CHAPTER clxvi.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act 1870 relating to Alfreton Gas Barnstaple Gas Burnham Gas and Launceston Gas. A.D. 1911.

[18th August 1911.]

WHEREAS under the authority of the Gas and Water Works Facilities Act 1870 the Board of Trade have made the 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 said Act is not of any validity or force whatever until the confirmation thereof by Act of Parliament:

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

Be it therefore 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:—

1. This Act may be cited as the Gas Orders Confirmation (No. 1) Act 1911. Short title.

2. The 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. Confirmation of Orders in schedule.

A.D. 1911.

SCHEDULE.

LIST OF ORDERS.

ALFRETON GAS.—Order empowering the Alfreton Gas Company to acquire additional land and to construct additional works for the manufacture and storage of gas and residual products.

BARNSTAPLE GAS.—Order empowering the Barnstaple Gas Company to extend their limits of supply to raise additional capital and for other purposes.

BURNHAM GAS.—Order empowering the Burnham Gas Company Limited to maintain and continue gasworks and to manufacture and supply gas within the urban district of Burnham-on-Crouch and the parishes of Creeksea Althorne and Latchingdon in the rural district of Maldon all in the county of Essex and for other purposes.

LAUNCESTON GAS.—Order empowering the Launceston Gas Company Limited to maintain and continue gasworks and to manufacture and supply gas within the borough of Launceston and parts of the parishes of St. Thomas the Apostle Rural and St. Stephen by Launceston Rural in the rural district of Launceston all in the county of Cornwall and for other purposes.

ALFRETON GAS.

A.D. 1911.

Order empowering the Alfreton Gas Company to acquire additional land and to construct additional works for the manufacture and storage of gas and residual products. *Alfreton.*

Short title.

1. This Order may be cited as the Alfreton Gas Order 1911 and the Alfreton Gas Act 1901 (in this Order referred to as "the Act of 1901") and this Order may be referred to as the Alfreton Gas Act and Order 1901 and 1911.

Commencement of Order.

2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed.

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 31 to 34) and of the Gasworks Clauses Act 1871 (except where the same are expressly varied by the Act of 1901 or this Order) are hereby incorporated with and form part of this Order.

Interpretation.

4. 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 in this Order 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 works for the manufacture and storage of gas and works connected therewith by this Order authorised to be constructed.

Undertakers.

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

Power to acquire land described in schedule and to construct gas works and manufacture and store gas and residual products.

6. In addition to any other lands which the Undertakers have purchased or are authorised to purchase under the Act of 1901 they may purchase by agreement and hold the lands described in the schedule to this Order annexed and while they are possessed of the same may thereon construct erect make and maintain alter enlarge extend renew and improve or discontinue retorts retort houses gas holders receivers purifiers meters apparatus works and buildings for the manufacture storage conversion utilisation and distribution of gas and of any residual products arising in or resulting or producible from the manufacture of gas and any materials used in and about the manufacture of gas and they may on such lands make and store gas and supply and sell the same within the limits of supply and may manufacture sell provide and deal in coke tar pitch lime asphaltum

A.D. 1911.

Alfreton.

and all other residual products and materials as aforesaid and supply and sell the same at their works and elsewhere.

Power to apply funds.

7. The Undertakers may apply to the purposes of this Order any sums of money which they have already raised or are authorised to raise under the Act of 1901.

Costs of Order.

8. 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.

A piece or parcel of land in the parish and urban district of Alfreton in the county of Derby belonging or reputed to belong to Anne Hall containing 12437 square yards or thereabouts and bounded on the north by property belonging or reputed to belong to the Midland Railway Company on the east by property belonging or reputed to belong to the Trustees of the late Alfred Schofield on the south in part by property belonging or reputed to belong to the said Anne Hall in part by Priory Street and in part by property belonging or reputed to belong to John Blount and on the west by property belonging or reputed to belong to John Webster.

BARNSTAPLE GAS.

Barnstaple.

Order empowering the Barnstaple Gas Company to extend their limits of supply to raise additional capital and for other purposes.

Short and collective titles.

1. This Order may be cited as the Barnstaple Gas Order 1910 and the Barnstaple Gas Act 1869 (in this Order referred to as "the Act of 1869") the Barnstaple Gas Order 1895 (in this Order referred to as "the Order of 1895") and this Order may be cited collectively as the Barnstaple Gas Act and Orders 1869 to 1911.

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. So far as the same relate to the powers conferred by this Order the provisions of the Companies Clauses Consolidation Act 1845 with respect to the several matters following (that is to say):—

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

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

The forfeiture of shares for non-payment of calls;

The remedies of creditors of the Company against the shareholders;

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

The consolidation of the shares into stock;

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

The making of dividends;

The giving of notices; and

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

and Part I. (relating to the cancellation and surrender of shares) and Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts the Gasworks Clauses Act 1847 (except sections 31 to 34 inclusive which shall cease to be incorporated in the Act of 1869) the Gasworks Clauses Act 1871 and the Lands Clauses Acts (except the provisions thereof with respect to the purchase and taking of lands otherwise than by agreement) are hereby incorporated with this Order and form part of this Order Provided that section 13 of the Gasworks Clauses Act 1847 for the purposes of its incorporation with the Act of 1869 and this Order shall be read 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 "Undertakers shall be alike in terms and amount under like circum-"stances to all consumers" were added at the end of that section Provided also that for the purpose of such incorporation section 35 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 authorised rates of dividend as defined by this Order together with any sum which under the provisions of this Order might lawfully be carried to the special purposes fund.

For the purposes of such incorporation the term "special Act" in the said Acts respectively shall be construed to mean this Order and the term "the Company" shall mean the Undertakers.

Interpretation.

4. In this Order "the authorised rates" means the rates of dividend authorised by the Act of 1869 the Order of 1895 and 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

A.D. 1911.

Barnstaple.

terms and expressions to which by any Act in whole or in part incorporated with this Order or by the Gas and Water Works Facilities Act 1870 meanings are assigned have in this Order the same respective meanings unless there be something in the subject or context repugnant to such construction and in the construction of this Order or of any such Act for the purposes of this Order the expression "the undertaking" shall mean the undertaking of the Barnstaple Gas Company as extended by this Order.

Undertakers.

Undertakers.

5. The Barnstaple Gas Company incorporated by the Act of 1869 shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Extension of Limits.

Extension of limits of supply.

6. The limits of supply of the Undertakers are hereby extended so as to include the parish of Instow in the county of Devon (in this Order called "the extended limits of supply") and the Undertakers shall have and may exercise within the extended limits of supply all and the like powers privileges and authorities for and in relation to the supply of gas and shall 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 Act of 1869.

Additional Capital.

Additional capital.

7. In addition to the capital authorised by the Act of 1869 and the Order of 1895 (in this Order referred to as "the existing capital") the Undertakers may—

(1) Raise additional capital not exceeding in the whole twelve thousand pounds (in this Order referred to as "the additional capital") by the creation and issue of new ordinary shares or stock or new preference shares or stock or wholly or partially by one or more of those modes respectively but the Undertakers shall not issue any share of a less nominal value than ten pounds nor shall any such share or stock issued under the authority of this Order vest in the person accepting the same unless and until the full nominal amount of such share or stock together with any premium obtained on the sale thereof as herein-after provided has been paid in respect thereof Provided that it shall not be lawful for the Undertakers to create and issue under the powers of this Order any greater nominal amount of share capital than will be sufficient to produce including any premium which may be obtained on the sale thereof the sum of twelve thousand pounds:

A.D. 1911.

Barnstaple.

(2) Borrow on mortgage of the undertaking such further sum as together with the amount already borrowed by the Undertakers under the powers of the Act of 1869 and the Order of 1895 shall not exceed in the whole one-third part of the amount of the existing capital and of the additional capital by this Order authorised to be raised and at the time actually issued by shares or stock but no part thereof shall be borrowed until the Undertakers have proved to a justice of the peace before he gives his certificate under section 40 of the Companies Clauses Consolidation Act 1845 that the whole of the shares or stock at the time issued together with the premium (if any) realised on the sale thereof have been fully paid up and upon production to such justice of the books of the Undertakers and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

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

8. Except as by this Order otherwise provided the additional capital and new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if the additional capital were part of the capital of the Undertakers of Class B mentioned in the Act of 1869 and the new shares or stock were shares or stock in that capital and of that class.

Additional capital to be sold by auction or tender.

9.—(1) All shares or stock forming part of the additional capital shall be issued in accordance with the provisions of this section.

(2) All shares or 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 Undertakers shall determine Provided as follows:—

(A) Notice of the intended sale shall be given in writing to the clerk of the local authority of every district within the limits of supply of the Undertakers 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 said limits:

(B) A reserve price shall be fixed by the directors of the Undertakers and notice thereof shall be sent by the Undertakers 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:

A.D. 1911.

Barnstaple.

(c) No lot offered for sale shall comprise shares or 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 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 Undertakers within three months after the date of the auction or of the acceptance of the tender as the case may be.

(3) Any shares or stock which have been so offered for sale and are not sold may be offered at the reserve price to the holders of ordinary and preference shares or stock of the Undertakers in accordance with the provisions of sections 18 19 and 20 of the Companies Clauses Act 1863 and to the employees of the Undertakers and to the consumers of gas supplied by the Undertakers in such proportions as the directors of the Undertakers may think fit or to one or more of these classes of persons only Provided in the case of an offer to holders of shares or stock that if the aggregate amount of shares or 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 shares or stock which have been offered in accordance with the foregoing provisions of this section and are not sold shall be again offered for sale by public auction or by tender in accordance with the provisions of this section and any such shares or 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 Undertakers shall send a report thereof to the Board of Trade stating the total amount of the respective shares or stock sold the total amount obtained as premium (if any) and the highest and lowest prices obtained for the respective shares or stock as the case may be.

Limit of dividend on additional capital.

10. Except as by this Order otherwise expressly provided the Undertakers shall not in any year declare or make out of their profits any larger dividends on the additional capital than seven pounds in respect of every one hundred pounds actually paid up of so much thereof as may be issued as ordinary capital or five pounds in respect of every one hundred pounds actually paid up of such additional capital as may be issued as preference capital.

Application of money.

11. All money raised under this Order including any premiums shall be applied only to purposes to which capital is properly applic-

able and any sum of money which may arise from the issue of any shares or stock 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 part of the capital of the Undertakers entitled to dividend.

As to conversion of borrowed money into capital.

12. The Undertakers shall not have power to raise the money by this Order authorised to be borrowed on mortgage or by the issue of debenture stock or any part thereof by the creation of shares or stock instead of borrowing or to convert into capital the amount borrowed under the provisions of this Order.

Priority of principal moneys secured by existing mortgages.

13. The principal moneys secured by all mortgages granted by the Undertakers in pursuance of the powers of the Act of 1869 or the Order of 1895 before the commencement of this Order and subsisting at the date of such commencement shall during the continuance of such mortgages and subject to the provisions of that Act and Order have priority over the principal moneys secured by any mortgages granted by virtue of this Order but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Undertakers.

Debenture stock.

14. The Undertakers may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 and of section 16 of the Order of 1895.

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

15. All money to be raised by the Undertakers on mortgage or debenture stock under the provisions of this Order shall have priority against the Undertakers and the property from time to time of the Undertakers over all other claims on account of any debts incurred or engagements entered into by them after the commencement of this Order Provided always that this priority shall not affect any claim against the Undertakers 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 Undertakers which is entitled to rank in priority to or pari passu with the interest on their mortgages or debenture stock nor shall anything in this section contained affect any claim for land taken used or occupied by the Undertakers for the purposes of their undertaking and works or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Undertakers.

Power to create a special purposes fund.

16.—(1) The directors of the Undertakers may if they think fit in any year appropriate out of the revenue of the Undertakers as part of the expenditure on revenue account any sum not exceeding an amount equal to one per centum of the paid-up capital of the Undertakers including premiums to a fund to be called "the special purposes fund."

A.D. 1911.

Barnstaple.

(2) The special purposes fund shall be applicable only to meet such charges as a chartered accountant or incorporated accountant being the auditor of the Undertakers or 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 of the paid-up capital of the Undertakers including premiums.

(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 Undertakers 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.

Application of excess of profits over authorised rates of dividend.

17. If the clear profits of the undertaking of the Undertakers in any year amount to a larger sum than is sufficient to pay the dividend on the preference capital and the dividend at the authorised rates on the ordinary capital of the Undertakers the excess shall be carried to the credit of the divisible profits of such undertaking for the next following year:

Provided that the sum so carried forward shall not in any case exceed the amount required to pay one year's dividend at the authorised rates.

Power to create a reserve fund and application thereof.

18. Where in any year the dividend of the Undertakers on the ordinary share capital or stock of the Undertakers shall 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 dividends the Undertakers may in such year set apart such sum as they think fit 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 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 dividends in any year in which the clear profits of the Undertakers shall be insufficient to enable the Undertakers in such year to pay the dividend at the authorised rates on the ordinary capital of the Undertakers and save as by this section specially provided no sum shall in respect of the undertaking in any year be carried by the Undertakers to any reserve fund.

For appointment of receiver.

19. Section 20 of the Order of 1895 (Appointment of a receiver) is hereby repealed and from and after the commencement of this Order 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 be not less than one-tenth part of the total amount for the time being owing by the Undertakers on mortgage.

Land.

Power to purchase additional lands.

20. The Undertakers may for the purposes of the undertaking purchase take on lease or acquire (by agreement but not otherwise) and hold in addition to the lands which they are by the Act of 1869 authorised to hold any lands and hereditaments not exceeding in the whole two acres which they may require for the purposes of their works and undertaking Provided that the Undertakers shall not create or permit a nuisance on any such lands and that no lands shall be used by the Undertakers for the purposes of manufacturing gas or residual products or storing gas except the lands described in the Second Schedule to the Act of 1869.

Power to erect cottages &c. for officers and servants.

21. The Undertakers may on any land for the time being belonging to or leased by them erect fit up maintain and let houses cottages and buildings for the officers and servants employed by the Undertakers for the purposes of their undertaking.

Price of Gas.

Price of gas.

22.—(1) As from the first quarter-day after the commencement of this Order section 37 (Price of gas) of the Act of 1869 shall be repealed and the following provisions shall be in force and have effect (that is to say):—

Price of gas with sliding scale as to dividend.

The standard price to be charged by the Undertakers for gas supplied by them within the limits of supply as defined by the Act of 1869 shall be three shillings and sixpence 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

A.D. 1911.

Barnstaple.

price subject to a reduction or increase in the dividend payable by the Undertakers on the ordinary share capital as follows:—

In respect of any year during any part of which the price charged by the Undertakers shall have been one penny or part of a penny above three shillings and eightpence the dividend payable by the Undertakers shall in respect of each penny or part of a penny by which the price shall have been increased be reduced below the standard rate of dividend by five shillings on every one hundred pounds of ordinary paid-up capital with a ten per centum standard rate of dividend and three shillings and sixpence on every one hundred pounds of ordinary paid-up capital with a seven per centum standard rate of dividend and so in proportion for any fraction of one hundred pounds;

And in respect of any year during the whole of which the price charged by the Undertakers shall have been one penny or more below the standard price the dividend payable by the Undertakers may in respect of each penny by which the standard price has been reduced be increased above the standard rate of dividend by five shillings on every one hundred pounds of ordinary paid-up capital with a ten per centum standard rate of dividend and three shillings and sixpence on every one hundred pounds of ordinary paid-up capital with a seven per centum standard rate of dividend and so in proportion for any fraction of one hundred pounds:

Provided always that the maximum price to be charged for gas supplied to public lamps within the borough of Barnstaple shall not in any case exceed the sum of three shillings and tenpence for every one thousand cubic feet consumed and so in proportion for any smaller quantity consumed.

(2) The Undertakers may charge for gas supplied by them within the extended limits of supply a price not exceeding by more than six pence per one thousand cubic feet the price for the time being charged by them for gas supplied within the limits of supply as defined by the Act of 1869.

Quality of Gas.

Testing for quality.

23. As from the first quarter-day after the commencement of this Order section 22 of the Order of 1895 shall be repealed and the following provisions shall be in force and have effect:—

(1) The quality of the gas supplied by the Undertakers shall with respect to its illuminating power be such as to produce at the testing place provided by the Undertakers under the Act of 1869 when burned at the rate of five cubic feet per hour a light equal in intensity to the light produced by

fourteen sperm candles of six to the pound each consuming one hundred and twenty grains of sperm per hour and shall be in all respects in accordance with the provisions of the Gasworks Clauses Act 1871:

(2) For testing the illuminating power of the gas the burner to be used shall be that known as the Metropolitan Argand No. 2 the photometer shall be the bar photometer the standard light shall be that supplied by Harcourt's ten-candle pentane lamp and in making the test the burner shall be so used as to obtain from the gas when burned at the rate aforesaid the greatest amount of light Provided that the Board of Trade may on the application of the Undertakers or the local authority approve the use of any other burner photometer or standard light which may appear to the Board to be equally or more suitable for the testing:

(3) The Undertakers shall within three months after the commencement of this Order provide all the apparatus required by this Order for the testing of gas and shall at all times keep the same in proper order and repair.

No penalty in case of unavoidable cause.

24. No penalty shall be incurred by the Undertakers for defect of illuminating power or excess of impurity in the gas supplied by them in any case in respect of which it is proved that such defect or excess was caused by any circumstance beyond the control of the Undertakers Provided that the want of sufficient funds shall not be held to be a circumstance beyond the control of the Undertakers.

Miscellaneous.

Charge for gas supplied by means of prepayment meters.

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

(2) The Undertakers shall not charge for the hire of any prepayment meter and fittings to be used therewith any sum other than a sum of money calculated according to the quantity of gas supplied through such prepayment meter and the maximum sum to be so charged 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 or at the rate of one shilling per one thousand cubic feet if such fittings include a cooking stove:

The said charge shall include the providing letting fixing repairing and maintenance of the meter and fittings and the cost of collection and other costs incurred by the Undertakers in connexion with the meter and fittings.

A.D. 1911.

Barnstaple.

(3) The maximum charge for the hire of a prepayment meter without fittings shall be at the rate of ten per centum per annum on the cost of the meter.

(4) For the purposes 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.

Fittings not to be subject to distress &c.

26. Any meters fittings and other articles and things let for hire under the provisions of the Act of 1869 shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the person in whose possession the same may be and shall notwithstanding that they be fixed or fastened to any part of the premises in which they may be situate or to the soil under any such premises at all times continue to be the property of and removable by the Undertakers.

The Undertakers shall only be entitled to the privileges and exemptions conferred by this section in respect of such meters fittings and other articles and things 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 Undertakers as the actual owners thereof.

Supply of gas where consumer has separate supply.

27. Notwithstanding anything contained in the Gasworks Clauses Act 1871 or any other Act a person shall not be entitled to demand or to continue to receive from the Undertakers a supply of gas for any premises for which he has at the same time a supply of gas from an installation other than that of the Undertakers unless he shall have agreed to pay to the Undertakers such minimum annual sum as will give to them a reasonable return on the capital expenditure and will cover other standing charges incurred by them in order to meet the possible maximum demand for those premises having regard to the capacity of the meter or meters for the time being thereon Provided always that in respect of any premises for which the whole supply of gas afforded by the Undertakers is taken through a meter of the nominal capacity of less than ten lights the amount of such minimum payment shall not exceed five shillings for any one quarter of a year and in other cases shall be determined (in default of agreement) by arbitration in manner provided by the Arbitration Act 1889.

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

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

(1) The Undertakers may specify the size and material of the pipes with the fittings thereof which are to be laid by

the consumer either in the first instance or on the occasion of any renewal between the Undertakers mains and the meter and (so far as the same are intended to be covered over) on the consumer's premises:

(2) The Undertakers 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 once in each of two newspapers circulating within the limits of supply and a copy thereof shall be kept exhibited in the office of the Undertakers:

(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 Undertakers 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 Undertakers and the pipe shall not be covered over until after the expiration of twenty-four hours from the service of such notice on the Undertakers Any officer of the Undertakers 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 the pipes or fittings are not according to the Undertakers specification or if the meter is not placed as required by this section the Undertakers may refuse to supply gas to the premises until the provisions of this section have been complied with:

(6) Any person to whom the Undertakers refuse 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 Undertakers 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 lay pipes in streets not dedicated to public use.

29. The Undertakers may but only with the consent of the owner of the soil of such street or road upon the application of the owner or occupier of any premises abutting on or being erected in any street or road laid out or made but not dedicated to public use supply such premises with gas and may lay and take up alter re-lay or renew in

A.D. 1911.

Barnstaple.

across or along such street or road such pipes and apparatus as may be requisite or proper for furnishing such supply 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 Provided that no pipe shall be laid at a less depth than two feet below the surface of any such street or road.

Anti-fluctuators for gas engines.

30. Every consumer of gas supplied by the Undertakers who uses a gas engine shall if required to do so by the Undertakers use an effective anti-fluctuator and shall at all times at his own expense keep such anti-fluctuator in proper order and if the consumer shall make default in complying with the provisions of this section the Undertakers may cease to supply him with gas The Undertakers shall have access to and be at liberty to take off remove test inspect and replace any such anti-fluctuator at all reasonable times such taking off removal testing inspecting and replacing to be done at the expense of the Undertakers if the anti-fluctuator be found in proper order but otherwise at the expense of such consumer.

Gas consumers to give notice to Undertakers before removing.

31. At least twenty-four hours notice in writing shall be given to the Undertakers by every consumer of gas before he shall quit any premises supplied with gas by meter by the Undertakers and in default of such notice the consumer so quitting shall be liable to pay to the Undertakers 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 Undertakers 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 Undertakers.

Notice to discontinue supply of gas.

32. A notice to the Undertakers 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 for the time being of the Undertakers.

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

33. If a person requiring a supply of gas from the Undertakers has previously quitted premises at which gas was supplied to him by them without paying to them all gas charges and meter rent due from him to the Undertakers they may refuse to furnish to him a supply of gas until he pay the same.

Period of error in defective meters.

34. Notwithstanding anything contained in section 44 (Register of meter to be primâ facie evidence) of the Act of 1869 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 Undertakers shall be paid by or to the Undertakers to or by the consumer as the case may be and shall be recoverable in like manner as gas charges are recoverable by the Undertakers.

Undertakers may contract with local authority and others for supply in bulk.

35. The Undertakers may enter into and carry into effect contracts with any local authority company or person authorised to supply gas under parliamentary powers in any district adjacent to the limits of supply of the Undertakers for the supply to them respectively of gas in bulk upon such terms and conditions and for such periods as may be agreed upon 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 Undertakers to lay any mains or interfere with any street beyond their limits of supply.

For protection of London and South Western Railway Company.

36. For the protection of the London and South Western Railway Company (in this section referred to as "the South Western Company") the following provisions shall unless otherwise agreed between the Undertakers and the South Western Company apply and have effect in and in relation to the extended limits of supply viz. :—

(A) In laying down repairing or removing any gas mains or pipes or executing any other works in the exercise of the powers contained in this Order relative to the supply of gas upon across over under or in any way affecting the railway of the South Western Company or any bridge over or under such railway or any approaches to any such bridge maintained by or within the South Western Company's boundary (herein-after called "the railway works") the same shall be done under the superintendence if the same be given and to the reasonable satisfaction of the engineer of the South Western Company and according to such plans sections and specifications and (except in case of urgent necessity) at such times as shall be previously submitted to and shall be reasonably approved in writing by him or in the event of disapproval then in such manner as shall be determined by arbitration in manner herein-after provided and all such works shall be executed by and at the expense in all things of the Undertakers and so as not to cause any injury to the railway works nor alter the existing level of the roadway or prevent any improvement or widening of such railway or bridge or the

A.D. 1911.

Barnstaple.

introduction of side openings to such bridge Provided that if the said engineer does not in writing express his approval or disapproval of the said plans sections and specifications within one month after the same have been submitted to him he shall be deemed to have approved thereof Provided also that where there is not sufficient space on any bridge to lay any mains or pipes between the road surface and the structure of any such bridge the South Western Company may require such mains or pipes to be carried outside the structure of any such bridge and shall afford all reasonable facilities for the purpose subject to the conditions herein-before contained so far as the same may be applicable thereto The Undertakers shall bear and on demand pay to the South Western Company all reasonable costs of the superintendence by them of the construction of the works and repairs thereof and all reasonable costs of watching lighting and protection of the railway works with reference to and during such construction and repairs:

(B) The Undertakers shall (except in case of urgent necessity) give one month's notice in writing to the South Western Company before commencing any works affecting the railway works or within ten feet of the South Western Company's boundary:

(c) If any injury or damage to the railway works or property of the South Western Company or any interruption to the South Western Company's traffic shall be in any way occasioned by the construction maintenance or user of the works of the Undertakers or their contractors agents or workmen the Undertakers shall forthwith make full compensation to the South Western Company in respect thereof and the amount of such compensation shall failing agreement be determined by arbitration in manner herein-after provided:

(D) All gas mains or pipes and other works of the Undertakers constructed laid down or executed by the Undertakers or their contractors under the powers contained in this Order upon across over under in or in any way affecting the railway works shall be at all times maintained in good repair by the Undertakers and in default of their being so maintained the South Western Company may from time to time by notice in writing signed by their said engineer and delivered at the principal office for the time being of the Undertakers require the Undertakers to forthwith put the same into good repair and if the Undertakers for fourteen

days after the receipt of such notice refuse or neglect to proceed with the repair of the same the South Western Company may without any further notice to the Undertakers repair the same and all costs and expenses reasonably incurred by them in or about such repair shall be repaid to them by the Undertakers Provided that in case of accidents happening or immediate danger being apprehended to the railway works by reason of any such gas main pipe or other work as aforesaid being in want of repair the South Western Company may without giving such notice as aforesaid execute such repairs as may be immediately necessary and any reasonable costs and expenses to which the South Western Company may be put by reason of any such repairs shall be repaid to them as herein-before provided:

(E) If the South Western Company at any time hereafter require to construct any additional or other works upon their lands or railway or to widen or alter their railway or to widen lengthen strengthen reconstruct alter repair lift or support any bridge over or under such railway or the approaches to such bridge at any place where any works of the Undertakers may have been constructed or laid the Undertakers shall afford to the South Western Company all reasonable and proper facilities for the purpose:

(F) Any difference which may arise between the South Western Company and the Undertakers touching any of the matters referred to in this section shall be decided by a single arbitrator to be appointed on the application of either party by the President for the time being of the Institution of Civil Engineers and the provisions of the Arbitration Act 1889 shall apply to any such reference.

Differences with railway or other companies.

37. 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 (unless the same be otherwise specially provided for by the provisions of this Order) shall be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party.

Costs of Order.

38. 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.

A.D. 1911.

BURNHAM GAS.

Burnham. *Order empowering the Burnham Gas Company Limited to maintain and continue gasworks and to manufacture and supply gas within the Urban District of Burnham-on-Crouch and the parishes of Creeksea Althorne and Latchingdon in the Rural District of Maldon all in the County of Essex and for other purposes.*

Short title.

1. This Order may be cited as the Burnham Gas Order 1911.

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 or are inconsistent with this Order) Provided that section 13 of the Gasworks Clauses Act 1847 shall be read 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 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.

Interpretation.

4. In this Order the expression "authorised 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 in this Order the same respective meanings unless there be something in the subject or context repugnant to such construction 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.

Burnham.

Limits of supply.

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 urban district of Burnham-on-Crouch and the parishes of Creeksea Althorne and Latchingdon in the rural district of Maldon all in the county of Essex.

Cesser of powers in Latchingdon.

6. After the expiration of five years from the commencement of this Order the powers hereby conferred upon the Undertakers for the supply of gas in the parish of Latchingdon shall not be deemed to preclude the local authority or any company body or person from obtaining powers under an Act of Parliament or Provisional Order to supply gas in any part of the said parish not then supplied by the Undertakers.

If and so soon as such local authority company body or person shall commence to supply gas in the said parish or any part thereof under the powers of such Act or Order the powers of the Undertakers under this Order in respect of the said parish or such part thereof as the case may be shall absolutely cease and determine.

Any difference which may arise between the Undertakers and any such local authority company body or person as to the provisions of this section or in any way arising thereout shall be settled by an arbitrator to be appointed by the Board of Trade on the application of either party.

Undertakers.

Undertakers.

7. The Burnham 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.

8. The share capital of the Undertakers for the purposes of the undertaking shall not exceed eleven thousand pounds consisting of the share capital of five thousand pounds already raised by the Undertakers (in this Order referred to as "the original capital") and of additional capital (in this Order referred to as "the additional capital") to be issued subject to this Order not exceeding six thousand pounds including any premium which may be obtained on the sale of any shares or stock 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 or stock to be sold by auction or tender.

9.—(1) All shares or stock forming part of the additional capital shall be issued in accordance with the provisions of this section.

(2) All shares or stock so to be issued shall be offered for sale by public auction or tender in such manner at such times and subject

A.D. 1911.

Burnham.

to such conditions of sale as the Undertakers shall by special resolution determine Provided as follows:—

(A) Notice of the intended sale shall be given in writing to the clerk of every local authority within 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 directors of the Undertakers 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 shares or 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 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 Undertakers within three months after the date of the auction or of the acceptance of the tender as the case may be.

(3) Any shares or stock which have been so offered for sale and are not sold may be offered at the reserve price to the holders of the ordinary shares or stock of the Undertakers in manner prescribed by a resolution passed by the directors of the Undertakers and to the employees of the Undertakers and to the consumers of gas supplied by the Undertakers in such proportions as the directors of the Undertakers may think fit or to one or more of these classes of persons only Provided in the case of an offer to holders of shares or stock that if the aggregate amount of shares or 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 shares or stock which have been offered in accordance with the foregoing provisions of this section and are not sold shall be again offered for sale by public auction or by tender in accordance with the provisions of this section and any such shares or 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 Undertakers shall send a report thereof to the Board of Trade stating the total amount of the shares or stock sold the total amount obtained as premium (if any) and the highest and lowest prices obtained for the shares or stock as the case may be.

Application of money.

10. All money raised under this Order including any premiums shall be applied only to purposes to which capital is properly applicable and any sum of money which may arise from the issue of any shares or stock 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 part of the capital of the Undertakers entitled to dividend.

Limit of dividend.

11. Except as by this Order expressly provided the Undertakers shall not in any year declare out of their profits any larger dividends on their capital than at the following rates namely ten pounds in respect of every one hundred pounds of the original capital and seven pounds in respect of every one hundred pounds actually paid up of so much of the additional capital as may be issued as ordinary capital and five pounds in respect of every one hundred pounds actually paid up of so much of the additional capital as may be issued as preference capital unless a larger dividend be at any time necessary to make up the deficiency of any previous dividend which shall have fallen short of the said yearly rate.

Limit of borrowing powers.

12. 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-third of the amount of the capital of the Undertakers for the purposes of the undertaking actually raised by the issue of shares or stock including any premium that may be obtained on the sale of any shares or stock 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.

Lands and Works.

Power to purchase additional lands.

13. The Undertakers may for the purposes of the undertaking purchase take on lease or acquire (by agreement but not otherwise) and hold in addition to the lands described in 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 three acres of land in the whole in addition to the lands described in the said

A.D. 1911.

Burnham.

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 purposes of manufacturing gas or residual products or of storing gas except the lands described in the said schedule.

Power to maintain and continue gasworks.

14. The Undertakers may upon the lands described in Schedule A to this Order annexed maintain and continue alter enlarge extend improve renew or discontinue their existing gasworks and works connected therewith for the manufacture distribution storage conversion and sale of gas and of residual products arising in or resulting or producible from or used in the manufacture of gas and matters producible therefrom and they may subject to the provisions of this Order manufacture and store gas on such lands and supply and sell the same within the limits of supply and may on the same lands make convert and store residual products as aforesaid and may sell and dispose of the same at the works and elsewhere and they may also construct and maintain alter enlarge renew or discontinue houses offices buildings and other works connected with the undertaking.

For protection of Essex County Council.

15. Notwithstanding anything contained in this Order or any enactment incorporated therewith the following provisions for the protection of the county council of the administrative county of Essex (in this section referred to as "the county council") shall unless otherwise agreed between the Undertakers and the county council have effect:—

(1) The Undertakers shall not permit any trench made by them in any main road street bridge or other highway for the time being maintainable by the county council to be open for more than fifty yards in length at any place where only one cart can pass at the side of such trench or for more than one hundred yards in length at any place where only two carts can pass at the same time:

(2) Where any pipe main apparatus or work of the Undertakers (all of which are in this section included in the expression "the works of the Undertakers") is required to be laid or constructed beneath the surface of the roadway of any such road street bridge or highway as aforesaid the same shall if possible be laid or constructed at such a depth not exceeding two feet six inches below the surface of such road street bridge or highway as the county council may reasonably direct Any difference as to the possibility of so laying or constructing any of the works of the Undertakers or as to the reasonableness of any such direction shall be determined by arbitration as herein-after in this section provided:

(3) The county council shall not be liable for or in respect of any damage or injury done to any of the works of the Undertakers by reason of such work being laid at a depth below the surface of any such road street bridge or other highway insufficient for its protection from injury arising from the use by the county council of any steam-roller or other engine not exceeding fifteen tons in weight:

(4) If the county council shall for the purpose of repairing altering or widening any such road street bridge or highway as aforesaid or rebuilding any such bridge at any time require the position or level of any of the works of the Undertakers laid in under or through or by the side of any such road street bridge or highway or attached to any such bridge as aforesaid to be altered the Undertakers shall at their own expense on receiving notice in writing under the hand of the clerk of the county council so to do alter the same as reasonably required by such notice and with all reasonable expedition and under the superintendence (if given) of an officer of the county council and any additional expense in relation to any such repairing altering widening or rebuilding as aforesaid to which the county council may be put by reason of the necessity for providing for any of the works of the Undertakers shall be paid by the Undertakers to the county council Provided that this section shall not extend to any such repairing altering widening or rebuilding as aforesaid which shall be required solely for the accommodation of any light railway or tramway belonging to the county council The Undertakers shall also pay to the county council all reasonable expense actually incurred by them in relation to the superintendence by this section authorised Any difference as to the reasonableness of any requirement contained in any such notice or as to the amount of any sum to be paid by the Undertakers to the county council shall be determined by arbitration as herein-after provided:

(5) If the Undertakers shall neglect to do or complete any work or act required by subsection (4) of this section to be done by the Undertakers then and in any such case the county council may do such work or act themselves under the superintendence (if given) of the Undertakers completing the same with all reasonable expedition and in a proper and workmanlike manner and causing as little damage or inconvenience to the Undertakers as circumstances admit The Undertakers shall repay to the county council the cost

A.D. 1911.

Burnham.

of doing any such work or act and all proper costs charges and expenses incurred in connexion therewith or occasioned by such neglect as aforesaid:

(6) The county council shall not be liable to pay to the Undertakers any compensation for injury to any of the works of the Undertakers or for any loss to the Undertakers which may be caused by or arise out of the doing by the county council in a proper and workmanlike manner of any such work or act as aforesaid or by or out of the reasonable exercise of any of the powers for the time being vested in the county council as a road or bridge authority:

(7) Any difference by this section required to be determined by arbitration shall be determined by an engineer to be appointed (in default of agreement between the parties) by the President of the Institution of Civil Engineers on the application of either party and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to such arbitration.

For protection of Great Eastern Railway Company.

16. The following provisions for the protection of the Great Eastern Railway Company (herein-after called "the railway company") shall unless otherwise agreed in writing between the Undertakers and the railway company under their respective common seals be in force and have effect and be binding on the Undertakers:—

(1) In laying down and in executing any works in connexion with the laying down or the repair and renewal of any mains pipes or other works which the Undertakers may be authorised to lay down and execute upon across over under or in any way affecting the railways lands or property now or hereafter belonging to or used or occupied by the railway company or the bridges approaches viaducts stations or other works or any level crossings of or repairable or used by 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 plans and sections to be previously submitted to and reasonably approved by him in writing and in all things by and at the expense of the Undertakers who shall also restore and make good the roads over any such bridges level crossings and approaches which the railway company is or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Undertakers Provided always that if such principal engineer shall not approve or disapprove any plans or proposals so submitted to him within twenty-eight days after the same are delivered or

shall refuse or neglect to superintend the work the Undertakers may proceed with the same without the approval of the plans as aforesaid and without the superintendence of the said engineer:

(2) All such works matters and things shall be constructed executed and done so as not to cause any injury to such railways 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 injury or interruption shall arise from or be in any way owing to any of the acts operations matters and things aforesaid or the bursting leakage or failure of any of such mains pipes or works under or near to any such bridge level crossing or other property of the railway company the Undertakers shall make compensation in respect thereof to the railway company the amount of such compensation unless agreed upon to be determined by arbitration in the manner herein-after provided:

(3) Any dispute or difference which may arise between the railway company and the Undertakers with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer or other fit person to be appointed by the Board of Trade on the application of the railway company and the Undertakers or either of them.

Differences with road authorities or railway or other companies.

17. If any difference arise between the Undertakers and any road authority or 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 any road under the jurisdiction of such road authority or in over or upon such lands or works or the facilities to be afforded for the same such difference unless otherwise provided for by this Order shall be settled by an engineer or other fit person to be appointed by the Board of Trade as arbitrator at the request of either party.

Testing Place.

Testing place.

18. For the purposes of the Gasworks Clauses Act 1871 the prescribed testing place shall be a testing place which shall be provided by the Undertakers at their gasworks within six months of the commencement of this Order.

A.D. 1911.

Burnham.

Pressure of Gas.

Pressure of gas.

19.—(1) All gas supplied by the Undertakers to any consumer of gas shall be supplied at such pressure as to balance a column of water not less than eight-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 Order subject to the terms of his appointment at the testing place or at any public lamp as and when he thinks fit test the pressure at which the gas is supplied The Undertakers shall afford to the examiner all reasonable facilities for making the test.

Quality of Gas.

Quality of gas.

20.—(1) The quality of the gas supplied by the Undertakers shall with respect to its illuminating power be such as to produce at the testing place when burned at the rate of five cubic feet per hour a light equal in intensity to the light produced by fourteen sperm candles of six to the pound each consuming one hundred and twenty grains of sperm per hour and shall be in all respects in accordance with the provisions of the Gasworks Clauses Act 1871.

(2) For testing the illuminating power of the gas the burner to be used shall be that known as the Metropolitan Argand No. 2 the photometer shall be the bar photometer the standard light shall be that supplied by Harcourt's ten-candle pentane lamp and in making the test the burner shall be so used as to obtain from the gas when burned at the rate aforesaid the greatest amount of light Provided that the Board of Trade may on the application of the Undertakers or the local authority approve the use of any other burner photometer or standard light which may appear to the Board to be equally or more suitable for the testing.

(3) The Undertakers shall within six months of the commencement of this Order provide at their works a testing place and all the apparatus required by this Order for the testing of gas and shall at all times keep the same in proper order and repair.

Price of Gas.

Price of gas.

21.—(1) The price to be charged by the Undertakers for gas supplied by them shall not exceed four shillings and ninepence per thousand cubic feet and so in proportion for any less quantity supplied.

A.D. 1911.

Burnham.

(2) 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 four shillings and ninepence 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 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.

(3) 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.

Miscellaneous.

Power to lay pipes in streets not dedicated to public use.

22. The Undertakers may but only with the consent in writing of the owner of the soil of such street or road on the application of the owner or occupier of any premises within the limits of supply abutting on or being erected in any street laid out but not dedicated to public use supply such premises with gas and may lay down take up alter or renew in across or along such street such pipes and apparatus as may be requisite or proper for furnishing such supply 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.

Undertakers to pay interest on deposit.

23. 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.

Power to supply gas fittings Fittings not to be subject to distress.

24.—(1) The Undertakers may sell let for hire fix repair and remove but shall not manufacture engines stoves ranges pipes and other fittings (in this section called "fittings") for lighting for motive power for the warming and ventilating of houses and buildings for the cooking of food and for all other purposes for which gas can or may be used and may provide all materials and work necessary or proper in that behalf and with respect thereto may demand and take

A.D. 1911.

Burnham.

such remuneration or such rents and charges and make such terms and conditions as may be agreed upon.

(2) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under process of any court or any proceedings in bankruptcy against the person in whose possession the same may be. Provided that such fittings are marked or impressed with a sufficient mark or brand indicating the Undertakers as the actual owners thereof.

Gas engines &c. of Undertakers let on hire though fixed to premises to remain property of Undertakers.

25.—(1) All gas engines apparatus fittings and appliances let by the Undertakers on hire 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 Undertakers: Provided that such gas engines apparatus fittings and appliances 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 Undertakers as the actual owners thereof.

(2) Nothing in this section shall affect the amount of assessment for rating of any premises upon which any gas engines apparatus fittings and appliances are or shall be fixed.

Anti-fluctuators for gas engines.

26.—(1) Every consumer of gas supplied by the Undertakers who uses a gas engine shall if required to do so by the Undertakers use an effective anti-fluctuator and shall at all times at his own expense keep such anti-fluctuator in proper order and if any consumer shall make default in complying with the provisions of this section the Undertakers may cease to supply him with gas.

(2) The Undertakers shall have access to and be at liberty to take off remove test inspect and replace any such anti-fluctuator at all reasonable times such taking off removal testing inspecting and replacing to be done at the expense of the Undertakers if the anti-fluctuator be found in proper order but otherwise at the expense of such consumer.

Power to take licences for patents &c.

27. 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 acquire 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 storage supply utilisation 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.

Gas consumers to give notice to Undertakers before removing.

28.—(1) At least twenty-four hours notice in writing shall be given to the Undertakers by every gas consumer before he shall quit any premises supplied with gas by meter by the Undertakers and in default of such notice the consumer so quitting shall be liable to pay to the Undertakers 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 Undertakers to supply gas to such premises whichever shall first occur.

(2) Notice of the effect of this enactment shall be endorsed on every demand note for gas charges payable to the Undertakers.

Notice of discontinuance.

29. A notice to the Undertakers 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 for the time being of the Undertakers.

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

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

Period of error in defective meters.

31.—(1) 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.

(2) The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Undertakers shall be paid by or to the Undertakers 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 Undertakers.

No penalty in case of unavoidable cause.

32. No penalty shall be incurred by the Undertakers for insufficiency of pressure defect of illuminating power or excess of impurity in the gas supplied by them in any case in respect of which it is proved that such insufficiency defect or excess was caused by circumstances beyond the control of the Undertakers Provided that the want of sufficient funds shall not be held to be a circumstance beyond the Undertakers control.

Undertakers may contract with local authority and others for supply in bulk.

33. The Undertakers may enter into and carry into effect contracts 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

A.D. 1911.

Burnham.

terms and conditions and for such periods 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 Undertakers to lay any mains or interfere with any street beyond the limits of supply.

Power to erect &c. cottages for officers and servants.

34. The Undertakers may on any land for the time being belonging or leased to them erect fit up maintain and let houses cottages and buildings for the officers and servants employed by the Undertakers for the purposes of their undertaking.

8 Vict. c. 16 s. 140 incorporated.

35. Section 140 (Proof of debts in bankruptcy) 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.

36. 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.

SCHEDULES.

SCHEDULE A.

GAS LANDS.

FIRSTLY—A piece of land situate in the parish of Burnham and urban district of Burnham-on-Crouch in the county of Essex in the occupation of the Undertakers containing by admeasurement one rood and four perches or thereabouts bounded on the north by messuages and land belonging or reputed to belong to and occupied by Arthur Howard Wright and Harry William Wright on the east by messuages and land belonging or reputed to belong to and occupied by Nathaniel Freeman on the south by Western Road formerly known as Gas Road and on the west by the Burnham main road known as Station Road.

SECONDLY—A piece of land situate in the parish of Burnham and urban district of Burnham-on-Crouch in the county of Essex in the occupation of the Undertakers containing by admeasurement 1 acre 1 rood and 4 perches or thereabouts and forming the eastern portion of the property numbered 21 on the $\frac{1}{2500}$ Ordnance map Essex Sheet LXXI 2 (2nd Edition 1897) bounded on the south-east by the sewage works belonging to the Burnham-on-Crouch Urban District Council on the north by the dyke or watercourse dividing the said piece of land from the inclosure numbered 19 on the said Ordnance

map on the remainder of the east side by the dyke or watercourse dividing the said piece of land from the inclosure numbered 22 on the said Ordnance map on the remainder of the south by the dyke or watercourse dividing the remainder of the said piece of land from the sea wall and on the west by the remaining portion of the said inclosure numbered 21 belonging to or reputed to belong to Sir Henry St. John Mildmay.

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 contained in the foregoing Order 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 30 to 34 of Gasworks Clauses Act 1847 to cease to be incorporated.

(i) Sections 30 to 34 (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 35 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 authorised rates as defined by the foregoing Order together with any sum which under the provisions of this schedule might lawfully be carried to the special purposes fund :

Price of gas with sliding scale as to dividend.

(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 :

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 capital of the Undertakers as follows :—

In respect of any year during any part of which the price charged by the Undertakers shall have been one penny or part of a penny above the standard price the dividend payable by the Undertakers shall in respect of

A.D. 1911.

Burnham.

each penny or part of a penny by which the price shall have been increased be reduced below the standard rates of dividend by five shillings on every one hundred pounds of ordinary paid-up capital with a ten per centum standard rate of dividend and by three shillings and sixpence on every one hundred pounds of ordinary paid-up capital with a seven per centum standard rate of dividend and so in proportion for any fraction of one hundred pounds;

And in respect of any year during the whole of which the price charged by the Undertakers shall have been one penny or more below the standard price the dividend payable by the Undertakers may in respect of each penny by which the standard price has been reduced be increased above the standard rates of dividend by five shillings on every one hundred pounds of ordinary paid-up capital with a ten per centum standard rate of dividend and by three shillings and sixpence on every one hundred pounds of ordinary paid-up capital with a seven per centum standard rate of dividend and so in proportion for any fraction of one hundred pounds:

Power to create a special purposes fund.

(iii) The directors of the Undertakers may if they think fit in any year appropriate out of the revenue of the Undertakers as part of the expenditure on revenue account any sum not exceeding an amount equal to one per centum of the paid-up capital of the Undertakers including premiums to a fund to be called "the special purposes fund";

The special purposes fund shall be applicable only to meet such charges as a chartered accountant or incorporated accountant being the auditor of the Undertakers or 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;

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 Undertakers including premiums;

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 Undertakers to which capital is properly applicable or may be used partly in the one way or partly in the other;

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:

Application of excess of profits over authorised rates of dividend.

(iv) If the clear profits of the undertaking of the Undertakers in any year amount to a larger sum than is sufficient to pay the dividend at the authorised rates on the ordinary capital of the Undertakers the excess shall be carried to the credit of the divisible profits of such undertaking for the next following year:

Provided that the sum so carried forward shall not in any case exceed the amount required to pay one year's dividend at the authorised rate:

Power to create a reserve fund and application thereof.

(v) When in any year the dividends on the ordinary share capital or stock of the Undertakers exceed the standard rate 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 dividends 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 shall be insufficient to enable the Undertakers in such year to pay the dividend at the authorised rates on the ordinary capital of the Undertakers 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.

A.D. 1911.

LAUNCESTON GAS.

Launceston. *Order empowering the Launceston Gas Company Limited to maintain and continue gasworks and to manufacture and supply gas within the Borough of Launceston and parts of the Parishes of St. Thomas the Apostle Rural and St. Stephen by Launceston Rural in the Rural District of Launceston all in the County of Cornwall and for other purposes.*

Short title.

1. This Order may be cited as the Launceston Gas Order 1911.

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 31 to 34 inclusive) and of the Gasworks Clauses Act 1871 are hereby incorporated with this Order (except where the same are expressly varied by this Order or are inconsistent with this Order):

Provided that for the purposes of such incorporation section 13 of the Gasworks Clauses Act 1847 shall be read 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 circum- "stances to all consumers" were added at the end of that section:

Provided also that for the purpose of such incorporation section 35 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 authorised rates of dividend as defined by this Order together with any sum which under the provisions of this Order might lawfully be carried to the special purposes fund.

The said provisions of the 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.

Interpretation.

4. In this Order the several words terms and expressions to which 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 in this Order the same respective meanings unless there be something in the subject or context repugnant to such construction and in the construction of this Order or of any such Act for the purposes of this Order the expression "the undertaking" shall mean the undertaking by this Order authorised (including the gasworks and works connected therewith by this Order authorised to be maintained and continued) and the expression "the authorised rates" means the rates of dividend authorised by this Order on the capital of the Undertakers for the purposes of the undertaking or such rates as reduced or increased in accordance with the provisions of this Order.

Limits of supply.

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 borough of Launceston and so much of the parish of St. Thomas the Apostle Rural as lies to the east of an imaginary line drawn along the centre of the roadway leading out of the main Launceston and Bodmin road at the Trebursye Oak past Old Tree Lodge to Under Lane and thence in a straight line to the weir on the river Kensey and so much of the parish of St. Stephen by Launceston Rural as lies to the south of an imaginary line drawn from the Bench mark 388·1 at the milestone on the Holsworthy road one mile from Launceston in an easterly direction to the river Tamar at the point where the river Carey flows into the river Tamar.

Undertakers.

Undertakers.

6. The Launceston 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 eleven thousand pounds consisting of the share capital of seven thousand five hundred pounds already raised by the Undertakers (in this Order referred to as "the original capital") and of additional capital (in this Order referred to as "the additional capital") to be issued subject to this Order not exceeding three thousand five hundred pounds including any premium which may be obtained on the sale of any shares or stock 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.

A.D. 1911.

Launceston.

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

8.—(1) All shares or stock forming part of the additional capital shall be issued in accordance with the provisions of this section.

(2) All shares or 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 Undertakers shall by special resolution determine Provided as follows:—

(A) Notice of the intended sale shall be given in writing to the clerk of every local authority within 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 directors of the Undertakers 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 shares or 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 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 Undertakers within three months after the date of the auction or of the acceptance of the tender as the case may be.

(3) Any shares or stock which have been so offered for sale and are not sold may be offered at the reserve price to the holders of the ordinary shares or stock of the Undertakers in manner prescribed by a resolution passed by the directors of the Undertakers and to the employees of the Undertakers and to the consumers of gas supplied by the Undertakers in such proportions as the directors of the Undertakers may think fit or to one or more of these classes of persons only Provided in the case of an offer to holders of shares or stock that if the aggregate amount of shares or 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 shares or stock which have been offered in accordance with the foregoing provisions of this section and are not sold shall be again offered for sale by public auction or by tender in accordance with the provisions of this section and any such shares or 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 Undertakers shall send a report thereof to the Board of Trade stating the total amount of the shares or stock sold the total amount obtained as premium (if any) and the highest and lowest prices obtained for the shares or stock as the case may be.

Application of money.

9. All money raised under this Order including any premiums shall be applied only to purposes to which capital is properly applicable and any sum of money which may arise from the issue of any shares or stock 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 part of the capital of the Undertakers entitled to dividend.

Limit of dividend.

10. Except as by this Order otherwise provided the profits of the Undertakers to be divided among the shareholders in any year shall not exceed the following rates (which are in this Order referred to as "the standard rates of dividend") that is to say on the original capital the rate of eight pounds in respect of every one hundred pounds of such capital and on the additional capital the rate of seven pounds in respect of every one hundred pounds actually paid up of the additional capital.

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

11. In case in any year or in any half-year (if the Undertakers declare a dividend half-yearly) the net revenue of the Undertakers applicable to dividend is insufficient to pay the full amount of the authorised rates on each class of ordinary shares or stock in the original capital and additional capital of the Undertakers a proportionate reduction shall be made in the dividend payable on each class.

Limit of borrowing powers.

12. 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-third of the amount of the capital of the Undertakers for the purposes of the undertaking actually raised by the issue of shares or stock including any premium that may be obtained on the sale of any shares or stock 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.

A.D. 1911.

Lands and Works.

Launceston.

Power to hold certain property and to purchase additional lands.

13. The Undertakers may for the purposes of the undertaking purchase take on lease or acquire (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 at any time hold for such purposes more than three acres of land in the whole in addition to 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.

Power to maintain and continue gasworks.

14. The Undertakers may upon the lands described in the schedule to this Order annexed maintain and continue alter enlarge extend improve renew or discontinue their existing gasworks and works connected therewith for the manufacture distribution storage conversion and sale of gas and of residual products arising in or resulting or producible from or used in the manufacture of gas and matters producible therefrom and they may subject to the provisions of this Order manufacture and store gas on such lands and supply and sell the same within the limits of supply and may on the same lands make convert and store residual products as aforesaid and may sell and dispose of the same at the works and elsewhere and they may also construct and maintain alter enlarge renew or discontinue houses offices buildings and other works connected with the undertaking.

For protection of Great Western Railway Company North Cornwall Railway Company and London and South Western Railway Company.

15. For the protection of the Great Western Railway Company the North Cornwall Railway Company and the London and South Western Railway Company or all or either of such companies as the case may require (in this section called "the railway company") the following provisions shall unless otherwise agreed between the railway company and the Undertakers apply and have effect:—

(A) In laying down altering improving enlarging extending maintaining or renewing or in executing the repairs or renewals of any mains pipes or other works in the exercise of the powers contained in this Order upon across under or adjoining or in any way affecting the railways lands and property now or hereafter belonging to or used or occupied by 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 and in such manner as shall be submitted to and as shall

be previously reasonably approved by him in writing or in case of difference as may be determined by arbitration in manner herein-after provided Provided that if such principal engineer shall not signify his approval or disapproval of any plans or proposals so submitted to him within twenty-eight days after the same are delivered to him or shall refuse or neglect to superintend the work or in cases of emergency arising from defects in any of the pipes or other works the Undertakers may proceed with the same without the approval of plans as aforesaid or without the superintendence of the said engineer:

(B) All such works shall be done by and at the expense of the Undertakers except as in this section otherwise provided who shall also restore and make good to the reasonable satisfaction of the said engineer the roads over or under any bridge or over any level crossing of the railways of the railway company or over the approaches to any such bridge or level crossing so far as the same may be disturbed or interfered with by or owing to any operations of the Undertakers Provided always that should the railway company elect so to do where any mains or pipes require to be laid under or across any level crossing of their railways they may themselves lay the same at the costs charges and expenses of the Undertakers but so nevertheless that any mains or pipes so laid by the railway company shall be laid under the superintendence and to the reasonable satisfaction of the Undertakers' engineer:

(C) All such works and operations and all matters incidental thereto shall be constructed executed and done so as to cause as little injury as may be to such railways bridges level crossings approaches viaducts stations works lands 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 leakage or failure of any such mains pipes or works in under or near to any railway bridge level crossing embankment cutting approach viaduct station lands works or property of the railway company the Undertakers 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 herein-after provided:

A.D. 1911.

Launceston.

(E) If the railway company at any time or times hereafter require of which they shall be the sole judges 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 the railway company may on giving to the Undertakers fourteen days notice in writing under the hand of their secretary or general manager and in case of emergency of which their engineer shall be the sole judge then on giving as long notice as possible 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 admit and doing as little damage as may be without being liable to pay compensation in respect of such diversion supporting carrying or dealing with such works provided that such works shall be done subject to the reasonable satisfaction of the engineer of the Undertakers and without unduly interfering with the supply of gas by the Undertakers:

(F) Any dispute or difference which may arise between the railway company and the Undertakers with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer or other fit person to be appointed by the Board of Trade on the application of the railway company and the Undertakers or either of them and the provisions of the Arbitration Act 1889 shall apply to such arbitration.

As to laying of future mains.

16. From and after the commencement of this Order all mains laid by the Undertakers in any street shall be laid at a depth of not less than two feet unless otherwise agreed between the local authority concerned and the Undertakers.

Saving rights of Duchy of Cornwall.

17. The consent of His Royal Highness the Prince of Wales in right of His Duchy of Cornwall signified to this Order shall not be taken as a consent to the surrender of and nothing in this Order contained shall prejudice or affect any property rights powers authorities or privileges of His Royal Highness or of the possessor of the Duchy of Cornwall for the time being.

Differences with road authorities or railway or

18. If any difference arise between the Undertakers and any road authority or 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 any road under the jurisdiction of such road authority or in over or upon such lands or works or the facilities to be afforded for the same such difference unless otherwise provided by this Order shall be settled by an engineer or other fit person to be appointed by the Board of Trade as arbitrator at the request of either party. other companies.

Testing Place.

Testing place.

19. For the purposes of the Gasworks Clauses Act 1871 the prescribed testing place shall be a testing place which shall be provided by the Undertakers at their gasworks within six months of the commencement of this Order.

Pressure of Gas.

Pressure of gas.

20.—(1) All gas supplied by the Undertakers to any consumer of gas shall be supplied at such pressure as to balance a column of water not less than eight-tenths of one 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 Order subject to the terms of his appointment at the testing place or at any public lamp as and when he thinks fit test the pressure at which the gas is supplied The Undertakers shall afford to the examiner all reasonable facilities for making the test.

Quality of Gas.

Quality of gas.

21.—(1) The quality of the gas supplied by the Undertakers shall with respect to its illuminating power be such as to produce at the testing place when burned at the rate of five cubic feet per hour a light equal in intensity to the light produced by fourteen sperm candles of six to the pound each consuming one hundred and twenty grains of sperm per hour and shall be in all respects in accordance with the provisions of the Gasworks Clauses Act 1871.

(2) For testing the illuminating power of the gas the burner to be used shall be that known as the Metropolitan Argand No. 2 the photometer shall be the bar photometer the standard light shall be that supplied by Harcourt's ten-candle pentane lamp and in making the test the burner shall be so used as to obtain from the gas when burned at the rate aforesaid the greatest amount of light Provided that the Board of Trade may on the application of the Undertakers or the local authority approve the use of any other burner photometer

A.D. 1911.

Launceston.

or standard light which may appear to the Board to be equally or more suitable for the testing.

(3) The Undertakers shall within six months of the commencement of this Order provide at their works a testing place and all the apparatus required by this Order for the testing of gas and shall at all times keep the same in proper order and repair.

Price of Gas.

Price of gas.

22. The standard price to be charged by the Undertakers for gas supplied by them shall be four shillings per thousand cubic feet and so in proportion for any less quantity supplied:

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 capital of the Undertakers as follows:—

In respect of any year during any part of which the price charged by the Undertakers shall have been one penny or part of a penny above the standard price the dividend payable by the Undertakers shall in respect of each penny or part of a penny by which the price shall have been increased be reduced below the standard rates of dividend by four shillings on every one hundred pounds of ordinary paid-up capital with an eight per centum standard rate of dividend and by three shillings and sixpence on every one hundred pounds of ordinary paid-up capital with a seven per centum standard rate of dividend and so in proportion for any fraction of one hundred pounds.

And in respect of any year during the whole of which the price charged by the Undertakers shall have been one penny or more below the standard price the dividend payable by the Undertakers may in respect of each penny by which the standard price has been reduced be increased above the standard rates of dividend by four shillings on every one hundred pounds of ordinary paid-up capital with an eight per centum standard rate of dividend and by three shillings and sixpence on every one hundred pounds of ordinary paid-up capital with a seven per centum standard rate of dividend and so in proportion for any fraction of one hundred pounds.

Power to create a special purposes fund.

23.—(1) The directors of the Undertakers may if they think fit in any year appropriate out of the revenue of the Undertakers as part of the expenditure on revenue account any sum not exceeding an amount equal to one per centum of the paid-up capital of the Undertakers including premiums to a fund to be called "the special purposes fund."

(2) The special purposes fund shall be applicable only to meet such charges as a chartered accountant or incorporated accountant being the auditor of the Undertakers or 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 Undertakers including premiums.

(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 Undertakers to which capital is properly applicable or may be used partly in the one way and 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.

Application of excess of profits over authorised rates of dividend.

24. If the clear profits of the undertaking of the Undertakers in any year amount to a larger sum than is sufficient to pay the dividend at the authorised rates on the ordinary capital of the Undertakers the excess shall be carried to the credit of the divisible profits of such undertaking for the next following year:

Provided that the sum so carried forward shall not in any case exceed the amount required to pay one year's dividend at the authorised rates.

Power to create a reserve fund and application thereof.

25. When in any year the dividends on the ordinary share capital or stock of the Undertakers exceed the standard rate 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 dividends 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 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

A.D. 1911.

Launceston.

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 shall be insufficient to enable the Undertakers in such year to pay the dividends at the authorised rates on the ordinary capital of the Undertakers and save as by this Order specially provided no sum shall in respect of the undertaking in any year be carried by the Undertakers to any reserve fund.

Charge for gas supplied by means of prepayment meters.

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

(2) The Undertakers shall not charge for the hire of any prepayment meter and fittings to be used therewith any sum other than a sum of money calculated according to the quantity of gas supplied through such prepayment meter and the maximum sum to be so charged 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 or at the rate of one shilling per one thousand cubic feet if such fittings include a cooking stove:

The said charge shall include the providing letting fixing repairing and maintenance of the meter and fittings and the cost of collection and other costs incurred by the Undertakers in connexion with the meter and fittings.

(3) The maximum charge for the hire of a prepayment meter without fittings shall be at the rate of ten per centum per annum on the cost of the meter.

(4) 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.

Miscellaneous.

Power to lay pipes in streets not dedicated to public use.

27. The Undertakers may but only with the consent in writing of the owner of the soil of such street or road on the application of the owner or occupier of any premises within the limits of supply abutting on or being erected in any street or road laid out but not dedicated to public use supply such premises with gas and may lay down take up alter or renew in across or along such street or road such pipes and apparatus as may be requisite or proper for furnishing such supply 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.

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

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

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

(2) The Undertakers 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 Undertakers:

(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 Undertakers 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 Undertakers and the pipe shall not be covered over until after the expiration of twenty-four hours from the service of such notice on the Undertakers Any officer of the Undertakers 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 the pipes or fittings are not according to the Undertakers specification or if the meter is not placed as required by this section the Undertakers may refuse to supply gas to the premises until the provisions of this section have been complied with:

(6) Any person to whom the Undertakers refuse 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 Undertakers 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.

A.D. 1911.

Launceston.

Undertakers to pay interest on deposit.

29. 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 four 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.

Power to supply gas fittings Fittings not to be subject to distress.

30.—(1) The Undertakers may sell let for hire fix repair and remove but shall not manufacture engines stoves ranges pipes and other fittings (in this section called "fittings") for lighting for motive power for the warming and ventilating of houses and buildings for the cooking of food and for all other purposes for which gas can or may be used and may provide all materials and work necessary or proper in that behalf and with respect thereto may demand and take such remuneration or such rents and charges and make such terms and conditions as may be agreed upon.

(2) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under process of any court or any proceedings in bankruptcy against the person in whose possession the same may be Provided that such fittings are marked or impressed with a sufficient mark or brand indicating the Undertakers as the actual owners thereof.

Gas engines &c. of Undertakers let on hire though fixed to premises to remain property of Undertakers.

31.—(1) All gas engines apparatus fittings and appliances let by the Undertakers on hire shall notwithstanding that they be fixed or fastened to any part of any such 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 Undertakers Provided that such gas engines apparatus fittings and appliances 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 Undertakers as the actual owners thereof.

(2) Nothing in this section shall affect the amount of assessment for rating of any premises upon which any gas engines apparatus fittings and appliances are or shall be fixed.

Anti-fluctuators for gas engines.

32.—(1) Every consumer of gas supplied by the Undertakers who uses a gas engine shall if required to do so by the Undertakers use an effective anti-fluctuator and shall at all times at his own expense keep such anti-fluctuator in proper order and if any consumer shall make default in complying with the provisions of this section the Undertakers may cease to supply him with gas.

(2) The Undertakers shall have access to and be at liberty to take off remove test inspect and replace any such anti-fluctuator at all reasonable times such taking off removal testing inspecting and replacing to be done at the expense of the Undertakers if the anti-fluctuator be found in proper order but otherwise at the expense of such consumer.

Power to take licences for patents &c.

33. 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 acquire 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 storage supply utilisation 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.

Gas consumers to give notice to Undertakers before removing.

34.—(1) At least twenty-four hours notice in writing shall be given to the Undertakers by every gas consumer before he shall quit any premises supplied with gas by meter by the Undertakers and in default of such notice the consumer so quitting shall be liable to pay to the Undertakers 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 Undertakers to supply gas to such premises whichever shall first occur.

(2) Notice of the effect of this enactment shall be endorsed on every demand note for gas charges payable to the Undertakers.

Notice of discontinuance.

35. A notice to the Undertakers 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 for the time being of the Undertakers.

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

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

Period of error in defective meters.

37.—(1) 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.

A.D. 1911.

Launceston.

(2) The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Undertakers shall be paid by or to the Undertakers to or by the consumer as the case may be and shall be recoverable in like manner as gas charges are recoverable by the Undertakers.

No penalty in case of unavoidable cause.

38. No penalty shall be incurred by the Undertakers for insufficiency of pressure defect of illuminating power or excess of impurity in the gas supplied by them in any case in respect of which it is proved that such insufficiency defect or excess was caused by circumstances beyond the control of the Undertakers Provided that the want of sufficient funds shall not be held to be a circumstance beyond the Undertakers control.

Undertakers may contract with local authority and others for supply in bulk.

39. The Undertakers may enter into and carry into effect contracts 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 periods 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 Undertakers to lay any mains or interfere with any street beyond the limits of supply.

Dwelling-houses for persons in Undertakers employ.

40. The Undertakers may purchase or take on lease houses cottages and other buildings for persons in their employ and offices show-rooms and other buildings for the purposes of their undertaking and may erect maintain and let any such buildings upon any lands for the time being belonging or leased to the Undertakers.

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

41. Section 140 (Proof of debts in bankruptcy) 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.

42. 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 and may be paid out of the reserve fund of the undertaking.

THE SCHEDULE.

GAS LANDS.

All those pieces or parcels of land on which the existing works and buildings of the Undertakers are erected situate partly in the parish of St. Thomas the Apostle Urban and partly in the parish of St. Thomas Street in the borough of Launceston in the county of Cornwall and in the occupation of the Undertakers bounded on the north in part by the road known as Town Mills Road in other part by the two cottages belonging or reputed to belong to the Undertakers and fronting Town Mills Road and in remaining part by the private road leading from St. Thomas Road into the yard forming a part of the gasworks on the east in part by St. Thomas Road and in other part by a house used as a post office and three cottages belonging or reputed to belong to the Undertakers on the south in part by a lane known as Priory Lane and in other part by property belonging or reputed to belong to Messrs. Trood & Co. and on the west in part by property belonging or reputed to belong to Messrs. Trood & Co. and in other part by the Priory Ruins and St. Thomas' Churchyard and in the remaining part by property belonging or reputed to belong to Thomas Brookes Hender.

Also all that piece of land situate in the said parish of St. Thomas Street in the occupation of the Undertakers and lying between Priory Lane aforesaid and on the North Cornwall Branch of the London and South Western Railway and which last-mentioned piece of land is now used by the Undertakers for the storage of lime and coal and as a stage for loading.

Printed by EYRE and SPOTTISWOODE, LTD.,
FOR
ROWLAND BAILEY Esq., C.B., M.V.O., the King's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
WYMAN AND SONS, LTD., FETTER LANE, E.C.; or
OLIVER AND BOYD, TWEEDDALE COURT, EDINBURGH; or
E. PONSONBY, LTD., 116, GRAFTON STREET, DUBLIN.