof shall be transmitted to the secretary at the same time as the instrument appointing the proxy.

Joint holders.

38. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 where several persons are jointly entitled to and registered as holders of any stock or shares forming part of the capital of the Company any one of those persons may vote at any meeting at which holders of capital of the same class are entitled to vote either personally or by proxy in respect of the capital 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

PART III. —*cont.*

persons so present whose name stands first on the register in respect of the capital shall alone be entitled to vote in respect thereof Several executors or administrators of a deceased member of the Company in whose name any stock or shares forming part of the capital stand shall for the purposes of this section be deemed joint holders thereof.

Company not bound to regard trusts.

39. The Company shall not be bound to see to the execution of any trust whether express implied or constructive to which any capital or mortgage or debenture stock of the Company may be subject and the provisions of section 20 of the Companies Clauses Consolidation Act 1845 shall mutatis mutandis extend and apply to any capital or debenture stock of the Company as if such capital or debenture stock were shares to which that section applies.

Receipt in case of minors.

40. If any money is payable to a stockholder shareholder or mortgagee or debenture stockholder being a minor the receipt of his guardian shall be a sufficient discharge to the Company.

Register of shareholders and shareholders' address book.

41. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 it shall not be obligatory upon the Company—

(*a*) to keep separately a register of stockholders and shareholders and a stockholders' and shareholders' address book if in lieu thereof the Company keep one register only containing such particulars as are required by the said Act to be entered in the register of shareholders and the shareholders' address book respectively; or

(*b*) to authenticate by the affixing of their common seal or otherwise the register of stockholders and shareholders or any register which the Company may keep in lieu thereof under the powers of this section.

Substitution of card index for shareholders' address book.

42. Notwithstanding anything in section 10 of the Companies Clauses Consolidation Act 1845 the Company may substitute for the shareholders' address book provided under that section or for the portion of any register which the Company may keep under the section of this Act of which the marginal note is "Register of shareholders and shareholders' address book" containing such particulars as are required by the said Act to be entered in the shareholders' address book a card or other index (of a type to be approved by the auditors of the Company) containing the names and addresses of the several stockholders and shareholders of the Company and the said section 10 in its application to the Company shall be read and have effect accordingly.

PART III. —*cont.*

Closing of transfer books.

43.—(1) The directors may close the register of transfers for a period not exceeding fourteen days previous to the declaration of any dividend on any stock or shares forming part of the capital of the Company and they may close the registers of transfers of mortgages and debenture stock for a period not exceeding fourteen days previous to each date at which the interest thereon shall be payable and the directors may in any such case fix a day for the closing of any register which they are authorised to close under the provisions of this section.

(2) Seven days' notice of the closing of any such register shall be given by advertisement in a newspaper published and circulating in the gas limits and the water limits and any transfer of such capital or of mortgages or debenture stock made or lodged for registration during the time when the register of transfers of such capital or security is 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 or the payment of any such interest as the case may be.

Indemnity before issue of substituted certificates &c.

44. Notwithstanding anything in section 13 of the Companies Clauses Consolidation Act 1845 or in any Act or Order relating to the Company the Company shall not be under any obligation to issue a new debenture or mortgage bond or a new certificate of any shares or stock or debenture stock or a new warrant in respect of interest or dividend in lieu of any debenture or mortgage bond certificate or warrant lost or destroyed or alleged to be lost or destroyed until they have received from the person to whom such new debenture or mortgage bond certificate or warrant is to be issued such indemnity as the directors may require against any and every claim or expense which may be made against the Company or which the Company may incur in respect of such lost or destroyed debenture or mortgage bond certificate or warrant or the principal interest or dividend represented thereby.

Qualification of director.

45. As from the date of conversion the qualification of a director shall be the possession in his own right of consolidated ordinary stock of the Company to the nominal amount of not less than four hundred pounds.

As to appointment of managing director.

46.—(1) The directors may appoint one of their body to be managing director either for a fixed term or without any limitation as to time and may remove or dismiss him from office and appoint another in his place.

(2) A managing director shall not while holding that office be subject to retirement by rotation and shall not be taken into account in determining the rotation of retirement of

directors but if he ceases to hold the office of director from any other cause he shall ipso facto immediately cease to be managing director. PART III. —*cont.*

(3) The remuneration of a managing director shall from time to time be fixed by the directors and may be by way of salary or commission or participation in profits or by all or any of those modes.

(4) The directors may entrust to and confer upon a managing director such of the powers exerciseable by the directors and subject to such conditions as they think fit and may from time to time revoke withdraw alter or vary all or some of such powers.

Directors holding office under or contracting with Company.

47. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 no person shall be disqualified from being a director by reason of his holding any office or place of trust or profit under the Company or by reason of his being interested in any contract with the Company nor shall any director be required to cease from voting or acting as a director by reason of his accepting any such office or place of trust or profit or becoming interested in any such contract:

Provided that—

(*a*) in the case of his being or becoming interested in any contract with the Company whether such interest arises before or after his appointment as a director the nature of his interest in the contract shall be disclosed by him at the meeting of the directors at which the contract is determined on if his interest then exists or in any other case at the first meeting of the directors after the acquisition of his interest or after his appointment; and

(*b*) no director shall as a director vote in respect of any such contract and if he does so vote his vote shall not be counted but this prohibition shall not apply to any contract by or on behalf of the Company to give to the directors or any of them any security by way of indemnity.

For the purposes of proviso (*a*) to this section a general notice given to the directors by one of them to the effect that he is a member of a specified company or firm and is to be regarded as interested in any contract which may after the date of the notice be made with that company or firm shall be deemed to be a sufficient declaration of interest in relation to any contract so made.

Vacation of office of director.

48. If any director shall be made bankrupt or shall go to reside abroad for a longer period than twelve months or shall become of unsound mind or shall neglect to attend the meet-

PART III. —*cont.*

ings of directors for a period of twelve months (unless such neglect be occasioned by illness or other reasonable cause allowed by the directors) the office of such director shall become vacant and thenceforth he shall cease from voting or acting as a director.

Notice of candidature of or of opposition to re-election of director.

49.—(1) 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 at a general meeting of the Company 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 or left at the principal office of the Company fourteen days at least before the day of election and the secretary shall during such fourteen days and on the day of election keep fixed in some conspicuous place in such office a copy of every such notice so delivered.

(2) In the case of a retiring director notice of opposition to his re-election shall be given in like manner.

(3) No person shall be eligible to be elected a director at any general meeting of the Company unless he shall have been the holder of the qualifying amount of consolidated ordinary stock for at least two months prior to his election.

Auditors.

50.—(1) It shall be lawful for the Company at any time by resolution passed at a general meeting to decide that the accounts of the Company shall be audited by a single auditor or by a firm of accountants and notwithstanding anything in the Companies Clauses Consolidation Act 1845 it shall not be necessary for such auditor or the members of such firm to hold any stock or share forming part of the capital of the Company.

(2) No person not being a retiring auditor of the Company shall be eligible to be elected at any general meeting of the Company as auditor of the Company unless notice be given to the secretary or left at the principal office of the Company seven days at least before the date of the meeting that such person will be proposed for election as an auditor of the Company The secretary shall on receipt of any such notice send a copy thereof to the retiring auditor and during such seven days and the day of election keep a copy of the notice fixed in some conspicuous place in the said office.

(3) If any auditor of the Company dies or resigns the directors may appoint another auditor in his place and any auditor so appointed shall hold office until the next ordinary meeting of the Company.

Directors may determine remuneration of secretary.

51. In addition to the powers which the directors may exercise under the Companies Clauses Acts 1845 to 1889 they may determine the remuneration of the secretary.

PART IV.

GAS.

Relief from obligation to supply gas.

52.—(1) Unless at the date of the demand for any such new or increased supply of gas as is hereinafter referred to the capacity of the distribution works of the Company is in the opinion of an arbitrator appointed as hereinafter provided insufficient to meet (with a reasonable margin) the requirements (as existing immediately before that date) of the consumers in the portion of the gas limits for which such works have been provided (so far as such requirements could reasonably have been foreseen) the Company notwithstanding anything in any other enactment shall not be obliged to give for any purpose other than lighting or domestic use—

(*a*) a new supply of gas for the premises of any person demanding such supply at any time after the passing of this Act; or

(*b*) an increased supply of gas (other than an increased supply necessitated by any reduction of the declared calorific value);

where the giving of such new or increased supply would render necessary the laying of a new main or the making (as an alternative to the laying of a new main) of any enlargement or alteration of or addition to the distribution works of the Company.

(2) The foregoing provisions of this section shall not apply in any case in which the person demanding the new or increased supply (in this section referred to as "the applicant") shall enter into a written contract with the Company—

(*a*) to receive and pay for a supply of gas of such minimum quantity and for such minimum period as the Company may reasonably require; or

(*b*) to make such payment to the Company (in addition to any payments to be made from time to time for gas supplied to the applicant) as the Company may reasonably require;

(according as the Company may in their discretion determine) in consideration of or by way of contribution towards the expenses to be incurred by the Company in laying such new main or making such enlargement alteration or addition as aforesaid and shall give such security for the payment of all moneys which may become due under the contract as the Company may reasonably demand.

(3) If any question shall arise under the provisions of this section between the Company and the applicant as to the sufficiency of the distribution works of the Company or as

PART IV. —*cont.*

to whether such new or increased supply would necessitate the laying of a new main or the making of any such enlargement alteration or addition as aforesaid or as to the reasonableness of the minimum quantity or period or of the payments (in addition to payments for gas supplied) required by the Company or as to the nature or amount of the security demanded by the Company such question shall be referred to and determined by an arbitrator to be appointed (failing agreement between the Company and the applicant) by the Minister of Fuel and Power on the application of either party after notice in writing to the other of them and the decision of such arbitrator shall be final and binding.

(4) In determining any such question as aforesaid the arbitrator shall have regard to the following among other considerations (that is to say):—

(*a*) the total annual quantity of gas required by the applicant the maximum quantity required per hour and the hours of the day during which the Company may be called upon to supply gas to the applicant;

(*b*) the capital expenditure which the Company would have to incur in the laying of a new main or the making of any enlargement or alteration of or addition to their distribution works as aforesaid in connection with the giving of such new or increased supply; and

(*c*) how far such capital expenditure may become unproductive to the Company in the event of the cessor of the new or increased supply.

For prevention of improper use of gas.

53. If any person supplied with gas by the Company improperly uses or deals with the same so as to interfere with the efficient supply of gas by the Company to any consumer the Company may if they think fit cease to supply gas to such person.

Charges for hire of prepayment meters &c.

54.—(1) (*a*) The charge made by the Company for the hire of any prepayment meter and fittings to be used therewith shall be a sum of money calculated according to the number of therms supplied and the maximum charge shall be—

For a prepayment meter and fittings (including a cooking stove) three decimal six pence per therm;

For a prepayment meter and fittings (not including a cooking stove) three pence per therm.

(*b*) The charge for the hire of a prepayment meter without fittings shall be a sum of money calculated either according to the number of therms supplied (when the maximum

PART IV. —*cont.*

charge shall be one decimal eight pence per therm) or at the rate of ten per centum per annum on the cost of the meter.

(*c*) the said charges shall include the providing letting fixing repairing and maintenance of the meter and fittings or of the meter (as the case may be) and the cost of collection and other costs incurred by the Company in connection therewith.

(2) 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.

Inspection and testing of gas meters.

55.—(1) The Company's inspectors or servants shall at all reasonable times have access to and be at liberty to inspect take off remove test repair and replace gas meters which are the property of the Company and meanwhile to fix a substituted meter on the premises such inspection taking off removal testing repairing and replacing to be done at the expense of the Company.

(2) The expense of changing and testing such a meter which at the request of a consumer has been tested in manner provided by regulations made under section 12 of the Gas Regulation Act 1920 and found to register erroneously to a degree exceeding the degree permissible under the said regulations shall be borne by the Company but if the meter has been found not so to register erroneously shall be borne by the consumer.

10 & 11 Geo. 5. c. 28.

Charges for special reading of meters.

56. When at the request and for the convenience of any consumer the reading of any gas meter in any premises takes place at a time other than that of the usual periodical reading the Company may levy and recover such charges as they think fit not exceeding one shilling for each such special reading.

Power to compel repairs in case of danger.

57.—(1) If the Company shall at any time serve notice upon any consumer within the gas limits to the effect that an officer or servant of the Company has reported after inspection of any internal piping or appliance or other fitting provided in connection with the gas service on such consumer's premises that he is of opinion that any such piping appliance or fitting is in such a condition as to be dangerous to any person such consumer shall forthwith carry out such works as may be necessary to remove the cause of danger If the consumer shall fail forthwith to carry out such works as aforesaid the Company may stop the gas from entering the premises of such consumer by cutting off the service pipe or by such other means as the Company shall think fit Any

PART IV. —*cont.*

expenses lawfully incurred by the Company in cutting off the gas from such premises may be recovered by the Company summarily as a civil debt.

(2) Nothing in this section shall apply to any internal piping appliance or fitting on the premises (other than a dwelling-house) of any railway company nor shall the powers of this section be exerciseable in respect of such premises.

Power to purchase material for conversion of residual products.

58. Subject to the provisions of this Act the Company may for the purposes of the gas undertaking purchase from any source and use such material as is required to work up and convert any residual products arising directly or indirectly from the manufacture of gas by them or purchased by them under the powers conferred by section 4 of the Gas Undertakings Act 1929 (19 & 20 Geo. 5 c. 24).

PART V.
WATER.

Persons under disability may grant easements &c.

59. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Application of Waterworks Clauses Act 1847.

60. The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets shall apply with the necessary modifications to the construction laying down erection and maintenance in any street or road of any telephone or telegraph posts wires conductors or apparatus which the Company may and which they are hereby authorised to construct lay down or erect in the county of East Sussex for the purposes of the water undertaking:

Provided that the Company shall not construct lay down erect or maintain any telephone or telegraph posts wires conductors or apparatus in through across or under any road or bridge or approach belonging to or maintainable by any railway company except with the consent in writing of such railway company which consent shall not be unreasonably withheld and under the superintendence (if given) and to the reasonable satisfaction of the engineer of such railway company.

PART V. —*cont.*

For protection of Postmaster-General. 32 & 33 Vict. c. 73. 41 & 42 Vict. c. 76.

61. Any telephone or telegraph posts wires conductors or apparatus made constructed laid down or erected by the Company under the provisions of this Act shall not be used in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869 and shall not be constructed maintained or used in such a manner as to interfere with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General or with telegraphic communications by means of any such line.

Restriction on works for abstraction of water.

62. The Company shall not construct any works for taking or intercepting water from any lands acquired by or vested in them unless the works are authorised by and the lands upon which the same are to be constructed are specified in this or some other Act of Parliament or Order confirmed by Act of Parliament.

Power to agree as to drainage of lands &c.

63. The Company may make and carry into effect agreements with the owners lessees or occupiers of any lands with reference to the execution by the Company or such owners lessees or occupiers of such works in the county of East Sussex as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters authorised to be diverted collected and appropriated by the Company flowing to upon or from such lands directly or derivatively into any waterworks of the Company.

For protection of Kent Rivers Catchment Board.

64. The Company shall not within the area of the Kent Rivers Catchment Board in exercise of the powers conferred by the section of this Act of which the marginal note is "Power to agree as to drainage of lands &c." in any way interfere with or cause to be interfered with any watercourse within the meaning of the Land Drainage Act 1930 or the flow of water therein without the consent of that Board but such consent shall not be unreasonably withheld or if given shall not be made subject to unreasonable terms or conditions and any difference arising between the Kent Rivers Catchment Board and the Company under this section shall be determined by arbitration.

As to exercise of powers of section 12 of Waterworks Clauses Act 1847.

65. The Company may on all or any of the lands for the time being held by them in the county of East Sussex execute for the purposes of or in connection with the water undertaking any of the works mentioned in section 12 of the Waterworks Clauses Act 1847 other than wells and works for the taking and intercepting of water Provided that the Company shall not under the powers of this section create or permit the creation or continuance of any nuisance on any such lands.

PART V. —*cont.*

Amendment of section 35 of Waterworks Clauses Act 1847.

66. Section 35 of the Waterworks Clauses Act 1847 in its application to the Company shall be read as if the words "one-eighth part" were substituted therein for the words "one-tenth part."

As to annual value of two or more houses in one occupation.

67. Where two or more houses or buildings or parts of a house or building or of two or more houses or buildings connected by any means of communication not being a highway repairable by the inhabitants at large are in the occupation of one and the same company body firm or person they shall be deemed for the purpose of determining the amount of the water rate or the water charges chargeable by the Company in respect of any supply of water for domestic purposes furnished by the Company to any one or more of such two or more houses or buildings or such two or more parts of a house or building or of two or more houses or buildings to be one tenement having an annual value equal to the aggregate of the annual values of the separate houses or buildings or parts of a house or building or of houses or buildings so occupied.

Rates and charges payable by owners of small houses.

68.—(1) Where (*a*) the annual value of a house supplied with water does not exceed thirteen pounds or (*b*) the house is let to a monthly or weekly tenant or a tenant holding for any other period less than a quarter of a year the owner instead of the occupier shall if the Company so determine pay the rate or charge for the supply but the rate or charge may be recovered by the Company from the occupier and may if so recovered and if the occupier be not himself liable therefor under any lease or agreement be deducted by him from the rent from time to time due from him to the owner Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to the service upon him of a notice to pay the rate or charge.

(2) The provisions of section 73 of the Waterworks Clauses Act 1847 shall mutatis mutandis extend and apply to any payments made under the provisions of this section by the owner of any house and as if such first-mentioned provisions applied in the case of any lease or agreement whether made before or after the passing of this Act.

Price of supply by measure.

69. Subject to the provisions of this Act the price to be charged by the Company for a supply of water by measure shall not exceed two shillings and sixpence per thousand gallons.

Minimum charge for certain

70. The Company shall be entitled to charge for each supply of water by measure other than a supply given under

PART V. —*cont.* supplies by measure.

the sections of this Act of which the respective marginal notes are—

"Supply to houses partly used for trade &c."; and

"Charges for supplies for refrigerating apparatus &c."

such minimum sums (exclusive of meter rent) in respect of the water supplied in any quarter of a year as will give them a reasonable return on the capital expenditure incurred by them in providing the supply and will cover other standing charges incurred by them in order to meet the possible maximum demand in respect of the supply and will yield a reasonable return on the cost of the water supplied The sum to be so paid shall be determined in default of agreement by arbitration.

Supply to houses partly used for trade &c.

71.—(1) The Company shall not be bound to supply with water otherwise than by measure—

(*a*) any premises used as a house whereof a part is used by the same occupier for any trade or manufacturing purpose for which water is required;

(*b*) any public institution;

(*c*) any hospital sanatorium nursing home school club hostel assembly hall place of public entertainment hotel restaurant or licensed premises within the meaning of that expression as used in the Licensing (Consolidation) Act 1910;

10 Edw. 7. & 1 Geo. 5. c. 24.

(*d*) any boarding house capable of accommodating twelve or more persons including the persons usually resident therein;

(*e*) any premises which are used solely for business trade or manufacturing purposes in which a supply of water for domestic purposes only is required.

(2) Where a supply of water to a farmhouse is used for farming purposes the Company may require that the supply for farming purposes shall be taken by measure but nothing in this section shall authorise the Company to refuse a supply of water for domestic purposes to a farmhouse at the rates authorised by the Act of 1878.

(3) The minimum annual charge for a supply of water by measure to any of the premises in this section mentioned shall be a sum equal to the annual amount which would be payable according to the scale for the time being in force for a domestic supply furnished to a dwelling-house of the same annual rack rent or value.

PART V. —*cont.*

Charges for supplies for refrigerating apparatus &c.

72.—(1) Where a person who takes a supply of water for domestic purposes from the Company otherwise than by measure desires to use any of the water so supplied for operating—

(*a*) a water-cooled refrigerating apparatus; or

(*b*) any apparatus depending while in use upon a supply of continuously running water not being an apparatus used solely for heating the water; or

(*c*) any apparatus used for softening water which requires water for cleaning regenerating motive power or similar purposes;

the Company may if they think fit require that all water so used shall—

(i) be taken by measure and paid for accordingly and in that event the minimum quarterly charge for the water shall be ten shillings; or

(ii) be paid for at a reasonable rate to be determined in default of agreement by a court of summary jurisdiction.

(2) No charge shall be made under this section in respect of an apparatus used within the premises for which the supply of water is taken for softening water if one such apparatus only is used and the water softened thereby is used solely for domestic purposes.

Charges for horses cows and washing vehicles.

73.—(1) Where a person who takes a supply of water for domestic purposes from the Company desires to use the water for horses or cows or washing carriages or motor cars or for other purposes in stables garages or premises where horses or cows or carriages or motor cars are kept the Company may if a hosepipe or other similar apparatus is used charge (except where the water so used is taken by meter) such sum not exceeding twenty shillings per annum as they may prescribe and (where more motor cars or horses or cows than one are kept) a further sum not exceeding ten shillings per annum for each motor car or horse or cow beyond the first.

(2) Any sums chargeable under this section shall be in addition to the rates authorised for the supply of water for domestic purposes and shall be recoverable in all respects with and in the same manner as the said rates.

(3) Where water supplied by the Company to a person who takes a supply both for domestic purposes and by meter for trade or other purposes is used by him by means of a hosepipe or other similar apparatus for horses or cows or for washing carriages or motor cars or for other purposes in stables garages or premises where horses or cows or carriages or motor cars

are kept the Company may if they think fit require that all water so used by means of any such hosepipe or other apparatus shall be taken by meter and paid for at the rates for the time being in force for the supply of water by meter.

Supplies to swimming baths and bathing pools.

74. Where a person who takes a supply of water for domestic purposes desires to use water for a swimming bath or bathing pool the Company may require that all water required for such swimming bath or bathing pool shall be taken by measure and paid for accordingly.

Special terms for supplies to caravans shacks &c.

75.—(1) Notwithstanding anything in any Act or Order relating to the Company a person shall not be entitled to demand or continue to receive from the Company a supply of water to any caravan shack hut tent or other like structure unless he has—

(*a*) agreed with the Company to take a supply of water by measure and to pay to the Company such minimum annual sum as will give them a reasonable return on the capital expenditure incurred by them in providing the supply or supplies required by him and will cover other standing charges incurred by them in order to meet the possible maximum demand for his caravan shack hut tent or structure and will yield a reasonable return on the cost of the water consumed or used by him; and

(*b*) secured to the reasonable satisfaction of the Company by way of deposit or otherwise payment of such a sum as may be reasonable having regard to the possible maximum demand of such person for his caravan shack hut tent or structure.

(2) The sum to be so paid and the security to be so given shall be determined in default of agreement by a court of summary jurisdiction who may also order by whom the costs of the proceedings before them shall be paid and the decision of the justices shall be final and binding on all parties.

Recovery of rates from persons removing.

76. If a justice is satisfied on complaint by any collector of the Company that any person is quitting or about to quit any premises to which the Company supply water and has failed to pay on demand any water rate or charge which may be due from him and intends to evade payment of the same by departing from the said premises the justice may in addition to issuing a summons for non-payment of the same issue a warrant under his hand authorising the person named therein to seize forthwith and detain the goods and chattels of the defaulter until the complaint is determined upon the return of the summons.

PART V. —*cont.* Cisterns.

77. The Company may require that any dwelling-house the erection of which is commenced after the passing of this Act and to which water is required to be delivered at a height greater than thirty-five feet below the draw-off level of the service reservoir or tank from which a supply of water is furnished or to be furnished by them to such dwelling-house shall be provided with a cistern or cisterns capable of containing a total quantity of water sufficient to provide an adequate supply to such dwelling-house for a period of twenty-four hours and the Company shall not be bound to supply such dwelling-house until the same is provided with a cistern or cisterns in conformity with the requirements of this section.

Separate communication pipes may be required.

78.—(1) In the case of premises connected with the mains of the Company after the passing of this Act the Company shall not be bound to supply more than one house with water by means of the same communication pipe and they may if they think fit by notice in writing require the owner of any house to lay a separate pipe from the main into that house.

(2) If the owner of any house to which subsection (1) of this section applies fails within a period of one month after the receipt of a notice under that subsection to provide a separate pipe from the main into that house the Company may themselves do the work necessary in that behalf and may recover from such owner the cost incurred by them in so doing summarily as a civil debt.

(3) Where a house is at the passing of this Act divided into two or more parts occupied as separate tenements but is supplied by one communication pipe only the Company shall not require a separate communication pipe to be laid into each such part of the house unless and until the communication pipe by which the house is supplied becomes defective or requires renewal or unless and until the house is structurally altered so as to comprise a larger number of parts occupied as separate tenements than the number of parts so occupied at the passing of this Act.

(4) Where a house belonging to one owner is divided into two or more parts each of which is occupied as a separate tenement and the owner agrees with the Company in writing to pay the water rates in respect of every part of the house so occupied as a separate tenement then so long as the owner duly pays the water rate in respect of every such separate part of the house the Company shall not require a separate communication pipe to be laid into each such separate part of the house.

Maintenance of common pipe.

79. Where several houses or parts of houses in the occupation of several persons are supplied with water by one common pipe belonging to the several owners or occupiers of such

houses or parts of houses the said several owners or occupiers shall be liable to contribute the amount of any expenses from time to time incurred by the Company in the maintenance and repair of such pipe and their respective proportions of contributions shall be settled by the officer duly authorised in that behalf by the Company. PART V. —*cont.*

Company to connect communication pipes with mains.

80. Notwithstanding anything in any Act or Order relating to the Company the Company shall have the exclusive right of executing any works on any of the water mains of the Company for connecting any communication pipe therewith and the Company shall at the request of any owner or occupier of any premises who is entitled to be supplied with water by the Company execute on any such main (subject to the provisions so far as applicable of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes) any work which shall be necessary to connect the communication pipe of such owner or occupier therewith and any expenses incurred by the Company in so doing shall be repaid by the owner or occupier so requesting and shall be recoverable summarily as a civil debt.

Stop-cocks &c. to be fitted in communication pipes.

81.—(1) In the case of all premises connected after the passing of this Act with the water mains of the Company the Company may in cases where the communication pipes are laid by the person requiring the supply or by the Company at his request require such person at the time when the pipes are laid to insert or to have inserted and thereafter to maintain a stop-cock (which expression where used in this section shall include the necessary covers or boxes for giving access and protection thereto) in the communication pipe from the said premises (if possible and if the consumer shall not object) in some position on the consumer's premises as near as reasonably possible to the main of the Company from which the supply is given to the said premises or (should that not be possible or the consumer should object) in some position as near as is reasonably possible to the point at which such pipe passes the boundary of the street or to the point at which such pipe enters the said premises in or under the street whichever of those points is the nearer to the main of the Company from which the supply is given to the said premises and if such person fails to comply with such requirement the Company may insert and maintain a stop-cock in such communication pipe in accordance with the provisions of this section and recover the reasonable expenses incurred by them in so doing from such person summarily as a civil debt.

(2) Where it is necessary for the purpose of complying with any obligation under this section to insert or to maintain a stop-cock in a street and for the purpose of maintaining in

PART V. —*cont.*

a street any existing stop-cock in a communication pipe from any premises within the water limits the person liable shall have the like power to open the ground as is conferred upon him by and subject to the provisions of sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes.

(3) The Company may by agreement with any person liable to insert or to maintain any stop-cock and for that purpose authorised to open or break up any street within the water limits execute such works on behalf of such person and any proper expenses incurred by the Company in so doing shall be repaid by the person with whom the agreement is made and shall be recoverable summarily as a civil debt.

(4) In this section the word "street" includes any square court or alley highway lane road thoroughfare or public passage or place.

Meters &c. to measure water or detect waste.

82.—(1) Subject to the provisions of the Waterworks Clauses Act 1847 the Company may for the purpose of measuring the quantity of water supplied or preventing and detecting waste affix and maintain meters and other apparatus on the pipes and mains of the Company and stop-cocks in the pipes supplying houses with water and may insert in the carriageways or footways the necessary covers or boxes for giving access and protection thereto and may for that purpose break up and interfere with public and private streets roads lanes footways courts passages sewers pipes wires and apparatus:

Provided that any such stop-cock shall be affixed and maintained (if possible and if the consumer shall not object) in some position on the consumer's premises as near as is reasonably possible to the main of the Company from which the supply is given to the said premises or (should that not be possible or the consumer should object) in some position as near as is reasonably possible to the point at which the pipe passes the boundary of the street or the point at which the pipe enters the consumer's premises in or under the street whichever of those points is nearer to the main of the Company from which the supply is given to the said premises.

(2) The Company shall not under the powers of this section interfere with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the said Act.

(3) The Company shall not under the powers of this section enter upon break up or interfere with any electric lines wires or apparatus belonging to a railway company or any street

PART V. —*cont.*

belonging to such company without the consent of that company which consent shall not be unreasonably withheld nor shall the Company unreasonably obstruct or interfere with the access to or exit from any station or depot of that company.

(4) The Company shall not under the powers of this section interfere with any electric lines or works of the Central Electricity Board except in accordance with and subject to the provisions of section 15 of the Electric Lighting Act 1882. 45 & 46 Vict. c. 56.

Power to test water fittings.

83. The Company may test any water fittings used in connection with water supplied by them.

Power to Company to repair communication pipes.

84. If in the opinion of the Company any waste of water or injury or risk of injury to person or property is caused or likely to be caused by reason of any injury to or defect in any communication pipe or any stop-cock or other fitting in connection therewith which the Company are not under obligation to maintain it shall be lawful for the Company to execute such repairs to the communication pipe stop-cock or fitting as they may think necessary or expedient in the circumstances of the case without being requested so to do and if any injury to or defect in the communication pipe stop-cock or fitting shall have been found the expenses incurred by the Company for the purpose of ascertaining the cause of injury or defect and executing the repairs (including the expenses of breaking up filling in reinstating and making good any road pavement or soil for those purposes) shall be recoverable by the Company from the owner of the premises supplied or in cases where the communication pipe is repairable by the occupier of such premises from the occupier in like manner as the water rates in respect of the premises are recoverable Provided that except in case of emergency the Company shall not under the powers of this section enter into any house or private premises unless they shall have given to the owner and occupier of such house or premises not less than twenty-four hours' previous notice of their intention so to enter.

Penalty for closing valves and apparatus.

85. Every person who shall wilfully (without the consent of the Company) or negligently close or shut off or interfere with any valve cock or other work or apparatus belonging to the Company whereby the supply of water shall be interfered with shall (without prejudice to any other right or remedy of the Company) be liable on conviction to a penalty not exceeding five pounds and the Company may in addition thereto recover the amount of any damage by them sustained Provided that this section shall not apply to a consumer closing a valve fixed on his communication pipe.

PART V. —*cont.*

Penalty for opening valves and apparatus.

86. Any person being the owner or occupier of any house or building or part of a house or building or premises to or in respect of which he is not for the time being entitled to a supply or the continuance of a supply of water by the Company who shall without the authority of the Company turn on any valve cock or other work or apparatus attached to any main or pipe connected with any main of the Company and provided or available for the purposes of affording such supply shall be deemed to commit an offence under section 60 of the Waterworks Clauses Act 1847 and the said section shall extend and apply accordingly.

Extension of power to inspect premises.

87. In addition to the powers conferred by section 57 of the Waterworks Clauses Act 1847 any duly authorised officer of the Company on producing if required evidence of his authority may at all reasonable times between the hour of four o'clock in the afternoon and one hour after sunset enter into any premises supplied with water by the Company in order to examine if there be any waste or misuse of such water and if any person hinder any such officer from entering either under the said section 57 or under this section or from making an examination under that section or this section he shall for every such offence be liable to a penalty not exceeding five pounds Provided that no person shall for the same offence have the water supplied to him turned off in pursuance of the said section 57 and be liable to a penalty under this section.

Power to remove water meters and fittings.

88. The Company by their agents or workmen after forty-eight hours' notice in writing under the hand of the secretary or some other officer of the Company to the occupier or if there be no occupier then to the owner or lessee of any house building or land in which any water pipe meter or fitting belonging to the Company is laid or fixed and through or in which the supply of water is from any cause other than the default of the Company discontinued for the space of forty-eight hours may enter such house building or land between the hours of nine in the morning and four in the afternoon or with the authority in writing of a justice at any other time for the purpose of removing and may remove every such pipe meter and fitting repairing all damage caused by such entry or removal.

Opening of ground by person liable to maintain pipes &c.

89.—(1) For the purpose of complying with any obligation under the Waterworks Clauses Acts 1847 and 1863 or under any Act or Order relating to the Company to maintain or repair any pipe or apparatus used for the supply of water from the waterworks of the Company the person liable to maintain the same shall have the like power to open the ground as is

PART V. —*cont.*

conferred upon him by and subject to the provisions of sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes.

(2) The Company by agreement with any owner or occupier entitled or required to lay maintain repair or remove any communication pipe and for that purpose to open or break up any street may subject to the like conditions execute such works on behalf of such owner or occupier and any expenses incurred by the Company shall be repaid by the owner or occupier with whom the agreement is made and shall be recoverable summarily as a civil debt.

Saving for Town and Country Planning. 22 & 23 Geo. 5. c. 48. 6 & 7 Geo. 6. c. 29. 7 & 8 Geo. 6. c. 47.

90. The provisions of the Town and Country Planning Acts 1932 and 1943 and the Town and Country Planning Act 1944 and of any order scheme or regulation made under those Acts or any enactment repealed by those Acts and for the time being in force shall apply to any development carried out under this Part of this Act as if such development were development within the meaning of those Acts.

For protection of Weald Electricity Supply Company Limited. 62 & 63 Vict. c. 19.

91. Unless otherwise agreed between the Company and the Weald Electricity Supply Company Limited nothing in this Act shall authorise the Company to alter the position of any electric lines or works of the said limited company to which the provisions of section 15 of the Electric Lighting Act 1882 apply otherwise than subject to the provisions of that section and of section 17 of the schedule to the Electric Lighting (Clauses) Act 1899.

PART VI.

GAS AND WATER.

Fittings let for hire not to be subject to distress &c.

92. Any apparatus or fittings let for hire by the Company and marked or impressed with a sufficient mark or brand indicating the Company as the actual owners thereof—

(*a*) 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 any proceedings in bankruptcy against the person in whose possession the same may be; and

(*b*) shall not be deemed landlord's fixtures notwithstanding that they be fixed or fastened to any part of the premises in which they may be situate or to the soil under any such premises.

Power to lay pipes in private streets.

93. The Company may on the application of the owner or occupier of any premises within the gas limits or the water limits respectively abutting on or being erected in any street

PART VI. —*cont.*

laid out but not dedicated to public use supply those premises with gas or water as the case may be and for that purpose the Gasworks Clauses Act 1847 and the Waterworks Clauses Act 1847 respectively shall apply as if section 7 of the former Act and section 29 of the latter Act respectively were excepted from incorporation with the East Grinstead Gas and Water Acts and Orders 1878 to 1945 and any highway authority within the meaning of the Local Government Act 1929 which would be the highway authority in respect of such street if it had been adopted as a highway repairable by the inhabitants at large shall be deemed to be (in addition to any other person) the persons having the control or management of any such street not being a street belonging to a railway company:

19 & 20 Geo. 5. c. 17.

Provided that the Company shall not exercise their powers under this section within the county of Surrey nor in respect of any street belonging to a railway company except with the consent of such railway company but such consent shall not be unreasonably withheld nor shall the Company in carrying out the works authorised by this section unreasonably obstruct or interfere with the access to any such street.

For mutual protection of Company and certain adjoining gas companies.

94.—(1) Whenever the Company in the exercise of their statutory powers (whether under any existing Act or Order or under this Act or under any subsequent Act or Order) require to execute any work (other than the laying of a pipe from any main for giving a supply of gas or water to the premises of a consumer or intending consumer and the breaking up of a street for that purpose) over across under or within five feet of any main or pipe (having an internal diameter of not less than two inches) or apparatus of the East Surrey Gas Company the Edenbridge and District Gas Company the Haywards Heath District Gas Company or the Horley District Gas Company (each of which companies as the case may require are in this section referred to as "the gas company") and whenever the gas company in the exercise of their statutory powers (whether under any existing or future Act or Order) require to execute any work (other than the laying of a pipe from any main for giving a supply of gas to the premises of a consumer or intending consumer and the breaking up of a street for that purpose) over across under or within five feet of any main or pipe (having an internal diameter of not less than two inches) or apparatus of the Company then—

(*a*) the Company or gas company as the case may be (in this section referred to as "the operators") shall unless otherwise agreed between them give to the other of them (in this section referred to as "the owners") not less than seven days' notice in writing before commencing to execute the intended work

accompanied by a plan and section thereof except in any case of emergency when they shall give such notice as soon as possible after the commencement of the work or the necessity for the work shall have arisen;

(*b*) the owners shall be entitled by their authorised officer to superintend the work;

(*c*) the operators shall conform with such reasonable requirements as may be made by the owners or such officer for protecting from injury every such main pipe or apparatus and for securing access thereto and shall if so required by the owners make good all damage done thereto or (if the owners elect themselves to repair any such damage) shall repay to the owners the cost reasonably incurred by them in so doing;

(*d*) where the operators find it necessary to undermine any such main pipe or apparatus they shall temporarily support it in position during the execution of the works and before completion provide a suitable and proper foundation for the same where so undermined;

(*e*) the work executed by the operators shall after completion be maintained by the operators in proper condition and repair.

(2) If the operators make default in complying with any of the requirements of this section they shall make full compensation to the owners for any expense loss damage penalty or costs which they may incur by reason or in consequence thereof.

(3) Any difference under this section which may arise between the Company and the gas company shall be determined by arbitration.

(4) The provisions of this section shall be in addition to and not in derogation of any rights or obligations of the Company and the gas company respectively with respect to the payment of compensation for damage done in the execution of their powers under any enactment for the time being in force regulating their respective undertakings or any Act or part of any Act incorporated therewith or at common law.

For protection of East Sussex County Council.

95. Section 25 (For protection of East Sussex County Council) of the Act of 1910 shall extend and apply for the protection of the county council of the administrative county of East Sussex with respect to the execution of any works under or the exercise in or affecting any highway of any of the powers of this Act as if that section with any necessary amendments were re-enacted in this Act.

PART VII.

MISCELLANEOUS.

Power to grant pensions &c.

96.—(1) The directors may grant such gratuities pensions and superannuation allowances or make such other payments as they think fit to any employee or where in any particular case no adequate provision is in their opinion otherwise made to the widow or family or any dependant of an employee.

(2) In the event of no superannuation scheme being established under the section of this Act of which the marginal note is "Superannuation scheme" the directors may make such payments as they think fit to any superannuation fund otherwise formed for the benefit of the employees.

(3) 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 widow family or dependant as aforesaid such gratuities pensions allowances or payments as are by this section authorised to be granted or made.

(4) The directors may subscribe or make donations to any fund raised in case of national emergency and to infirmaries hospitals convalescent homes and other institutions and objects and to the benevolent and sick funds of the employees.

(5) The directors may apply the revenues of the Company for the purposes of this section.

Superannuation scheme.

97.—(1) The Company may establish and carry into effect and from time to time modify alter or rescind a scheme for the provision of superannuation allowances for employees and may by any such scheme provide for the making of contributions by the Company and by the employees to the superannuation fund formed under any such scheme and for the investment of moneys forming part of such fund and the accumulation of interest or dividends on such investments by way of compound interest:

Provided that no modification alteration or rescission of any such scheme shall without his consent place any person who at the date of such modification alteration or rescission is a contributor to the fund or entitled under such scheme to a superannuation allowance in a worse position than he would have been if such modification alteration or rescission had not been made.

PART VII. —*cont.*

(2) No superannuation fund established under this section shall come into operation until it has been registered under the Superannuation and other Trust Funds (Validation) Act 1927. 17 & 18 Geo. 5. c. 41.

(3) The Company may apply their revenues for the purposes of this section.

(4) In this section the expression "employee" includes a director who is the managing director of the Company and a director appointed under the provisions of section 26 of the Gas Undertakings Act 1934.

As to recovery of sums due for fittings &c.

98. If the Company commence proceedings for the summary recovery of any sum due for a supply of gas or water any other sum due or payable to the Company by the same consumer in respect of the sale or hire of any apparatus or fittings supplied or provided by them for or in connection with the consumption or use of gas or water or in respect of the provision of materials and work in connection therewith or the fixing setting up repairing altering maintaining or removal thereof may be included in the same summons and may be recovered summarily as a civil debt together with the sum due for the supply of gas or water provided that the sum so included as aforesaid does not exceed twenty pounds in any one summons.

Recovery of penalties.

99. Save as otherwise expressly provided by any Act or Order from time to time relating to the Company all offences against any such Act or Order and all penalties forfeitures costs and expenses imposed or recoverable thereunder or under any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner:

Provided that the 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.

Arbitrations. 52 & 53 Vict. c. 49. 24 & 25 Geo. 5. c. 14.

100. Subject to any express provision of this Act in respect of any arbitration thereunder the Arbitration Act 1889 and the Arbitration Act 1934 or any statutory modification or re-enactment thereof for the time being in force shall apply to every arbitration under this Act.

Application of provisions of Acts of 1878 and 1910.

101. The provisions of section 94 (Liability to gas or water rent not to disqualify justices &c.) of the Act of 1878 and of section 55 (Recovery of demands) of the Act of 1910 shall so far as they are applicable for the purpose extend and apply with the necessary modifications to this Act.

Saving in respect Water Act 1945.

102. This Act shall be deemed to have been passed before the coming into operation of the Water Act 1945.

PART VII. —*cont.*

Repeal.

103.—(1) The following provisions of the under-mentioned Acts are hereby repealed as on and from the date of conversion:—

The Act of 1878.

Section 20	(Capital);
Section 21	(Capital stock to be created and to vest in shareholders of existing company);
Section 22	(Company shall call in and cancel existing share certificates and issue new certificates in lieu thereof);
Section 23	(Shares not to issue until one-fifth part paid up);
Section 24	(Calls);
Section 25	(Power to divide shares);
Section 26	(Dividends on half shares);
Section 27	(Dividend on preferred shares to be paid out of profits of the year only);
Section 28	(Half shares to be registered and certificates issued);
Section 29	(Terms of issue to be stated on certificates);
Section 30	(As to forfeiture of preferred shares);
Section 31	(Preferred shares not to be cancelled &c.);
Section 32	(Half shares to be half shares in capital);
Section 33	(Profits of Company limited);
Section 34	(Dividends on different classes of stock or shares to be paid proportionately);
Section 35	(Shares in capital to be offered by auction or tender);
Section 36	(Purchase money to be paid within three months);
Section 37	(As to notice to be given of sale &c. of shares);
Section 38	(Shares not sold by auction or by tender to be offered to shareholders);
Section 42	(Power to borrow in respect of capital stock);
Section 43	(Power to borrow in respect of additional capital);
Section 45	(For appointment of a receiver);
Section 50	(First ordinary meeting);
Section 52	(Qualification of directors);
Section 54	(First directors);
Section 63	(Power to hold licenses under letters patent).

PART VII. —*cont.*

The Act of 1892.

Section 16 (Power to raise additional capital);
Section 18 (Limit of profit on additional capital);
Section 19 (Dividends on different classes of ordinary capital to be paid proportionately);
Section 20 (New shares or stock to be offered by auction or tender);
Section 21 (Purchase money of capital sold by auction to be paid within three months);
Section 22 (As to notice to be given as to sale);
Section 23 (Shares or stock not sold by auction or by tender to be offered to share or stock holders);
Section 25 (Power to borrow);
Section 26 (Appointment of receiver).

The Act of 1910.

Section 32 (Power to raise additional capital);
Section 34 (Limits of profit on additional capital);
Section 35 (Dividends on different classes of ordinary capital to be paid proportionately);
Section 36 (Shares or stock in additional capital to be sold by auction or tender);
Section 37 (Power to borrow);
Section 42 (Appointment of receiver).

(2) The following provisions are hereby repealed upon the date of the passing of this Act:—

The Act of 1892.

Section 32 (Power to lay pipes in streets not dedicated to public use).

The Act of 1910.

Section 50 (Rates payable by owners of small houses);
Section 52 (Detection of waste).

Costs of Act.

104. All costs charges and expenses preliminary to and of and incident to the preparing applying 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 defrayed out of revenue.

The SCHEDULE referred to in the foregoing Act.

STATEMENT OF SHARE CAPITAL

Act authorising the raising of capital	Description of capital	Maximum rate of dividend	Number of shares issued	Nominal amount of each share	Total paid up		Total amount authorised
					Nominal	Premiums	
					£	£ s. d.	£
The Act of 1878	Capital A	(1) 10%	Stock	Stock	5,814	—	5,814
		(2) 10%	700	£10	7,000	—	7,000
	Capital B	7%	500	£10	5,000	—	5,000
The Act of 1892	C Shares	7%	3,493	£10	34,930	5,070 0 0	40,000
The Act of 1910	C Shares	7%	2,351	£10	23,510	2,588 4 6	40,000
The Act of 1910	Preference shares	6%	1,117	£10	11,170	2,732 10 6	
					£87,424	£10,390 15 0	£97,814

STATEMENT OF LOAN CAPITAL

Act or consent authorising the loan capital	Description of loan	Total amount borrowed	Remaining to be borrowed	Total amount authorised
		£ s. d.	£ s. d.	£ s. d.
The Act of 1878	4% Debenture stock	4,453 10 0	—	4,453 10 0
The Act of 1892	4% Debentures	9,110 0 0	—	10,000 0 0
	premium	104 0 5		
	4½% Redeemable debentures	785 19 7		
The Act of 1910	4½% Redeemable debentures	3,123 16 2	6,876 3 10	10,000 0 0
East Grinstead Gas and Water (Capital Issue) Consent 1922.	4½% Redeemable debentures	5,510 4 3	—	5,510 4 3
		£23,087 10 5	£6,876 3 10	£29,963 14 3

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