CHAPTER xviii.

An Act to empower the Folkestone Gas and Coke Company to acquire the undertaking of the Hythe and Sandgate Gas Company to extend the limits of supply of the Company to provide for the conversion of the existing capital of the Company and for other purposes. [19th July 1916.] A.D. 1916.

WHEREAS by the Folkestone Gas Act 1865 (hereinafter called "the Act of 1865") the Folkestone Gas and Coke Company (hereinafter called "the Company") were re-incorporated and authorised to supply gas within the limits of that Act being at that time the parish of Folkestone including therein the town of Folkestone and the borough of Folkestone Sandgate in the parish of Cheriton and the camp at Shorncliffe and now represented by the areas mentioned in Part I. of the First Schedule to this Act and various powers were conferred on the Company in connection with the supply of gas:

And whereas by the Act of 1865 the Company were authorised to raise capital in shares of thirty-six thousand pounds (including the capital then already raised) and to borrow nine thousand pounds and the Company were by the said Act authorised to convert into shares any money so borrowed:

And whereas by the Folkestone Gas Act 1876 (hereinafter called "the Act of 1876") the Company were authorised to raise a further sum of sixty thousand pounds in shares and to borrow a further sum of fifteen thousand pounds:

And whereas by the Folkestone Gas Act 1898 (hereinafter called "the Act of 1898") further powers were conferred on the Company and the Company were authorised to raise the further sum of one hundred and thirty thousand pounds in shares or stock and to borrow a further sum equal to one-fourth

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part of the amount of the additional capital authorised by that Act:

And whereas the whole of the share capital authorised to be raised by the Act of 1865 and the Act of 1876 has been raised and fully paid up and the whole of the capital authorised to be raised on loan under those Acts has been converted into shares and has been raised and fully paid up:

And whereas of the capital authorised by the Act of 1898 the Company have raised fifty thousand pounds together with the sum of twenty-six thousand nine hundred and ninety-nine pounds nine shillings being premiums forming part of the authorised capital so raised as aforesaid and there is remaining to be raised under the Act of 1898 the sum of fifty-three thousand pounds eleven shillings and the Company have not borrowed any money under the Act of 1898 and owe no money on mortgage or bond nor have they created any debenture stock:

And whereas the present capital of the Company consists of forty-five thousand pounds ten per centum shares (which includes the converted loan capital raised under the Act of 1865) sixty thousand pounds seven per centum shares fifteen thousand pounds five per centum shares (being the converted loan capital raised under the Act of 1876) and fifty thousand pounds seven per centum shares:

And whereas by the Hythe and Sandgate Gas Act 1868 (hereinafter called "the Act of 1868") the Hythe and Sandgate Gas Company (hereinafter called "the Hythe Company") were re-incorporated and authorised to supply gas within the limits of that Act being at that time the local board district of Sandgate the parish of Cheriton (excepting the camp at Shorncliffe) and the parishes of Newington-next-Hythe Saltwood St. Leonard Hythe and West Hythe in the county of Kent and now represented by the areas mentioned in Part II. of the First Schedule to this Act:

And whereas by the Act of 1868 the original capital of the Hythe Company was fixed at six thousand six hundred and sixty pounds and the Hythe Company were authorised to raise a further sum of seventeen thousand three hundred and forty pounds (making the total capital under such Act twenty-four thousand pounds) and to borrow six thousand pounds:

And whereas by the Hythe and Sandgate Gas Order 1876 further powers were conferred on the Hythe Company:

And whereas by the Hythe and Sandgate Gas Order 1911 (hereinafter referred to as "the Order of 1911") the Hythe Company were authorised to raise additional capital not exceeding fifteen thousand pounds and to borrow in respect of the additional capital five thousand pounds:

And whereas the existing capital of the Hythe Company consists of six thousand six hundred and sixty pounds in ordinary shares entitled to a standard rate of dividend of ten per centum per annum twelve thousand nine hundred pounds in ordinary shares entitled to a standard rate of dividend of seven per centum per annum one thousand and sixty pounds four per centum preference shares three thousand three hundred and eighty pounds five per centum preference shares and ten thousand one hundred and forty pounds six per centum preference shares leaving additional capital to the amount of four thousand eight hundred and sixty pounds authorised to be raised under the Order of 1911 and the Hythe Company have raised on loan a sum of eight thousand eight hundred pounds by the issue of eight thousand eight hundred pounds five per centum debenture stock leaving a further sum of two thousand two hundred pounds to be raised under the Order of 1911:

And whereas the respective areas of supply of the Company and the Hythe Company overlap and both companies have distribution mains in the urban district of Sandgate:

And whereas for some time past the Company have supplied a part of the parish of Cheriton within the limits of supply of the Hythe Company and the Hythe Company have supplied a part of the borough of Folkestone within the limits of supply of the Company:

And whereas it has been agreed that the Company should acquire the undertaking of the Hythe Company upon the terms set forth in this Act one of the terms of such agreement being that the Company should obtain the necessary powers in the session of 1916 to authorise the transfer to them of the undertaking of the Hythe Company:

And whereas it would be to the advantage of the consumers of gas within the areas supplied by the said companies respectively and it is expedient that the sale and purchase of the undertaking of the Hythe Company be sanctioned as by this Act provided:

And whereas the demand for gas within the Company's limits of supply and the limits of supply of the Hythe Com-

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pany and in parishes and places adjacent or near thereto is increasing and it is expedient that the Company's limits of supply be extended:

And whereas by the East Kent Gas Order 1914 the undertakers under that Order were authorised to supply gas in the parishes of Elham Lyminge Postling and Standford in the rural district of Elham which parishes are within such extended limits of supply and it is expedient that the Company and the undertakers of such Order be authorised to enter into agreements for the transfer of such undertaking:

And whereas it is expedient that the existing capital of the Company be converted into one class of stock entitled to a dividend at the rate of five per centum per annum but subject to increase or reduction according to the prices of gas supplied by the Company as by this Act provided:

And whereas it is expedient that new provisions be made with reference to the testing of gas supplied by the Company as in this Act contained:

And whereas it is expedient that further powers be conferred upon the Company and further provision be made with reference to their undertaking as 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:—

Short and collective titles.

1. This Act may be cited as the Folkestone Gas Act 1916 and the Folkestone Gas Act 1865 the Folkestone Gas Act 1876 the Folkestone Gas Act 1898 and this Act may be cited together as the Folkestone Gas Acts 1865 to 1916.

Application of general Acts.

2. The following Acts and parts of Acts so far as the same are applicable for the purposes of this Act and are not inconsistent with the provisions of the Act of 1865 the Act of 1876 the Act of 1898 and this Act are subject to the provisions of this Act hereby incorporated with this Act (namely):—

The Companies Clauses Consolidation Act 1845 except the provisions thereof with respect to the conversion of borrowed money into capital and the provisions of that

Act so incorporated shall so far as the same are applicable apply to any ordinary stock to be issued or created by virtue of or under the powers of this Act;

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

The Gasworks Clauses Act 1847; and

The Gasworks Clauses Act 1871.

Interpretation.

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

"The Company" means the Folkestone Gas and Coke Company;

"The Hythe Company" means the Hythe and Sandgate Gas Company;

"The Folkestone District" means the limits of the Company for the supply of gas as existing immediately before the passing of this Act and described in the first part of the First Schedule to this Act;

"The Hythe District" means the limits of the Hythe Company for the supply of gas as existing immediately before the passing of this Act and described in the second part of the First Schedule to this Act;

"The Hythe Undertaking" includes subject to the provisions of this Act all rights of making distributing and supplying gas and all other the rights powers authorities and privileges whatsoever of the Hythe Company and all property assets and effects whatsoever and wheresoever and whether real or personal including cash balances funds and investments (if any) and all other interests and rights in to and out of property whether real or personal and obligations and things in action of or belonging to the Hythe Company upon or immediately before the date of transfer hereinafter specified and all books accounts deeds writings and documents relating thereto but subject to all contracts debts liabilities and obligations of the Hythe Company which shall be subsisting on the said date;

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"The undertaking" means the whole undertaking of the Company as enlarged or extended by or under the provisions of this Act;

"The date of transfer" means the date of the passing of this Act or the first day of July one thousand nine hundred and sixteen whichever shall be the later;

"The date of conversion" means such day between the date of the passing of this Act and the expiration of twelve months after the termination of the present war as may be sanctioned by the Treasury or if no such sanction be given the first day of January or the first day of July as the case may be next after the termination of such twelve months;

"The limits of supply" means the limits described in the section of this Act of which the marginal note is "Limits of supply";

"The inner area" means so much of the limits of supply as is comprised within the respective urban districts of Folkestone Sandgate and Cheriton;

"The middle area" means so much of the limits of supply as is comprised within the borough of Hythe and the parish of Saltwood;

"The outer area" means so much of the limits of supply as is not included within the inner area or the middle area;

"The Hythe Act and Orders" means the Hythe and Sandgate Gas Act 1868 the Hythe and Sandgate Gas Order 1876 and the Hythe and Sandgate Gas Order 1911;

"The Act of 1865" means the Folkestone Gas Act 1865;

"The Act of 1876" means the Folkestone Gas Act 1876;

"The Act of 1898" means the Folkestone Gas Act 1898;

"The Folkestone Corporation" means the mayor aldermen and burgesses of the borough of Folkestone;

"The Hythe Corporation" means the mayor aldermen and burgesses of the borough of Hythe;

"The urban authorities" means the Folkestone Corporation (being the urban authority for the urban district of Folkestone) the Hythe Corporation the urban district council of Sandgate and the urban district council of Cheriton.

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Application of Gasworks Clauses Acts to Company.

4. In the application to the Company of the provisions of the Gasworks Clauses Act 1847 as incorporated with the Act of 1865 and the Gasworks Clauses Act 1871 as incorporated with the Act of 1876 and of the said Acts of 1847 and 1871 as incorporated with the Act of 1898 and this Act such provisions shall be modified as follows (that is to say):—

(1) Section 13 of the Gasworks Clauses Act 1847 shall be read and construed as if the words "or any premises" were inserted after the words "private building" and as if the words "Provided also that every such "contract entered into by the Company shall be alike "in terms and amount under like circumstances to "all consumers" were added at the end of that section:

(2) Sections 30 to 34 both inclusive of the Gasworks Clauses Act 1847 shall on and after the first day of January one thousand nine hundred and seventeen cease to have effect:

(3) Section 35 of the Gasworks Clauses Act 1847 shall on and after the first day of January one thousand nine hundred and seventeen be read and construed as if the words from "in case the whole" down to the words "have been paid" were omitted therefrom and as though the expression "the prescribed rate" meant the standard rate of dividend or such rate reduced or increased in accordance with the provisions of this Act:

(4) The provisions of the Gasworks Clauses Act 1871 shall on and after the first day of January one thousand nine hundred and seventeen have effect as if all references to illuminating power and the testing thereof were omitted from that Act.

ACQUISITION OF UNDERTAKING OF THE HYTHE COMPANY.

Transfer to Company of Hythe Undertaking and dissolution of Hythe Company.

5.—(1) As on and from the date of transfer the Hythe Undertaking shall by virtue of this Act be transferred to and vested in the Company upon and subject to the terms and conditions contained in this Act.

(2) As on and from the date of transfer the Hythe Undertaking shall form part of the undertaking of the Company and the Hythe Company shall be and is hereby dissolved.

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Company to issue ordinary stock in substitution for shares of Hythe Company.

6.—(1) As soon as reasonably practicable after the date of transfer the Company shall subject to and in accordance with the provisions of this Act issue to those persons who at the date of transfer held ordinary or preference shares of the Hythe Company ordinary stock of the Company to be created as hereinafter provided as fcllows (that is to say):—

To each such holder of ordinary shares of ten pounds nominal value of the Hythe Company entitled to a standard rate of dividend of ten per centum for each such share held by him the sum of ten pounds of such ordinary stock;

To each such holder of ordinary shares of ten pounds nominal value of the Hythe Company entitled to a standard rate of dividend of seven per centum for each such share held by him the sum of seven pounds of such ordinary stock;

To each such holder of preference shares of ten pounds nominal value of the Hythe Company entitled to a dividend of four per centum for each such share held by him the sum of eight pounds of such ordinary stock;

To each such holder of preference shares of ten pounds nominal value of the Hythe Company entitled to a dividend of five per centum for each such share held by him the sum of ten pounds of such ordinary stock;

To each such holder of preference shares of ten pounds nominal value of the Hythe Company entitled to a dividend of six per centum for each such share held by him the sum of twelve pounds of such ordinary stock.

(2) The Company shall in addition issue to each of the five persons who were directors of the Hythe Company on the second day of November one thousand nine hundred and fifteen the sum of two hundred and ten pounds of such ordinary stock and to Herbert Stainer the secretary of the Hythe Company five hundred pounds of such ordinary stock.

Company to issue debenture stock in substitution for debenture stock of Hythe Company.

7. As soon as reasonably practicable after the date of transfer the Company shall subject to and in accordance with the provisions of this Act issue to those persons who at the date of transfer held debenture stock of the Hythe Company debenture stock of the Company to be created as hereinafter provided as follows (that is to say) To each such holder of debenture stock of the Hythe Company for each one hundred

pounds of such debenture stock held by him the sum of one hundred and twenty-five pounds four per centum debenture stock of the Company and so in proportion for any less amount than one hundred pounds of such debenture stock of the Hythe Company.

As to accounts of Hythe Company to 30th June 1916.

8.—(1) The Hythe Company may if they think fit and if reasonably possible prepare prior to the date of transfer the accounts of the Hythe Undertaking for the half year ended the thirtieth day of June one thousand nine hundred and sixteen and if such accounts shall not have been so prepared the Company shall as soon as reasonably practicable after the date of transfer prepare separate accounts of the Hythe Undertaking for the said half year in like manner as such accounts would have been prepared if this Act had not been passed and such accounts whether prepared by the Hythe Company or the Company shall be audited by the auditors of the Hythe Company.

(2) If the Hythe Company shall not have distributed prior to the date of transfer among the holders of shares of the Hythe Company such dividends as may have been lawfully payable prior to that date in respect of the twelve months ended the thirtieth day of June one thousand nine hundred and sixteen the Company shall as soon as reasonably practicable after the aforesaid accounts shall have been audited distribute among the persons who at the date of transfer were holders of shares of any class of the Hythe Company a sum in cash equal to the amount which as shown by such accounts would have been lawfully divisible among the shareholders of the Hythe Company in respect of the said twelve months if this Act had not been passed after deducting the amount (if any) which shall have been distributed as dividends by the Hythe Company in respect of the said twelve months prior to the date of transfer.

(3) Any sum of cash which under the provisions of this section the Company are required to distribute among the persons who at the date of transfer were holders of shares of any class of the Hythe Company shall be distributed among such persons subject to the same priorities and in the same proportions in all respects as those to or in which the divisible profits of the Hythe Company for the said twelve months might have been lawfully distributed if this Act had not been passed.

Creation of stock and debenture

9.—(1) On the date of transfer there shall be created by virtue of this Act and without any other requisite such a nominal

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stock of Company for purposes of transfer of Hythe Undertaking.

amount of (i) ordinary stock of the Company entitled to dividends as by this Act provided and (ii) four per centum debenture stock of the Company as shall be requisite to give effect to the provisions of this Act with respect to the transfer of the Hythe Undertaking.

(2) The amounts of ordinary stock and of debenture stock of the Company to which the holders of shares or debenture stock of any class of the Hythe Company become entitled by virtue of this Act shall be vested in such holders as on and from the date of transfer and such holders shall (subject to the provisions of the section of this Act of which the marginal note is "As to fractional parts and small holdings of stock") be registered in the books of the Company forthwith after the date of transfer as the holders of such amounts respectively.

(3) The ordinary stock and debenture stock of the Company to be created as aforesaid shall rank for dividend or interest as from the thirtieth day of June one thousand nine hundred and sixteen and as from that date the shares and debenture stock of the Hythe Company shall cease to bear any dividend or interest.

As to fractional parts and small holdings of stock.

10.—(1) In every case where under the foregoing provisions of this Act a holder of shares or debenture stock of the Hythe Company would be entitled to be registered as the holder of an amount of ordinary stock or debenture stock of the Company of less nominal value than ten pounds or of debenture stock of greater nominal value than ten pounds but including a fractional part of one pound the Company in lieu of registering such holder and issuing to him a certificate as holder of the amount of ordinary stock or debenture stock to which he would be otherwise entitled under the foregoing provisions of this Act shall pay to such holder a sum in cash equal to the nominal value of the ordinary stock or debenture stock to which he would be so entitled if such nominal value is less than ten pounds and if the same exceeds ten pounds but includes a fractional part of one pound equal to the nominal value of such fractional part and in the latter event the Company shall register such holder and issue to him a certificate of the amount of debenture stock to which he would be so entitled as aforesaid excluding such fractional part.

(2) The receipt of any holder of ordinary stock or debenture stock of the Hythe Company for any sum in cash so paid to him under the provisions of this section shall be a sufficient

discharge to the Company for the amount of ordinary stock or debenture stock in respect of which such payment is made.

(3) The Company may either cancel all or any of the ordinary stock or debenture stock in respect of which any payment has been made under the provisions of this section or issue the same to any willing purchaser of amounts of such stock of an integral number of pounds exceeding ten pounds and any loss or expense which may be incurred in connection with such issue shall be borne by the Company.

Hythe Company's books to be evidence as to holders of shares and debenture stock.

11.—(1) The several persons who immediately before the date of transfer appear on the registers of the Hythe Company to be holders of shares or debenture stock of any class of the Hythe Company or the respective executors administrators or assigns of such persons shall for the purposes of this Act and subject to the provisions of the section of this Act of which the marginal note is "Transfers of shares or debenture stock although by present name to be valid" be deemed to be holders of shares or debenture stock of the Hythe Company as the case may be and the secretary of the Hythe Company shall on the date of transfer deliver to the Company at the principal office of the Company the said registers and on and after the date of transfer the registers of transfers of shares or debenture stock of the Hythe Company shall be permanently closed and (except as provided by the last-mentioned section of this Act) no transfer of any shares or debenture stock of the Hythe Company made on or after that date shall as between the Company and the party claiming thereunder be of any effect.

(2) The issue by the Company of certificates for ordinary stock or debenture stock (as the case may be) of the Company in accordance with the foregoing provisions of this Act together with the payment of the sum in cash representing any fractional part of one pound of such debenture stock or as the case may be the payment by the Company of the sum in cash representing any amount of ordinary stock or debenture stock of less nominal value than ten pounds as provided by the section of this Act of which the marginal note is "As to fractional parts and small holdings of stock" to the persons whose names appear by the said registers to be registered holders of shares or debenture stock of the Hythe Company or the respective executors or administrators of such persons or to the persons entitled thereto pursuant to the section of this Act of which the marginal note is "Transfers of shares or

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debenture stock although by present name to be valid" shall be a sufficient discharge to the Company for all purposes.

Pending actions.

12. If at the date of transfer any action arbitration or proceeding or any cause of action arbitration or proceeding is pending or existing by or against or in favour of the Hythe Company the same shall not abate or be discontinued or be in anywise prejudicially affected by reason of the transfer to the Company of the Hythe Undertaking or of anything in this Act but the same may be continued prosecuted and enforced by against or in favour of the Company as and when it might have been continued prosecuted and enforced by against or in favour of the Hythe Company if this Act had not been passed but not further or otherwise.

Contracts to be binding.

13. All contracts agreements conveyances deeds and other instruments affecting the Hythe Company in force at the date of transfer shall as from that date be read and construed and be as binding and of as full force and effect against or in favour of the Company (as the case may be) and may be enforced as fully and effectually as if instead of the Hythe Company the Company had been a party thereto or bound thereby or entitled to the benefit thereof:

Provided that no contract or agreement (unless entered into in connection with the ordinary maintenance of the Hythe Undertaking) and no conveyance deed or other instrument made or entered into by the Hythe Company after the second day of November one thousand nine hundred and fifteen and extending beyond the date of transfer or involving the Company in any liability shall be binding on or of any force or effect against or in favour of the Company unless made or entered into with the consent in writing of the Company.

Rents and charges to continue.

14. All rents and charges and other sums and debts which at the date of transfer are due and payable or accruing due or payable to the Hythe Company shall continue in force and be due and payable to and may be collected recovered and enforced by the Company in the same manner and with and by the same benefits and processes as those with and by which the Hythe Company might have enforced the same and shall belong to the Company for their own benefit.

Books &c. to remain evidence.

15. All books and documents which if this Act had not been passed would have been evidence in respect of any matter for or against the Hythe Company shall be admitted in evidence

to the same extent in respect of the same or the like matter for or against the Company. A.D. 1916.

Officers of Hythe Company to be accountable for books &c.

16. All officers and persons who at the date of transfer have in their possession or under their control any books documents papers moneys or effects forming part of the Hythe Undertaking shall be liable to account for and deliver up the same to the Company or to such persons as the Company may appoint to receive the same and subject to the same consequences on refusal or neglect as if such officers and persons had been appointed by and become possessed of such books documents papers moneys and effects for the Company.

As to officers and servants of Hythe Company.

17.—(1) The Company shall subject as is hereinafter provided take over and employ as on and from the date of transfer such of the officers and servants of the Hythe Company who shall be in the employment of the Hythe Company at that date as the Company may require and as shall be willing to enter the service of the Company on the same terms and conditions as they were employed by the Hythe Company at the date of transfer (except as may be otherwise agreed between the Company and any such officer or servant) but subject to the same obligations as are imposed upon the officers and servants of the Company to contribute to and participate in any superannuation schemes or funds of the Company.

(2) Any person appointed without the consent in writing of the Company to the permanent staff of the Hythe Company either as an additional member of such staff or to fill up any vacancy therein between the second day of November one thousand nine hundred and fifteen and the date of transfer and the secretary and any auditor of the Hythe Company shall not for the purposes of this section be deemed to be an officer of the Hythe Company nor shall any increase of salary remuneration or emoluments (other than any such increase as would have been given to any officer under a grade scale or in the ordinary course of customary increments) granted during the said period by the Hythe Company without such consent as aforesaid be taken into account for any purpose of this section.

Provisions of Company's Acts to apply to Hythe District.

18. Subject to the provisions contained in this Act the Act of 1865 the Act of 1876 and the Act of 1898 (except so far as such Acts are repealed or amended) and the provisions of this Act relating to or affecting the Company shall as from

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the date of transfer apply to the Hythe Undertaking as vested in the Company and as from that date the Company may exercise within the Hythe District all or any of the powers rights privileges and authorities conferred by the said Acts in relation to the Folkestone District or any part thereof or by this Act.

Certain provisions of Hythe Act and Orders to continue.

19. The provisions of the Hythe Act and Orders which are set forth in the Second Schedule to this Act shall continue in force within the Hythe District and the Company within the Hythe District may exercise the powers conferred and shall be subject to the obligations imposed by the said provisions in all respects as if the Company had been therein referred to instead of the Hythe Company:

Provided that notwithstanding anything in the said provisions with respect to the limits within which the Hythe Company may supply gas the Company shall be entitled to supply in any part of the limits of supply any gas manufactured by them under or by virtue of the powers conferred by the said provisions.

Partial repeal of Hythe Act and Orders.

20. The provisions of the Hythe Act and Orders other than the provisions set forth in the Second Schedule to this Act shall as from the date of transfer be by virtue of this Act repealed.

CONVERSION OF SHARE CAPITAL.

Conversion of share capital.

21.—(1) As on and from the date of conversion the then existing shares of the Company shall be converted into one class of stock to be called "ordinary stock" and shall subject to the provisions of this Act be by virtue of this Act vested in the holders of the then existing shares of the Company as follows:—

For every ten-pound share entitling the holder thereof to a dividend of ten pounds per centum per annum twenty pounds of ordinary stock;

For every ten-pound share entitling the holder thereof to a dividend of seven pounds per centum per annum fourteen pounds of ordinary stock;

For every ten-pound share entitling the holder thereof to a dividend of five per centum per annum ten pounds ordinary stock.

(2) On the date of conversion there shall by virtue of this Act and without other requisite be created in addition to the ordinary stock created by virtue of the section of this Act of which the marginal note is "Creation of stock and debenture "stock of Company for purposes of transfer of Hythe Under-"taking" such nominal amount of ordinary stock entitled to dividends as by this Act provided as shall be necessary for the purpose of giving effect to such conversion and the amounts of ordinary stock to which the holders of the shares of the Company shall by virtue of this Act respectively become entitled in substitution for such shares shall be deemed to be fully paid up and shall be vested in such holders and forthwith registered in the respective names of such holders in the books of the Company Such amounts of ordinary stock as aforesaid shall rank for dividend as from the thirtieth day of June or the thirty-first day of December as the case may be next preceding the date of conversion and as from the same day the existing shares of the Company shall cease to bear any dividend.

PROVISIONS RELATING TO TRANSFER OF HYTHE UNDERTAKING AND CONVERSION.

Transfers of shares or debenture stock although by present name to be valid.

22. All transfers or other dispositions of any shares or debenture stock of the Hythe Company as existing up to the date of transfer and of any shares of the Company as existing up to the date of conversion shall after such respective dates and notwithstanding this Act be valid and have due effect given to them respectively as transfers or dispositions of the respective amounts of ordinary stock or debenture stock or cash or of debenture stock and cash which represent the shares or debenture stock of the Hythe Company or the Company thereby expressed to be transferred or disposed of and are or may be 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 debenture stock transferred or disposed of had before such substitution and any bequest of or any covenant or provision of any deed or agreement relating to any specific number or nominal amount of any such shares or debenture stock of the Hythe Company or the Company shall be held to apply to a nominal amount of ordinary stock or debenture stock or of debenture stock and cash or a sum of cash equal to that for or into which such specific number or nominal amount of shares or debenture stock of the Hythe Company or

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the Company shall have been substituted or converted under the provisions of this Act.

Ordinary stock and debenture stock of Company to be held on same trusts &c. as shares or debenture stock for which same substituted.

23. The ordinary stock or debenture stock of the Company of which the holders of shares or debenture stock of the Hythe Company or the Company are pursuant to the provisions of this Act registered as the holders and the sums of cash to be paid by the Company under this Act in respect of amounts of stock of less nominal value than ten pounds or of fractional parts of one pound shall after registration and payment thereof be held in the same rights upon the same trusts and subject (so far as is consistent with such provisions) to the same powers provisions charges and liabilities as those in upon or to which the shares or debenture stock of the Hythe Company or the Company for which such ordinary stock or debenture stock of the Company or sums of cash are respectively substituted were held immediately before the date of transfer in the case of shares or debenture stock of the Hythe Company and the date of conversion in the case of shares of the Company 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 effecting any such shares or debenture stock of the Hythe Company or the Company and trustees executors or administrators and all other holders in any representative or fiduciary capacity of any shares or debenture stock of the Hythe Company or the Company are hereby expressly authorised and required to accept any ordinary stock or debenture stock of the Company of which they are pursuant to the provisions of this Act registered as the holders and any sums of cash paid to them under the provisions of this Act and to hold dispose of or otherwise deal with such ordinary stock or debenture stock or sums of cash in all respects as they might have held disposed of or otherwise dealt with the shares or debenture stock of the Hythe Company or the Company for which the same is substituted and are hereby indemnified in respect of all acts bonâ fide done by them in pursuance of the provisions of this Act.

Certificates of existing shares to be called in and others issued.

24. The Company shall in the case of shares or debenture stock of the Hythe Company as soon as reasonably practicable after the date of transfer and in the case of shares of the Company as soon as reasonably practicable after the date of conversion call in the certificates of such shares or debenture

stock for which ordinary stock or debenture stock or cash or debenture stock and cash shall be substituted by virtue of this Act and shall issue in exchange for those certificates to the respective proprietors thereof free of charge certificates of ordinary stock or debenture stock of the respective amounts (if any) to which those proprietors are by this Act respectively entitled but no shareholder or debenture stockholder shall be entitled to a new certificate until he shall have delivered up to the Company to be cancelled the existing certificate for which such certificate is to be substituted or shall have proved to the reasonable satisfaction of the directors of the Company the loss or destruction thereof and shall have given such guarantee or indemnity in respect thereof as the directors may require Provided always that from the date of transfer or the date of conversion as the case may be until the issue of such new certificates the holders of existing certificates shall (according to the amounts of ordinary stock or debenture stock (if any) to be substituted by virtue of this Act for the shares or debenture stock of the Hythe Company or of the Company which such certificates respectively represent) have and possess the same rights and advantages as if they were certificates for those respective amounts of ordinary stock or debenture stock created by virtue of this Act but if any holder of any of the shares or debenture stock of the Hythe Company or of the Company neglect or omit to send or deliver to the Company his existing certificate or certificates for the period of one year after notice in writing sent by post to the address appearing in the shareholders' or debenture-holders' "address book" of the Hythe Company or of the Company the Company may suspend the payment of any dividend declared or made payable upon or in respect of the ordinary stock or debenture stock so held by him until such existing certificate or certificates is or are sent or delivered to the Company or is or are proved to the reasonable satisfaction of the directors to have been lost or destroyed and such guarantee or indemnity is given in respect of such lost or destroyed certificate as the directors may require.

As to ranking of ordinary stock of Company created under this Act.

25. The ordinary stock of the Company created under or by virtue of this Act and to be issued to holders of shares of the Hythe Company and to the holders of shares of the Company shall be entitled to a standard rate of dividend of five per centum per annum subject to increase or decrease as hereinafter in this Act provided and shall rank pari passu with the ordinary stock to be issued as additional capital under this

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Act and all such ordinary stock shall in all respects and for all purposes be deemed to form part of one and the same stock of the Company.

FINANCIAL PROVISIONS.

As to unexercised capital powers of Act of 1898.

26. The powers conferred upon the Company by the Act of 1898 of raising further capital by shares or stock so far as such powers have not been exercised prior to the passing of this Act shall continue in force and be exerciseable by the Company and shall be exercised by the creation and issue of further amounts of ordinary stock or by the creation and issue of preference stock.

New stock to be issued by auction or tender.

27.—(1) All stock created by the Company in exercise of the powers of raising additional capital conferred upon them by the Act of 1898 as varied by this Act shall be issued in accordance with the provisions of this section.

(2) All such stock 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 Company shall from time to time determine Provided as follows:—

(A) Notice of the intended sale shall be given in writing to the respective town clerks of the boroughs of Folkestone and Hythe and to the clerk of each urban and rural district council whose district or any part of whose district is included in the limits of supply and to the secretary of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and shall also be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the limits of supply:

(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 Board of Trade not less than twenty-four hours before but not to be opened till after the day of auction or last day for the receipt of tenders as the case may be:

(C) No lot offered for sale shall comprise stock of greater nominal value than one hundred pounds:

(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 and in the case of a sale by auction a bid shall not be recognised unless it is in advance of the last preceding bid:

(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 stock which has been so offered for sale and is not sold may be disposed of by the directors at a price not less than the reserve price put upon the same for the purpose of sale by auction or tender or may be offered at the reserve price to the holders of ordinary stock and preference stock of the Company in accordance with the provisions of sections 18 19 and 20 of the Companies Clauses Act 1863 and to the employees of the Company and to the consumers of gas supplied by the Company in such proportions as the Company may think fit or to one or more of these classes of persons only Provided in the case of an offer to holders of stock that if the aggregate amount of stock applied for shall exceed the aggregate amount 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) Any stock which has been offered for sale in accordance with subsection (2) or with subsections (2) and (3) of this section and is not sold may be again offered for sale by public auction or by tender in accordance with the provisions of this section and any such stock then remaining unsold may be otherwise disposed of at such price and in such manner as the directors may determine for the purpose of realising the best price obtainable.

(5) As soon as possible after the conclusion of the sale or sales the Company shall send a report thereof to the Board of Trade stating the total amount of each class of stock sold the total amount obtained as premium (if any) and the highest and lowest prices obtained for each class of stock.

Dividends of Company limited.

28.—(1) After the thirtieth day of June one thousand nine hnndred and sixteen the profits of the Company which may be divided in respect of any half-year among the holders of ordinary and preference capital of the Company shall not (except as mentioned in subsection (2) of this section) exceed the following rates (namely):—

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On any preference stock to be issued as additional capital under the Act of 1898 as varied by this Act such rate (not exceeding the rate of six per centum per annum) as shall be specified in the resolution creating such stock;

On the ordinary shares representing the capital authorised by the Act of 1865 including the converted loan capital raised under that Act the rate of ten per centum per annum;

On the ordinary shares representing the converted loan capital raised under the Act of 1876 the rate of five per centum per annum;

On all other ordinary shares of the Company the rate of seven per centum per annum;

On the ordinary stock of the Company the rate of five per centum per annum.

(2) Notwithstanding the foregoing provisions of this section the respective rates of dividend of ten per centum five per centum seven per centum and five per centum per annum (in this Act referred to as "the standard rates of dividend") payable on the shares and ordinary stock of the Company shall after the first day of January one thousand nine hundred and seventeen be subject to alteration in accordance with the provisions of the section of this Act of which the marginal note is "Price of gas Sliding scale."

Dividends on different classes of ordinary capital to abate proportionately.

29. If in any half-year the profits of the Company applicable to dividend are insufficient to pay the full amount of the authorised rates on each class of ordinary capital of the Company a proportionate reduction shall be made in the dividends of each class.

Power to borrow.

30.—(1) The Company may at any time after the passing of this Act borrow on mortgage of the undertaking in respect of the ordinary stock created or to be created by virtue of this Act in substitution for the ordinary and preference shares of the Hythe Company and of the ordinary shares of the Company or the ordinary stock to be created by virtue of this Act in substitution for those shares any sum or sums not exceeding in the whole (inclusive of the nominal amount of the debenture stock of the Company issued or to be issued under this Act to the holders of debenture stock of the Hythe Company) the sum

of seventy-seven thousand pounds being approximately an amount equal to one-third part of the total capital received prior to the passing of this Act by the Folkestone Company and the Hythe Company in respect of the issue of shares under the provisions of the Acts relating to those Companies respectively including any premiums received on any such issue.

(2) The Company may also (subject to the provisions of this Act) borrow on mortgage of the undertaking in respect of any additional capital created and issued by them after the passing of this Act in exercise of the powers conferred by the Act of 1898 as varied by this Act any sum or sums not exceeding in the whole one-third part of the amount of such additional capital (including premiums thereon) which at the time of borrowing has been raised under such powers but no sum shall be so borrowed until the Company have proved to a justice of the peace before he gives his certificate under the fortieth section of the Companies Clauses Consolidation Act 1845 that the whole of the stock so created and issued as aforesaid together with the premiums (if any) realised on the sale thereof have been fully paid up.

(3) All powers conferred upon the Company by the Act of 1898 of borrowing money on mortgage of their undertaking are hereby repealed.

Appointment of receiver.

31. 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 and in order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than five thousand pounds in the whole.

Debenture stock.

32. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 and section 30 of the Act of 1898.

Priority of mortgages and debenture stock over other debts.

33. All money raised or to be raised by the Company on mortgage or by the issue of debenture stock under this Act or secured by any debenture stock created by virtue 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 Provided always that this

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priority shall not affect any claim against the Company or their property in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company which is entitled to rank in priority to or pari passu with the interest on their mortgages or debenture stock.

Borrowed money not to be converted into capital.

34. The provisions of the Companies Clauses Consolidation Act 1845 with respect to the conversion of borrowed money into capital shall cease to apply to the Company.

Receipt in case of persons not sui juris.

35. If any money is payable to any mortgagee or debenture stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Minimum amounts of holdings and transfers of stock.

36.—(1) Any ordinary stock preference stock or debenture stock of the Company may be issued and be held in amounts of ten pounds or of any integral number of pounds exceeding ten and not otherwise and the Company shall not be under any obligation to register a transfer of any such stock which would reduce the holding of the transferor below or make the holding of the transferee less than ten pounds of stock of that class.

(2) Notice of this enactment so far as applicable shall be stated in all certificates of ordinary stock preference stock or debenture stock of the Company as the case may be.

Consent of Treasury to raising of money.

37. The Company shall not under the powers of this Act raise or borrow any money (except for the payment of the costs charges and expenses referred to in the section of this Act whereof the marginal note is "Costs of Act") during the present war and within twelve months thereafter unless the consent of the Treasury has been previously obtained.

Application of moneys.

38.—(1) All moneys raised under this Act or under the Act of 1898 as modified by 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 preference or ordinary stock under the provisions of the Act of 1898 as modified by this Act shall not be considered as part of the capital of the Company entitled to dividend.

(2) The Company may apply to any of the purposes of this Act to which capital is properly applicable any moneys which

they may raise under the Act of 1898 as modified by this Act Provided that the powers conferred by this subsection shall not be exercised by the Company during the continuance of the present war and for twelve months thereafter unless the consent of the Treasury has been previously obtained.

EXTENSION OF LIMITS.

Limits of supply.

39.—(1) The limits within which the Company may supply gas and exercise the powers of the Act of 1865 the Act of 1876 the Act of 1898 and this Act are hereby extended so as to include the respective urban districts of Folkestone Sandgate and Cheriton the borough of Hythe the parishes of Newington Saltwood Hawkinge Sellinge Lympne Elham Lyminge Postling and Standford in the rural district of Elham and the parishes of Burmarsh and Dymchurch in the rural district of Romney Marsh all in the county of Kent.

(2) Except as by this Act otherwise expressly provided the Company within the limits of supply shall have and may exercise all and the like powers rights privileges and authorities for and in relation to the supply of gas and shall be subject to all and the like duties and obligations in respect thereof as they shall have and be subject to within the Folkestone District.

(3) The Company may continue maintain and use any mains pipes and other works laid down or constructed within the limits of supply by the Company before the commencement of this Act or by the Hythe Company before the date of transfer as if the same had been laid down or constructed by the Company under the powers of this Act and the provisions of the Gasworks Clauses Act 1847 as amended by the Gasworks Clauses Act 1871 shall apply to the said mains pipes and works in all respects as if the same had been laid down or constructed under the authority of this Act.

Agreements with undertakers under East Kent Gas Order 1914.

40. The Company may by agreement (but not otherwise) acquire from the undertakers under the East Kent Gas Order 1914 the undertaking authorised by such Order and the powers rights authorities and privileges of the undertakers under such Order And such undertakers may by deed transfer their undertaking powers rights authorities and privileges to the Company subject to such exceptions and modifications (if any) and upon such terms as may be specified in the deed and in the event of the Company so acquiring such undertaking powers rights

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authorities and privileges the said Order and the Elham Valley Gas Order 1912 shall be by virtue of this Act repealed.

PRICE OF GAS.

Price of gas. Sliding scale.

41.—(1) As from the first day of January one thousand nine hundred and seventeen the standard price to be charged by the Company for gas supplied by them to persons within the inner area who shall burn the same by meter (other than a prepayment meter) shall be three shillings and fourpence per one thousand cubic feet but it shall be lawful for the Company to increase or reduce the price charged by them for gas so supplied subject to a reduction or increase in the rates of dividend on the ordinary capital as follows:—

(A) In respect of any half-year during any part of which the price so charged by the Company within the inner area shall have been one penny or part of a penny above the price of three shillings and ninepence per one thousand cubic feet the dividends payable by the Company shall in respect of each penny or part of a penny by which the price so charged shall have been above the price of three shillings and ninepence be reduced below the standard rates of dividend as follows:—

In respect of any ordinary capital having a standard rate of dividend of ten per centum per annum by two shillings and sixpence on every one hundred pounds of such capital;

In respect of any ordinary capital having a standard rate of dividend of seven per centum per annum by one shilling and ninepence on every one hundred pounds of such capital;

In respect of any ordinary capital having a standard rate of dividend of five per centum per annum by one shilling and threepence on every one hundred pounds of such capital;

And so in proportion for any fraction of one hundred pounds:

(B) In respect of any half-year during the whole of which the price so charged by the Company within the inner area shall have been one penny or more below the standard price the dividends payable by the

Company may in respect of each one penny by which the price so charged shall have been below the standard price be increased above the standard rates of dividend as follows:—

In respect of any ordinary capital having a standard rate of dividend of ten per centum per annum by two shillings and sixpence on every one hundred pounds of such capital;

In respect of any ordinary capital having a standard rate of dividend of seven per centum per annum by one shilling and ninepence on every one hundred pounds of such capital;

In respect of any ordinary capital having a standard rate of dividend of five per centum per annum by one shilling and threepence on every one hundred pounds of such capital;

And so in proportion for any fraction of one hundred pounds:

Provided that if in any half-year the dividends payable shall comprise a fractional amount less than one quarter per centum the directors may in their discretion either add the same to the reserve fund or may defer payment of such fractional amount until the payment of and pay the same with the next or some succeeding dividends.

(2) The prices to be charged by the Company for gas supplied by them within the middle area to consumers who shall burn the same by meter (other than a prepayment meter) shall be for a period of ten years after the passing of this Act sixpence per one thousand cubic feet more than the prices for the time being charged by the Company to consumers under like circumstances within the inner area and after that period the same as the prices for the time being charged by the Company to consumers under like circumstances within the inner area.

(3) The prices to be charged by the Company for gas supplied by them within the outer area to consumers who shall burn the same by meter (other than a prepayment meter) shall be sixpence per one thousand cubic feet more than the prices for the time being charged by the Company to consumers under like circumstances within the middle area.

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Revision of standard price and neutral zone.

42.—(1) Notwithstanding the foregoing provisions of this Act it shall be lawful for the Folkestone Corporation or for any other of the urban authorities after giving not less than two months' previous notice in writing to the Folkestone Corporation or for the Company at any time prior to the expiration of five years after the termination of the present war to make a representation to the Board of Trade that the respective prices of three shillings and fourpence and three shillings and ninepence mentioned in the section of this Act of which the marginal note is "Price of gas Sliding scale" or either of such prices ought to be altered and in the event of any such representation being made the Board of Trade after hearing all parties interested including any of the urban authorities who may wish to be heard may if they think fit by order in writing to be signed by a secretary or assistant secretary of the said Board alter both or either of the said prices as they may think fair and proper and may if they think fit substitute one price for the said two prices.

(2) In the event of the said Board making any such order this Act shall from and after the date specified in the order have effect as if the respective prices or price specified in the order were substituted in the said section of this Act for the said respective prices of three shillings and fourpence and three shillings and ninepence or either or both of such prices and no subsequent order shall be made under this section.

(3) If at the time when any representation is made to the Board of Trade under subsection (1) of this section the Board are of opinion that the conditions then prevailing and affecting the price at which gas can be manufactured by the Company are of an abnormal character or if for any other reason the Board think fit to do so they may decline to make an order under this section and in that case the Folkestone Corporation or any other of the urban authorities after giving such notice as aforesaid or the Company shall be at liberty at a date not being later than the expiration of five years from the termination of the present war to make another representation to the Board with regard to the matter mentioned in subsection (1) of this section and thereupon the provisions of this section shall apply to such last-mentioned representation.

Power to vary price according

43. Notwithstanding anything contained in this or any other Act relating to the Company the price to be charged by

the Company for a supply of gas may vary according to the purposes for which the gas is supplied as may be agreed upon between the Company and the person taking such supply Provided that the Company shall not under the powers of this section give any preferential price as between any consumers who shall take a supply of gas for the same purpose under similar or approximately similar circumstances.

to purpose for which gas is supplied.

44.—(1) The Company may demand for any gas supplied through a prepayment meter a not greater charge than for gas supplied to private consumers within the same part of the limits of supply through any other kind of meter or by any other method of supply.

Charge for gas supplied by means of prepayment meters.

(2) The charge for the hire of any prepayment meter and fittings to be used therewith shall be a sum of money calculated according to the quantity of gas supplied through the prepayment meter and the maximum charge shall be at the rate of tenpence per one thousand cubic feet supplied in manner aforesaid such sum to include the hire of meter and the fittings used therewith.

(3) The charge for the hire of any prepayment meter without fittings shall be a sum of money calculated according to the quantity of gas supplied through the prepayment meter and the maximum charge shall be at the rate of sixpence per one thousand cubic feet supplied in manner aforesaid or at the rate of ten per centum per annum on the cost of the meter whichever shall be the higher.

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

(5) 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.

RESERVE FUND SPECIAL PURPOSES FUND &C.

45. Where in respect of any half-year after the thirty-first day of December one thousand nine hundred and sixteen the dividends which may be paid by the Company on the ordinary

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capital shall exceed the standard rates of dividend by reason of the price charged by the Company for gas to persons within the inner area who consumed the same by meter (other than a prepayment meter) in such half-year having been below the standard price then out of the amount of the divisible profits of the Company applicable to the payment of such excess of dividend the Company may in respect of such half-year set apart such sum as they shall think fit and all sums (if any) so set apart by the Company and the reserve fund of the Company existing at the date aforesaid may be invested in Government or other securities or may be placed on deposit at interest with the Company's bankers and the dividends and interest arising from such securities or moneys on deposit may also be invested in the same or the like securities or placed on deposit as aforesaid in order that the same may accumulate at compound interest and the fund so formed shall be called "the reserve fund" and shall be applicable to the payment of dividends in any half-year in which the clear profits of the Company shall be insufficient to enable the Company in such half-year to pay the dividends at the authorised rates on the ordinary capital and save as in this Act provided no sum shall in any half-year after the date aforesaid be carried by the Company to any reserve fund.

Power to create a special purposes fund.

46.—(1) As from the first day of January one thousand nine hundred and seventeen the directors may if they think fit in any half-year appropriate out of the revenue of the Company and as part of the expenditure on revenue account any sum not exceeding an amount equal to one-half per centum of the paid-up capital of the Company including premiums as hereinafter defined to a fund to be called "the special purposes fund."

(2) The special purposes fund shall be applicable only to meet such charges as an accountant appointed for the purpose by the Board of Trade 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.

(3) The maximum amount standing to the credit of the special purposes fund shall not at any time exceed an amount equal to one-tenth part of the paid-up capital of the Company including premiums as hereinafter defined.

(4) The moneys forming the special purposes fund or any portion thereof may be invested in securities in which trustees are authorised by law to invest or may be applied for the general purposes of the Company to which capital is properly applicable or may be used partly in the one way or partly in the other.

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

(6) For the purposes of this section the paid-up capital of the Company including premiums shall be deemed to consist of—

(A) The sum of two hundred thousand pounds in respect of the sums raised by the Company and the Hythe Company by the issue of shares stock and converted loan capital prior to the passing of this Act; and

(B) All sums which for the time being shall have been raised by the Company after the passing of this Act by the issue of preference stock or ordinary stock under the provisions of the Act of 1898 as modified by this Act including any premiums received on any such issue.

Application of excess of profits.

47. If the clear profits of the Company in any half-year after the thirty-first day of December one thousand nine hundred and sixteen (after appropriating and setting apart such sums as may be determined on to any funds by this Act authorised) amount to a larger sum than is sufficient to pay the dividends on the preference capital and the dividends at the authorised rates on the ordinary capital the excess shall be left at the credit of the profit and loss (net revenue) account of the undertaking and be carried forward to the next following half-year Provided that it shall not be lawful for the Company after the date aforesaid to carry forward at the end of any half-year to the credit of the said account any sum exceeding the total of the following amounts (that is to say) :—

(A) The amount required by the Company for paying any dividend which the Company are entitled to pay but have not paid in respect of that half-year; and

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(B) An amount equal to the total sum which the Company would be lawfully entitled to distribute as dividends on their preference and ordinary capital in respect of the next following year having regard to the price charged by them for gas at the commencement of such year.

QUALITY TESTING AND PRESSURE.

Company to provide apparatus for testing calorific power.

48. The Company shall on and after the first day of January one thousand nine hundred and seventeen provide and maintain at the testing-place prescribed by section 22 of the Act of 1876 and at the testing-place prescribed by section 13 of the Hythe and Sandgate Gas Order 1876 (each of which is hereinafter referred to as "the prescribed testing-place") a calorimeter to be from time to time agreed upon between the Company and the urban authorities or (failing agreement at any time) similar to the calorimeter for the time being prescribed by the Metropolitan Gas Referees for testing the calorific power of gas.

Substituting standard calorific power for prescribed illuminating power.

49. As from the first day of January one thousand nine hundred and seventeen the following provisions shall have effect:—

(A) The standard calorific power of the gas supplied by the Company when tested and corrected in accordance with the provisions of the section of this Act of which the marginal note is "Provisions as to testing for calorific power" shall be five hundred and forty British thermal units per cubic foot of gas:

(B) Every enactment whereby or by virtue whereof the gas supplied by the Company is required to be of a prescribed illuminating power and whereby the Company are bound to provide apparatus for testing the illuminating power of the gas shall cease to apply with respect to such gas.

Provisions as to testing for calorific power.

50. The following provisions shall apply with respect to the testing for calorific power of the gas supplied by the Company:—

(1) Any gas examiner appointed under the Gasworks Clauses Act 1871 may by means of the calorimeter provided by the Company under the provisions of this Act test at the prescribed testing-place at any reasonable

hour the calorific power of the gas supplied by the Company but not more than one testing for calorific power shall be made on any day except in the event mentioned in subsection (6) of this section:

(2) The Company may if they think fit on each occasion of the testing of gas under the provisions of this section be represented by some officer who shall not interfere in the testing:

(3) The calorimeter shall be so used as to yield the total heat value of the gas which shall be developed by the complete combustion in moist (saturated) air of moist (saturated) gas and the products of combustion shall be cooled down to the temperature of the air:

(4) The result obtained by means of such testing shall be expressed in terms of one cubic foot of gas and shall be corrected for a temperature of sixty degrees Fahrenheit and a pressure balanced by a column of thirty inches of mercury at the same temperature The corrected result shall be deemed to be the calorific power of the gas ascertained by the testing:

(5) The gas examiner shall forthwith give notice to the Company at their office of any defect of calorific power ascertained by him on any testing made under this section:

(6) In the event of the calorific power as ascertained by any testing being less than five hundred British thermal units per cubic foot of gas a second testing shall be made on the same day after an interval of not less than one hour and the average of the two testings shall be deemed to be the calorific power of the gas on that day:

(7) The gas examiner shall forthwith after making any testing under this section deliver a report of the result of his testing to the corporation council or justices by whom he was appointed and to the Company and such report shall be receivable in evidence.

Penalties for deficient calorific power.

51. If on any day the calorific power of the gas supplied by the Company is found to be below five hundred British thermal units per cubic foot of gas the Company shall be liable

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to the following penalties in respect of such deficiency below five hundred British thermal units (that is to say):—

If the deficiency does not exceed fourteen British thermal units a sum not exceeding two pounds:

If the deficiency exceeds fourteen British thermal units but does not amount to twenty-eight British thermal units a sum not exceeding five pounds:

For each complete twenty-eight British thermal units of defective power a sum not exceeding ten pounds.

Pressure.

52.—(1) All gas supplied by the Company to any consumer of gas shall be supplied at such pressure as to balance a column of water not less than from sunset to ten p.m. two inches and at all other times twelve-tenths of an inch in height at the main or as near as may be to the junction therewith of the service pipe supplying the consumer.

(2) Any gas examiner appointed under the Gasworks Clauses Act 1871 may for the purposes of this section subject to the terms of his appointment at the prescribed testing-place or at any public lamp as and when he thinks fit test the pressure at which the gas is supplied The Company shall afford to the examiner all reasonable facilities for making the test.

Saving as to penalties.

53. No penalty shall be incurred by the Company for insufficiency of pressure defect of calorific power or excess of impurity in the gas supplied by them in any case in respect of which the gas examiner reports or it is proved that such insufficiency defect or excess was produced by any circumstance beyond the control of the Company Provided that the want of sufficient funds shall not be held to be a circumstance beyond the control of the Company.

As to testing for illuminating power.

54.—(1) Notwithstanding anything in this Act the Company shall continue to maintain at each of the prescribed testing-places a photometer and burner similar to the photometer and burner existing at the passing of this Act at that testing-place and the gas examiner appointed by any of the urban authorities under the Gasworks Clauses Act 1871 may at the prescribed testing-place situate at the works from which gas is supplied to any part of the borough or district of such authority test at any reasonable hour by means of the photometer and burner so maintained the illuminating power of the gas supplied by the Company and the Company shall afford to the gas examiner all facilities for the proper execution of his duties

under this section Provided that the Company shall not be liable to forfeitures or penalties in respect of any testing made under the provisions of this section.

(2) The Company may if they think fit on each occasion of the testing of gas under the provisions of this section be represented by some officer but such officer shall not interfere in the testing.

(3) The gas examiner shall on the day immediately following that on which any testing under this section has been conducted make and deliver a report of the result of his testing to the Company.

RESIDUAL PRODUCTS.

Powers as to residual products.

55. All powers conferred upon the Company by the Act of 1865 the Act of 1876 and the Act of 1898 of working up and converting purchasing and manufacturing the residual products arising from the manufacture of gas and the materials employed in such working up and conversion are hereby repealed and in lieu thereof the following provisions shall have effect:—

(A) The Company may upon the lands described in the respective schedules to the Act of 1865 the Act of 1876 and the Act of 1898 and upon the lands scheduled to the Hythe and Sandgate Gas Order 1876 as set out in the Second Schedule to this Act (all of which lands aforesaid are hereinafter referred to as "the gas lands") work up and convert the residual products arising directly or indirectly from the manufacture of gas by them:

(B) The Company may purchase the residual products arising from the manufacture of gas by other gas undertakers and therewith manufacture upon the gas lands other products of the same kind as the Company are manufacturing from their own residual products Provided that the quantity of any residual product so purchased by the Company in any year shall not exceed one-third of the quantity of the like residual product which shall in that year arise directly or indirectly from the manufacture of gas by them:

(C) The Company may purchase from other gas undertakers and elsewhere and use the materials required to

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work up and convert the residual products so arising from their own manufacture of gas or purchased as aforesaid.

But the Company shall not manufacture chemicals exclusively from raw materials purchased from sources other than gas undertakings or in the manufacture of which the use of residual products produced by the Company or purchased from other gas undertakings is merely subsidiary.

ADMINISTRATIVE PROVISIONS.

Qualification of directors.

56. On and after the date of conversion the qualification of a director shall be the possession in his own right of ordinary stock or preference stock of the Company of a total nominal amount of not less than five hundred pounds.

As to directors holding offices of profit under or being interested in contracts with Company.

57. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 no person shall be disqualified from being a director of the Company 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 in the case of his being or becoming interested in any contract with the Company whether such interest shall arise 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 also in the next annual report of the Company and that 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.

Notice of candidature for office of director.

58. 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 at a general meeting a director 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

office of the Company ten days at least before the day of election. A.D. 1916.

Notice as to persons seeking election as auditors.

59. From and after the passing of this Act no person not being a retiring auditor of the Company shall be eligible to be elected at any general meeting an auditor of the Company unless notice in writing be given to the secretary or left at the principal office of the Company fourteen days at least before the date of such meeting that such person will be proposed for election as an auditor of the Company and the secretary shall on receipt of any such notice send a copy thereof to the retiring auditor and during such fourteen days and on the day of election fix a copy of such notice in some conspicuous place in such office.

Closing of debenture stock transfer books previous to paying interest.

60.—(1) The directors may close the register of transfers of debenture stock for a period not exceeding fourteen days previous to each date at which the interest thereon shall be payable and they may fix a day for closing the same of which seven days' notice shall be given either by circular to each holder of debenture stock or by advertisement in a newspaper published or circulating in the limits of supply.

(2) Any transfer of debenture stock made during the time when the register of transfers of debenture stock 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 payment of any such interest.

Powers of directors to determine remuneration of secretary and auditors.

61. 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 and auditors.

Power to grant pensions &c.

62.—(1) The directors may grant such gratuities pensions and retiring or superannuation or other allowances or make such other payments as they may think fit any officers servants or employees of the Company.

(2) In the event of any such officer servant or employee being killed in action or dying of wounds injuries or disease received or contracted whilst serving with any of His Majesty's forces in war the directors may where adequate provision is not otherwise made grant such gratuities pensions or allowances or make such other payments as they may think fit to the widow or family or any dependent of such officer servant or employee.

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(3) The directors may enter into and carry into effect agreements with any insurance company or other association or company for securing to such officers servants and employees and to any such widow family or dependent as aforesaid such gratuities pension or other allowance or payment as are by this section authorised to be granted or made and may for all or any of the purposes of this section apply the funds and revenues of the Company.

Power to directors to make donations subscriptions &c.

63. The directors may subscribe or make donations to any fund raised in any case of national emergency or to infirmaries and hospitals and convalescent homes and other institutions and objects or to any exhibitions or to the benevolent and sick funds of the officers servants and employees of the Company and may subject to the provisions of this Act for any of those purposes apply the funds and revenues of the Company.

VOTING RIGHTS.

As to votes of holders of shares or stock.

64.—(1) At all general meetings of the Company every holder of ordinary shares or stock and (subject as hereinafter mentioned) of preference stock of the Company shall have one vote for every ten pounds of such capital held by him up to and including one hundred pounds of such capital and an additional vote for every twenty pounds of such capital beyond that amount.

(2) Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any stock to which a preferential dividend shall be assigned.

Appointment of proxies.

65. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 the attorney of any shareholder or stockholder of the Company duly authorised in writing may appoint a proxy to vote for and on behalf of the shareholder or stockholder and for that purpose may execute on behalf of the shareholder or stockholder the necessary form of proxy Provided that the instrument appointing the attorney shall be transmitted to the secretary of the Company at the same time as the instrument appointing the proxy.

MISCELLANEOUS.

Dwelling-houses for employees offices &c.

66. The Company may purchase or take on lease houses cottages and other buildings for any of their employees and offices showrooms and other buildings for the purposes of the

undertaking and may erect fit up and maintain and let any such building upon any lands for the time being belonging to or leased to the Company. A.D. 1916.

Power to lay pipes for ancillary purposes.

67. The Company may lay down repair take up alter relay and renew mains pipes and culverts within the limits of supply for the purpose of procuring conducting or disposing of any oil or other materials used by them in or resulting from the manufacture of gas or any residual products thereof or for any purpose connected with their business and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid so far as they are applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof.

Company may contract for supply in bulk.

68. The Company may contract with any local authority company or persons authorised to supply gas under parliamentary powers in any district adjacent to the limits of supply for the supply to them respectively of gas in bulk upon such terms and conditions and for such period not exceeding in any case seven years from the making of the contract as may be agreed upon but nothing in this section shall authorise the Company to lay any mains or interfere with any street beyond the limits of supply.

Supply of gas when consumer has separate supply.

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

Amending obligations as to supply of gas.

70. Notwithstanding anything contained in any enactment to the contrary the Company shall not be obliged until the expiration of six months from the service of notice in writing upon the Company requiring them so to do to give from any main a supply of gas for any purpose other than lighting or domestic use in any case where at the date when such notice is served the capacity of such main is insufficient for such purpose

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or such supply would interfere with the sufficiency of gas required to be supplied by means of such main for lighting purposes.

As to construction and placing of pipes &c. between mains and meters.

71. In order to enable the Company to ensure a satisfactory supply of gas to their consumers the following provisions shall have effect:—

(1) The Company may specify the size and material of the pipes with the fittings thereof which are to be laid by the consumer on his own premises either in the first instance or on the occasion of any renewal between the Company's mains and the meter so far as the same are intended to be covered over:

(2) The Company may if they think fit make different specifications for different classes of premises having regard to the probable maximum consumption of gas thereon at any one time:

(3) The specification shall be published twice in some newspaper circulating within the limits of supply and a copy thereof shall be kept exhibited in the office of the Company:

(4) Every meter to be used in a new building or a building not previously supplied with gas or in connexion with a new or substituted pipe laid by the consumer between the main and the consumer's meter shall be placed as near as reasonably practicable to the Company's main but within the outside wall of the building:

(5) When any such pipe or meter as aforesaid has been laid or placed notice thereof shall be given to the Company and the pipe shall not be covered over until after the expiration of twenty-four hours from the service of such notice on the Company Any officer of the Company duly appointed may between nine o'clock in the morning and five o'clock in the afternoon attend and inspect such pipes (with their fittings) and meter and if the officer is not permitted to make the inspection or if within twenty-four hours after the inspection the Company shall give notice to the consumer that the pipes or fittings are not according to the Company's specification or that the meter is not placed as required by this section the

Company may refuse to supply gas to the premises until the provisions of this section have been complied with:

(6) Any person to whom the Company refuses a supply of gas under the provisions of this section may appeal to a petty sessional court against such refusal and the court may after hearing the parties and considering any questions as to the reasonableness of the Company's specification make such order as seems to them proper in the circumstances and may order by which of the parties the costs of and incident to the appeal shall be paid.

Power to require use of anti-fluctuators for gas engines.

72. Every consumer of gas supplied by the Company who uses a gas engine shall if required to do so by the Company use an effective anti-fluctuator together with an effective non-return valve and shall at all times at his own expense keep such anti-fluctuator and valve in proper repair and in default of his so using or keeping such anti-fluctuator and valve in proper repair the Company may cease to supply gas to such consumer The Company shall have access to and be at liberty to take off remove test inspect and replace any such anti-fluctuator and valve at all reasonable times such taking off removing testing inspecting and replacing to be done at the expense of the Company if the anti-fluctuator and valve be found in proper order but otherwise at the expense of such consumer.

Power to enter premises and remove fittings.

73. The power to enter premises and to remove pipes meters fittings or apparatus conferred upon the Company by section 22 of the Gasworks Clauses Act 1871 shall extend to all cases in which any person entering into occupation of any premises previously supplied with gas by the Company shall not require to take a supply of gas from the Company or to hire from the Company all or any of the pipes meters fittings or apparatus belonging to the Company and let by them on hire to any former occupier of such premises.

As to mode of cutting off supplies.

74.—(1) In any case in which the Company are by virtue of any enactment relating to the undertaking authorised to cut off and discontinue the supply of gas to any premises in consequence of any default on the part of the occupier of the premises it shall be lawful for the Company without prejudice to any other remedy which may be lawfully available to them to disconnect at the meter the service pipe (whether belonging

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to the consumer or to the Company) and any person who shall re-connect such service pipe with the meter without the consent of the Company shall be deemed to commit an offence within the meaning of section 18 of the Gasworks Clauses Act 1847:

Provided that if and so soon as the matter complained of shall have been remedied nothing in this section shall prejudice or interfere with any rights vested in any person by virtue of section 11 of the Gasworks Clauses Act 1871.

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

Occupiers to pay expenses of reconnecting disconnected supply.

75. In any case in which in consequence of any default on the part of the occupier of any premises the Company shall have cut off the supply of gas to such premises (whether under the existing powers of the Company or under the powers conferred by this Act) and the occupier so in default shall desire to resume such supply he shall pay to the Company the expenses of re-connecting the supply and the Company shall not be under any obligation to supply gas to such occupier until he shall have paid such expenses.

Period of error in defective meters.

76. In the event of any meter used by a consumer of gas being tested in manner provided by the Sale of Gas Act 1859 and being proved to register erroneously within the meaning of the said Act such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Company shall be paid by or to the Company to or by the consumer as the case may be and shall be recoverable in the like manner as gas charges are recoverable by the Company.

Power to refuse to supply gas to persons in debt.

77. The Company may refuse to supply gas to any person whose payments for the supply of gas are for the time being in arrear (not being the subject of a bonâ fide dispute) whether any such payments be due to the Company in respect of a supply to the premises in respect of which such supply is demanded or in respect of other premises.

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Fittings not to be subject to distress and though fixed to premises to remain property of Company.

78.—(1) Subject as hereinafter provided any meters fittings and other gas apparatus or appliances (in this section called "fittings") let by the Company on hire under the provisions of the Act of 1865 the Act of 1876 or the Act of 1898 or this Act or the Acts incorporated therewith shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under the process of any court or proceedings in bankruptcy against the person in whose possession the same may be.

(2) Subject as hereinafter provided all fittings let by the Company on hire as aforesaid shall notwithstanding that they be fixed or fastened to any part of any premises in which they may be situate or to the soil under any such premises at all times continue to be the property of and removable by the Company Provided that nothing in this subsection shall affect the amount of the assessment for rating of any premises upon which such fittings are or shall be fixed.

(3) The Company shall only be entitled to the privileges and exemptions conferred by this section in respect of such fittings as shall have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Company as the actual owners thereof.

Gas consumers to give notice to Company before removing.

79. At least twenty-four hours' notice shall be given to the Company by every gas consumer either personally at the office of the Company or in writing before he shall quit any premises supplied with gas by meter by the Company and in default of such notice the consumer so quitting shall be liable to pay to the Company the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such premises shall require the Company to supply gas to such premises whichever shall first occur Notice of the effect of this enactment shall be endorsed upon every demand note for gas charges payable to the Company.

Notice to discontinue supply of gas.

80. A notice to the Company from a consumer for the discontinuance of a supply of gas shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the Company

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or be given by the consumer personally at the office of the Company.

Authentication and service of notices by Company.

81. Any notice to be served by the Company on a person supplied with gas shall be sufficiently authenticated by the signature of the secretary or other officer of the Company for the time being authorised in writing by the directors being affixed thereto in writing or in print or by a stamp or if it be a notice to pay any charge in respect of a supply of gas or gas fittings or appliances by the name either of the secretary or such other officer as aforesaid being affixed thereto as aforesaid and any such notice may be served on such person either personally or by sending the same through the post by a prepaid letter addressed to him by name at his last known or usual place of abode or business or by delivering the same to some inmate at his last known or usual place of abode or business or to any inmate of the premises supplied or if such premises be unoccupied and the place of abode of the person to be served is after proper inquiry unknown it shall in the case of any notice not being a notice to pay any charge be sufficient to affix such notice or a copy thereof upon some conspicuous part of such premises.

Recovery of demands.

82. Proceedings for the recovery of any demand made under the authority of the Act of 1865 the Act of 1876 the Act of 1898 or this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

Saving as to general Acts.

83. Nothing in this Act shall exempt the Company or their undertaking from the provisions of any general Act relating to the supply of gas which may be passed in this or any future session of Parliament.

Repeal of certain provisions of existing Acts.

84. The sections of the Act of 1865 the Act of 1876 the Act of 1898 and the Gas Companies (Standard Burner) Act 1912 which are specified in the first column of the Third Schedule to this Act shall as from the respective dates mentioned in the third column of the said schedule be by virtue of this Act repealed to the extent mentioned in the second column of that schedule.

PROTECTIVE PROVISIONS.

For protection of Folkestone Corporation.

85. The following provisions for the protection of the Folkestone Corporation in respect of the urban district of Folkestone shall have effect unless otherwise agreed between the Company and the Folkestone Corporation (that is to say) :—

(1) All main pipes and works to be laid in or along any street vested in or in or upon or across any bridge belonging to the Folkestone Corporation shall be laid in such position in or at the side thereof and at such depth as the Folkestone Corporation in writing under the hand of their surveyor may reasonably direct :

(2) The notice required by section 8 of the Gasworks Clauses Act 1847 with respect to the breaking up of streets shall (except for laying connecting or repairing consumers' service pipes as to which three days' notice shall be sufficient and except in case of emergency) as regards any street or bridge be not less than seven days instead of three days :

(3) The plan required by section 9 of the last-mentioned Act shall if so demanded in writing by the said surveyor be as regards any such street or bridge on a scale of not less than a quarter of an inch to every one hundred feet and accompanied by sections to suitable scales to show clearly the proposed works and shall (except in cases of emergency) be delivered to the said surveyor by the Company not less than seven days before the Company commence to open or break up such street or bridge :

(4) Nothing in this Act shall authorise the Company to interfere with the structural part of any such bridge without the consent in writing of the said surveyor Such consent shall not be unreasonably withheld and may be given upon such conditions (not being a money payment) as the Folkestone Corporation may reasonably determine :

(5) All works shall be so executed by the Company as not to stop or (so far as reasonably practicable) impede or interfere with the traffic on any such street or bridge or the approaches to any such bridge and the

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Company shall not break up at any one time a greater continuous length than one hundred yards of any such street and where they break up any street in more places than one at any one time they shall leave a length of one hundred yards of street between the lengths which they are breaking up:

(6) If the Company in the execution of any works in or affecting any such street or bridge as aforesaid shall cause any damage injury or disturbance to such street or bridge and shall neglect or refuse to make good all such damage injury or disturbance in accordance with the provisions of the Gasworks Clauses Act 1847 then it shall be lawful for the Folkestone Corporation after fourteen days' notice to the Company of the alleged neglect or refusal and of the works which they propose to execute to do all works necessary for making good all such damage injury or disturbance and the Company shall repay to the Folkestone Corporation all costs charges and expenses which the Folkestone Corporation shall reasonably and properly incur in carrying out such works including all reasonable expenses of superintendence:

(7) The Folkestone Corporation shall not except in the case of their negligence be liable for any claim for damages in respect of any injury which may be caused to any mains pipes or other works belonging to the Company through the reasonable and proper use by the Folkestone Corporation of any steam roller scarifier or other similar appliance Provided that the nett weight of such steam roller or other appliance shall not exceed twelve tons:

(8) If any difference arises at any time between the Folkestone Corporation and the Company under this section such difference shall be settled by arbitration by an engineer to be agreed upon between the Folkestone Corporation and the Company and failing agreement to be appointed by the President of the Institution of Civil Engineers on the application of either party and the Arbitration Act 1889 or any statutory modification thereof shall apply to the arbitration.

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For protection of Elham Rural District Council.

86. The following provisions for the protection of the Elham Rural District Council (in this section referred to as "the council") shall have effect unless otherwise agreed between the Company and the council (that is to say):—

(1) All mains pipes and works to be laid in or along any road or street vested in or in or upon or across any bridge belonging to the council shall be laid in such position in or at the side thereof as the council in writing under the hand of their surveyor may reasonably direct:

(2) The notice required by section 8 of the Gasworks Clauses Act 1847 with respect to the breaking up of streets shall (except for laying connecting or repairing consumers' service pipes as to which three days' notice shall be sufficient and except in cases of emergency) as regards any such road street or bridge be not less than seven days instead of three days:

(3) The plan required by section 9 of the last-mentioned Act if demanded by the said surveyor in writing shall as regards any such road street or bridge be on a scale of not less than six inches to a mile and shall be accompanied by sections to suitable scales to show clearly the proposed works and shall (except in cases of emergency) be delivered to the said surveyor by the Company not less than seven days before the Company commence to open or break up such road street or bridge and if the said surveyor shall not within seven days after the plan has been delivered to him express his disapproval and his requirements in relation thereto the council shall be deemed to have approved thereof:

(4) Nothing in this Act shall authorise the Company to interfere with the structural part of any such bridge without the consent in writing of the said surveyor Such consent shall not be unreasonably withheld and may be given upon such conditions as the council may reasonably determine:

(5) All works shall be so executed by the Company as not (without the consent in writing of the council) to stop or (so far as reasonably practicable) impede or

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interfere with the traffic on any such road street or bridge or the approaches thereto and the Company shall not break up a greater consecutive length than one hundred yards of any such road or street and where they break up any road or street in more places than one at any one time they shall leave a length of one hundred yards of road or street between the lengths which they are breaking up:

(6) If any difference arises between the council and the Company under this section such difference shall be determined by arbitration by an engineer to be agreed upon between the council and the Company or failing agreement to be appointed by the President of the Institution of Civil Engineers on the application of either party and the Arbitration Act 1889 or any statutory modification thereof shall apply to any such arbitration.

For protection of urban district councils of Sandgate and Cheriton.

87. The following provisions for the protection of the respective urban district councils of Sandgate and Cheriton (each of whom is hereinafter referred to as "the urban council") shall have effect unless otherwise agreed between the Company and such urban council (that is to say):—

(1) All main pipes and works to be laid in or along any street vested in or in or upon or across any bridge belonging to the urban council shall be laid in such position in or at the side thereof and at such depth as the urban council in writing under the hand of their surveyor may reasonably direct:

(2) The notice required by section 8 of the Gasworks Clauses Act 1847 with respect to the breaking up of streets shall (except for laying connecting or repairing consumers' service pipes as to which three days' notice shall be sufficient and except in case of emergency) as regards any street or bridge be not less than seven days instead of three days:

(3) The plan required by section 9 of the last-mentioned Act shall if so demanded in writing by the said surveyor be as regards any such street or bridge on a scale of not less than a quarter of an inch to every one hundred feet and accompanied by sections to suitable scales to show clearly the proposed works

and shall (except in cases of emergency) be delivered to the said surveyor by the Company not less than seven days before the Company commence to open or break up such street or bridge:

(4) Nothing in this Act shall authorise the Company to interfere with the structural part of any such bridge without the consent in writing of the said surveyor Such consent shall not be unreasonably withheld and may be given upon such conditions (not being a money payment) as the urban council may reasonably determine:

(5) All works shall be so executed by the Company as not to stop or (so far as reasonably practicable) impede or interfere with the traffic on any such street or bridge or the approaches to any such bridge and the Company shall not break up at any one time a greater length than one hundred yards of any such street:

(6) If the Company in the execution of any works in or affecting any such street or bridge as aforesaid shall cause any damage injury or disturbance to such street or bridge and shall neglect or refuse to make good all such damage injury or disturbance in accordance with the provisions of the Gasworks Clauses Act 1847 then it shall be lawful for the urban council after fourteen days' notice to the Company of the alleged neglect or refusal and of the works which they propose to execute to do all works necessary for making good all such damage injury or disturbance and the Company shall repay to the urban council all costs charges and expenses which the urban council shall reasonably and properly incur in carrying out such works including all reasonable expenses of superintendence:

(7) The urban council shall not except in the case of their negligence be liable for any claim for damages in respect of any injury which may be caused to any mains pipes or other works belonging to the Company through the reasonable and proper use by the urban council of any steam roller scarifier or other similar appliance Provided that the nett weight of such steam roller or other appliance shall not exceed twelve tons:

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(8) If any difference arises at any time between the urban council and the Company under this section such difference shall be settled by arbitration by an engineer to be agreed upon between the urban council and the Company and failing agreement to be appointed by the President of the Institution of Civil Engineers on the application of either party and the Arbitration Act 1889 or any statutory modification thereof shall apply to the arbitration.

For further protection of Sandgate Urban District Council.

88. Notwithstanding anything in this Act contained—

(1) The Company shall not for the purpose of laying new mains (other than consumers' service pipes) open or break up Sandgate Hill High Street or the Esplanade within the urban district of Sandgate nor allow any part of the before-mentioned streets or roads previously broken up by them to remain opened up for such purpose during the period from and including the fifteenth day of July to the fifteenth day of September in any year without the previous consent in writing of the Sandgate Urban District Council:

(2) The Company shall not for any purpose (except in cases of emergency) break up at any one time a greater length than fifty yards of the said High Street and the said Esplanade except with the consent of the surveyor to the said council.

As to rates payable on gasworks at Hythe.

89. If and so long as the Company are owners of the premises occupied at the passing of this Act by the gasworks of the Hythe Company in the borough of Hythe the Company shall in respect of the said premises (whether in fact they are so occupied or not) be liable to and shall pay all such borough general district and other similar rates (not including water rates) as would be payable to the Hythe Corporation in respect of the said premises at the time of the levying of such rates if the said gasworks were continued thereon with the same productive capacity as they possessed at the date of the passing of this Act and the said premises were assessed at a rateable value not less than at the time of the passing of this Act.

For protection of South

90. For the protection of the South Eastern Railway Company and the South Eastern and Chatham Railway Com-

panies Managing Committee (hereinafter respectively referred to as "the railway company") the following provisions shall (unless otherwise agreed) apply and have effect (that is to say):—

(A) In laying down altering improving enlarging extending maintaining or renewing or in executing or effecting the repairs or renewals of any mains pipes culverts or other works in the exercise of the powers contained in this Act or any other Act relating to the Company upon across over under or in any way affecting the railways lands roads and property now or hereafter belonging to the railway company or the bridges approaches viaducts stations or other works or any level crossings over the railways of the railway company the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the railway company and only according to such plans sections and specifications as shall be submitted to and as shall be previously reasonably approved by such engineer in writing Provided that if such engineer shall not within a fortnight after the submission of such plans sections and specifications signify his approval or disapproval or his requirements in relation thereto he shall be deemed to have approved such plans sections and specifications:

(B) All such works shall be done by and at the expense of the Company who shall also restore and make good to the reasonable satisfaction of the said engineer the railways lands roads and property (including the roads repairable by the railway company situate upon any bridge or level crossing of the railway of the railway company or over the approaches to any such bridge) so far as the same may be disturbed or interfered with by or owing to any operations of the Company Provided always that should the railway company elect so to do where any mains or pipes are required to be laid under or across any level crossing of their railway they may themselves lay the same and the reasonable costs charges and expenses thereof shall be paid by the Company:

(C) All such works and operations and all matters incidental thereto shall be constructed executed and done so as

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to cause as little injury as may be to such railways bridges level crossings approaches viaducts stations works lands roads or property and so as to cause no interruption to the passage or conduct of traffic over such railways or at to or from any station thereon:

(D) If any injury or interruption as aforesaid shall arise from or in any way be owing to any of the acts works operations and matters aforesaid or the bursting leakage or failure of any such mains culverts pipes or works in under or near to any railway bridge level crossing embankment cutting approach viaduct station lands works roads or property of the railway company the Company shall make compensation to the railway company in respect thereof the amount of such compensation unless agreed upon to be determined by arbitration in the manner hereinafter provided:

(E) If the railway company at any time or times hereafter of which they shall be the sole judges require to construct any additional or other works upon their lands or railways or to alter or repair their railways bridges viaducts roads or works upon across over or under which any of the works of the Company may have been constructed or laid the railway company may on giving to the Company fourteen days' notice in writing under the hand of their secretary or general manager for the time being and in case of emergency without notice divert support or carry the said works of the Company across over or under their lands railways bridges roads or works at any other point or otherwise deal with the same in as convenient a manner as circumstances will admit and doing as little damage as may be without being liable to pay compensation in respect of such diversions supporting carrying or dealing with such works Provided always that such diversions supporting carrying or dealing with such works shall be carried out in all respects at the expense of the railway company and to the reasonable satisfaction of the engineer for the time being of the Company who shall for this purpose be permitted at all times to enter upon the lands railways bridges roads or

works of the railway company to examine the state and condition of such diversions supporting carrying or dealing with such works:

(F) Except as in this section otherwise provided any dispute or difference which may arise between the railway company and the Company under this section shall be settled by arbitration by an engineer or other fit person to be agreed upon between the Company and the railway company or to be appointed by the Board of Trade on the application of the railway company and the Company or either of them and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

COSTS OF ACT.

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

The SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

PART 1.

LIMITS OF SUPPLY OF THE FOLKESTONE COMPANY.

The urban district of Folkestone The urban district of Sandgate So much of the parish of Hawkinge in the rural district of Elham as was formerly within the parish of Folkestone The camp at Shorncliffe situate partly in the urban district of Cheriton and partly in the said urban district of Sandgate.

PART 2.

LIMITS OF SUPPLY OF THE HYTHE COMPANY.

The borough of Hythe The urban district of Sandgate The urban district of Cheriton (except the camp at Shorncliffe) The parish of Saltwood in the rural district of Elham.

SECOND SCHEDULE.

PROVISIONS OF THE HYTHE AND SANDGATE GAS ACT AND ORDERS SAVED FROM REPEAL.

HYTHE AND SANDGATE GAS ACT 1868.

10 & 11 Vict. c. 15 incorporated.

2. The several Acts of Parliament following that is to say . . . the Gasworks Clauses Act 1847 . . . are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation of terms.

3. In this Act . . . . . .

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

The expression "the old Company" means the Company or Copartnership as constituted prior to the passing of this Act.

Limits of Act.

4. The limits of this Act (hereinafter called "the limits") shall comprise and include the District of the Local Board of Health for the

District of Sandgate as defined by a Provisional Order of the General Board of Health dated the 12th day of June 1850 confirmed by the Public Health Supplemental Act 1850 (No. 2) the Parish of Cheriton (excepting the Camp at Shorncliffe) and the Parishes of Newington-next-Hythe Saltwood Saint Leonard Hythe and West Hythe all in the County of Kent.

General powers of the Company.

6. Subject to the provisions of this Act and the incorporated Acts the Company may make and supply gas within the limits and may sell manufacture and dispose of coke coal tar pitch asphaltum ammoniacal liquor oil and other matters the products and residuum of the coal or other materials employed in the manufacture of such gas and may also manufacture and sell let or deal in gas fittings tubes meters pipes and all other articles and things in any way connected with gasworks or with the supply of gas to the consumer thereof in such manner as the Company may think fit.

Property of old Company vested in the Company.

7. Subject to the provisions of this Act all lands works erections buildings rights and easements which immediately before the passing of this Act were vested in the old Company or in any person in trust for them or on their behalf or to which the old Company were in anywise entitled at law or in equity and all mains and pipes plant plugs lamps irons retorts lamp-posts gauges meters apparatus stock effects matters and things which have been by them purchased or provided laid down erected or placed in any place or house within the limits of this Act or which immediately before the passing of this Act were the property of or belonging to the old Company and all moneys securities credits effects and other property whatsoever belonging to the old Company or to any trustees on their behalf for the purposes of such Company shall be and the same are hereby vested in the Company to the same extent and for the same estate and interest as the same were previously to the passing of this Act vested in the old Company or any trustees on their behalf and may according to the provisions of this Act be held and enjoyed sued for and recovered by the Company.

Power to purchase lands.

35. The Company may for the purposes of their undertaking purchase take and hold (by agreement but not otherwise) any lands and hereditaments beyond those hereby vested in them which they may require for the purposes aforesaid.

Hythe and Sandgate Gas Order 1876.

Limits of Order.

4. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the same as the limits of the Act of 1868 as defined by Section 4 of that Act.

A.D. 1916.

Undertakers.

5. The Hythe and Sandgate Gas Company . . . are in this Order referred to as "the Undertakers."

Undertakers may erect and maintain gasworks on lands described in schedule and may make and sell gas &c.

8. The Undertakers may subject to the provisions of this Order on the lands shown on the deposited map and described in the Schedule to this Order annexed when the same have been acquired by them erect and maintain and from time to time alter and enlarge retorts gasholders receivers purifiers meters apparatus and works for the manufacture and storing of gas and of coke and other residual products obtained in the manufacture of gas and matters producible therefrom and they may subject to the provisions of this Order make gas and supply and sell the same within the limits of supply and may manufacture coke coal-tar pitch asphaltum and ammoniacal liquor oil sulphate of ammonia and all other residual products obtained in the manufacture of gas and matters producible therefrom and may sell and dispose of the same at the works and elsewhere.

Undertakers not to erect works (except gasholders) in certain places.

9. The Undertakers shall not erect any works (other than gasholders) at a greater distance than three hundred feet from the western boundary of the lands described in the Schedule to this Order annexed.

Differences with railway and other companies.

10. If any difference arise between the Undertakers and any railway canal or other company whose land or works the Undertakers have power under the authority of this Order to cross for the purpose of meeting the demands for gas within the limits of supply as to the mode of laying down repairing altering or enlarging pipes or as to the facilities to be afforded for the same the difference shall be settled by an engineer to be appointed by the Board of Trade at the request of either party.

SCHEDULE.

GAS LANDS.

A piece of land situate in the Parish of Saint Leonard Hythe in the County of Kent (upon part of which three unfinished houses are standing) lying near and between the Martello Towers numbered respectively 13 and 14 bounded on the northernmost side by an intended new road of the width of forty feet which is now set out for construction and containing on that side seven hundred and fifty-eight feet on the easternmost and westernmost sides by land the property of Her Majesty's Principal Secretary of State for War and containing on each of those sides three hundred and thirty feet and on the southernmost side by an imaginary line forty feet or thereabouts from high-water mark of ordinary tides and containing on that side seven hundred and fifty-eight feet.

HYTHE AND SANDGATE GAS ORDER 1911. A.D. 1916.

Undertakers.

5. The Hythe and Sandgate Gas Company . . . are in this Order referred to as "the Undertakers."

For protection of Hythe Corporation.

40. The following provisions for the protection of the mayor aldermen and burgesses of the borough of Hythe (in this section referred to as "the corporation") shall have effect unless otherwise agreed between the Undertakers and the corporation (that is to say):—

(1) All main pipes and works to be laid in or along any street or in or upon or across any bridge belonging to the corporation shall be laid in such position in or at the side thereof and at such depth as the corporation in writing under the hand of the borough surveyor may reasonably direct:

(2) The notice required by Section 8 of the Gasworks Clauses Act 1847 with respect to the breaking up of streets shall as regards any such street or bridge be not less than seven days instead of three days:

(3) The plan required by Section 9 of the last-mentioned Act if demanded by the borough surveyor in writing shall as regards any such street or bridge be on a scale of not less than a quarter of an inch to every one hundred feet and shall be accompanied by sections to suitable scales to show clearly the proposed works and shall be delivered to the borough surveyor by the Undertakers not less than seven days before the Undertakers commence to open or break up such street or bridge:

(4) Nothing in this Order shall authorise the Undertakers to interfere with the structural part of any such bridge without the consent in writing of the borough surveyor Such consent shall not be unreasonably withheld and may be given upon such conditions as the corporation may reasonably determine:

(5) All works shall be so executed by the Undertakers as not to stop or (so far as reasonably practicable) impede or interfere with the traffic on any such street bridge or approaches and the Undertakers shall not break up at any one time a greater length than one hundred yards of any such street:

(6) The Undertakers shall pay to the corporation the reasonable costs which the corporation may incur in the repair and reinstatement of so much of any such street bridge or approaches in which the mains pipes or other works of the Undertakers are or may be laid as may be damaged by reason of the traffic being concentrated thereon during the laying alteration renewal or repair of the said mains pipes or other works:

A.D. 1916.

(7) If the Undertakers in the execution of any works in or affecting any such street or bridge as aforesaid shall cause any damage injury or disturbance to such street or bridge and shall neglect or refuse to make good all such damage injury or disturbance in accordance with the provisions of the Gasworks Clauses Act 1847 then it shall be lawful for the corporation after fourteen days' notice to the Undertakers of the alleged neglect or refusal and of the works which they propose to execute to do all works necessary for making good all such damage injury or disturbance and the Undertakers shall repay to the corporation all costs charges and expenses which the corporation shall reasonably and properly incur in carrying out such works including all reasonable expenses of superintendence:

(8) The corporation shall not except in the case of their negligence be liable for any claim for damages in respect of any injury whioh may be caused to any mains pipes or other works belonging to the Undertakers through the reasonable and proper use by the corporation of any steam roller scarifier or other similar appliance Provided that the net weight of such steam roller shall not exceed twelve tons:

(9) If any difference arises at any time between the corporation and the Undertakers touching the foregoing provisions of this section or anything to be done or not to be done thereunder or the giving or withholding of any such consent or the conditions of giving the same or any direction such difference shall be settled by arbitration by an engineer to be agreed upon between the corporation and the Undertakers and failing agreement to be appointed by the President of the Institution of Civil Engineers on the application of either party and the Arbitration Act 1889 or any statutory modification thereof shall apply to the arbitration.

As to laying of mains and pipes in private streets in Hythe.

41. The following provisions shall apply to the exercise by the Undertakers in the borough of Hythe (in this section called "the borough") of the powers of the section of this Order the marginal note whereof is "Power to lay pipes in streets not dedicated to public use":—

(1) Before the Undertakers break up any street or road in the borough not repairable by the inhabitants at large the Undertakers shall (except in cases of emergency) give three clear days' notice to the corporation of their intention so to do and the Undertakers shall in carrying out any works in such street or road and in reinstating the same conform to all such reasonable requirements made by the corporation as shall not be inconsistent with any requirements of the owner of such street or road:

(2) The Undertakers shall not open or break up the street or road nor reinstate the same except under the superintendence of the corporation (unless they or their officer fail to attend at the time fixed for such opening breaking up or reinstatement) and the Undertakers shall cause the portion of street or road broken up to be fenced and guarded and every night during which the same shall be continued open and broken up lighted sufficiently for the warning of passengers:

(3) If the Undertakers make delay in completing any such work or in filling in the ground or reinstating or making good the street or road or in carrying away the rubbish occasioned thereby or if they neglect to cause the place where such street or road is broken up to be fenced guarded or lighted they shall forfeit to the corporation a sum not exceeding five pounds for every such offence and they shall forfeit an additional sum of five pounds for each day during which any such delay as aforesaid shall continue after they have received notice thereof:

(4) Any difference arising between the Undertakers and the corporation concerning the interpretation of this section or anything to be done or not to be done thereunder shall be determined by a court of summary jurisdiction.

THIRD SCHEDULE.

ENACTMENTS REPEALED.

Name of Act.	Extent of Repeal.	Date of Repeal taking Effect.
Folkestone Gas Act 1865 :		
Section 30 - -	The whole section - -	Passing of this Act.
Section 31 - -	From the words "and the qualification" to the end of the section.	Date of conversion.
Section 53 - -	The whole section - -	First day of January 1917.
Section 54 - -	The whole section - -	First day of January 1917.
Section 55 - -	The whole section - -	First day of January 1917.
Section 56 - -	The whole section - -	First day of January 1917.
Folkestone Gas Act 1876 :		
Section 9 - -	The whole section - -	Passing of this Act.
Section 10 - -	The whole section - -	Passing of this Act.
Section 20 - -	The whole section - -	Passing of this Act.
Section 23 - -	The whole section - -	First day of January 1917.
Folkestone Gas Act 1898 :		
Section 16 - -	The whole section - -	First day of January 1917.
Section 17 - -	The whole section - -	First day of January 1917.
Section 19 - -	The whole section - -	Passing of this Act.
Section 20 - -	The whole section - -	Passing of this Act.
Section 21 - -	The whole section - -	Passing of this Act.
Section 22 - -	The whole section - -	Passing of this Act.
Section 23 - -	The whole section - -	Passing of this Act.
Section 24 - -	The whole section - -	Passing of this Act.
Section 27 - -	The whole section - -	Passing of this Act.
Section 33 - -	The whole section - -	Passing of this Act.
Gas Companies (Standard Burner) Act 1912 :—		
First Schedule -	The words "Folkestone Gas and Coke Company" and "Folkestone Gas Act 1876."	First day of January 1917.

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