CHAPTER clxvii.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act 1870 relating to Cannock Gas Clay Cross Gas Hythe and Sandgate Gas Lichfield Gas and Witney and District Gas. [18th August 1911.]

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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 as aforesaid 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. 2) 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 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.

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SCHEDULE.

LIST OF ORDERS.

CANNOCK GAS.—Order empowering the Cannock Hednesford and District Gas Company Limited to supply gas in part of the Parish of Norton-under-Cannock known as Norton Canes the Townships of Shareshill Saredon Hatherton and Huntington and the Hazleslade Ward of the Parish of Brereton all in the county of Stafford to raise additional capital and for other purposes.

CLAY CROSS GAS.—Order empowering the Undertakers of the Clay Cross Gas Order 1902 to extend their limits of supply to raise additional capital and for other purposes.

HYTHE AND SANDGATE GAS.—Order empowering the Hythe and Sandgate Gas Company to raise additional capital and for other purposes.

LICHFIELD GAS.—Order extending the limits of supply of the Lichfield Gas Company and for other purposes.

WITNEY AND DISTRICT GAS.—Order empowering the Witney Gas and Coke Company Limited to maintain and continue their existing Gasworks at Witney and to construct and maintain further works and to manufacture store and supply gas to and within the Parish and Urban District of Witney and certain other parishes and places all in the County of Oxford.

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Order empowering the Cannock Hednesford and District Gas Company Limited to supply gas in part of the Parish of Norton-under-Cannock known as Norton Canes the Townships of Shareshill Saredon Hatherton and Huntington and the Hazleslade Ward of the Parish of Brereton all in the County of Stafford to raise additional capital and for other purposes.

Preliminary.

Short title.

1. This Order may be cited as the Cannock Gas Order 1911 and the Cannock Gas Order 1898 (in this Order referred to as "the Order of 1898") and this Order may be cited together as the Cannock Gas Orders 1898 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 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 30 to 34 both inclusive) and of the Gasworks Clauses Act 1871 are hereby incorporated with this Order (except where the same are expressly varied by this Order) and the said provisions of the said Gasworks Clauses Acts shall apply as well to any mains pipes and works of the Undertakers laid down or constructed before the commencement of this Order and situate within the limits of supply as defined by this Order as to any mains pipes or works which may be laid down or constructed under the authority of this Order Provided that for the purpose of its incorporation with the Order of 1898 and this Order 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 Undertakers shall be alike in terms and amount under "like circumstances 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 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.

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Interpretation.

4. In this Order the expression "the 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 or by the Gas and Water Works Facilities Act 1870 meanings are assigned have 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.

Undertakers.

Undertakers.

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

Extension of Limits of Supply.

Extension of limits of supply.

6. The limits of supply of the Undertakers are hereby extended so as to include that part of the parish of Norton-under-Cannock known as Norton Canes in the urban district of Brownhills which is excepted from the limits of supply of the Ogley Hay and Brownhills Gas Company Limited and is bounded on the north by the high road from Cannock to Chase Terrace on the west by the boundary of the parish of Cannock on the south by the Birmingham Canal as far as Hednesford Road Bridge and thence by a line due east to the Cannock Chase Reservoir and on the east by the boundary of the said parish of Norton-under-Cannock running in an irregular line from the said reservoir to the point known as Biddulphs Pool the townships of Shareshill Saredon Hatherton and Huntington all in the rural district of Cannock and the Hazleslade Ward of the parish of Brereton in the rural district of Lichfield all in the county of Stafford (in this Order called "the additional limits of supply") and the Undertakers shall have and may exercise within the additional limits of supply all and the like powers privileges and authorities 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 Order of 1898.

Additional capital.

7. The limitation prescribed by the Order of 1898 with respect to the amount of the share capital of the Undertakers for the purposes of the undertaking shall not prevent the Undertakers from raising for such purposes further share capital (in this Order referred to as "the additional capital") not exceeding thirty-five thousand pounds including any premium that may be obtained on the sale of any shares under the

provisions of this Order Provided that the share capital of the Undertakers for the purposes of their undertaking shall not exceed in the whole seventy-five thousand pounds unless the Undertakers are hereafter authorised to raise further share capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

Additional capital 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 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 limits of supply of the Undertakers:

(*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 ordinary and preference shares or stock of the Undertakers in manner prescribed in 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

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or to one or more of these classes of persons only Provided that in the case of an offer to holders of shares or stock 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 for sale 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 premium arising on issue of shares or stock.

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 shall not be considered as part of the capital of the Undertakers entitled to dividend.

Limit of dividend on additional capital.

10.—(1) The Undertakers shall not in any year declare or make out of their profits any larger dividends on the original and additional capital authorised by the Order of 1898 and this Order than the standard rates of dividend herein-after mentioned namely seven pounds in respect of every one hundred pounds actually paid up of so much thereof as may be issued as ordinary capital and six pounds in respect of every one hundred pounds actually paid up of so much thereof as may be issued as preference capital.

(2) Section 14 (Limits of dividend on capital) of the Order of 1898 is hereby repealed.

Limit of borrowing powers.

11. The Undertakers may borrow on mortgage of their gas undertaking in addition to the sum they are already empowered to borrow such further sum of money as will together with the amount which they are authorised to borrow under the Order of 1898 not exceed one-third of the amount of the original and additional capital by the Order of 1898 and this Order authorised to be raised and at the time actually raised by the issue of shares or stock including any premiums 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 so borrowed by the Undertakers in respect of the further new capital.

Power to create a special purposes fund.

12.—(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 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 further excess of profits over authorised rates.

13. If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates the excess shall be carried to the credit of the divisible profits of the 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 on the capital of the Undertakers.

Power to create a reserve fund and application thereof.

14. Where in any year the dividend on the ordinary share capital or stock of the Undertakers shall exceed the standard rates of dividend 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)

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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 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 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.

Purchase of Lands.

Power to purchase additional lands.

15. 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 five 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 except the lands described in the said schedule.

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

16. 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.

Lands for Construction of Additional Gasworks.

Undertakers may construct gasworks on lands described in schedule.

17. The Undertakers may on the lands described in the schedule to this Order annexed so long as they are possessed of the same construct erect maintain alter enlarge extend improve renew or discontinue additional gasworks retorts retort houses gasholders receivers purifiers meters apparatus and works 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 they may subject to the provisions of this Order make and store gas upon the said lands or some part or parts thereof and supply and sell the same and may on the same lands make convert and store residual products as aforesaid and may sell and dispose of the same at their works and elsewhere and they may also construct and maintain alter enlarge extend and renew or discontinue houses offices buildings and other works connected with the undertaking.

Testing of Gas.

Testing-place.

18. For the purposes of the Gasworks Clauses Act 1871 the prescribed testing place shall be the testing place provided by the Undertakers at their works.

Quality of Gas.

Quality.

19.—(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 from 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.

(4) Section 32 (Testing gas) of the Order of 1898 is hereby repealed.

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 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.

(3) Section 31 of the Order of 1898 is hereby repealed.

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Price of gas with sliding scale as to dividend.

Price of Gas.

21. As from the first day of January one thousand nine hundred and thirteen section 30 and Schedule B of the Order of 1898 shall be repealed and the following provisions shall be in force and have effect The standard price to be charged by the Undertakers for gas supplied by them shall be three shillings and threepence per thousand cubic feet and so on 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 share capital or stock 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 sixpence 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 as aforesaid be reduced below the standard rate of dividend 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 rate of dividend 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.

Miscellaneous.

Charge for gas supplied by means of prepayment meters.

22.—(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.

Fittings not to be subject to distress &c.

23.—(1) Any fittings let for hire under the provisions of section 21 (Power to Undertakers to purchase and supply gas appliances and apparatus) of the Order of 1898 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.

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

(3) The Undertakers shall only be entitled to the privileges and exemptions conferred by subsections (1) and (2) of this section in respect of such fittings as shall have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Undertakers as the actual owners thereof.

Anti-fluctuators for gas engines.

24.—(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.

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Gas consumers to give notice to Undertakers before removing.

25.—(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.

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

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

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:—

(*a*) 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:

(*b*) 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:

(*c*) 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:

(*d*) 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:

(*e*) 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:

(*f*) 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.

As to laying of mains.

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

Power to grant pensions &c.

30. Nothing in the Order of 1898 or this Order or any Act incorporated therewith shall be deemed to preclude the directors of the Undertakers subject to the approval of the Undertakers in general meeting from granting pensions and retiring or superannuation allowances to officers and servants of the Undertakers Such pensions and allowances may be paid out of moneys received on revenue account after the payment of the interest on any preference shares or stock for the time being of the Undertakers.

For protection of local and road authorities.

31.—(A) The following provisions for the protection of every local or road authority (each of which is in this section called "the authority") in the limits of supply as extended by this Order shall apply to the breaking up and reinstatement of streets bridges sewers drains and tunnels in the area of the authority concerned in pursuance

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of the powers of the Order of 1898 or this Order unless otherwise agreed between the Undertakers and the authority concerned (that is to say):—

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

(2) The notice required by section 8 of the Gasworks Clauses Act 1847 with respect to the breaking up of streets bridges sewers drains and tunnels shall as regards any road bridge sewer drain or tunnel be not less than fourteen clear days instead of three clear days:

(3) The plan required by section 9 of the last-mentioned Act shall be as regards any road bridge bridge approach sewer drain or tunnel accompanied by sections to suitable scales to show clearly the proposed works and shall be delivered except in cases of emergency to the authority or their surveyor by the Undertakers not less than in the case of a bridge fourteen days and in all other cases seven days before the Undertakers commence to open or break up any road or interfere with any bridge or other property of the authority for the purpose of executing the works:

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

(5) Nothing in this Order shall interfere with the right of the authority to alter the level of or deviate drain widen reconstruct or improve in any manner they think fit any road in or along which any mains pipes or works of the Undertakers shall have been laid and the Undertakers shall with all convenient speed on receiving notice in writing under the hand of the clerk or surveyor to the authority so to do alter the position of such mains pipes or works in the manner and to the extent prescribed by such notice or as in case of difference shall be determined by arbitration in the manner herein-after prescribed and the authority shall not be liable to make any compensation to the Undertakers for any expense or loss to which the Undertakers may be put in consequence of any such alteration deviation improvement or other work of the authority Provided that during the alteration deviation draining

widening reconstruction or improvement of such road the authority shall at the cost of the Undertakers afford all reasonable facilities for temporarily carrying such main pipes or works along the road so as not to interrupt the continual supply of gas or to diminish the pressure of such supply through such mains or pipes:

(6) Nothing in this Order shall interfere with the right of the authority at any time or times to remove alter widen raise or rebuild any bridge or the approaches thereto over near or attached to which any mains pipes or works of the Undertakers are carried in the same manner as they might have removed altered widened raised or rebuilt such bridge or the approaches thereto if this Order had not been passed and such mains pipes or works had not been laid over or near or attached to such bridge and the authority shall not be liable to make any compensation to the Undertakers for any expense or loss to which the Undertakers may be put in consequence of any such alteration deviation or improvement and in the event of any such bridge or the approaches thereto over or near or attached to which any such mains pipes or works are laid being removed altered widened raised or rebuilt as aforesaid the Undertakers shall at their own cost in all things alter the position of any works by which such mains pipes or works are carried over or near or attached to such bridge or the approaches thereto as aforesaid Provided that during the removal alteration widening raising or rebuilding of such bridge or the approaches thereto as aforesaid the authority shall at the cost of the Undertakers afford all reasonable facilities for temporarily carrying such mains pipes and works across any stream or river so as not to interrupt the continual supply of gas or to diminish the pressure of such supply through such mains or pipes:

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

(8) The Undertakers shall pay to the authority the reasonable costs which the authority may incur in the repair and reinstatement of so much of any road or of the road over any bridge or the approaches thereto in which the mains pipes or other works of the Undertakers are or may be

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laid as may be damaged by reason of the traffic being concentrated thereon during the laying alteration renewal or repair of the said mains pipes or other works:

(9) Where any mains pipes or other works of the Undertakers are to be laid or constructed beneath the surface of any road or bridge the same shall if reasonably possible be laid or constructed at such a depth that not less than two feet six inches shall intervene between the surface of such road or bridge and the upper surface of such mains pipes or works Provided that if the Undertakers lay steel mains or pipes instead of cast-iron mains or pipes the depth to intervene between the surface of such road or bridge and the upper surface of such mains or pipes need not exceed two feet Any difference as to the reasonableness or possibility of so laying or constructing any such mains pipes or works shall be determined by arbitration as herein-after in this section provided:

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

(11) The authority shall not except in the case of their negligence be liable for any claim for damages in respect of any injury which may be caused to any mains pipes or other works belonging to the Undertakers through the reasonable and proper use by the authority of any steam-roller scarifier or other similar appliance:

(12) If any difference arises at any time between the authority and the Undertakers touching this section or anything to be done or not to be done thereunder or the giving or withholding of any consent or the conditions of giving the same or any direction such difference shall be settled by the arbitration of an engineer to be agreed upon between the authority and the Undertakers and failing agreement

to be appointed by the Board of Trade on the application of either party and the Arbitration Act 1889 shall apply to the arbitration.

(B) Section 26 (as to breaking up of streets) of the Order of 1898 is hereby repealed.

Provision for immediate purchase of undertaking by Cannock Urban District Council.

32.—(1) The urban district council of the urban district of Cannock (in this section and in the section of this Order the marginal note whereof is "For protection of Cannock Urban District Council" referred to as "the council") shall introduce in the next session of Parliament a Bill for an Act to empower them to purchase the undertaking of the Undertakers as herein-after defined and shall bonâ fide promote the same and the Undertakers shall not oppose such Bill except in so far as may be necessary to secure the insertion therein of provisions to protect their interests in respect of or consequent on such purchase and for that purpose the Undertakers shall be at liberty to petition either or both Houses of Parliament and to appear on such petition by counsel agents and witnesses if they think fit.

(2) If the council obtain an Act as aforesaid the Undertakers shall sell to the council and the council shall purchase the undertaking of the Undertakers and the council shall pay therefor the sum of seventy-two thousand pounds and such further sum as shall be required to pay dividends upon the capital of the Undertakers issued at the date of transfer at the rates prescribed by the Order of 1898 from the date or dates of the last preceding payment of such dividends to the date of transfer and shall pay satisfy and discharge all the debts and liabilities as due from or payable by the Undertakers in connexion with such undertaking which shall remain undischarged unpaid or unsatisfied at the date of transfer The said sale and purchase shall be completed on the thirty-first day of December one thousand nine hundred and twelve or on such other day after the passing of the said Act as may be agreed between the Undertakers and the council and such day is in this section referred to as "the date of transfer."

(3) The Undertakers shall not except with the consent of the council save as herein-after provided raise any capital or grant any pensions retiring allowances or superannuation allowances to officers or servants of the Undertakers in pursuance of the provisions of this Order at any time prior to the passing or rejection or withdrawal of such Bill or thereafter if the Bill be passed into law but during the said periods respectively the Undertakers shall carry on their undertaking as heretofore in the ordinary course of their business with all due care but shall not without the previous consent of the council make or enter into any contract agreement or obligation in connexion with such undertaking except such as shall be in the ordinary course of the maintenance of the works and the proper conduct of the undertaking and the Undertakers shall be entitled from time to time to pay dividends and interest in respect of their capital as heretofore.

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(4) Notwithstanding anything to the contrary in this Order contained the Undertakers shall be entitled at any time to borrow for their costs referred to in the section of this Order the marginal note whereof is "Costs of Order" and for the ordinary purposes of their undertaking any sum or sums not exceeding in the aggregate six thousand pounds or such greater sum as the council may from time to time approve.

(5) For the purposes of this section "the undertaking of the Undertakers" shall mean the undertakings severally authorised by the Order of 1898 and this Order and shall include all the gasworks mains pipes machinery land buildings and plant and all real and personal property funds assets and effects of whatever nature and all the rights powers and privileges vested in or belonging to or had or enjoyed by the Undertakers in connexion with the said undertakings at the date of transfer except the books and papers relating exclusively to shareholders and the members and constitution of the Undertakers and the purchase money payable to the Undertakers under this section.

(6) The council shall pay compensation in respect of any loss of office or diminution of salary or income to the persons holding the offices of secretary and manager respectively of the Undertakers at the date of transfer the amount of such compensation to be determined by a single arbitrator to be appointed on the application of either the council or the respective officers demanding such compensation by the Board of Trade Provided that no person shall be entitled to compensation under this subsection unless at the commencement of this Order he was holding the office in respect of which he demands compensation Provided also that such officers shall not lose their or his right to compensation as aforesaid by reason of their or his declining to enter the service of the council.

For protection of Cannock Urban District Council.

33. If for any reason the purchase for which provision is made in and by the section of this Order of which the marginal note is "Provision for immediate purchase of undertaking by Cannock Urban District Council" is not effected the following provisions shall have effect for the protection of the council:—

(1) The price to be charged by the Undertakers for gas supplied to the council for public lighting shall be such as may be determined in accordance with the provisions of the Gasworks Clauses Act 1871 in relation thereto but not exceeding the lowest price for the time being charged by the Undertakers for gas supplied by them to any private consumer for lighting purposes:

(2) The provisions of section 40 (As to the purchase of the undertaking by the Cannock Urban District Council) of the Order of 1898 shall apply to the undertaking authorised by this Order as well as to the undertaking authorised by the Order of 1898.

Cannock.

For protection of Company of Proprietors of Birmingham Canal Navigations.

34. In the exercise of any of the powers of this Order and the general Acts incorporated therewith or any of them relating to the execution of works within the additional limits of supply the Undertakers shall not in any way injure or interfere with any canal reservoir lock aqueduct bridge culvert feeder towing-path embankment work or property of the Company of Proprietors of the Birmingham Canal Navigations and shall not in any way impede the navigation of any canal of that company or the traffic to from or along the same or any towing-path adjoining thereto without in either case the previous written consent of that company.

Differences with road authorities or railway or other companies.

35. If any difference arise between the Undertakers and any road authority or 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 or to the facilities to be afforded for the same such difference shall unless otherwise provided by this Order 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.

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.

The SCHEDULE referred to in the foregoing Order.

GAS LANDS.

All that close of land containing two acres or thereabouts situate in the township and urban district of Cannock in the county of Stafford near the Cannock station of the London and North Western Railway Company being part of a piece of land called the Podgy (or Poggy) meadow bounded on the western side by the road known as Podgy Lane on the northern side by the road leading from Cannock to Mill Green on the eastern side by a stream or brook known as Riddings Brook and on the south-western side by the Cannock Branch of the said London and North Western Railway.

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CLAY CROSS GAS.

Clay Cross.

Order empowering the Undertakers of the Clay Cross Gas Order 1902 *to extend their limits of supply to raise additional Capital and for other purposes.*

Short title.

1. This Order may be cited as the Clay Cross Gas Order 1911 and the Clay Cross Gas Order 1902 (in this Order referred to as "the Order of 1902") and this Order may be cited together as the Clay Cross Gas Orders 1902 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 which date is in this Order referred to as "the commencement of this Order."

Incorporation of Acts.

3. The provisions of the Gasworks Clauses Act 1847 and the Gasworks Clauses Act 1871 are incorporated with this Order (except where expressly varied by the Order of 1902 or this Order) and form part of this Order For the purpose 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 Undertakers shall be alike in terms and amount under like "circumstances to all consumers" were added at the end of that section.

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 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 authorised by the Order of 1902 and this Order.

Undertakers.

Undertakers.

5. Thomas Hughes Jackson carrying on business as the Clay Cross Company being the survivor of the Undertakers named in the Clay Cross Gas Order 1902 and his heirs executors administrators and assigns shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers" Provided that if at any time the undertaking is assigned to any body company or person such body company or person shall from the date of such assignment thereof be the Undertakers for the purposes of this Order in lieu of the person or persons above mentioned but no such assignment shall have any validity or effect until after the approval of the

Board of Trade to such assignment has been signified in writing signed by a secretary or assistant secretary of the said Board Provided also that nothing in this Order contained shall prevent the Undertakers borrowing money on the security of mortgages of the undertaking not exceeding the amount by this Order limited.

Limits of supply.

6. The Undertakers shall have and may exercise subject to the provisions of this Order within the extended district herein-after defined (in this Order called "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 Order of 1902 The extended limits of supply which are more particularly defined upon the map deposited for the purposes of this Order with the clerk of the peace for the county of Derby shall be as follows:—

(A) Such portion of the parish of Woodthorpe in the rural district of Chesterfield as is not included within the limits of supply defined by section 5 of the Order of 1902 and is shown within the red area upon the said deposited map:

(B) Such portion of the parish of Heath in the rural district of Chesterfield (being the whole of that parish except the dwelling-houses or tenements collectively called the Doe Lea Cottages and the Doe Lea Chapel situate on the west side of and adjoining the county bridge carrying the Mansfield and Chesterfield main road over the river Doe Lea which river forms the easterly boundary of the parish) as is included within the red area shown upon the said deposited map:

(C) Such portion of the parish of Ault Hucknall within the rural district of Blackwell as lies west of a line drawn from the parish boundary post on the Tibshelf to Chesterfield main road to the parish boundary post in Mill Lane near Gildageforge Bridge and is included within the red area shown upon the said deposited map:

(D) Such portion of the parish of Ashover within the rural district of Chesterfield as lies to the south of a straight line drawn from a point 6 chains to the north of the Old Quarry in Press Lane to the junction of Hut Lane with Amber Lane and to the east of a line drawn along the westerly sides of Amber Lane Slack Lane and Holestone Gate Road and to the north of a straight line drawn from the Red House at the cross roads in Holestone Gate Road to the point of junction of the Chesterfield parliamentary

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Clay Cross.

county division boundary with the Stretton parish boundary being the portion of the parish of Ashover included within the red area shown upon the said deposited map.

Where roads and railways form the boundary the entire width of such roads and railways is included in the limits of supply.

Additional Capital.

Additional capital.

7. Notwithstanding the limitation prescribed by the Order of 1902 with respect to the amount of the capital of the Undertakers for the purposes of the undertaking the Undertakers may for such purposes increase their capital by an amount not exceeding fifteen thousand pounds (in this Order referred to as "the additional capital") Provided that the capital of the Undertakers for the purposes of the undertaking shall not exceed in the whole fifty-five thousand pounds unless the Undertakers are hereafter authorised to raise further capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

Limits of dividend on capital.

8. Except as by the Order of 1902 or this Order expressly provided the Undertakers shall not in any year make out of their profits any larger dividend on the additional capital than seven pounds in respect of every one hundred pounds of such capital as is actually paid up Provided that if and so long as the undertaking is carried on by an individual and not by a duly constituted company in the construction of this Order the expression "actually paid up" shall be deemed to mean actually expended on or actually being used for the purposes of the undertaking.

Limits of borrowing powers.

9. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the undertaking shall not at any time exceed in the whole one-third of the amount of the capital actually paid up 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.

Miscellaneous.

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

10.—(1) The Undertakers may sell let for hire and otherwise deal in fix repair and remove but shall not manufacture meters engines stoves ranges pipes fittings and other apparatus appliances and things (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 all work necessary or proper in that behalf and with respect thereto may demand and take such remuneration in money or

such rents and charges and make such terms and conditions as may be agreed upon between the Undertakers and the persons to or for whom the same are sold let fixed repaired or removed and such remuneration rents and charges shall be recoverable in the same manner as gas charges are recoverable by the Undertakers.

(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.

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

No penalty in case of unavoidable cause.

11. 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.

Burner to be used for testing gas.

12. Notwithstanding anything in the Order of 1902 contained the burner to be used for testing the illuminating power of the gas supplied by the Undertakers shall be that known as the Metropolitan Argand No. 2.

Anti-fluctuators for gas engines.

13. 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 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.

Charges for gas supplied by means of

14.—(1) The Undertakers may charge for any gas supplied through a prepayment meter a not greater charge than for gas supplied to private

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consumers through any other kind of meter or by any other method of supply.

prepayment meters.

(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 one shilling and a penny per one thousand cubic feet supplied in manner aforesaid such sum to include the hire of the meter and the fittings used therewith or at the rate of one shilling and threepence per 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 fittings and cooking stove and the cost of collection and other costs incurred by the Undertakers in connexion with the meter fittings and cooking stove.

(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.

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

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

For protection of Great Central Railway Company.

16. The following provisions for the protection of the Great Central Railway Company (herein-after called "the railway company") shall unless otherwise agreed in writing between the railway company and the Undertakers apply and have effect (that is to say):—

(1) The execution of any works in the exercise by the Undertakers of the powers conferred upon them by this Order upon across or in any way affecting the railway and other

property of or any road repairable by the railway company (all or any part whereof as the case may be is in this section included in the expression "the property of the railway company") shall be done and completed with all despatch after the commencement thereof under the superintendence and to the reasonable satisfaction of the engineer of the railway company and only according to such plans and sections and in such manner as shall previously be reasonably approved by him in writing or in case of difference as may be determined by arbitration in the manner herein-after provided Provided that if such engineer shall not approve or disapprove any plans and sections so submitted to him within fourteen days after the same are delivered to him or shall refuse or neglect to superintend the work the Undertakers may proceed without the approval of the plans and sections and without the superintendence of the said engineer:

(2) All such works shall be done by and at the expense of the Undertakers (except as in this section otherwise provided) who shall also at the like expense restore and make good to the reasonable satisfaction of the said engineer the roads over or under any bridge or level crossing of the railway of the railway company or the approaches thereto 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 pipes or other works require to be laid renewed or repaired under or across any level crossing of their railway they may themselves carry out such work at the costs charges and expenses of the Undertakers but so nevertheless that any mains or pipes so laid by the railway company shall only be laid under the superintendence and to the reasonable satisfaction of the engineer of the Undertakers:

(3) 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 the property of the railway company and so as to cause no interruption to the passage or conduct of the railway company's traffic and if any injury or interruption as aforesaid shall arise from or in any way be owing to the act or default or the works or operations of the Undertakers or to the leakage or failure of any such mains pipes or works in under or near to the property of the railway company the Undertakers

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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:

(4) The Undertakers shall bear and on demand pay to the railway company all reasonable costs of the superintendence by them of the construction or repair of any of the works of the Undertakers affecting the property of the railway company and in the case of any level crossing being broken up all reasonable costs of watching lighting signalling and protecting the property of the railway company with reference to and during such construction or repair but such superintendence by the railway company or their neglect to superintend shall not alter or affect any liability to which the Undertakers may be subject for any accident which may be occasioned by the works or operations or by the act or default of the Undertakers or of their contractors servants or workmen or any of them:

(5) If at any time it is found necessary in order to enable the railway company to carry out any alterations or extensions of their railway or works to alter the position of the said mains pipes or works the Undertakers shall on receiving notice in writing from the railway company so to do at their own cost and to the reasonable satisfaction of the engineer of the railway company alter the position of the said mains pipes or works so far as may be necessary to enable the railway company to carry out such alterations or extensions of their railway or works and the provisions of this section shall apply to the said mains pipes or works in their altered position:

(6) Any difference arising between the Undertakers and the railway company under this section shall be determined by an engineer or other fit person to be appointed failing agreement by the President of the Institution of Civil Engineers at the request of either party and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

For protection of Derbyshire County Council.

17. In executing the works and exercising the powers by this Order respectively authorised and conferred so far as the same affect main roads and county and main road bridges of the county of Derby and sewers drains tunnels and other property vested in or under the jurisdiction of the Derbyshire County Council (in this section referred to as "the council") the following provisions for the protection of the council shall

unless otherwise agreed in writing between the Undertakers and the council have effect (that is to say):—

(1) All mains pipes conduits and works to be laid in or along any main road or in or upon or across any county or main road bridge (which expression shall in this section include bridge approaches) shall be laid in such position in or at the side thereof as the council in writing under the hand of their surveyor may reasonably direct and in the case of mains pipes and conduits at a depth of three feet at least from the top of the socket thereof to the surface of the roadway Provided nevertheless that in the event of the Undertakers renewing or replacing any existing mains or pipes by new mains or new pipes such new mains or new pipes shall wherever practicable be laid in the same position and at the same depth as the existing mains or pipes which may be so renewed or replaced accordingly:

(2) Section 8 of the Gasworks Clauses Act 1847 incorporated with this Order shall be read and have effect as if the period of seven clear days were inserted therein instead of the period of three clear days in the said section mentioned and the notice therein mentioned shall be given to the surveyor of the council Provided that this subsection shall not apply in the case of any work required to be executed with extraordinary despatch:

(3) The plan required by section 9 of the Gasworks Clauses Act 1847 shall be accompanied by a section of the proposed works and shall be delivered (except in cases of emergency) to the council or their surveyor by the Undertakers not less than in the case of a bridge twenty-one days and in all other cases seven days before the Undertakers shall commence to open up or break up any main road or interfere with any county or main road bridge or sewer drain or tunnel or other property of the council for the purpose of executing the works:

(4) Nothing in this Order shall authorise the Undertakers to interfere with the structural part of any county or main road bridge without the consent in writing of the council which shall be deemed to have been given if under the hand of their surveyor and which consent may be given upon such conditions as in such consent are set out Provided that the council shall be deemed to have given such consent if within twenty-eight days after plans showing such interference have been submitted to their surveyor he shall not have given notice to the Undertakers objecting thereto:

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(5) Nothing in this Order contained shall interfere with the right of the council to alter the level of or deviate or improve any main road in or along which any pipes or other works of the Undertakers shall have been laid or repair remove alter deviate or rebuild any county or main road bridge over near or attached to which any pipes or other works of the Undertakers are carried and in the event of any such alteration deviation improvement repair removal or rebuilding as aforesaid being intended by the council the Undertakers shall at their own cost in all things on receiving ten days' notice (or shorter in case of emergency) in writing under the hand of the clerk or surveyor to the council so to do with all convenient speed alter the position of any such pipes or works in such manner and to such extent as such notice may reasonably prescribe and sections 11 and 12 of the Gasworks Clauses Act 1847 shall mutatis mutandis apply to any delay on the part of the Undertakers in complying with such notice and the council shall not be liable to make any compensation to the Undertakers for any expense or loss to which the Undertakers may be put in consequence of any such alteration deviation improvement repair removal or rebuilding as aforesaid Provided that during such alteration deviation improvement repair removal or rebuilding as aforesaid the council shall afford all reasonable facilities for temporarily carrying or supporting such pipes and other works so as not to interrupt the continuous supply of gas or to diminish the pressure of such supply through such pipes Provided also that in the case of any main road vested in some authority other than the council such authority shall for the purposes of this paragraph be substituted for the council:

(6) All works shall be so executed by the Undertakers as not to stop the traffic and so far as reasonably practicable as not in any way to impede or interfere with the traffic on any main road or over any county bridge and the Undertakers shall not open or break up at any one time a greater length than 100 yards of any such road nor more than 50 yards thereof where their works do not leave sufficient space for two carts to pass:

(7) The Undertakers shall pay to the council the reasonable costs which the council may incur in the repair and reinstatement of so much of any main road or of the road over any county bridge in which the pipes of the Undertakers are or may be laid as may be damaged by reason of the traffic being concentrated thereon during the laying alteration renewal or repair of the said pipes:

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(8) The filling in reinstatement and making good pursuant to section 10 of the Gasworks Clauses Act 1847 shall be executed by the Undertakers to the satisfaction and in accordance with the requirements of the council as certified by their surveyor and the said section and section 11 of the said Act shall be read and have effect as if six months were mentioned therein instead of three months:

(9) The council shall not except in case of negligence be liable for or in respect of any damage or injury done to any work of the Undertakers by reason of such work being laid at a depth below the surface of any main road insufficient for its protection from injury arising from the reasonable use by the council of any steam or other roller for the repair of such road or from the passage of the traffic on such road:

(10) If the Undertakers shall execute any works contrary to the provisions of this section section 11 (as amended by subsection 8 of this section) of the Gasworks Clauses Act 1847 shall mutatis mutandis apply to such offence:

(11) If otherwise than in proceedings under section 11 or section 12 of the said Act any difference at any time arises between the council and the Undertakers touching this section or anything to be done or not to be done thereunder such difference shall be referred to and determined by an engineer to be agreed upon between them or failing such agreement to be appointed on the application of either party by the Board of Trade Subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any reference to arbitration under this subsection.

Differences with road authorities or railway or other companies.

18. If any difference arise between the Undertakers and any road authority or 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 extending their mains pipes or other works in over or upon such lands or works or the facilities to be afforded for the same such difference shall (unless the same is otherwise specially provided for by the provisions of this Order) 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

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

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Hythe and Sandgate.

HYTHE AND SANDGATE GAS.

Order empowering the Hythe and Sandgate Gas Company to raise Additional Capital and for other purposes.

Short and collective titles.

1. This Order may be cited as the Hythe and Sandgate Gas Order 1911 and the Hythe and Sandgate Gas Act 1868 and the Hythe and Sandgate Gas Order 1876 (in this Order referred to respectively as "the Act of 1868" and "the Order of 1876") and this Order may be cited together as the Hythe and Sandgate Gas Act and Orders 1868 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 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 the Companies Clauses Act 1869 the Gasworks Clauses Act 1847 (except sections 31 to 34 inclusive) and the Gasworks Clauses Act 1871 are except where expressly varied by this Order incorporated with and form part of 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 Undertakers shall be alike in terms "and amount under like circumstances to all consumers" were added at

the end of that section and also that section 35 of such Act shall be read and construed as if the words from "in case the whole" down to "have been paid" were omitted therefrom and as though the expression "the prescribed rate" included the authorised rates as defined by this Order together with any sum which under the provisions of this Order may lawfully be carried to the special purposes fund.

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

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 the expression "the authorised rates" means the rates of dividend authorised by the Act of 1868 and this Order on the capital of the Undertakers or such rates as reduced or increased in accordance with the provisions of this Order.

Undertakers.

Undertakers.

5. The Hythe and Sandgate Gas Company incorporated by the Act of 1868 shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Capital.

Additional capital.

6. In addition to the capital already authorised to be raised by the Undertakers under the Act of 1868 (in this Order referred to as "the original capital") they may—

(1) Raise any further sums not exceeding in the whole fifteen thousand pounds (in this Order referred to as "the additional capital") by the issue of new ordinary shares or stock or new preference shares or stock or wholly or partly by one of those modes respectively but the Undertakers shall not issue any share under the authority of this Order of less nominal value than ten pounds 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 capital than will be sufficient to produce including any premiums which may be obtained on the sale thereof the sum of fifteen thousand pounds; and

(2) Borrow on mortgage in respect of the additional capital any sum or sums not exceeding in the whole one third part of the amount of the additional capital at the time actually issued by shares or stock including the premiums (if any) realised on the sale thereof but no part thereof shall be borrowed until the whole of the shares or stock in respect of which the power of borrowing is being exercised including the premiums (if any)

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realised on the sale thereof shall have been fully paid up and the Undertakers have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that such shares and stock including the premiums (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 such other evidence as he may think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

As to conversion of borrowed money into capital.

7. The Undertakers shall not have power to raise the money by this Order authorised to be borrowed on mortgage or by the issue of the 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.

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 created by the Undertakers under this Order and the 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 existing capital of the Undertakers of the same class or description and the new shares or stock were shares or stock in that capital.

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

(E) It shall be one of the conditions of sale that the total sum payable by the purchaser shall be paid to the 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 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 for sale 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.

Application of premium arising on issue of shares or stock.

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.

Power to create debenture stock.

11. The Undertakers may create and issue debenture stock instead of and to the same amount as the whole or any part of the money borrowed or authorised to be borrowed on mortgage by this Order subject to the provisions of Part III. of the Companies Clauses

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Act 1863 and the Act of 1868 But notwithstanding anything therein contained the interest of all debenture stock created and issued by the Undertakers under the authority of this Order shall rank pari passu with the interest of all mortgages granted by the Undertakers under the authority of this Order.

Existing mortgages to have priority.

12. All mortgages granted by the Undertakers under the authority of the Act of 1868 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 have priority over any mortgages granted under the authority 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.

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

13. All money to be raised by the Undertakers on mortgage or by the issue of 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 rent-charge granted or to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved by or payable under any lease granted or made to the 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.

Appointment of receiver.

14. Section 26 (For appointment of a receiver) of the Act of 1868 is hereby repealed as from the commencement of this Order but without prejudice to any appointment which may have been made or to the continuance of any proceedings pending under any such provisions The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver and in order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one thousand pounds in the whole.

Limits of dividend on capital.

15. Except as by this Order expressly provided the Undertakers shall not in any year make out of their profits any larger dividend on the original capital and on the additional capital than the standard rates of dividend herein-after mentioned namely the rates of dividend prescribed by the Act of 1868 in respect of the original capital and seven pounds

in respect of every one hundred pounds actually paid up of the additional capital as is issued as ordinary capital or six pounds in respect of every one hundred pounds actually paid up of such additional capital as is issued as preference capital.

Dividends on different classes of shares to be paid proportionately.

16. In case in any year the net revenues of the Undertakers applicable to dividend are insufficient to pay the full amount of the authorised rates on each class of ordinary shares or stock in the original capital and the additional capital a proportionate reduction shall be made in the dividend of each class.

Limit of interest on borrowed moneys.

17. The Undertakers shall not without the consent of the Board of Trade pay interest at a higher rate than five pounds per centum per annum in respect of any moneys borrowed on mortgage or in respect of any debenture stock issued or raised under the authority of this Order.

As to half-yearly meetings and statement of accounts and interim dividends.

18. Notwithstanding anything contained in the Act of 1868 the directors of the Undertakers may if they think fit hold half-yearly meetings of the shareholders and issue accounts and balance sheets to their shareholders half-yearly and may at any such meeting declare an interim dividend out of the then ascertained profits of the Undertakers provided that the amount of any such interim dividend so declared shall not exceed one half of the amount of the standard dividend.

Power to create a special purposes fund.

19.—(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

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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.

20. 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.

21. Where in any year the dividend of the Undertakers on the ordinary share capital 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 by way of a reserve fund and all sums (if any) set apart by the Undertakers and any reserve or other fund of a similar character of the Undertakers existing at the commencement of this Order may be invested in Government or other securities and the dividends and interest arising from such securities may also be invested in the same or the like securities in order that the same may accumulate at compound interest and the fund so formed shall be called "the reserve fund" and shall be applicable to the payment of 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 Order specially provided no sum shall in any year be carried by the Undertakers to any reserve fund.

Application of money.

22. The Undertakers may from time to time set aside out of the profits of the undertaking applicable to the payment of dividend such sum or sums as may be considered proper for the purpose of writing off any sum or sums which have been or may be allowed as discount on the issue of any part of the share capital of the Undertakers.

Miscellaneous.

Standard price of gas with sliding scale as to dividend.

23. As from the first quarter day after the commencement of this Order section 46 of the Act of 1868 shall be repealed and in lieu thereof the following provisions shall be in force and have effect.

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 share capital or stock 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 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.

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 such remuneration or 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 persons in whose possession the same may be Provided that such fittings are marked or impressed

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with a sufficient mark or brand indicating the Undertakers as the actual owners thereof.

Power to take licences for use of patents.

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

No penalty in case of unavoidable cause.

26. 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 which it is proved that such insufficiency defect or excess was produced 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.

Undertakers to pay interest on deposit.

27. Where any money is required to be 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.

Period of error in defective meters.

28. 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 rents are recoverable by the Undertakers.

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

29. 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.

Gas consumers to give notice to Undertakers

30. 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 Provided that notice of the provisions of this section shall be endorsed upon every demand note for gas charges payable to the Undertakers.

before removing.

Charges for gas supplied by means of prepayment meters.

31.—(1) The Undertakers may charge for any gas supplied through a prepayment meter a not greater charge than for gas supplied to private consumers 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 the 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.

Anti-fluctuators for gas engines.

32. 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 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.

Notice of discontinuance.

33. A notice to the Undertakers from a consumer for the discontinuance of a supply of gas shall not be of any effect unless

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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.

Company may contract with local authority &c. for supply in bulk.

34. The Undertakers may contract with any local authority company or persons authorised to supply gas under parliamentary powers in any district adjacent to the Undertakers' 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 their limits of supply.

8 & 9 Vict. c. 16 s. 140 incorporated.

35. Section 140 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.

As to remuneration of secretary.

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

As to appointment of auditors.

37. Notwithstanding anything contained in the Companies Clauses Consolidation Act 1845 as from the first day of January one thousand nine hundred and twelve no person shall be appointed as auditor of the accounts of the Undertakers who shall not be either a chartered accountant or an incorporated accountant and it shall not be necessary for such person to be a shareholder in the undertaking.

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

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

Testing of gas.

39. Notwithstanding anything contained in the Act of 1868 or the Order of 1876 the burner to be used at the works of the Undertakers for testing the gas supplied shall from and after the passing of this Order be the Metropolitan Argand No. 2 burner.

For protection of Hythe Corporation.

40. The following provisions for the protection of the mayor aldermen and burgesses of the borough of Hythe (in this section

referred to as "the corporation") shall have effect unless otherwise agreed between the Undertakers and the corporation (that is to say):—

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

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

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

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

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

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

(7) If the Undertakers in the execution of any works in or affecting any such street or bridge as aforesaid shall cause any damage injury or disturbance to such street or bridge and shall neglect or refuse to make good all such damage injury or

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

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

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

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

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

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

(2) The Undertakers shall not open or break up the street or road nor reinstate the same except under the superintendence of

the corporation (unless they or their officer fail to attend at the time fixed for such opening breaking up or reinstatement) and the Undertakers shall cause the portion of street or road broken up to be fenced and guarded and every night during which the same shall be continued open and broken up lighted sufficiently for the warning of passengers:

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

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

For protection of South Eastern Railway Company and South Eastern and Chatham Railway Companies Managing Committee.

42. For the protection of the South Eastern Railway Company and the South Eastern and Chatham Railway Companies Managing Committee (herein-after respectively referred to as "the railway company") the following provisions shall (unless otherwise agreed) apply and have effect (that is to say):—

(A) In laying down altering improving enlarging extending maintaining or renewing or in executing or effecting the repairs or renewals of any mains pipes culverts or other works in the exercise of the powers contained in this Order upon across over under or adjoining or in any way affecting the railways lands roads 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 such engineer in writing:

(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 railways lands roads and property including the roads over or under any bridge

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or over any level crossing of the railway 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 are required to be laid under or across any level crossing of their railway they may themselves lay the same and the reasonable costs charges and expenses thereof shall be paid by the Undertakers:

(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 roads or property and so as to cause no interruption to the passage or conduct of traffic over such railways or at to or from any station thereon:

(D) If any injury or interruption as aforesaid shall arise from or in any way be owing to any of the acts works operations and matters aforesaid or the bursting leakage or failure of any such mains culverts pipes or works in under or near to any railway bridge level crossing embankment cutting approach viaduct station lands works roads or property of the railway company the 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:

(E) If the railway company at any time or times hereafter of which they shall be the sole judges require to construct any additional or other works upon their lands or railways or to alter or repair their railways bridges viaducts roads or works upon across over or under which any of the works of the 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 for the time being and in case of emergency without notice divert support or carry the said works of the Undertakers across over or under their lands railways bridges roads or works at any other point or otherwise deal with the same in as convenient a manner as circumstances will admit and doing as little damage as may be without being liable to pay compensation in respect of such diversions supporting carrying or dealing with such works Provided always that such diversions supporting

carrying or dealing with such works shall be carried out in all respects at the expense of the railway company and to the reasonable satisfaction of the engineer for the time being of the Undertakers who shall for this purpose be permitted at all times to enter upon the lands railways bridges roads or works of the railway company to examine the state and condition of such diversions supporting carrying or dealing with such works:

(f) Except as in this section otherwise provided any dispute or difference which may arise between the railway company and the 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.

Costs of Order.

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

LICHFIELD GAS.

Order extending the limits of supply of the Lichfield Gas Company and for other purposes.

Lichfield.

Short title.

1. This Order may be cited as the Lichfield Gas Order 1911 and the Lichfield Gas Act 1878 (in this Order referred to as "the Act of 1878") and this Order may be cited together as the Lichfield Gas Act and Order 1878 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 which date is in this Order referred to as "the commencement of this Order."

Incorporation of Acts.

3. The provisions of the Gasworks Clauses Act 1847 and of the Gasworks Clauses Act 1871 are (except where the same are expressly varied by the Act of 1878 or this Order) incorporated with and form part of this Order Provided that for the purposes of incorporation with the Act of 1878 and this Order 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 Undertakers

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Lichfield.

"shall be alike in terms and amount under like circumstances to all "consumers" were added at the end of that section.

In this Order the several words 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 shall have the same respective meanings unless there be something in the subject or context repugnant to such construction And in the construction of this Order and of any such Act for the purposes of this Order or the Act of 1878 the expression "the undertaking" shall mean the undertaking authorised by the Act of 1878 as extended by this Order.

Undertakers.

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

Extension of limits of supply.

5. The Undertakers shall have and may exercise subject to the provisions of this Order within the following additional limits namely so much of the parish of Ogley Hay Rural as lies to the east of the road from the pound in Ogley Hay Rural to the Lichfield and Walsall Road and to the south and east of the road from the said pound to Watling Street running in a north-easterly direction (except the site of the Isolation Hospital of the Brownhills Urban District Council) for or in relation to the supply of gas all the like powers privileges and authorities and be subject to all the like duties liabilities and obligations in respect thereof as they now have and are subject to within the limits of the Act of 1878 and from and after the commencement of this Order the limits of the Act of 1878 shall be deemed to include such additional limits.

The area comprised within the said additional limits is more particularly delineated upon a map deposited with the Board of Trade and signed by an assistant secretary to the Board and if there should be any difference between the description contained in this section and the area delineated upon such map the latter shall prevail.

Power to contract for sale of gas in bulk.

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

Power to supply gas fittings

7.—(1) The Undertakers may sell let for hire fix repair and remove but shall not manufacture meters engines stoves ranges pipes and other fittings (in this section called "fittings") for lighting for motive power

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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.

Fittings not to be subject to distress.

(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.

For protection of Staffordshire County Council.

8. The following provisions for the protection of the county council of the administrative county of Stafford (in this section referred to as "the county council") shall have effect as regards all new works carried out by the Undertakers under the powers of this Order and as far as applicable as regards the alteration improvement enlargement extension renewal or reconstruction of existing works unless otherwise agreed between the Undertakers and the county council (that is to say):—

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

(2) The notice required by section 8 of the Gasworks Clauses Act 1847 with respect to the breaking up of streets shall as regards any main road or any county or main road bridge be not less than fourteen clear days instead of three clear days:

(3) The plan required by section 9 of the last-mentioned Act shall as regards any county or main road bridge be on a scale of not less than four feet to an inch and in respect of any main road or bridge approach on a scale of not less than $\frac{1}{2500}$ and such plans shall be accompanied by sections to suitable scales to show clearly the proposed works and shall be delivered to the county council or their surveyor by the Undertakers not less than in the case of a bridge fourteen days and in all other cases seven days before the Undertakers commence to open or break up any main road or interfere with any county or main road bridge or other property of the county council for the purpose of executing the works:

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

(5) Nothing in this Order shall interfere with the right of the county council to alter the level of or deviate drain widen reconstruct or improve in any manner they think fit any main road in or along which any mains pipes or works of the Undertakers shall have been laid and the Undertakers shall with all convenient speed on receiving notice in writing under the hand of the clerk or surveyor to the county council so to do alter the position of any such mains pipes or works in the manner and to the extent prescribed by such notice or as in case of difference shall be determined by arbitration in the manner herein-after prescribed and the county council shall not make any compensation to the Undertakers for any expense or loss to which the Undertakers may be put in consequence of any such alteration deviation improvement or other work of the county council Provided that during the alteration deviation draining widening reconstruction or improvement of such main road the county council shall at the cost of the Undertakers afford all reasonable facilities for temporarily carrying such mains pipes or works along the main road so as not to interrupt the continual supply of gas or to diminish the pressure of such supply through such mains or pipes :

(6) Nothing in this Order shall interfere with the right of the county council at any time or times to remove alter widen raise or rebuild any county or main road bridge or the approaches thereto over near or attached to which any mains pipes or works of the Undertakers are carried in the same manner as they might have removed altered widened raised or rebuilt such bridge or the approaches thereto if this Order had not been passed and such mains pipes or works had not been laid over or near or attached to such bridge and the county council shall not make any compensation to the Undertakers for any expense or loss to which the Undertakers may be put in consequence of any such alteration deviation or improvement and in the event of any such bridge or the approaches thereto over or near or attached to which any such mains pipes or works are laid being removed altered widened raised or rebuilt as aforesaid the Undertakers shall at their own cost in all things alter the

position of any works by which such mains pipes or works are carried over or near or attached to such bridge or the approaches thereto as aforesaid Provided that during the removal alteration widening raising or rebuilding of such bridge or the approaches thereto as aforesaid the county council shall at the cost of the Undertakers afford all reasonable facilities for temporarily carrying such mains pipes and works across any stream or river so as not to interrupt the continual supply of gas or to diminish the pressure of such supply through such mains or pipes:

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

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

(9) Where any mains pipes or other works of the Undertakers are to be laid or constructed beneath the surface of any main road or county or main road bridge the same shall if possible be laid or constructed at such a depth that not less than two feet six inches shall intervene between the surface of such road or bridge and the upper surface of such mains pipes or works Any difference as to the possibility of so laying or constructing any such mains pipes or works shall be determined by arbitration as herein-after in this section provided:

(10) If the Undertakers in the execution of any works in or affecting any such road or bridge as aforesaid shall cause any damage injury or disturbance to such road or bridge and shall neglect or refuse to make good all such damage injury or disturbance in accordance with the provisions of the Gasworks Clauses Act 1847 then it shall be lawful for the county council after fourteen days' notice to the Undertakers of the alleged neglect or refusal and of the works which they propose to execute to do all works reasonably

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necessary for making good all such damage injury or disturbance and the Undertakers shall repay to the county council all costs charges and expenses which the county council shall reasonably and properly incur in carrying out such works including all reasonable expenses of superintendence:

(11) The county council shall not except in the case of their negligence be liable for any claim for damages in respect of any injury which may be caused to any mains pipes or other works belonging to the Undertakers through the reasonable and proper use by the county council of any steam roller scarifier or other similar appliance:

(12) If any difference arises at any time between the county council and the Undertakers touching this section or anything to be done or not to be done thereunder or the giving or withholding of any consent or the conditions of giving the same or any direction such difference shall be settled by the arbitration of an engineer to be agreed upon between the county council and the Undertakers and failing agreement to be appointed by the Board of Trade on the application of either party and the Arbitration Act 1889 shall apply to the arbitration.

For protection of Lichfield Rural District Council.

9. For the protection of the Lichfield Rural District Council (in this section called "the council") the provisions contained in the section of this Order the marginal note whereof is "For protection of Staffordshire County Council" shall extend and apply as though the council were expressly referred to in the said section and as if the council were substituted for the county council and the surveyor of the council for the county surveyor and as if roads or streets and bridges vested in and repairable by the council were respectively substituted for main roads and county bridges.

For protection of owners of minerals.

10. Nothing in this Order or in any Act incorporated therewith shall operate to confer upon the Undertakers any other or greater right to support for any lands works mains or pipes now belonging to or hereafter to be acquired erected constructed or laid by them from any subjacent or adjacent coal or other minerals than they would have been entitled to if this Order had not been made Provided that such coal or other minerals shall not be worked in an unusual or improper manner and in the event of any such works mains or pipes being at any time injured by reason of the working of any such coal or other minerals in an unusual or improper manner the person or persons company or companies responsible for such working shall repay to the Undertakers all costs and expenses that may from time to time be incurred by the Undertakers in repairing renewing reconstructing or relaying such

works mains or pipes through or in consequence of such injury and the Undertakers may recover the amount of such costs and expenses by proceedings in any court of competent jurisdiction. A.D. 1911. *Lichfield.*

Differences with road authorities or railway or other companies.

11. If any difference arise between the Undertakers and any road authority or railway canal or other company or person 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 otherwise provided by 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.

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

12. The Undertakers may but only with the consent in writing of the owner of the soil of such street on the application of the owner or occupier of any premises within the limits of supply of the Undertakers 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 relay or renew in across or along such street such pipes and apparatus as may be requisite or proper for furnishing such supply.

Costs of Order.

13. 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.

WITNEY AND DISTRICT GAS.

Witney and District.

Order empowering the Witney Gas and Coke Company Limited to maintain and continue their existing gasworks at Witney and to construct and maintain further works and to manufacture store and supply gas to and within the Parish and Urban District of Witney and certain other parishes and places all in the County of Oxford.

Short title.

1. This Order may be cited as the Witney and District 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

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Witney and District.

Clauses Act 1871 are hereby incorporated with this Order except where the same are expressly varied by this Order Provided that for the purpose of such incorporation section 13 of the former Act 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 "the 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 continued and extended.

Limits of Order.

5. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the parish and urban district of Witney and the parishes of Hailey Minster Lovell Curbridge Cogges and Ducklington in the rural district of Witney in the county of Oxford.

Undertakers.

Undertakers.

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

Capital.

Capital.

7. The share capital of the Undertakers shall not for the purposes of the undertaking exceed twenty-one thousand pounds consisting of the original ordinary and preference share capital of eight thousand pounds (in this Order referred to as "the original capital") and of thirteen thousand pounds additional share capital (in this Order referred to as "the additional capital") to be issued subject to the provisions of this Order including any premiums which may be obtained on the sale of

any shares under the provisions of this Order unless the Undertakers are hereafter authorised to raise for such purposes further additional share capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

Additional capital 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 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 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:

(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 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 that in case of an offer to holders of shares or stock if the aggregate amount of shares or stock applied for shall

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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 for sale 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 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.

Limits of dividends on capital.

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

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

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

Limit of borrowing powers.

12. The amount of all moneys to be hereafter borrowed by the Undertakers and secured by mortgage of the undertaking shall not at any time exceed in the whole (including five thousand pounds four and a half per cent. debentures already issued) one-third of the amount

of the capital of the Undertakers at the time 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.

Purchase of Lands.

Power to purchase additional land by agreement.

13. The Undertakers may for the purposes of the undertaking purchase or take on lease (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 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.

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

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

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

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

15.—(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

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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 persons 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.

Power to take licences for use of patents.

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

Power to contract for sale of gas in bulk.

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

For protection of Oxfordshire County Council.

18. In executing the works and exercising the powers by this Order respectively authorised and conferred so far as they affect main roads repairable by the county council of Oxfordshire and county and main road bridges and approaches thereto so repairable in that county the following provisions for the protection of the said council shall have effect unless otherwise agreed in writing between the council and the Undertakers (that is to say):—

(1) Notwithstanding anything contained in this Order all pipes or works to be laid or constructed in or along any such road or any such approach to or in the roadway of any such bridge shall be laid and constructed in such position at the side thereof or in the roadside waste at such depth as the council shall by writing under the hand of their surveyor (in this section referred to as "the surveyor") reasonably direct and if the surveyor shall in his discretion so require shall not be constructed or laid in upon or across

the roadway of any bridge or any arch connected therewith but shall be carried by and on the outside of such bridge in such position and manner as the surveyor shall in writing reasonably direct:

(2) All works of or connected with the laying down of pipes shall be so executed as not entirely to stop or unreasonably to interfere with the traffic of any such road or bridge or any approach thereto:

(3) The Undertakers shall pay to the council the reasonable cost incurred by them in relation to the examination of any plans and the superintendence of any works of the Undertakers by the council or their officers authorised by this Order which the council are by this Order authorised or required to examine or superintend such cost not to exceed five guineas for such examination and superintendence in respect of any works which may be comprised in any one notice given to the council by the Undertakers who shall not be liable to make any payment as aforesaid in relation to any works upon which the capital outlay of the Undertakers is under ten pounds:

(4) Nothing in this Order shall in any way limit or affect the powers of the council to divert widen or improve any road or to remove alter widen rebuild or repair any bridge or the approaches thereto in alongside or near to which any pipes of the Undertakers are laid or carried:

(5) If at any time the council require to carry out works for rebuilding altering widening or repairing any bridge which might involve interference with any of the works or apparatus of the Undertakers they shall before the commencement of such works give one month's notice in writing to the Undertakers of their intention to carry out such works and if in order to avoid interruption to the supply of gas by the Undertakers it is in the opinion of the surveyor necessary to remove temporarily the mains and other appliances of the Undertakers from such bridge then the Undertakers shall at their own expense temporarily carry their pipes across such bridge or at the side thereof in such manner as will not be a danger or inconvenience to the public or unreasonably interfere with the works to be carried out by the council:

(6) The council shall not be liable for any injury which may be occasioned to the pipes of the Undertakers laid in any road or along or across any bridge by the reasonable acts

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of the council in repairing such road or bridge Provided that the use by the council of any steam roller not exceeding fifteen tons in weight shall not be deemed an unreasonable act:

(7) The Undertakers shall to the reasonable satisfaction of the surveyor keep the portion of all main roads which shall be broken up for the purpose of constructing laying or repairing any pipes or works in good repair for twelve months after replacing and making good the same:

(8) The notices required by section 8 of the Gasworks Clauses Act 1847 to be given by the Undertakers shall be given not less than seven days instead of three days before beginning the intended works:

(9) If any difference arises between the Undertakers and the council touching this section or anything to be done thereunder such difference shall be settled by an arbitrator to be agreed upon or failing such agreement to be appointed by the Board of Trade on the application of either of the parties in difference.

For protection of Witney Urban District Council.

19. For the protection of the Witney Urban District Council (in this section called "the Witney Council") the provisions contained in the section of this Order the marginal note whereof is "For protection of Oxfordshire County Council" shall extend and apply as though the Witney Council were expressly referred to in the said section and as if the Witney Council were substituted for the council and the surveyor to the Witney Council for the surveyor and as if roads or streets and bridges and approaches thereto vested in or repairable by the Witney Council were respectively substituted for main roads and county and main road bridges and approaches thereto.

For protection of Great Western Railway Company.

20. For the protection of the Great Western Railway Company (herein-after referred to as "the Great Western Company") the following provisions shall apply:—

(A) In laying down altering improving enlarging extending maintaining or renewing or in executing or effecting the repairs or renewals of any mains pipes or other works in the exercise of the powers contained in this Order upon across under or adjoining or in any way affecting the railways lands and property now or hereafter belonging to or used or occupied by the Great Western Company or the bridges approaches viaducts stations or other works or any level crossings over the railways of the Great Western Company the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the

Great Western 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:

(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 Great Western 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 Great Western 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:

(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 land works or property of the Great Western Company the Undertakers shall make compensation to the Great Western Company in respect thereof the amount of such compensation unless agreed upon to be determined by arbitration in the manner herein-after provided:

(E) If the Great Western 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 Great Western 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 without notice divert support or carry the said works of the Undertakers across

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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:

(F) Except as in this section otherwise provided any dispute or difference which may arise between the Great Western 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 Great Western Company and the Undertakers or either of them.

Differences with road authorities or railway or other companies.

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

Quality of Gas.

Quality of gas.

22.—(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 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.

Pressure of Gas.

Pressure of gas.

23.—(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 and the Undertakers shall afford to the examiner all reasonable facilities for making the test.

Testing Place.

Testing place.

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

Price of Gas.

Price of gas.

25. The price to be charged by the Undertakers for gas supplied by them shall not exceed five shillings per thousand cubic feet in the parish and urban district of Witney and six shillings per thousand cubic feet in the parishes of Hailey Minster Lovell Curbridge Cogges and Ducklington and so in proportion for any less quantity supplied Provided that at any time after the expiration of three years from the commencement of this Order the Board of Trade may if they think fit by order in writing to be signed by a secretary or assistant secretary of the said Board alter the said maximum price either by substituting any other sum for the said sums of five shillings and six shillings or by giving a standard price with sliding scale as to profits and as from the date specified in such order (herein-after referred to as "the specified date") the price to be charged by the Undertakers for gas supplied by them shall be in accordance with such order Provided further that in case such order shall prescribe a standard price with sliding scale as to profits then as from the specified date the provisions set forth in Schedule B to this Order annexed shall be in force and have effect and this Order shall be read and construed accordingly A copy of 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.

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Miscellaneous.

No penalty in case of unavoidable cause.

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

Undertakers to pay interest on deposit.

27. Where any money is required to be 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.

Period of error in defective meters

28. 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.

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

29. 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.

Gas consumers to give notice to Undertakers before removing.

30. 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 Provided that notice of the provisions of this section shall be endorsed upon every demand note for gas charges payable to the Undertakers.

Anti-fluctuators for gas engines.

31. 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 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.

Notice of discontinuance

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.

8 & 9 Vict. c. 16. s. 140 incorporated.

33. Section 140 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.

Time for making up and forwarding accounts to local authorities.

34. Notwithstanding anything contained in section 35 of the Gasworks Clauses Act 1871 the annual statement of accounts of the Undertakers shall be made up to the first day of April in each year and forwarded to the local authority within the limits of supply on or before the first day of July next following and the said section shall for the purposes of this Order be read and construed as though in lieu of the thirty-first day of December and the twenty-fifth day of March being named therein the first day of April and the first day of July had been so named.

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

35. The Undertakers may but only with the consent in writing of the owner of the soil of such street 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 relay 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.

Costs of Order.

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

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SCHEDULES.

SCHEDULE A.

GAS LANDS.

All that piece or parcel of land belonging or reputed to belong to the Undertakers and upon which the existing gasworks of the Undertakers are constructed containing by admeasurement one acre or thereabouts situate in Gashouse Lane Witney in the county of Oxford bounded on the north by land belonging or reputed to belong to Nathaniel John Graham Ravenor on the south by a field and yard belonging or reputed to belong to Messrs. Clinch and Company Limited on the east by the River Windrush and on the west by property belonging or reputed to belong to the Witney Coffee Tavern Company Limited.

SCHEDULE B.

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

Sections 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 each penny or part of a penny by which the price shall have been increased be reduced below the standard rates of dividend 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 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.—(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

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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.

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 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.

V. Where in any year the dividend of the Undertakers on the ordinary share capital or stock of the Undertakers shall 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 dividend 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 specified date in relation to the undertaking may be invested in Government or other securities and the dividends and interests 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.

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