12TH SCH. —*cont.*

THE JOINT STOCK BANKING COMPANIES ACT, 1857, PART OF S. 12.

Power to form banking partnerships of ten persons.

Notwithstanding anything contained in any Act passed in the session holden in the seventh and eighth years of Queen Victoria, chapter one hundred and thirteen, and intituled "An Act to regulate Joint Stock Banks in England," or in any other Act, it shall be lawful for any number of persons, not exceeding ten, to carry on in partnership the business of banking, in the same manner and upon the same conditions in all respects as any company of not more than six persons could before the passing of the Joint Stock Banking Companies Act, 1857, have carried on such business.

CHAPTER 24.

An Act to amend the law with respect to gas undertakings, and for purposes connected therewith. [10th May 1929.]

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

Power of Board of Trade to make orders increasing authorised amount of share capital or of loans.

1.—(1) Notwithstanding anything in any enactment (including this Act) imposing a limit on the amount of share capital which may be raised or of money which may be borrowed by undertakers, not being a local authority, for the purposes of their undertaking, the Board of Trade may, on the application of any such undertakers and subject to the provisions of this section, by order authorise the undertakers on such conditions as may be specified in the order for the purposes of their undertaking—

(*a*) to raise, at any time during the period of three years after the date on which the order comes into operation, any such amount of share capital as may be specified in the order; and

(*b*) to borrow on mortgage of their undertaking or by the creation and issue of debenture stock any amount not exceeding the aggregate amount of the paid up share capital of the undertaking for the time being and of any premiums paid in respect thereof.

(2) An order shall not be made under this section except with the consent of the local authority :

Provided that if, in the opinion of the Board of Trade, the consent of the local authority is unreasonably withheld, the Board may, in the case of applicants who have within the period of fifteen years preceding the date of the application obtained in relation to their undertaking either a special Act or a provisional order confirmed by an Act, make the order notwithstanding that such consent has not been given.

(3) An order under this section may contain such modifications of any enactment applying to the undertakers in respect of whom the order is made as, in the opinion of the Board, are necessary in order to give full effect to the order.

Authorised amount of loans.

2. Notwithstanding anything in any enactment, undertakers, not being a local authority, may borrow for the purposes of their undertaking on mortgage of their undertaking or by the creation and issue of debenture stock, any amount not exceeding one half of the aggregate amount of the paid up share capital for the time being of the undertaking and of any premiums paid in respect thereof.

Increase of authorised amount of reserved fund or of special purposes fund. 10 & 11 Vict. c. 15.

3.—(1) Section thirty-one of the Gasworks Clauses Act, 1847, (which provides for the formation of a reserved fund of a limited amount) and section thirty-three of that Act (which provides for the case where that fund amounts to the prescribed sum) shall, in the case of undertakers not being a local authority, have effect as if for the references therein to a sum equal to one-tenth of the nominal capital of the undertakers there were substituted references to a sum equal to one-tenth of the aggregate amount of the paid up share capital of the undertakers, of any premiums paid in respect thereof and of any outstanding loans raised by the undertakers on mortgage or by the creation and issue of debenture stock.

(2) Where any enactment applying to any such undertakers as aforesaid authorises the formation of a special purposes fund and limits the amount of that fund by reference to the paid up capital of the undertaking, the said enactment shall have effect as if for the reference to the paid up capital of the undertaking there were substituted a reference to the aggregate amount of the paid up share capital of the undertaking, of any premiums paid in respect thereof and of any outstanding loans

raised by the undertakers on mortgage or by the creation and issue of debenture stock.

(3) Where at any time, by reason of any reduction in the amount of outstanding loans, the amount of a reserved fund formed by undertakers in pursuance of the said section thirty-one is in excess of the amount authorised by that section as amended by this section, the amount of the excess shall forthwith be carried by the undertakers to the credit of their net revenue account.

(4) Any special purposes fund formed by undertakers in pursuance of any enactment may be maintained at any amount to which it has lawfully been raised in pursuance of that enactment as amended by this section, notwithstanding any subsequent reduction in the amount of outstanding loans.

Extension of powers of purchase of residual products.

4.—(1) Any undertakers may, notwithstanding anything to the contrary contained in any Act or Order relating to them, purchase in such quantities as they think fit from any company, body or person carrying on a gas undertaking (whether with or without statutory authority) or operating coke ovens or carrying on any process of carbonisation or gasification of coal or coke any residuals arising from the manufacture of gas, or the carrying on of any such operation or process and products arising from a primary treatment of those residuals by such company, body or person, and may exercise in relation to residuals or products so purchased the powers which would have been exerciseable by them if such residuals or products had arisen in carrying on their gas undertaking in accordance with their statutory powers.

(2) The powers conferred by this section shall be in addition to and not in derogation of any powers conferred or to be conferred upon the undertakers by any special Act.

Supply of gas by undertakers to premises outside limits of supply.

5.—(1) The Board of Trade, if they are satisfied that the owner or occupier of any premises, not being within a distance of twenty-five yards from any main of the undertakers within whose limits of supply the premises are situate, desires to obtain a supply of gas from other undertakers, may, subject to the provisions of this section, by order authorise the last mentioned undertakers to supply gas to those premises on such conditions as may be specified in the order.

(2) An order under this section may contain such modifications of any enactment applying to the undertakers in respect of whom the order is made as, in the opinion of the Board, are necessary in order to give full effect to the order.

(3) An order shall not (unless, in the opinion of the Board, consent is unreasonably withheld) be made except with the consent of the undertakers within whose limits of supply the premises are situate and of the local authority within whose area the premises are situate.

(4) Notwithstanding anything in this section, every order thereunder in respect of any undertakers shall be framed so as to secure that the provisions of the Gasworks Clauses Act, 1847, with respect to the breaking up of streets for the purpose of laying pipes shall apply in relation to pipes for the supply of gas by the undertakers under the order as they apply in relation to pipes for the supply of gas by the undertakers under the enactments applying to them before the making of the order.

Undertakers supplying more than a certain quantity of gas to charge on basis of British thermal units.

6.—(1) Where any undertakers who are not authorised by any enactment or by any order under section one of the principal Act to charge for gas according to the number of British thermal units supplied, have, in any year subsequent to the year nineteen hundred and twenty-seven, supplied more than twenty million cubic feet of gas, they shall, in respect of gas supplied by them on or after the appointed day, charge therefor according to the number of British thermal units supplied, and the maximum or standard price, in respect of gas supplied by any such undertakers on or after the appointed day, shall be a price per therm of such an amount as is produced by dividing by five the maximum or standard price per thousand cubic feet authorised immediately before the appointed day by any enactment applying to the undertakers.

(2) For the purpose of giving effect to this section, the Board of Trade shall, in respect of each of the undertakers to whom this section applies, make an order which may contain such provisions as are authorised or required by subsection (4) of section one of the principal Act to be contained in an order under that section.

(3) Sections two, five, six, seven and nine of the principal Act shall apply to all undertakers to whom

this section applies as if those undertakers were undertakers with respect to whom an order under that Act had been made and as if the provisions contained in this section or in any order made thereunder were contained in that Act.

(4) So much of any special Act or provisional order applying to any such undertakers as makes provision with respect to the quality, pressure, or purity of gas supplied by them shall, as from the appointed day, cease to have effect.

(5) For the purposes of this section, the appointed day shall—

(*a*) as respects any undertakers who, in the year nineteen hundred and twenty-eight, have supplied more than twenty million cubic feet of gas, be such day not later than the first day of April, nineteen hundred and thirty, as the Board of Trade may prescribe by the order made under this section in respect of those undertakers; and

(*b*) as respects any other undertakers to whom this section applies, be the first day of January in the second year after the year in which they first supplied more than twenty million cubic feet of gas.

Extension of Board of Trade's power to make special orders under principal Act.

7. The power of the Board of Trade to make special orders under section ten of the principal Act shall include power to make a special order—

(*a*) authorising the applicants therefor to construct gasworks or manufacture or supply gas in any area within the limits of supply of any existing undertakers who have failed to lay down or provide mains for the supply of gas in the area, and prohibiting the existing undertakers from exercising in the area any of the powers conferred on them in respect of their undertaking;

(*b*) providing, where the applicants for the order are a company authorised by any enactment to supply water or electricity as well as gas, that any loan lawfully raised by the company for the purposes of so much of their undertaking as relates to gas may be secured by a charge upon the whole of their undertaking;

(*c*) making provision for modifying any enactment regulating the gas undertaking to which the order relates by inserting therein provisions corresponding to provisions contained in any special Acts or provisional orders regulating other gas undertakings:

Provided that no order shall be made under paragraph (*a*) of this section in relation to any area within the limits of supply of existing undertakers unless five years have elapsed since the date on which those undertakers first obtained their powers to lay down or provide mains for the supply of gas in that area.

Minor amendments of principal Act.

8. The amendments specified in the second column of the Schedule to this Act, being minor amendments of the principal Act, shall be made in the provisions of that Act specified in the first column of that Schedule.

Interpretation.

9. In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"Debenture stock" in relation to any undertakers means debenture stock created and issued subject to, and in accordance with, the provisions of Part III. of the Companies Clauses Act, 1863, as applying to those undertakers:

26 & 27 Vict. c. 118.

"Enactment" includes any public general Act, any special Act, and any provisional order confirmed by an Act:

"Principal Act" means the Gas Regulation Act, 1920:

10 & 11 Geo. 5. c. 28.

"Share capital" includes stock not being debenture stock:

"Undertaking" means gas undertaking.

Short title, citation, construction and extent.

10.—(1) This Act may be cited as the Gas Undertakings Act, 1929, and the principal Act and this Act may be cited together as the Gas Undertakings Acts, 1920 and 1929.

(2) Except where the context otherwise requires, references in this Act to the principal Act shall be construed as references to that Act as amended by this Act, and this Act shall be construed as one with that Act.

(3) This Act shall not extend to Northern Ireland.

Section 8.

SCHEDULE.

MINOR AMENDMENTS OF GAS REGULATION ACT, 1920.

Provisions to be amended.	Amendments.
Section 1 -	At the end of subsection (3) there shall be added the following provision:—
	If at any time it appears to the Board of Trade, in relation to any undertakers, that there has since the thirtieth day of June, nineteen hundred and fourteen, been any increase or decrease in—
	(*a*) the rate of interest which the undertakers are obliged to pay on capital raised or money borrowed for the purposes of their gas undertaking; or
	(*b*) the cost to the undertakers of providing works, plant or apparatus for the supply of gas; or
	(*c*) the annual output of their gas undertaking; or
	(*d*) the efficiency with which that undertaking has been carried on;
	the Board may make an amending order under this section revising the powers of charging authorised by the original order with respect to the undertakers, in such manner as to secure that they are not prejudiced by any such increase or benefited by any such decrease.
	In subsection (7) after the words "mercury and" there shall be inserted the words "(except as otherwise prescribed by the "gas referees)."
Section 4 - -	In proviso (*b*) to subsection (3) after the words "within the county" there shall be inserted the words "who are not themselves the undertakers," and for the words "that local authority" there shall be substituted the words "the local authority."

Provisions to be amended.	Amendments.
Section 6 -	In subsection (2) for the words "seven days" there shall be substituted the words "twenty-one days."
Section 9 -	In subsection (1) the words "on any day" and the words "on the same day" shall be omitted.
Section 18	For the definition of the expression "quarter "sessions" there shall be substituted the following definition:— The expression "quarter sessions" means the quarter sessions for the area of any local authority which has failed to appoint a gas examiner or for any area in which the testing of gas is imperfectly attended to.

CHAPTER 25.

An Act to transfer to county councils and to the town councils of certain burghs in Scotland functions of existing local authorities relating to poor relief, lunacy and mental deficiency, education, public health, and other matters; to amend the law relating to local government in Scotland; to extend the application of the Rating and Valuation (Apportionment) Act, 1928, to lands and heritages in which no persons are employed, to net and cruive salmon fishings and to minerals let but unworked; to grant relief from rates in the case of the lands and heritages in Scotland to which that Act applies; to discontinue grants from the Exchequer for certain purposes in Scotland and to provide other grants in lieu thereof; and for purposes consequential on the matters aforesaid. [10th May 1929.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present