CHAPTER cxlv.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Cirencester Gas, Godstone District Gas, Matlock and District Gas, and Staines and Egham Gas. [21st July 1891.]

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WHEREAS under the authority of the Gas and Water Works Facilities Act, 1870, the Board of Trade have made the several Provisional Orders set out in the schedule to this Act annexed: 33 & 34 Vict. c. 70.

And whereas a Provisional Order made by the Board of Trade under the authority of the Gas and Water Works Facilities Act, 1870, is not of any validity or force whatever until the confirmation thereof by Act of Parliament:

And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the authority of the said Act, and set out in the schedule to this Act annexed, be confirmed by Act of Parliament:

And whereas the limits of supply as defined by the Godstone District Gas Order, 1891, hereby confirmed, include a portion of the area within which the Redhill Gas Company were by the Redhill Gas Act, 1865, authorised to supply gas, but the said Company have not in fact supplied gas within the portion aforesaid, and it has been agreed between the said Company and the Undertakers for the purposes of the said Order that the said Undertakers shall be authorised by the said Order to supply gas therein, and that so much of the said Act as authorises the said Company to supply gas therein shall be repealed: 28 & 29 Vict. c. xiii.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

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Short title.

1. This Act may be cited as the Gas Orders Confirmation Act, 1891.

Confirmation of Orders in schedule.

2. The several Orders as amended and set out in the schedule to this Act shall be and the same are hereby confirmed; and all the provisions thereof, in manner and form as they are set out in the said schedule, shall, from and after the passing of this Act, have full validity and effect.

Special provisions as to houses of labouring class.

3. The Undertakers mentioned in the said Orders shall not, under the powers of this Act, or of the said Orders, without the consent of the Local Government Board, purchase or acquire in any city, borough, or other urban sanitary district, or in any parish or part of a parish not being within an urban sanitary district, ten or more houses which, after the passing of this Act, have been, or on the fifteenth day of December last were, occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

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

Partial repeal of 28 & 29 Vict. c. xiii.

4. So much of the Redhill Gas Act, 1865, as authorises the Redhill Gas Company to supply gas within any parishes or parts of parishes in the county of Surrey which are included within the limits of supply as defined by the Godstone District Gas Order, 1891, hereby confirmed, is hereby repealed, and from and after the passing of this Act all the powers of the Redhill Gas Company with reference to the supply of gas within such parishes or parts of parishes as aforesaid, shall absolutely cease and determine, and the said Order shall have as full validity and effect as though such parishes or parts of parishes had never been included within the limits within which the said Company were by the said Act authorised to supply gas.

SCHEDULE OF ORDERS.

Cirencester Gas.—Order empowering the Cirencester Gas Company, Limited, to maintain and continue gasworks, and to manufacture and supply gas in the parishes of Cirencester and Stratton, both in the county of Gloucester.

Godstone District Gas.—Order empowering the Godstone District Gas Company, Limited, to construct and maintain gasworks, and to make and supply gas within the parishes, districts, and places of Godstone, Tandridge, Crowhurst, Blindley Heath, Lingfield, Dorman's Land, and New Chapel, all in the county of Surrey.

Matlock and District Gas.—Order empowering the Matlock and District Gas Company, Limited, to maintain and continue gasworks, and to manufacture and supply gas within the parish of Matlock, the parish of Darley (consisting of North and South Darley), the parish of Wensley and Snitterton, and the parish of Tansley, all in the county of Derby.

Staines and Egham Gas.—Order empowering the Staines and Egham District Gas and Coke Company, Limited, to extend their limits of supply.

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Order empowering the Cirencester Gas Company Limited to maintain and continue Gasworks and to manufacture and supply Gas in the Parishes of Cirencester and Stratton both in the county of Gloucester.

Short title.

1. This Order may be cited as the Cirencester Gas Order 1891.

Commencement of Order.

2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order."

Incorporation of Acts.

3. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the Promoters of the undertaking) of the Gasworks Clauses Act 1847 (except sections thirty to thirty-four both inclusive) and of the Gasworks Clauses Act 1871 are hereby incorporated with this Order (except where the same are expressly varied by this Order) and the said provisions of the said Gasworks Clauses Acts shall apply as well to the mains pipes and works of the Undertakers laid down or constructed before the commencement of this Order and situate within the limits of supply as defined by this Order as to any mains pipes or works which may be laid down or constructed under the authority of this Order Provided that for the purpose of such incorporation section thirty-five of the said Gasworks Clauses Act 1847 shall be read and construed as though the words from "in case the whole" down to "have been paid" all inclusive had been omitted therefrom and as though the expression "the prescribed rate" included the prescribed rates as defined by this Order together with any sum which under the provisions of this Order might lawfully be carried to the insurance fund.

Intrperetation.

4. In this Order the expression "the prescribed rates" means the rates of dividend authorised by this Order on the capital of the Undertakers or such rates as reduced or increased in accordance with the provisions of this Order and the several words terms and expressions to which by any Act in whole or in part incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have the same respective meanings and in the construction of this Order or of any such Act for the purposes of this Order the expression "the undertaking" shall include the gasworks and works connected therewith by this Order authorised to be maintained and continued.

Limits of Order.

5. 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 parishes of Cirencester and Stratton both in the county of Gloucester.

Undertakers.

Undertakers.

6. The Cirencester Gas Company Limited shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Capital.

Capital.

7. The capital of the Undertakers shall not for the purposes of the undertaking exceed twenty-five thousand pounds consisting of the sum of twelve thousand pounds already raised by the Undertakers (in this Order referred to as "the original capital") the sum of five thousand pounds of the capitalised profits as herein-after authorised and defined and of additional capital (in this Order referred to as "the additional capital") to be issued subject to the provisions of this Order not exceeding eight thousand pounds including any premiums which may be obtained on the sale of any shares under the provisions of this Order unless the Undertakers are hereafter authorised to raise for such purposes further additional capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

New shares to be offered by auction or tender.

8. The Undertakers shall when any shares forming part of the additional capital are to be issued and before offering the same to the holder of any other share or stock of the Undertakers offer the same for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Undertakers may from time to time by special resolution determine Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares and that the reserve price put upon such shares shall not be less than the nominal amount thereof and notice of the amount of such reserve price shall be sent by the Undertakers in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares or stock of the Undertakers.

When proprietor tenders same amount as any other person proprietor to be declared the purchaser.

9. When the amount bidden or tendered by the proprietor of any share or stock of the Undertakers for any such lot of shares so offered for sale by auction or tender under the provisions of this Order is equal to the highest amount bidden or tendered for the same lot by any person not being a proprietor then and in every such case such proprietor shall be declared to be the purchaser of and to be entitled to such lot.

Purchase money of shares to be paid within three months.

10. It shall be one of the conditions of any sale of shares under the provisions of this Order that the whole nominal amount of each share together with any premium given by any purchaser at such sale in respect thereof shall be paid to the Undertakers within three months after such sale.

Notice to be given as to sale of shares.

11. The intention to sell any shares by auction or tender under the provisions of this Order shall be communicated by the Undertakers in writing to the clerk of every local authority having jurisdiction within the limits of supply and to the secretary of the committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised by the Undertakers once in each of two consecutive weeks in one or more newspapers circulating within the limits of supply.

Shares not sold by auction or tender to be offered to shareholders.

12. When any shares have been offered for sale by auction or tender under the provisions of this Order and not sold the same shall be offered at the reserve price put upon the same respectively for the purpose of sale by auction or tender

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to the holders of the ordinary shares or ordinary stock of the Undertakers in such manner as may be prescribed by a special resolution passed by the Undertakers Provided that any shares so offered and not accepted within the time prescribed by such resolution shall again be offered for sale by public auction or tender in the manner and subject to the provisions of this Order with respect to the sale of shares forming part of the additional capital.

Application of premium arising on issue of shares.

13. Any sum of money which may arise from the issue of any shares under the provisions of this Order by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Undertakers but shall be expended in extending or improving the works of the Undertakers or in paying off money borrowed or owing on mortgage by the Undertakers and shall not be considered as part of the capital of the Undertakers entitled to dividend.

Issue of new shares in respect of capitalised profits.

14. The Undertakers may issue shares to the nominal value of five thousand pounds (in this Order referred to as "the capitalised profits") in substitution for their reserve fund and debenture redemption fund existing at the commencement of this Order and in respect of such funds and of money already expended by them out of their profits upon the improvement of the undertaking Any such shares shall be deemed to be fully paid up and shall be issued in the manner provided for the issue of new shares by the Companies Act 1862 and the nominal capital in respect of which any such shares are issued shall for the purposes of the Companies Acts 1862 to 1890 be deemed subject to the provisions of this Order to be capital raised by the creation of new shares and to be paid-up capital of the Undertakers Provided that no such shares shall be issued during the existence of such reserve fund or of such debenture redemption fund.

Limits of dividend on capital.

15. Except as by this Order expressly provided the Undertakers shall not in any year declare or make out of their profits any larger dividends on the original capital capitalised profits and additional capital than the standard rates of dividend herein-after mentioned namely ten pounds in respect of every one hundred pounds of such original capital five pounds in respect of every one hundred pounds of such capitalised profits and seven pounds in respect of every one hundred pounds actually paid up of so much of such additional capital as may be issued as ordinary capital or six pounds in respect of every one hundred pounds actually paid up of so much of such additional capital as may be issued as preference capital.

Dividends on different classes of ordinary shares to be paid proportionately.

16. In case in any year or in any half year if the Undertakers declare a dividend half-yearly the net revenues of the Undertakers applicable to dividend are insufficient to pay the full amount of the prescribed rates on each class of ordinary shares or stock in the original and additional capital and capitalised profits a proportionate reduction shall be made in the dividends payable on each class.

Limit of borrowing powers.

17. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the undertaking shall not at any time exceed in the whole one fourth of the amount of the nominal value of the paid-up capital of the Undertakers for the time being and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers after the commencement of this Order and secured as aforesaid.

18. If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates the excess beyond the sum necessary for that purpose may from time to time to the extent of one per centum per annum upon the paid-up capital of the Undertakers be invested in Government or other securities and the dividends and interest arising from such securities shall also be invested in the same or like securities in order that the same may accumulate at compound interest until the fund so formed amounts to a sum equal to one-twentieth part of the paid-up capital of the Undertakers which fund shall form an insurance fund to meet any extraordinary claim demand or charge which may at any time arise against or fall upon the Undertakers from accident strike or other circumstance which in the opinion of a justice due care and management could not have prevented and if such fund be at any time reduced it may thereafter be again made up to the said limit and so from time to time as often as such reduction happens Provided that when and so often as the said fund reaches the said limit of one-twentieth part of the paid-up capital the interest thereon shall be carried to the credit of the fund available for dividend Provided also that resort may from time to time be had to the insurance fund to meet any such extraordinary claim demand or charge as aforesaid although such fund may not at the time have reached or may have been reduced below the full amount of one-twentieth part of the paid-up capital as aforesaid.

If profits exceed the amount limited excess may be invested and form an insurance fund.

19. If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates the excess or such portion of it as is not carried to the insurance fund shall be carried to the credit of the divisible profits of the undertaking for the next following year.

Application of excess of profits over prescribed rates.

20. Where in any year the prescribed rates on the ordinary shares or stock in the original and additional capital exceed the standard rates by reason of the price charged by the Undertakers for gas in such year being below the standard price then out of the amount of the divisible profits of the Undertakers applicable to the payment of such excess of dividend over the standard rates the Undertakers may in such year set apart such sum as they think fit by way of a reserve fund and all sums (if any) so set apart by the Undertakers may be invested in Government or other securities and the dividends and interest arising from such securities may also be invested in the same or the like securities in order that the same may accumulate at compound interest and the fund so formed shall be called "the reserve fund" and shall be applicable to the payment of dividend in any year in which the clear profits of the Undertakers are insufficient to enable the Undertakers in such year to pay the prescribed rates and save as by this Order specially provided no sum shall in any year be carried by the Undertakers to any reserve fund.

Power to create a reserve fund and application thereof.

Purchase of Land.

21. The Undertakers may for the purposes of the undertaking from time to time purchase or take on lease by agreement but not otherwise and hold in addition to the lands described in the schedule to this Order annexed any lands which they may require Provided that they shall not create or permit a nuisance on any such lands and that they shall not at any time hold for such purposes more than three acres of land in the whole in addition to the lands described in

Power to purchase additional land.

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the said schedule and that no lands shall be used by the Undertakers for the purpose of manufacturing gas or residual products or of storing gas except the lands described in the said schedule.

Maintenance and Continuance of Gasworks Manufacture and Sale of Gas Coke and Residual Products.

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

22. The Undertakers may on the lands shown on the map deposited for the purposes of this Order and described in the schedule to this Order annexed while they are possessed of the same maintain and continue and from time to time alter and enlarge renew or discontinue their existing gasworks and works connected therewith and may construct erect make and maintain and from time to time alter and enlarge retorts gas holders receivers purifiers meters apparatus and works for the manufacture and storage 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 and store gas on such lands and supply and sell the same within the limits of supply and may on the same lands manufacture and store coal-tar coke pitch asphaltum and ammoniacal liquor oil and all such other residual products as aforesaid and may sell and dispose of the same at the works and elsewhere and they may also construct and maintain and from time to time alter enlarge renew or discontinue houses offices buildings and other works connected with the undertaking.

Power to Undertakers to purchase and supply gas appliances and apparatus &c.

23. The Undertakers may at the works or elsewhere manufacture purchase hire supply sell or let on hire gas meters fittings gas stoves and cooking and other apparatus and may also manufacture purchase hire sell let deal in and contract for doing work in connexion with fittings tubes meters pipes apparatus stoves ranges and apparatus for heating for domestic and other purposes by means of gas and all articles and things in any way connected with gasworks or with the supply use or consumption of gas and may take charges and remuneration in respect thereof.

Power to take licences for patents.

24. The Undertakers may subject to the provisions of this Order (but only for the purposes of the undertaking within the limits of supply and not so as to acquire any exclusive right therein) contract for take and use any leave licence or authority to work use exercise and put in practice any invention under letters patent heretofore made or hereafter to be made granting any right or privilege of working using or vending any invention in relation to the manufacture supply or distribution of gas or the conversion manufacture or utilisation of any products obtainable in or arising from such manufacture or production or from the materials used therein.

For protection of Midland and South-western Junction Railway Company the Great Western Railway Company and the Thames and Severn Canal Company.

25.—(1) Any mains or pipes which the Undertakers may lay down (not being the repair or renewal of existing works of which the character and position are not altered) in or along any road crossing either over under or on the level of the railway of the Midland and South-western Junction Railway Company or the railway of the Great Western Railway Company or the canal or towing-path of the Thames and Severn Canal Company shall so far as they may affect any such railway or canal be laid down by the Undertakers at such times as may be reasonably required by and under the direction and superintendence and to the reasonable satisfaction of the engineer for the time being of such of the said companies as may be affected thereby and in accordance with plans and

sections (when necessary in the opinion of such engineer) previously submitted to and approved of by him in writing and any of such mains or pipes from time to time renewed or repaired by the Undertakers shall be renewed and repaired in the same manner and under the like conditions and the reasonable charges of such engineer shall be borne by the Undertakers Provided that where any mains or pipes require to be laid under or over any level crossing of either of the said railways or under over or on the level of the said canal or towing-path the company affected thereby may if they elect so to do themselves lay the same at the costs charges and expenses of the Undertakers.

(2) The said mains or pipes shall be so laid down repaired and used by the Undertakers as not to cause any damage or injury to or to impede the free and uninterrupted use of the said railways canal and towing-path.

(3) The Undertakers shall at all times keep the said companies indemnified against all damages losses expenses or injuries which they or the traffic on their railways or canal may sustain or incur by reason or in consequence of the laying down maintaining and using such mains and pipes as aforesaid.

(4) The Undertakers shall acquire only such an easement across over or under any of the railways canals works or property of the said companies or any lands belonging to any of the said companies as may be necessary for constructing or maintaining any of the works of the Undertakers and shall pay to the company from whom they acquire such easement such sum either annual or otherwise as may be agreed upon or failing agreement as shall be settled by arbitration in manner provided by the Lands Clauses Consolidation Act 1845 for settling cases of disputed compensation with respect to the purchase and taking of lands otherwise than by agreement and the easements so to be taken shall be deemed to be lands so far as regards the proceedings for the acquisition thereof and also for the purposes of such arbitration.

(5) If any of the said companies at any time or times hereafter require to construct any additional or other works upon their lands or railways or to alter or repair their railways bridges viaducts or works upon across over or under which any of the works of the Undertakers may have been constructed or laid such company may on giving to the Undertakers seven days notice in writing under the hand of their secretary or general manager for the time being and in case of emergency of which their engineer shall be the sole judge without notice divert support or carry the said works of the Undertakers across over or under their lands railways bridges or works at any other point or otherwise deal with the same in as convenient a manner as circumstances will permit and doing as little damage as may be without being liable to pay compensation in respect thereof.

Differences with railway and other companies.

26. If any difference arise between the Undertakers and any railway canal or other company whose lands or works the Undertakers have power to cross under the authority of this Order as to the mode of laying down repairing altering or enlarging their mains pipes or other works in over or upon such lands or works or the facilities to be afforded for the same such difference shall be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party

Quality of Gas.

Quality of gas.

27. The quality of the gas supplied by the Undertakers shall with respect to its illuminating power be such as to produce a light equal in intensity to the

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light produced by fifteen sperm candles and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act 1871.

Price of Gas.

Fixing price of gas with sliding scale as to dividend.

28. The standard price to be charged by the Undertakers for gas supplied by them to private consumers by meter shall be four shillings and threepence per thousand cubic feet Provided that the Undertakers may increase or reduce the price so charged by them for gas above or below the standard price subject to a reduction or increase in the dividend payable by the Undertakers on the ordinary shares or stock in the original and additional capital as follows:—

In respect of any year during which the price so charged by the Undertakers shall have been one penny or more above the standard price the dividend so payable by the Undertakers shall in respect of each penny by which the price so charged has exceeded the standard price be reduced below the standard rates of dividend by five shillings on every hundred pounds of ordinary paid-up capital and so in proportion for any fraction of one hundred pounds:

And in respect of any year during which the price so charged by the Undertakers shall have been one penny or more below the standard price the dividend so payable by the Undertakers may in respect of each penny by which the standard price has exceeded the price so charged be increased above the standard rates of dividend by five shillings on every hundred pounds of ordinary paid-up capital and so in proportion for any fraction of one hundred pounds.

Pressure of Gas.

Pressure of gas.

29. All gas supplied by the Undertakers to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than six tenths of an inch in height and to balance from sunset to midnight a column of water not less than eight tenths of an inch in height at the main as near as may be to the junction therewith of the service-pipe supplying such consumer.

Testing Gas.

Testing gas.

30. The Undertakers shall within six months after the commencement of this Order cause to be provided at their works a testing place with apparatus therein according to the provisions of the Gasworks Clauses Act 1871 and the burner to be used for testing gas shall be a Sugg's London Argand No. 1 with a six-inch by one and three-quarter inch glass chimney and if at any time the gas flame tails over the top of the glass a six-inch by two-inch chimney shall be used Provided that any other description of burner may be used which may from time to time be approved for the purpose by the Board of Trade and any gas examiner appointed under the Gasworks Clauses Act 1871 for the purposes of this Order may from time to time subject to the terms of his appointment at such testing place or elsewhere as and when he thinks fit test the pressure at which the gas is supplied and for that purpose may open any street road passage or place not being the immediate approach to any railway or canal bridge or railway station vested in or under the control of any local or road authority.

Miscellaneous.

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No penalty in case of unavoidable cause.

31. No penalty shall be incurred by the Undertakers for insufficiency of pressure defect of illuminating power or for excess of impurity in the gas supplied by them in any case in which it is proved that such insufficiency defect or excess was produced by an unavoidable cause or accident.

Undertakers to pay interest on deposit.

32. Where any money is deposited by any person by way of security with the Undertakers for the payment to them of any moneys which may become due to them by such person in respect of any supply of gas or of the purchase or hire of any meter the Undertakers shall pay interest at the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

8 Vict. c. 16. s. 140, incorporated.

33. Section one hundred and forty of the Companies Clauses Consolidation Act 1845 shall be and is hereby incorporated with this Order Provided that for the purpose of such incorporation the expression "the company" in the said section shall be construed to mean the Undertakers.

Costs of Order.

34. All the costs charges and expenses of and incidental to the applying for preparing obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Undertakers.

SCHEDULE.

Gas Lands.

(A) A piece of land now belonging or reputed to belong to the Undertakers situate in the tithing of Chesterton in the parish of Cirencester in the county of Gloucester containing one acre thirteen perches or thereabouts upon which the works of the Undertakers are erected bounded on or towards the east by Gas Lane on or towards the west by the towing-path of the Thames and Severn Canal and on or towards the south by the road leading from Gas Lane to the Cirencester Infectious Diseases Hospital.

(B) A piece of land now belonging or reputed to belong to the Undertakers situate in the tithing of Chesterton aforesaid containing two acres three roods thirty-two perches or thereabouts upon which the gasometer is erected bounded on or towards the north by Gas Lane aforesaid on or towards the south by land belonging or reputed to belong to the Right Honourable Allen Alexander Earl Bathurst on or towards the east by the Midland and South-western Junction Railway and on or towards the west by the hospital and towing-path before mentioned.

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Godstone District Gas.

GODSTONE DISTRICT GAS.

Order empowering the Godstone District Gas Company Limited to construct and maintain Gasworks, and to make and supply Gas within the parishes, districts and places of Godstone, Tandridge, Crowhurst, Blindley Heath, Lingfield, Dorman's Land and New Chapel, all in the County of Surrey.

Short title.

1. This Order may be cited as the Godstone District Gas Order, 1891.

Commencement of Order.

2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed, which date is in this Order referred to as "the commencement of this Order."

Incorporation of Acts.

3. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) of the Gasworks Clauses Act, 1847, and of the Gasworks Clauses Act, 1871, are hereby incorporated with this Order, except where the same are expressly varied by this Order.

Interpretation.

4. In this Order the expression "the prescribed rates" means the rates of dividend authorised by this Order on the capital of the Undertakers or such rates as reduced or increased in accordance with the provisions of this Order, and the several words, terms and expressions to which, by any Act in whole or in part incorporated with this Order, and by the Gas and Water Works Facilities Act, 1870, meanings are assigned, have the same respective meanings, and in the construction of this Order, or of any such Act for the purposes of this Order, the expression "the undertaking" shall include the gasworks and works connected therewith by this Order authorised to be constructed and maintained.

Limits of Order.

5. 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 several parishes, districts and places of Godstone, Tandridge, Crowhurst, Blindley Heath, Lingfield, Dorman's Land and New Chapel, all in the county of Surrey, except that part of the parish of Godstone which lies northward of the parish boundary separating Godstone from the parishes of Caterham and Tandridge, and eastward of that part of Flowery Lane which leads from the lodge entrance belonging to Marden Park southward to the footpath crossing to the north of Flinthall Farm, to the parish boundary situate at the south-west corner of Hanging Wood, and except also that part of the parish of Godstone, which is detached from the main portion of the said parish, and except so much of the parish of Tandridge as is comprised within the limits of supply of the Caterham and District Gas Light and Coke Company, Limited, as defined by the Caterham and District Gas Order, 1887.

Undertakers.

Undertakers.

6. The Godstone District Gas Company (Limited) shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."

Capital.

Godstone District Gas.

Capital.

7. The share capital of the Undertakers shall not, for the purposes of the undertaking, exceed twelve thousand pounds, unless the Undertakers are hereafter authorised to raise for such purposes additional share capital by Provisional Order under the Gas and Water Works Facilities Act, 1870, or by Act of Parliament.

Limits of dividend on capital.

8. Except as by this Order expressly provided, the Undertakers shall not in any year declare or make out of their profits any larger dividends on the said capital than the standard rates of dividend herein-after mentioned, namely, ten pounds in respect of every one hundred pounds actually paid up of so much of such capital as may be issued as ordinary capital, or six pounds in respect of every one hundred pounds actually paid up of so much of such capital as may be issued as preference capital.

Limit of borrowing powers.

9. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the undertaking, shall not at any time exceed in the whole one fourth of the amount of the capital of the Undertakers actually raised by the issue of shares or stock, and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers after the commencement of this Order and secured as aforesaid.

Lands.

Power to purchase lands by agreement.

10. The Undertakers may, for the purposes of the undertaking, from time to time purchase or take on lease (by agreement but not otherwise) and hold, in addition to the lands shown on the map deposited for the purposes of this Order, and thereon coloured red, and described in the Schedule A to this Order annexed, any lands which they may require: Provided that they shall not at any time hold for such purposes more than five acres of land in the whole, including the lands described in the said schedule, and that they shall not create or permit a nuisance on any such lands, and that no lands shall be used by the Undertakers for the purpose of manufacturing gas or residual products or of storing gas, except the lands described in the said schedule.

Construction and Maintenance of Gasworks, Manufacture and Sale of Gas, Coke and Residual Products.

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

11. The Undertakers may, on the lands shown on the map deposited for the purposes of this Order, and described in the Schedule A to this Order annexed, while they are possessed of the same, construct and maintain, and from time to time alter and enlarge, renew and discontinue retorts, gas-holders, 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 and store gas on such lands, and supply and sell the same, within the limits of supply, and may, on the same lands, manufacture and store coke, asphaltum, pitch, coal-tar, ammoniacal liquor, oil, and all such other residual products as aforesaid, and may sell and dispose of the same at their works and elsewhere;

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and they may also construct and maintain, and from time to time alter, enlarge, renew or discontinue, houses, offices, buildings, and other works connected with the undertaking.

Power to make gas meters, &c.

12. The Undertakers may, at the works or elsewhere, manufacture, purchase, hire, supply, sell, or let on hire gas meters, fittings, gas stoves, and cooking and other apparatus; and may also manufacture, purchase, hire, sell, let, deal in and contract for doing work in connexion with fittings, tubes, meters, pipes, apparatus, stoves, ranges and apparatus for heating, for domestic and other purposes, by means of gas and all articles and things in any way connected with gasworks, or with the supply, use or consumption of gas, and may take charges and remuneration in respect thereof.

Power to take licences for use of patents.

13. The Undertakers may, subject to the provisions of this Order, but only for the purposes of the Undertaking within the limits of supply, and not so as to acquire any exclusive right therein, contract for, take and use any leave, licence or authority to work, use, exercise, and put in practice any invention under letters patent heretofore made or hereafter to be made granting any right or privilege of working, using or vending any invention in relation to the manufacture or distribution of gas, or the conversion, manufacture or utilisation of any products obtainable in or arising from such manufacture, or from the materials used therein.

As to the depth at which mains are to be laid.

14. Notwithstanding anything in this Order or any Act incorporated therewith, no new main (not being the renewal of an existing main of which the character and position are unaltered) shall be laid down or placed by the Undertakers in or under the roadway of any street or bridge in such manner as will cause any part of such main to be at a depth of less than two feet from the level of the finished surface of such roadway, directly above such main (as such surface existed immediately before it was broken up for the purpose of laying such main) unless it be so laid down or placed in a position and at a level and subject to such conditions as may have been approved of by the body or person liable to repair such street or bridge, or as in case of difference shall have been determined by two justices: Provided that where a notice in writing describing any proposed new main and the position and level in and at which it is intended to be placed is served upon any such body or person by the Undertakers, such position or level shall be deemed to have been approved of by such body or person, unless within seven days after such service notice of objection thereto, stating the ground of such objection, be given by such body or person or by their surveyor in writing to the Undertakers.

If the Undertakers lay down or place any new main in or under the roadway of any street or bridge otherwise than in accordance with the provisions of this section, they shall be liable to a penalty not exceeding twenty pounds for every such offence, and in addition to or in lieu of imposing any such penalty the court having cognizance of the case may require the Undertakers to alter the position and level of such new main in such manner as they may direct, within such time as may be limited by them in that behalf, and if the Undertakers make default in altering such position and level within the time so limited they shall be liable to a further penalty not exceeding five pounds for every day during which such default continues after the expiration of the time so limited.

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For the protection of the South-eastern Railway Company.

15. For the protection of the South-eastern Railway Company (in this section referred to as "the company") the following provisions shall apply and have effect:—

(1) Before laying down or executing or effecting the repairs or renewals of any mains, pipes or other works in the exercise of the powers contained in this Order, upon, across, over, under, or in any way affecting the railway, lands or property now or hereafter belonging to or used by the company, and before entering upon the said railway, lands and property, the Undertakers shall give at least fourteen days notice in writing to the company of their desire so to do, except in case of urgent necessity, in which case the Undertakers shall give notice in writing to the company within twelve hours after they shall have entered upon the railway, lands and property as aforesaid;

(2) Fourteen days at least before commencing to lay down any main pipe or other work, or to execute or effect any repair or renewal of any main pipe or other works as aforesaid, upon, across, over, under or in any way affecting the railway, lands or property of the company, or the bridges, approaches, viaducts, stations or other works, or any level crossings over the railways, plans, sections and specifications shall be submitted to the engineer of the company for the time being for his approval, and shall be reasonably approved by him in writing, or in the event of such engineer failing to signify his approval or disapproval or to give such other direction within fourteen days after the submission of such plans as aforesaid, he shall be deemed to have approved thereof; or in the event of any difference thereon arising between the company and the Undertakers, in such manner as shall, unless otherwise agreed, be determined by an engineer to be appointed by the Board of Trade on the application of either the company or the Undertakers, and the decision of such engineer shall be final and conclusive between both parties; and such work shall be executed in accordance with such plans, sections and specifications as so approved, and in such manner and under the superintendence of and subject to the reasonable approval of the said engineer. Provided that nothing herein contained shall be construed as authorising the Undertakers to occupy or use permanently with their works the surface of any land or property of the company without the previous consent in writing of the secretary of the company. All such works shall be done by and at the expense of the Undertakers, who shall also restore and make good to the reasonable satisfaction of the company's engineer, the roads over any bridges, level crossings and approaches which the company, either alone or jointly, are or may be liable to maintain, and which may be disturbed or interfered with by or owing to any of the works and operations of the Undertakers; and all such works and operations shall be constructed, executed and maintained, so as not to cause any injury to such railway bridges, level crossings, approaches, viaducts, stations, works, lands or property, or interruption to the passage or conduct of traffic over such railways, or at any station thereon, and if any such injury or interruption shall arise from or in any way be owing to any of the works, operations and matters aforesaid, or to the failure, bursting or leakage of any such mains, pipes or works the Undertakers shall make compensation to the Company in respect thereof, the amount of such compensation to be

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determined by arbitration in the manner herein-after provided, and such compensation, together with full costs, shall be recoverable by the company from the Undertakers by all and the same means as any simple contract debt of like amount is recoverable, and if any such interruption to the passage or conduct of traffic shall arise as aforesaid the Undertakers shall pay to the company as liquidated damages the sum of five pounds per hour for every hour during which such interruption shall continue;

(3) In the event of any difference arising between the company and the Undertakers touching any of the matters referred to in this section, the same shall be determined by an engineer, to be appointed by the Board of Trade at the request of either party, and the costs of such arbitration shall be borne as the arbitrator may direct.

Differences with road authorities or railway or other companies, &c.

16. If any difference arise between the Undertakers and any highway board or road authority, or any railway, canal, or other company, other than the South-eastern Railway Company, whose lands or works the Undertakers have power to cross, under the authority of this Order, as to the mode of laying down, repairing, altering or enlarging their mains, pipes or other works in, over or upon such lands or works, or the facilities to be afforded for the same, such difference shall be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party.

Quality of Gas.

Quality of gas.

17. The quality of the gas supplied by the Undertakers shall, with respect to its illuminating power, be such as to produce a light equal in intensity to the light produced by fifteen sperm candles, and shall, in all respects, be in accordance with the provisions of the Gasworks Clauses Act, 1871.

Price of Gas.

Price of gas.

18. The price to be charged by the Undertakers for gas supplied by them shall not exceed five shillings per thousand cubic feet and so in proportion for any less quantity supplied. Provided that at any time after the expiration of three years from the commencement of this Order, the Board of Trade may, if they think fit, by order in writing signed by a secretary or an assistant secretary of the said Board, alter the said maximum price, either by substituting any other sum for the said sum of five shillings, or by fixing a standard price with sliding scale as to profits, and as from the date specified in such order (herein-after referred to as "the specified date"), the price to be charged by the Undertakers for gas supplied by them shall be in accordance with such order. Provided further, that in case such order shall prescribe a standard price with sliding scale as to profits, then, as from the specified date, the provisions set forth in Schedule B to this Order annexed shall be in force and have effect, and this Order shall be read and construed accordingly. A copy of any such order made by the Board of Trade shall be published in the London Gazette, and a copy of the said Gazette containing such order shall be conclusive evidence of the due making and validity of the same and of the contents thereof.

Pressure of Gas.

Pressure of gas.

19. All gas supplied by the Undertakers to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of

water not less than six tenths of an inch in height, and to balance from sunset to midnight a column of water not less than eight tenths of an inch in height, at the main as near as may be to the junction therewith of the service pipe supplying such consumer.

Testing of Gas.

Testing of gas.

20. The Undertakers, before supplying gas under the authority of this Order, shall cause to be provided at their works a testing place, with apparatus therein, according to the provisions of the Gasworks Clauses Act, 1871, and the burner to be used for testing gas shall be a Sugg's London Argand No. 1, with a six-inch by one and three-quarter inch glass chimney, and if at any time the gas flame tails over the top of the glass a six-inch by two-inch chimney shall be used: Provided that any other description of burner may be used which may from time to time be approved for the purpose by the Board of Trade; and any gas examiner appointed under the Gasworks Clauses Act, 1871, for the purposes of this Order, may from time to time, subject to the terms of his appointment, at such testing-place or elsewhere, as and when he thinks fit, test the pressure at which the gas is supplied, and for that purpose may open any street, road, passage or place (not being the immediate approach to any railway or canal bridge, or railway station) vested in or under the control of any local or road authority.

Miscellaneous.

No penalty in case of unavoidable cause.

21. No penalty shall be incurred by the Undertakers for insufficiency of pressure, defect of illuminating power, or for excess of impurity in the gas supplied by them in any case in which it is proved that such insufficiency, defect or excess was produced by an unavoidable cause or accident.

Undertakers to pay interest on deposit.

22. Where any money is deposited by any person by way of security with the Undertakers for the payment to them of any moneys which may become due to them by such person in respect of any supply of gas or of the purchase or hire of any meter, the Undertakers shall pay interest at the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

8 Vict. c. 16, s. 140, incorporated.

23. Section one hundred and forty of the Companies Clauses Consolidation Act, 1845, shall be and is hereby incorporated with this Order: Provided that for the purpose of such incorporation the expression "the company" in the said section shall be construed to mean the Undertakers.

Saving of existing contracts.

24. Nothing in this Order contained shall alter, vary or affect any contract or agreement duly made (including the indenture made the twenty-fifth day of August, one thousand eight hundred and ninety, between the Godstone District Highway Board of the one part and the Undertakers of the other part), or any liability incurred, before the commencement of this Order.

Costs of Order.

25. All the costs, charges and expenses of and incidental to the applying for, preparing, obtaining and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers.

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SCHEDULES.

SCHEDULE A.

Gas Lands.

A piece or parcel of land, now reputed to belong to and occupied by the Undertakers, situate wholly in the parish of Godstone, in the county of Surrey, lately forming part of Lagham Wood, and lying at the rear of the Railway Hotel, opposite to the entrance to the Godstone Station of the South-eastern Railway Company, containing by admeasurement two acres or thereabouts, and bounded on the north and east by Lagham Wood aforesaid, on the south by the Redhill and Tunbridge main line section of the said railway company, and on the west by a piece of water and land belonging to or reputed to belong to William Robert Gamul Farmer, and now in his occupation.

A piece or parcel of land, now reputed to belong to and occupied by the Undertakers, situate wholly in the parish of Lingfield, in the county of Surrey, lately forming part of a piece of land known as Malthouse Field, and lying on the north-east side of a road known as Station Road, containing by admeasurement one rood and thirty-two perches, or thereabouts, and bounded on the north-west partly by cottages and gardens belonging or reputed to belong to the Undertakers, and partly by land belonging or reputed to belong to the London, Brighton and South Coast Railway Company, on the east by the Croydon, Oxted and East Grinstead branch of the London, Brighton and South Coast Railway Company, on the south-east by land also belonging or reputed to belong to the said London, Brighton and South Coast Railway Company, and on the south-west by the said Station Road.

SCHEDULE B.

The foregoing Order shall, after the making by the Board of Trade of an Order, in pursuance of the provisions in that behalf therein contained, prescribing a standard price for gas supplied by the Undertakers, with sliding scale as to profits, and as from the specified date, be read and construed subject to the modifications following :—

Sections thirty to thirty-four of Gasworks Clauses Act, 1847, to cease to be incorporated.

(i.) Sections thirty to thirty-four (both inclusive) of the Gasworks Clauses Act, 1847, shall not continue to be incorporated with or to form part of the foregoing Order; and in construing the said Act for the purposes of the foregoing Order, section thirty-five of the said Act shall be read and construed as though the words from "in case the whole" down to "have been paid," all inclusive, had been omitted therefrom, and as though the expression "the prescribed rate" included the prescribed rates as defined by the foregoing Order, together with any sum which under the provisions of this schedule might lawfully be carried to the insurance fund.

(ii.) Notwithstanding anything contained in the foregoing Order, the standard price to be charged by the Undertakers, for gas supplied by them to private consumers, by meter, shall be the price prescribed by such Order of the Board of Trade as aforesaid, per thousand cubic feet.

Price of gas, with sliding scale as to dividend.

Provided that the Undertakers may increase or reduce the price so charged by them for gas above or below the standard price, subject to a reduction or increase in the dividend payable by the Undertakers on the ordinary shares or stock in the share capital of the Undertakers, as follows :—

In respect of any year during which the price so charged by the Undertakers shall have been one penny or more above the standard price, the dividend so payable by the Undertakers shall, in respect of each penny by which the price so charged has exceeded the standard price, be reduced below the standard rates of dividend by five shillings on every hundred pounds of ordinary paid-up capital, and so in proportion for any fraction of one hundred pounds :

And in respect of any year during which the price so charged by the Undertakers shall have been one penny or more below the standard price, the dividend so payable by the Undertakers may, in respect of each penny by which the standard price has exceeded the price so charged, be increased above the standard rates of dividend by five shillings on every hundred pounds of ordinary paid-up capital, and so in proportion for any fraction of one hundred pounds.

If profits exceed amount limited, excess may be invested and form an insurance fund.

(iii.) If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates, the excess beyond the sum necessary for that purpose may, from time to time, to the extent of one per centum per annum upon the paid-up capital of the Undertakers, be invested in Government or other securities, and the dividends and interest arising from such securities shall also be invested in the same or like securities, in order that the same may accumulate at compound interest, until the fund so formed amounts to a sum equal to one-twentieth part of the paid-up capital of the Undertakers, which fund shall form an insurance fund, to meet any extraordinary claim, demand, or charge which may at any time arise against or fall upon the Undertakers from accident, strike or other circumstance which, in the opinion of a justice, due care and management could not have prevented, and if such fund be at any time reduced, it may thereafter be again made up to the said limit, and so from time to time, as often as such reduction happens : Provided that when and so often as the said fund reaches the said limit of one-twentieth part of the paid-up capital, the interest thereon shall be carried to the credit of the fund available for dividend : Provided also, that resort may from time to time be had to the insurance fund to meet any such extraordinary claim, demand or charge as aforesaid, although such fund may not at the time have reached or may have been reduced below the full amount of one-twentieth part of the paid-up capital, as aforesaid.

Application of further excess of profits over prescribed rates.

(iv.) If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates, the excess, or such portion of it as is not carried to the insurance fund, shall be carried to the credit of the divisible profits of the undertaking for the next following year.

Power to create a reserve fund and application thereof.

(v.) Where in any year the prescribed rates on the ordinary share capital or stock of the Undertakers exceed the standard rates by reason of the price

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charged by the Undertakers for gas in such year being below the standard price, then out of the amount of the divisible profits of the Undertakers applicable to the payment of the excess of dividend over the standard rates, the Undertakers may in such year set apart such sum as they think fit by way of a reserve fund, and all sums (if any) so set apart by the Undertakers, and any reserve or other fund of a similar character of the Undertakers existing at the specified date in relation to the undertaking may be invested in Government or other securities, and the dividends and interest arising from such securities may also be invested in the same or the like securities, in order that the same may accumulate at compound interest, and the fund so formed shall be called "the reserve fund," and shall be applicable to the payment of dividend in any year in which the clear profits of the Undertakers are insufficient to enable the Undertakers in such year to pay the prescribed rates, and save as by this schedule specially provided, no sum shall in respect of the undertaking in any year be carried by the Undertakers to any reserve fund.

Saving of existing contracts.

(vi.) Nothing in this schedule contained shall alter, vary, or affect any contract or agreement duly made, or any liability incurred, or notice given before the specified date with respect to the gasworks of or the supply of gas by the Undertakers.

MATLOCK AND DISTRICT GAS.

Matlock and District Gas.

Order empowering the Matlock and District Gas Company Limited to maintain and continue Gasworks and to manufacture and supply Gas within the Parish of Matlock the Parish of Darley (consisting of North and South Darley) the Parish of Wensley and Snitterton and the Parish of Tansley all in the County of Derby.

Short title.

1. This Order may be cited as the Matlock and District Gas Order 1891.

Commencement of Order.

2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order."

Incorporation of Acts.

3. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the Promoters of the undertaking) of the Gasworks Clauses Act 1847 (except sections thirty to thirty-four both inclusive) and of the Gasworks Clauses Act 1871 are hereby incorporated with this Order (except where the same are expressly varied by this Order) and the said provisions of the said Gasworks Clauses Acts shall apply as well to the mains pipes and works of the Undertakers laid down or constructed before the commencement of this Order and situate within the limits of supply as defined by this Order as to any mains pipes or works which may be laid down or constructed under the authority of this Order: Provided that for the purpose of such incorporation section thirty-five of the said Gasworks Clauses Act 1847 shall be read and construed as

though the words from "in case the whole" down to "have been paid" all inclusive had been omitted therefrom and as though the expression "the prescribed rate" included the prescribed rates as defined by this Order together with any sum which under the provisions of this Order might lawfully be carried to the insurance fund.

Interpretation.

4. In this Order the expression "the prescribed rates" means the rates of dividend authorised by this Order on the capital of the Undertakers or such rates as reduced or increased in accordance with the provisions of this Order and the several words terms and expressions to which by any Act in whole or in part incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have the same respective meanings and in the construction of this Order or of any such Act for the purposes of this Order the expression "the undertaking" shall include the gasworks and works connected therewith by this Order authorised to be maintained and continued.

Limits of Order.

5. 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 such part of the parish of Matlock as is bounded by and included within portions of the boundary of such parish and an imaginary line commencing at the westerly boundary of the said parish at a point in the fence thirty-five yards north of the southerly corner of the field numbered 441 on the twenty-five inch Ordnance Survey Sheet No. XXXIV. 2 of the county of Derby drawn thence in a straight line in a north-easterly direction to a point in the field numbered 721 on the said sheet nine yards to the north-west of an old lead mine shaft shown on such sheet thence in a straight line due east to the eastern side of the River Derwent (but so as to leave on the northerly side of such line the Riversdale cottages and the road leading thereto) thence in a south-easterly direction to the junction of the footpath leading from the Matlock town end of Starkholmes Lane with the footpath leading from Starkholmes thence in a straight line in a south-easterly direction to the south-east corner of the field numbered 1,438 on the twenty-five inch Ordnance Survey Sheet No. XXXIV. 7 of the said county of Derby thence crossing Willersley Lane in an easterly direction to and continuing for a distance of two hundred and fifty yards along the southerly fence of the occupation road leading to Woodseats Farm and thence in a straight line due east to the easterly boundary of the parish of Matlock which is also the boundary of the Matlock Local Board district the parish of Darley (consisting of North and South Darley) the parish of Wensley and Snitterton and the parish of Tansley all in the county of Derby.

Undertakers.

Undertakers.

6. The Matlock and District Gas Company Limited shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Capital.

Capital.

7. The share capital of the Undertakers for the purposes of the undertaking shall not exceed twenty-six thousand two hundred pounds consisting of the share capital already raised by the Undertakers (in this Order referred to as "the original capital") amounting to eighteen thousand two hundred pounds and of

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additional share capital (in this Order referred to as "the additional capital") to be issued subject to the provisions of this Order not exceeding eight thousand pounds including any premiums that may be obtained on the sale of any shares under the provisions of this Order unless the Undertakers are hereafter authorised to raise for such purposes further additional share capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

New shares to be offered by auction or tender.

8. The Undertakers shall when any shares forming part of the additional capital are to be issued and before offering the same to the holder of any other share or stock of the Undertakers offer the same for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Undertakers may from time to time by special resolution determine Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares and that the reserve price put upon such shares shall not be less than the nominal amount thereof and notice of the amount of such reserve price shall be sent by the Undertakers in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares or stock of the Undertakers.

When proprietor tenders same amount as any other person proprietor to be declared the purchaser.

9. When the amount bidden or tendered by the proprietor of any share or stock of the Undertakers for any such lot of shares so offered for sale by auction or tender under the provisions of this Order is equal to the highest amount bidden or tendered for the same lot by any person not being a proprietor then and in every such case such proprietor shall be declared to be the purchaser of and to be entitled to such lot.

Purchase money of shares to be paid within three months.

10. It shall be one of the conditions of any sale of shares under the provisions of this Order that the whole nominal amount of each share, together with any premium given by any purchaser at such sale in respect thereof shall be paid to the Undertakers within three months after such sale.

Notice to be given as to sale of shares.

11. The intention to sell any shares by auction or tender under the provisions of this Order shall be communicated by the Undertakers in writing to the clerk of every local authority having jurisdiction within the limits of supply and to the secretary of the committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised by the Undertakers once in each of two consecutive weeks in one or more newspapers circulating within the limits of supply.

Shares not sold by auction or tender to be offered to shareholders.

12. When any shares have been offered for sale by auction or tender under the provisions of this Order and not sold the same shall be offered at the reserve price put upon the same respectively for the purpose of sale by auction or tender to the holders of the ordinary shares or ordinary stock of the Undertakers in such manner as may be prescribed by a special resolution passed by the Undertakers Provided that any share so offered and not accepted within the time prescribed by such resolution shall again be offered for sale by public auction or tender in the manner and subject to the provisions of

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this Order with respect to the sale of shares forming part of the additional capital.

Application of premium arising on issue of shares.

13. Any sum of money which may arise from the issue of any shares under the provisions of this Order by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Undertakers but shall be expended in extending or improving the works of the Undertakers or in paying off money borrowed or owing on mortgage by the Undertakers and shall not be considered as part of the capital of the Undertakers entitled to dividend.

Limits of dividend on capital.

14. Except as by this Order expressly provided the Undertakers shall not in any year declare or make out of their profits any larger dividends on the original and additional capital than the standard rates of dividend herein-after mentioned namely ten pounds in respect of every one hundred pounds actually paid up of such original capital and seven pounds in respect of every one hundred pounds actually paid up of so much of such additional capital as may be issued as ordinary capital or six pounds in respect of every one hundred pounds actually paid up of so much of such additional capital as may be issued as preference capital.

Dividends on different classes of ordinary shares to be paid proportionately.

15. In case in any year or in any half-year if the Undertakers declare a dividend half-yearly the net revenues of the Undertakers applicable to dividend are insufficient to pay the full amount of the prescribed rates on each class of ordinary shares or stock in the original and additional capital of the Undertakers a proportionate reduction shall be made in the dividends payable on each class.

Limit of borrowing powers.

16. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the undertaking shall not at any time exceed in the whole one fourth of the amount of the capital of the Undertakers actually raised by the issue of shares or stock including any premiums that may be obtained on the sale of any shares under the provisions of this Order and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers after the commencement of this Order and secured as aforesaid.

If profits exceed the amount limited excess may be invested and form an insurance fund.

17. If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates the excess beyond the sum necessary for that purpose may from time to time to the extent of one per centum per annum upon the paid-up capital of the Undertakers be invested in Government or other securities and the dividends and interest arising from such securities shall also be invested in the same or like securities in order that the same may accumulate at compound interest until the fund so formed amounts to a sum equal to one-twentieth part of the paid-up capital of the Undertakers which fund shall form an insurance fund to meet any extraordinary claim demand or charge which may at any time arise against or fall upon the Undertakers from accident strike or other circumstance which in the opinion of a justice due care and management could not have prevented and if such fund be at any time reduced it may thereafter be again made up to the said limit and so from time to time as often as such reduction happens. Provided that when and so often as the said fund reaches the said limit of one-twentieth part of the paid-up capital the interest thereon shall be carried to the credit of the fund available for

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dividend. Provided also that resort may from time to time be had to the insurance fund to meet any such extraordinary claim demand or charge as aforesaid although such fund may not at the time have reached or may have been reduced below the full amount of one-twentieth part of the paid-up capital as aforesaid.

Application of excess of profits over prescribed rates.

18. If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates the excess or such portion of it as is not carried to the insurance fund shall be carried to the credit of the divisible profits of the undertaking for the next following year.

Power to create a reserve fund and application thereof.

19. Where in any year the prescribed rates on the ordinary shares or stock in the original and additional capital exceed the standard rates by reason of the price charged by the Undertakers for gas in such year being below the standard price then out of the amount of the divisible profits of the Undertakers applicable to the payment of such excess of dividend over the standard rates the Undertakers may in such year set apart such sum as they think fit by way of a reserve fund and all sums (if any) so set apart by the Undertakers and any reserve or other fund of a similar character of the Undertakers existing at the commencement of this Order may be invested in Government or other securities and the dividends and interest arising from such securities may also be invested in the same or the like securities in order that the same may accumulate at compound interest and the fund so formed shall be called "the reserve fund" and shall be applicable to the payment of dividend in any year in which the clear profits of the Undertakers are insufficient to enable the Undertakers in such year to pay the prescribed rates and save as by this Order specially provided no sum shall in any year be carried by the Undertakers to any reserve fund.

Purchase of Land.

Power to purchase additional land.

20. The Undertakers may for the purposes of the undertaking from time to time purchase or take on lease by agreement but not otherwise and hold in addition to the lands described in the schedule to this Order annexed any lands which they may require Provided that they shall not create or permit a nuisance on any such lands and that they shall not at any time hold for such purposes more than three acres of land in the whole including the lands described in the said schedule and that no lands shall be used by the Undertakers for the purpose of manufacturing gas or residual products or of storing gas except the lands described in the said schedule.

Maintenance and continuance of Gasworks, Manufacture and Sale of Gas Coke and Residual Products.

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

21. The Undertakers may on the lands shown on the map deposited for the purposes of this Order and described in the schedule to this Order annexed while they are possessed of the same maintain and continue and from time to time alter and enlarge renew or discontinue their existing gasworks and works connected therewith and may construct erect make and maintain and from time to time alter and enlarge retorts gas-holders 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 and store gas on such lands and supply and sell the same within the limits of supply and may on the same lands manufacture and store coal-tar coke pitch asphaltum and ammoniacal liquor oil and all such other residual products as aforesaid and may sell and dispose of the same at the works and elsewhere and they may also construct and maintain and from time to time alter enlarge renew or discontinue houses offices buildings and other works connected with the undertaking.

Power to Undertakers to purchase and supply gas appliances and apparatus, &c.

22. The Undertakers may at the works or elsewhere manufacture purchase hire supply sell or let on hire gas meters fittings gas stoves and cooking and other apparatus and may also manufacture purchase hire sell let deal in and contract for doing work in connexion with fittings tubes meters pipes apparatus stoves ranges and apparatus for heating for domestic and other purposes by means of gas and all articles and things in any way connected with gasworks or with the supply use or consumption of gas and may take charges and remuneration in respect thereof.

Power to take licences for patents.

23. The Undertakers may subject to the provisions of this Order (but only for the purposes of the undertaking within the limits of supply and not so as to acquire any exclusive right therein) contract for take and use any leave licence or authority to work use exercise and put in practice any invention under letters patent heretofore made or hereafter to be made granting any right or privilege of working using or vending any invention in relation to the manufacture supply or distribution of gas or the conversion manufacture or utilisation of any products obtainable in or arising from such manufacture or production or from the materials used therein.

Power to contract for sale of gas in bulk.

24. The Undertakers may from time to time enter into and carry into effect and alter or rescind contracts and agreements with respect to the supply of gas in bulk beyond the limits of supply to any urban or rural sanitary authority or any company authorised to supply gas at such price and upon and under such terms and conditions as may from time to time be agreed on Provided that nothing herein contained shall be construed as conferring any powers on the Undertakers in relation to the laying down or placing of any pipe or the breaking up of any road or street or the execution of any work beyond the limits of supply in any district without the consent of the local and road authorities of such district.

Difference with railway and other companies.

25. If any difference arise between the Undertakers and any railway canal or other company whose lands or works the Undertakers have power to cross under the authority of this Order as to the mode of laying down repairing altering or enlarging their mains pipes or other works in over or upon such lands or works or the facilities to be afforded for the same such difference shall be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party.

Quality of Gas.

Quality of gas.

26. The quality of the gas supplied by the Undertakers shall with respect to its illuminating power be such as to produce a light equal in intensity to the light produced by fifteen sperm candles and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act 1871.

A.D. 1891.

Matlock and District Gas.

Price of Gas.

Fixing price of gas with sliding scale as to dividend.

27. The standard price to be charged by the Undertakers for gas supplied by them to private consumers by meter shall be four shillings and threepence per thousand cubic feet. Provided that the Undertakers may increase or reduce the price so charged by them for gas above or below the standard price subject to a reduction or increase in the dividend payable by the Undertakers on the ordinary shares or stock in the original and additional capital as follows:—

In respect of any year during which the price so charged by the Undertakers shall have been one penny or more above the standard price the dividend so payable by the Undertakers shall in respect of each penny by which the price so charged has exceeded the standard price be reduced below the standard rates of dividend by five shillings on every hundred pounds of ordinary paid-up capital and so in proportion for any fraction of one hundred pounds;

And in respect of any year during which the price so charged by the Undertakers shall have been one penny or more below the standard price the dividend so payable by the Undertakers may in respect of each penny by which the standard price has exceeded the price so charged be increased above the standard rates of dividend by five shillings on every hundred pounds of ordinary paid-up capital and so in proportion for any fraction of one hundred pounds.

Pressure of Gas.

Pressure of gas.

28. All gas supplied by the Undertakers to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than six tenths of an inch in height and to balance from sunset to midnight a column of water not less than eight tenths of an inch in height at the main as near as may be to the junction therewith of the service pipe supplying such consumer.

Testing Gas.

Testing gas.

29. The Undertakers shall within six months after the commencement of this Order cause to be provided at their works a testing place with apparatus therein according to the provisions of the Gasworks Clauses Act 1871 and the burner to be used for testing gas shall he a Sugg's London Argand No. 1 with a six-inch by one and three-quarter inch glass chimney and if at any time the gas flame tails over the top of the glass a six-inch by two-inch chimney shall be used Provided that any other description of burner may be used which may from time to time he approved for the purpose by the Board of Trade and any gas examiner appointed under the Gasworks Clauses Act 1871 for the purposes of this Order may from time to time subject to the terms of his appointment at such testing place or elsewhere as and when he thinks fit test the pressure at which the gas is supplied and for that purpose may open any street road passage or place not being the immediate approach to any railway or canal bridge or railway station vested in or under the control of any local or road authority.

Miscellaneous.

No penalty in case of unavoidable cause.

30. No penalty shall be incurred by the Undertakers for insufficiency of pressure defect of illuminating power or for excess of impurity in the gas supplied

by them in any case in which it is proved that such insufficiency defect or excess was produced by an unavoidable cause or accident. A.D. 1891.

Matlock and District Gas.

Undertakers to pay interest on deposit.

31. Where any money is deposited by any person by way of security with the Undertakers for the payment to them of any moneys which may become due to them by such person in respect of any supply of gas or of the purchase or hire of any meter the Undertakers shall pay interest at the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

8 Vict. c. 16. s. 140, incorporated.

32. Section one hundred and forty of the Companies Clauses Consolidation Act 1845 shall be and is hereby incorporated with this Order Provided that for the purpose of such incorporation the expression "the company" in the said section shall be construed to mean the Undertakers.

Costs of Order.

33. All the costs charges and expenses of and incidental to the applying for preparing obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Undertakers.

SCHEDULE.

Gas Lands.

(a.) A piece of land situate in the parish of Matlock in the county of Derby containing by admeasurement one acre one rood twenty-nine perches or thereabouts bounded on the north-west north-east and south-east sides thereof by land belonging or reputed to belong to James Potter and on the south-west by the main road leading from Bakewell to Matlock Bridge.

(b.) A piece of land situate in the said parish of Matlock in the county of Derby containing by admeasurement one rood thirteen perches or thereabouts bounded on the north side thereof by other land belonging or reputed to belong to the said James Potter on the east and south sides by land belonging or reputed to belong to the Reverend Robert Morgan Jones and on the west side by the said main road.

STAINES AND EGHAM GAS.

Order empowering the Staines and Egham District Gas and Coke Company, Limited, to extend their Limits of Supply.

Staines and Egham Gas.

Short title.

1. This Order may be cited as the Staines and Egham Gas Order, 1891.

Commencement of Order.

2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed, which date is in this Order referred to as "the commencement of this Order."

A.D. 1891.

Staines and Egham Gas.

Construction of Order.

3. The Staines and Egham Gas Order, 1871 (in this Order referred to as "the Order of 1871"), the Staines and Egham Gas Order, 1881 (in this Order referred to as "the Order of 1881"), and this Order, shall be construed together, except so far as such constructions would be inconsistent with or repugnant to the provisions of this Order.

Undertakers.

4. The Staines and Egham District Gas and Coke Company, Limited, shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."

Extension of limits of supply.

5. The Undertakers shall have and may exercise, subject to the provisions of this Order, within all such parts of the parish of Ashford, in the county of Middlesex, as are not included between the western boundary of the parish of Sunbury, in the said county, and a straight line drawn from the south-west angle of the parish of Feltham, in the said county, to the third milestone from Staines on the Kingston Road (crossing the road from Ashford to Feltham Hill, at a distance of one thousand five hundred and fifty feet from the Feltham Hill end) and a straight line drawn from the said milestone to the north-eastern angle of the parish of Littleton, in the said county, and within such part of the parish of Stanwell, in the said county, as is bounded on the north-west by a straight line drawn from the Water Splash at Birch Green, in the parish of Staines, in the said county, to a point in the West Bedfont Road, three hundred and thirty-five yards distant from the junction of such road with the high road from Staines to Bedfont, on the south and south-east by the parishes of Staines and Ashford, and on the east by the said West Bedfont Road, and a straight line drawn from the point of junction of the said West Bedfont Road with the said high road from Staines to Bedfont, due southward to the boundary of the said parish of Ashford, all the like powers, privileges and authorities for or in relation to the supply of gas, and be subject to all and the like duties, liabilities and obligations in respect thereof as they now have and are subject to within the limits of supply as defined by the Order of 1871; and the expression limits of supply in the Orders of 1871 and 1881 shall from and after the commencement of this Order be deemed to include such parts of the said parishes as aforesaid.

For the protection of main roads and county bridges.

6. The following provisions for the protection of main roads and county bridges shall be in force and have effect:

(*a*) The Undertakers shall not, except in case of emergency, and except in case of putting on or cutting off any service or supply pipe, commence or execute any works under the provisions of this Order in any way affecting any bridges which the inhabitants of the county of Middlesex are bound to repair or to contribute to repair, or any main roads as defined by the Highways and Locomotives (Amendment) Act, 1878, in the county of Middlesex, until plans, drawings and specifications of the works intended to be executed have been submitted to the surveyor of Middlesex county bridges, and approved of by him in writing. Provided that if the said surveyor shall fail to approve of the said plans, drawings and specifications within one month after they shall have been delivered to him, the Undertakers shall not, except as aforesaid, execute or commence any such works as aforesaid unless and until the said plans, drawings and specifications have been examined and approved by an engineer to be appointed by the Board of Trade on the application of the Undertakers

(*b.*) The Undertakers shall execute all such works as aforesaid at their sole expense, and under the superintendence and to the reasonable satisfaction of the said surveyor of Middlesex county bridges, whose reasonable charges, incident to the approval of the said plans, drawings and specifications, and of the superintendence of the works, shall be paid by the Undertakers.

Costs of Order.

7. All the costs, charges and expenses of and incidental to the applying for, preparing, obtaining and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers.

Printed by Eyre and Spottiswoode,

FOR

T. Digby Pigott, Esq., C.B., the Queen's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, East Harding Street, Fleet Street, E.C.; or
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