said section thirteen any reference to coal shall be construed as including a reference to any such mineral.

(2) This Act applies to any of the minerals specified in the Schedule to this Act and also, where any other mineral is being, or is to be, worked with a mineral so specified, to that other mineral.

Short title and extent.

2.—(1) This Act may be cited as the Mines (Working Facilities) Act, 1934.

(2) This Act does not extend to Northern Ireland.

SCHEDULE.

MINERALS TO WHICH THIS ACT APPLIES

Iron ore and Ironstone.	Tungsten ore.
Tin ore.	Fluorspar.
Lead ore.	Barytes.
Zinc ore.	Oil shale.
Copper ore.	

CHAPTER 28.

An Act to amend the law with respect to gas undertakings. [28th June 1934.]

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 :—

Capital and Renewal Funds.

Issue of share capital by undertakers.

1.—(1) The Board of Trade may, on an application made in that behalf by any undertakers being a company, authorise the applicants, notwithstanding anything in any enactment relating to them but subject to such conditions as the Board think fit to impose, to offer for subscription by the public any share capital to be issued

for the purposes of their gas undertaking after the commencement of this Act in lieu of offering that capital by public auction or tender.

(2) Where, on an application under this section, it appears to the Board that share capital of the applicants, being capital of the same class as that to which the application relates, is officially quoted on the London stock exchange and has been dealt in on that exchange during the period of twenty-eight days immediately preceding the application, the Board shall not authorise the capital to be offered as aforesaid at a price less by more than five per cent. than the average market price of the applicants' share capital of that class during that period, and, in ascertaining the said average market price, the mean daily quotation recorded in the London stock exchange daily list of officially quoted securities shall be taken, but due allowance shall be made for any accruing dividend.

(3) Where, on such an application, it appears to the Board that share capital of the applicants, being capital of the same class as that to which the application relates, is not officially quoted on the London stock exchange or has not been dealt in on that exchange during the period of twenty-eight days immediately preceding the application, the Board shall not authorise the capital to be offered as aforesaid unless they are satisfied that the proposed terms of the offer are the best obtainable by the applicants, and for that purpose the applicants shall furnish the Board with such documents and information (including a written opinion of the secretary of, or a member of, some recognised stock exchange in Great Britain as to the said proposed terms) as the Board of Trade may require.

(4) Where any amount of the share capital created for the purposes of the gas undertaking of any undertakers being a company has once been offered for sale by auction or tender in accordance with the provisions of any enactment relating to the company or for subscription by the public in accordance with the foregoing provisions of this section, but has not been disposed of, the directors of the company may, notwithstanding anything in any enactment requiring the said amount to be offered a second time for sale by

auction or tender as aforesaid, dispose of the said amount in such manner as they think best for the purpose of obtaining the highest price obtainable therefor, subject, in the case of a company within the meaning of the Companies Act, 1929, to the memorandum and articles of the company and the provisions of that Act. 19 & 20 Geo. 5. c. 23.

(5) Any enactment which requires undertakers to give to any person more than fourteen days' notice of an intention to offer share capital for sale by auction or tender shall have effect, if and in so far as it relates to capital issued for the purposes of their gas undertaking, as if fourteen days were substituted for the period of notice specified in the enactment.

Mode of issue of debenture stock.

2. Any provision in any enactment which requires undertakers to offer for sale by public auction or tender any debenture stock to be issued by them shall cease to have effect.

Power for certain undertakers to pay underwriting commission.

3.—(1) It shall be lawful for any undertakers, being a company incorporated by Act of Parliament, to pay a commission to any person in consideration of his subscribing or agreeing to subscribe, whether absolutely or conditionally, for any share capital to be offered for subscription by the undertakers for the purposes of their gas undertaking, or of his procuring or agreeing to procure subscriptions, whether absolute or conditional, therefor, if—

(*a*) the commission paid or agreed to be paid does not exceed one-and-a-half per cent., or, if the Board of Trade consent, three per cent., of the price at which the capital is issued; and

(*b*) the amount or rate per cent. of the commission paid or agreed to be paid is disclosed in every prospectus, advertisement or other document published by the undertakers relating to the offer of the capital for subscription.

(2) In relation to any undertakers, being a company within the meaning of the Companies Act, 1929, subsection (1) of section forty-three of that Act shall have effect, as respects any shares in the company to be issued for the purposes of its gas undertaking, as if the

following paragraph were substituted for paragraph (*b*) thereof, that is to say,—

"(*b*) the commission paid or agreed to be paid does not exceed one-and-a-half per cent., or, if the Board of Trade consent, three per cent., of the price at which the shares are issued, or the amount or rate authorised by the articles, whichever is the less; and"

(3) Nothing in this section shall affect the power of any undertakers to pay such brokerage as it has heretofore been lawful for them to pay.

Power for certain undertakers to issue redeemable preference and debenture stock.

4.—(1) In the case of a company incorporated by Act of Parliament being undertakers, the directors of the company may, subject to the provisions of this section and of any enactment limiting the share capital or borrowing powers of the company, from time to time issue so as to be redeemable any preference or debenture stock created by the company for the purpose of its gas undertaking, and issue so as to be redeemable or irredeemable as they think fit any redeemed stock created as aforesaid:

Provided that, unless authorised so to do by a resolution passed at a general meeting of the company, the directors shall not—

(*a*) issue so as to be redeemable any stock created by the company before the commencement of this Act other than redeemed stock; or

(*b*) issue any redeemed stock except for the purpose of effecting the redemption of redeemable stock.

(2) Redeemable and redeemed stock issued by virtue of this section shall be issued and redeemed subject to and in accordance with the provisions of the First Schedule to this Act.

(3) The powers conferred by this section shall be in substitution for any existing powers possessed by any such company as aforesaid relating to the issue of redeemable and redeemed stock for the purposes of its gas undertaking:

Provided that, if at the commencement of this Act any redeemable stock issued by the directors of any such

company by virtue of any enactment, or any redeemed stock issued as aforesaid so as to be redeemable, has not been redeemed, then, until the redemption thereof, nothing in this section shall apply to that stock and the said enactment shall continue to have effect as respects that stock.

(4) In this section and in the First Schedule to this Act the following expressions have the meanings hereby respectively assigned to them, that is to say :—

" Issue " includes re-issue;

" Redeemable stock " means preference or debenture stock issued so as to be redeemable;

" Redeemed stock " means redeemable stock which has been redeemed.

Limits of renewal fund.

5.—(1) Where any undertakers, being a company, are authorised by any enactment to establish and maintain a renewal fund subject to certain limitations, the annual contributions to, and the amount of, the fund shall, subject to the provisions of this section, instead of being limited as provided by that or any other enactment applying to the undertakers, be limited as follows, that is to say,—

(*a*) the aggregate amount contributed to the fund in any year shall not exceed one-half per cent. of the capital of the undertakers; and

(*b*) the amount of the fund shall not exceed five per cent. of the capital of the undertakers.

(2) Where, on an application made to the Board of Trade by any undertakers authorised as aforesaid, the Board are satisfied either that the undertakers have not supplied more than five million therms in the form of gas during any of the five years immediately preceding the date of the application or that the undertakers are not thermal unit undertakers, the Board may by order authorise the amount of the renewal fund of those undertakers to be increased to seven-and-a-half per cent. of the capital of the undertakers:

Provided that, where in any year after an order has been made with respect to any undertakers under this

subsection those undertakers supply more than five million therms in the form of gas, then—

(*a*) if at the end of that year the amount of the renewal fund is not in excess of five per cent. of the capital of the undertakers, the order shall cease to have effect at the end of that year; and

(*b*) if at the end of that year the amount of the renewal fund is in excess of the said percentage, no further contributions shall be made to the fund so long as it continues to be so in excess, and when it ceases to be so in excess, the order shall cease to have effect.

(3) In this section the expression "capital," in relation to any undertakers, means the aggregate amount of the paid up share capital of those undertakers created and issued for the purposes of their gas undertaking and not redeemed, of any premiums paid in respect of share capital created and issued for the said purposes, and of any sums which have been raised by the undertakers for the said purposes on mortgage or by the creation and issue of debenture stock and have not been paid off.

(4) Where any such sums raised by undertakers as are mentioned in the last foregoing subsection are paid off and in consequence thereof the amount of the renewal fund of those undertakers exceeds the amount for the time being authorised by or under this section, no further contributions shall be made to the fund so long as the amount thereof exceeds the amount so authorised, and thereafter no contributions shall be made to the fund so as to increase its amount beyond the amount so authorised, but save as aforesaid the fund may be maintained at any amount to which it had lawfully been raised when the said sums were paid off.

(5) Nothing in this section—

(*a*) shall affect the right of any undertakers under any enactment to contribute to their renewal fund in any year, or to maintain the fund at, an amount larger than that authorised by the provisions of this section; or

(*b*) shall apply to any undertakers who carry on, or are authorised by any enactment or by

their memorandum of association to carry on, any business in addition to that of a gas undertaking, unless the accounts of the undertakers are in the opinion of the Board of Trade so kept as to enable the amount of their capital, as defined by this section, to be ascertained.

Charges for Gas.

Publication of prices by undertakers and consequences thereof.

6.—(1) Any thermal unit undertakers may, at any time after the commencement of this Act and from time to time thereafter, give notice in writing to every local authority stating the price per therm at which they are prepared for the time being to supply gas to persons who are entitled to a supply of gas from those undertakers and do not enter into a special contract for the supply thereof:

Provided that—

(*a*) where such a notice is given by undertakers who are required to charge, or are authorised and propose to charge, a different price as respects different areas, a different price shall be stated in the notice as respects each of those areas; and

(*b*) the price stated in any such notice, either generally or as respects any area, shall not exceed the price which the undertakers are authorised to charge for gas supplied generally or in that particular area, as the case may be, by any enactment for the time being applying to them.

(2) Subject to the provisions of proviso (*a*) to the last foregoing subsection, the price stated in any such notice shall be the same for every therm supplied in the form of gas by the undertakers otherwise than under a special contract.

(3) Where a notice has at any time been given under this section by any thermal unit undertakers, the following provisions of this subsection shall apply to them, that is to say,—

(*a*) the price charged by the undertakers for gas supplied to any premises otherwise than under

a special contract shall not differ from the published price, and no discount shall be allowed from that price, except such discount, if any, as the undertakers allow for prompt payment;

(*b*) the undertakers shall exhibit and keep exhibited in a conspicuous position at all their showrooms and offices which are open to the public a copy of the latest notice given by them to the local authority or local authorities under this section, and shall, whenever they publish any general statement of their charges in respect of gas, include therein the price or prices stated in the said latest notice;

(*c*) if the undertakers fail to comply with the provisions of the last foregoing paragraph, they shall for each offence be liable on summary conviction to a fine not exceeding five pounds or, in the case of a continuing offence, five pounds for each day during which the default continues;

(*d*) for the purpose of the provisions of any enactment relating to the undertakers, being provisions—

(i) prescribing a maximum price which may be charged by the undertakers in respect of gas; or

(ii) prescribing a standard price in respect of gas supplied by the undertakers and providing for variations in the rate of dividend payable by them according to the highest price actually charged by them in respect of gas; or

(iii) prohibiting the undertakers in a case where an enactment prescribes a basic price in respect of gas supplied by them and a basic rate of dividend payable by them, from paying a dividend in excess of a rate specified in the enactment, or making any payment for the benefit of employees or to a reserve fund, when the price charged by them to any person in respect of gas has equalled or exceeded a price so specified; or

(iv) prescribing or limiting the price to be charged for gas supplied to public lamps; or

(v) requiring the undertakers to charge a different price for gas supplied as respects different areas;

no account shall be taken of charges made by the undertakers under a special contract.

(4) In relation to any thermal unit undertakers, being the council of a county or county borough, the provisions of this section shall have effect as if references to the Board of Trade were substituted for references to the local authority or local authorities:

Provided that, where the limits of supply of any thermal unit undertakers, being the council of a county borough, extend beyond the boundaries of the borough, references to the Board of Trade shall be added to, and not substituted for, references to the local authority or local authorities.

(5) For the purposes of this section—

(*a*) the expression "published price," in relation to any undertakers, means the price stated in the latest notice given to the local authority or local authorities by those undertakers in accordance with this section, or where different prices have been so stated for different areas, the price so stated for the area in which the premises in relation to which the expression is used are situated;

(*b*) the expression "special contract" means a contract made by undertakers under section thirteen of the Gasworks Clauses Act, 1847, for the supply of gas to any premises at a price different from the published price. 10 & 11 Vict. c. 15.

(6) Nothing in this section shall be taken to affect the rights conferred upon undertakers by section eleven of the Gasworks Clauses Act, 1871, of requiring such a contract to be entered into, and such security to be given, as is mentioned in that section. 34 & 35 Vict. c. 41.

7.—(1) The following amendments shall be made in section thirteen of the Gasworks Clauses Act, 1847 Provisions as to special contracts.

(which empowers undertakers to enter into contracts), that is to say—

(*a*) after the words "private building" there shall be inserted the words "or any premises";

(*b*) at the end of the section the following proviso shall be inserted—

"Provided that the terms of every contract made under this section in the like circumstances and for the same purposes shall be alike."

(2) For the purpose of the proviso to the said section thirteen as amended by the last foregoing subsection, gas supplied through a prepayment meter and gas supplied through any other kind of meter shall not be deemed to be supplied in different circumstances by reason only of the difference between the meters:

Provided that nothing in this subsection shall be taken to prevent the additional charge for the hire of a prepayment meter and any fittings used in connection therewith being calculated according to the number of therms or the quantity of gas supplied through the meter.

(3) The said section thirteen as amended by this section shall be deemed to be incorporated in every enactment authorising undertakers to supply gas, whether passed or made before or after the commencement of this Act, and any provision of any enactment passed or made before the commencement of this Act shall, in so far as it amends the said section thirteen otherwise than as provided by this section, cease to have effect:

Provided that nothing in this subsection shall affect any contract made before the commencement of this Act.

Repeal of limitation on discounts.

8. Any provision of any enactment passed or made before the commencement of this Act which limits the amount of any discount which undertakers may allow from the charges made by them for gas supplied shall cease to have effect.

Non-statutory Undertakers and Undertakers other than Thermal Unit Undertakers.

Imposition of statutory powers and duties on

9.—(1) Where it appears to the Board of Trade that any non-statutory undertakers have in the year nineteen hundred and thirty-four or any subsequent year supplied

non-statutory undertakers.

more than thirty million cubic feet of gas, the Board may, at any time after the end of the first of those years in which those undertakers supplied more than that quantity of gas, and shall before the expiration of the two next following years, serve upon those undertakers a notice under this section:

Provided that no such notice shall be served before the first day of January, nineteen hundred and thirty-six, and the Board shall not be required to serve any such notice before the first day of January, nineteen hundred and thirty-eight.

(2) If, on an application made by a local authority at any time after the first day of January, nineteen hundred and thirty-nine, it appears to the Board of Trade—

(*a*) that any non-statutory undertakers supplying gas within the area of the applicants supplied more than twenty million cubic feet of gas (whether within the area of the applicants or not) in the year preceding the application; and

(*b*) that the supply of gas maintained by those undertakers within the area of the applicants in that year was insufficient or otherwise unsatisfactory and that at the date of the application no sufficient steps had been taken to remedy the matter;

the Board shall serve upon those undertakers a notice under this section.

(3) A notice under this section shall require the undertakers within six months from the date of the notice to make an application to the Board of Trade for a special order under section ten of the principal Act containing provisions—

(*a*) authorising the undertakers to manufacture and supply gas within the limits specified in the order;

(*b*) applying to the undertakers the provisions of the Gasworks Clauses Act, 1847, and of the Gasworks Clauses Act, 1871;

(*c*) requiring the undertakers to charge for gas according to the number of British thermal units supplied;

(*d*) regulating the price to be charged by them for gas and, in the case of undertakers not being a local authority, the capital of the undertakers and the dividend in respect thereof;

but any draft order submitted by the undertakers in pursuance of the notice may vary or except any provision of the Gasworks Clauses Act, 1847, or of the Gasworks Clauses Act, 1871, in manner provided by any special Act for the time being in force, and may contain any other provision which could lawfully be made by an order made under section one or section ten of the principal Act.

(4) If any non-statutory undertakers upon whom a notice has been served under this section fail to make an application as required by the notice, or withdraw or fail to proceed with the application, or submit a draft order which is not approved by the Board of Trade, the Board—

(*a*) shall themselves prepare a draft order containing the provisions required by the notice and such other provisions (being provisions which those undertakers could have included in an order submitted in pursuance of the notice) as the Board may think necessary or expedient; and

(*b*) shall send by registered post to those undertakers a copy of the draft order prepared by them and take steps to make the order as if those undertakers had applied for it to be made under section ten of the principal Act;

and the provisions of subsections (3), (4) and (5) of the said section ten shall apply accordingly, except that the reference to the undertakers concerned in section eighty of the Factory and Workshop Act, 1901, as applied by the said subsection (3) shall be construed as a reference to the Board of Trade.

1 Edw. 7. c. 22.

(5) Where a notice under this section has been served on any non-statutory undertakers, the Board of Trade may—

(*a*) serve upon those undertakers a demand in writing requiring them to furnish the Board with such returns and other information relating to their

gas undertaking as the Board may think necessary or expedient; and

(*b*) authorise in writing any person to enter at all reasonable times any premises occupied by those undertakers for the purpose of inspecting any works used by them for the purpose of their gas undertaking.

(6) If any non-statutory undertakers fail to comply with any such demand in writing within twenty days after the service thereof, they shall for each offence be liable on summary conviction to a fine not exceeding twenty pounds, and a further fine of five pounds for each day during which the default continues, and if any person obstructs or impedes any person authorised by the Board as aforesaid in the execution of the powers conferred by the authority of the Board, he shall for each offence be liable on summary conviction to a fine not exceeding twenty pounds.

(7) Any special order made in pursuance of this section shall have effect for the purposes of sections two to nine of the principal Act, and may be amended in so far as it relates to the powers of charging, as if it were an order made under section one of that Act.

(8) Any notice or demand required or authorised to be served under this section may be served by registered post.

Purity and pressure of gas supplied by certain undertakers.

10. Gas supplied on and after the first day of January, nineteen hundred and thirty-nine, by any non-statutory undertakers or undertakers who are not thermal unit undertakers—

(*a*) shall not contain any trace of sulphuretted hydrogen when tested in manner prescribed under subsection (1) of section five of the principal Act; and

(*b*) shall be supplied at such pressure in every main, and in every pipe laid between the main and the meter having an internal diameter of two inches or upwards, as to balance a column of water not less than two inches in height:

Provided that, where any non-statutory undertakers have not supplied more than twenty million cubic feet of gas in any of the five years immediately preceding

the said date, the requirements of paragraph (*a*) of this section shall not apply to those non-statutory undertakers until the end of the first year after that date in which they supply more than that quantity of gas.

Annual return of gas supplied to be furnished by non-statutory undertakers.

11.—(1) All non-statutory undertakers shall furnish to the Board of Trade before the first day of March in each year a return in such form as the Board may direct showing the quantity of gas supplied by those undertakers in the last preceding year.

(2) Within seven days of the date on which the annual return aforesaid is sent to the Board of Trade by non-statutory undertakers, those non-statutory undertakers shall furnish two copies thereof to every local authority within whose area they supply gas, and one of those copies shall be open to public inspection at all reasonable times.

(3) If any non-statutory undertakers fail to comply with the provisions of this section, they shall be liable on summary conviction to a fine not exceeding forty shillings for each day during which the default continues.

Amendments of Principal Act.

Abolition of offices of chief gas examiner and gas referees.

12.—(1) On the first day of January, nineteen hundred and thirty-five, the office of chief gas examiner shall be abolished and subsection (1) of section six and subsection (6) of section nine of the principal Act shall cease to have effect, and thereafter any appeal under subsection (2) of the said section six shall be made to the Board of Trade, who shall appoint a competent and impartial person to determine the appeal.

(2) On the first day of January, nineteen hundred and thirty-nine, the office of gas referees shall be abolished and thereafter—

(*a*) save as otherwise provided by this Act, the functions of the gas referees shall be discharged by the Board of Trade, and accordingly references in any enactment to the gas referees shall be construed as references to the Board of Trade; and

(*b*) the Board of Trade may appoint not more than three competent persons to advise the Board as to the improvement of the methods and apparatus for testing gas.

(3) Any person appointed by the Board of Trade under this section shall be paid such remuneration as the Board of Trade, with the consent of the Treasury, may fix.

Appointment of gas examiners.

13.—(1) A local authority may, unless they themselves supply gas to the public, appoint a competent and impartial person to be the gas examiner for their area for such period and on such other terms as they think fit:

Provided that a gas examiner may, by agreement between two or more local authorities who do not themselves supply gas to the public, be appointed for the areas of all those authorities, and where such an agreement is made, the local authorities may make such arrangements as they think fit in regard to the joint appointment and employment of the gas examiner.

(2) On the application of not less than five consumers of gas supplied within the area of a local authority, being gas which is required by any enactment for the time being in force to conform to certain standards of calorific value, purity, pressure or composition, quarter sessions, if satisfied that no gas examiner has been appointed for that area or that the testing of gas in the area has been imperfectly attended to, may appoint a competent and impartial person to be the gas examiner for that area for such period and on such other terms as they think fit.

(3) Where a person appointed by any quarter sessions, whether before or after the commencement of this Act, to be the gas examiner for an area vacates his office and the local authority for that area themselves supply gas to the public, or do not within three months of his vacating office appoint a gas examiner, those quarter sessions shall, without any further application, appoint a person to act as examiner in place of the person so vacating office.

(4) The remuneration and expenses of a person appointed by quarter sessions to be gas examiner for any area and the expenses connected with his appointment (including the costs of any application as a result of which he was appointed), up to an amount approved by quarter sessions, shall be paid by the local authority for that area.

(5) It shall be the duty of a gas examiner appointed under this section for any area to test the gas supplied within that area, in manner prescribed under subsection (1) of section five of the principal Act and under subsection (2) of the next following section of this Act, in order to ascertain whether it complies with the provisions of any enactment for the time being in force requiring it to conform to certain standards of calorific value, purity, pressure or composition:

Provided that no gas supplied otherwise than by thermal unit undertakers shall be tested under this section before the first day of January, nineteen hundred and thirty-nine, or more often than once in each quarter.

(6) For the purpose of this section—

(*a*) the area of a local authority being a county council shall not be deemed to include any urban district or non-county borough within the county unless the council of that district or borough themselves supply gas to the public; and

(*b*) the expression "quarter sessions," in relation to an application as respects any area, means any court of quarter sessions having jurisdiction in the area.

(7) Any person holding the office of gas examiner for any area at the commencement of this Act, whether appointed by a local authority or by quarter sessions, shall continue to hold office for that area as if he had been appointed under the provisions of this section.

Amendment as to deficiency in calorific value.

14.—(1) If in any quarter the average calorific value of the gas supplied in an examination area by any thermal unit undertakers is ascertained to be less than the declared calorific value, the Board of Trade shall determine as nearly as may be the sum (in this subsection referred to as "the excess revenue") by which the revenue of the undertakers has been improperly increased thereby, and—

(*a*) where the excess revenue when divided by the number of therms supplied by the undertakers in the said area in the next following quarter produces a sum less than one-fifth of a penny, an amount equal to the excess revenue shall be paid by the undertakers (over and above

the amount payable under section seven of the principal Act) into the gas fund in the next following year unless the mean of the average calorific values of the gas supplied by the undertakers in the said area in the first mentioned quarter and in the last preceding quarter was equal to or greater than the declared calorific value;

(*b*) where the excess revenue when divided as aforesaid produces a sum not less than one-fifth of a penny, the undertakers shall allow to every consumer who is a consumer in the said area at the end of the next following quarter in respect of each therm so supplied to him a credit of one-fifth of a penny or, where the sum so produced is not less than two-fifths of a penny, a credit equal to such simple multiple of one-fifth of a penny as most nearly approximates to without exceeding the sum so produced, and the difference (if any) between the excess revenue and the aggregate amount of such credits shall be paid into the gas fund as aforesaid.

(2) Whenever, for the purposes of the last foregoing subsection, the average calorific value of the gas supplied in any quarter in an examination area by any thermal unit undertakers is to be ascertained, it shall be ascertained by the gas referees or (after the first day of January, nineteen hundred and thirty-nine) by the Board of Trade from the reports of tests prescribed under subsection (1) of section five of the principal Act or specially prescribed by them for the purpose:

Provided that—

(*a*) where the gas supplied to a testing place from one main is tested for the purpose of ascertaining the average calorific value of gas supplied in two or more examination areas, the reports of all of those tests shall be taken into account in ascertaining the average calorific value of the gas supplied in each of those areas; and

(*b*) where separate tests of samples of gas taken on separate occasions are the only tests for

calorific value prescribed, no average calorific value shall be deemed to be ascertained unless it is ascertained from the reports of not less than six such tests made in that quarter.

(3) Where any credit is required by this section to be allowed in respect of gas supplied in any examination area by undertakers in any quarter, those undertakers shall deliver to every consumer of gas supplied by them in that area and in that quarter, together with the demand note for gas charges payable in respect of that quarter, a notice in writing stating the amount of that credit.

(4) If any undertakers fail to comply with the provisions of the last foregoing subsection, they shall for each offence be liable on summary conviction to a fine not exceeding fifty pounds.

(5) Where it has been determined, whether before or after the commencement of this Act, under subsection (4) of section nine of the principal Act that the revenue of any thermal unit undertakers has been improperly increased by any sum, and that sum has not been shown to the satisfaction of the Board of Trade before the beginning of the third quarter next after the passing of this Act to have been applied to a reduction in the price of gas, that sum shall be treated for the purposes of subsection (1) of this section as excess revenue for the said third quarter.

(6) In this section the expression "examination area" means the area of any local authority for which a gas examiner is appointed either by that authority or by a court of quarter sessions.

(7) Any sums payable into the gas fund under this section shall be recoverable in the same manner as contributions to that fund.

Amendments as to special orders.

15.—(1) 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 consolidating the enactments, other than Public General Acts, applying to any undertakers, either without amendment or with such amendments as could lawfully be made in those enactments by a special order.

(2) A special order under the said section may be made as respects any company authorised by any enactment to supply gas and water, or gas and electricity, or gas, water and electricity, in like manner as if the company had been authorised to supply gas alone:

Provided that no special order shall be made as respects a company authorised to supply water except after consultation with the Minister of Health, and no such order shall be made as respects a company authorised to supply electricity except after consultation with the Electricity Commissioners.

Amendment of s. 15 of principal Act.

16. The power of the Board of Trade under subsection (1) of section fifteen of the principal Act to require statistics and returns from undertakers shall include power to require different statistics and returns from different undertakers, and to require any particular statistics or returns to be certified by the auditor of the undertakers.

Miscellaneous and General.

Further facilities for co-operation between undertakers.

17.—(1) Any undertakers may, upon such terms as may be agreed, give a supply of gas in bulk to, or obtain a supply of gas in bulk from, any other undertakers through a pipe passing through any point at which the authorised limits of supply of the said undertakers adjoin.

(2) 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 any undertakers to give a supply of gas in bulk to any other undertakers through a pipe outside the authorised limits of supply of either of those undertakers and to lay a pipe for that purpose;

(*b*) authorising undertakers, for the purpose of facilitating supplies of gas within their authorised limits of supply, to lay a pipe outside those limits;

(*c*) making provision for the joint use by undertakers of plant, research establishments and other facilities;

(*d*) providing, in a case where thermal unit undertakers have purchased a gasworks from undertakers who are not thermal unit undertakers, or from non-statutory undertakers, that, until such date as may be specified in the special order, the purchasing undertakers shall continue to charge for gas supplied from that gasworks according to the number of cubic feet instead of according to the number of British thermal units supplied, and shall be exempt from liability for any deficiency in the calorific value of the gas so supplied.

(3) No pipe laid by virtue of the powers conferred upon undertakers by subsection (1) of this section shall be deemed to be a main within the meaning of section eleven of the Gasworks Clauses Act, 1871, as applied to those undertakers by any enactment, unless gas is supplied directly from that pipe to any person other than undertakers, and no pipe laid by virtue of powers conferred upon undertakers under paragraph (*a*) or paragraph (*b*) of the last foregoing subsection shall be deemed to be such a main as aforesaid.

(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 and with respect to the protection of pipes when laid shall, subject to any variations or exceptions specified in the order, 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.

Notice to be given by gas consumers before quitting premises.

18.—(1) If the occupier of any premises, being premises supplied with gas by meter by any undertakers, quits the premises without giving notice thereof to those undertakers in manner provided by this section, he shall be liable to pay to the undertakers all money accruing due for gas supplied by them to the premises and for meter rent up to the next date on which the register of the meter on the premises is usually ascertained, or the date from which any subsequent occupier

of the premises requires the undertakers to supply gas to the premises, whichever first occurs.

(2) The notice to be given under this section by an occupier of premises shall be given in writing and sent by registered post or otherwise delivered to the undertakers at their office so that it is received by the undertakers at least twenty-four hours before he quits the premises.

(3) The foregoing provisions of this section or a statement of the effect thereof shall be endorsed upon every demand note for gas charges payable to undertakers.

Consumers quitting premises without paying gas charges.

19. If a person requiring a supply of gas from any undertakers has previously quitted premises at which gas was supplied to him by those undertakers without paying all money due from him for gas supplied to those premises and for meter rent, the undertakers may refuse to furnish him with a supply of gas until he pays the money so due.

Provision as to cutting off supply where occupier in default.

20.—(1) Where any undertakers are authorised by any enactment relating to them to cut off the supply of gas to any premises in consequence of any default on the part of the occupier of the premises, it shall be lawful for the undertakers, without prejudice to any other remedy which may be lawfully available to them, to disconnect the service pipe at the meter (whether the pipe belongs to the undertakers or not).

(2) If, without the consent of the undertakers, any person re-connects with the meter a service pipe which has been disconnected by virtue of this section, he shall for each offence be liable on summary conviction to a fine not exceeding five pounds, and to a further fine not exceeding two pounds for each day during which the pipe remains connected with the meter, and the undertakers may again disconnect the pipe at the meter.

(3) For the purpose of this section, the undertakers may, subject to the provisions of section twenty-two of the Gasworks Clauses Act, 1871, exercise the like powers of entry as are exerciseable under that section.

(4) Where any undertakers have, by virtue of powers conferred upon them by any enactment, cut off the supply of gas from any premises in consequence of any default

on the part of the occupier thereof, the undertakers shall not be under any obligation to resume the supply of gas to the occupier so in default until he has made good the default and paid the reasonable expenses of re-connecting the supply.

(5) Subject to the provisions of the last foregoing subsection, nothing in this section shall prejudice or interfere with any rights conferred upon any person by virtue of section eleven of the Gasworks Clauses Act, 1871.

Provision as to entry on premises.

21.—(1) The powers of entry and inspection conferred on officers appointed by undertakers by section twenty-one of the Gasworks Clauses Act, 1871, as applied to any undertakers by any enactment, shall include power to enter, at all reasonable times, any premises in which there is a service pipe connected with the gas mains of the undertakers, in order to inspect the meters, fittings and works for the supply of gas, except in a case where the occupier of the premises has applied in writing to the undertakers for the disconnection of the service pipe from the mains and the undertakers have failed to disconnect it within a reasonable time.

(2) The powers of inspection aforesaid shall, in relation to any premises or part of any premises which are or is wholly occupied as a factory or workshop within the meaning of the Factory and Workshop Act, 1901, extend only to the inspection of—

(*a*) such of the meters on the premises, or on that part of the premises, as the case may be, as are used by the undertakers for measuring gas supplied by them; and

(*b*) the pipes and other fittings and works by which those meters are connected with the gas mains of the undertakers.

(3) The notice required to be given by section twenty-two of the Gasworks Clauses Act, 1871, as applied to any undertakers by any enactment, before entering any unoccupied premises under that section may, in a case where the owner of the premises is unknown to the undertakers and cannot be ascertained after diligent inquiry, be given by affixing it upon a conspicuous part of the premises not less than forty-eight hours before the premises are entered:

Provided that, where an entry is made on premises which could not lawfully have been made but for the provisions of this subsection, the premises shall be left no less secure than they were immediately before they were entered.

(4) In a case where a person entering into occupation of any premises previously supplied with gas by any undertakers does not take a supply of gas from the undertakers or does not hire such of the pipes, meters, fittings or apparatus on the premises as belong to the undertakers, the power of entering the premises and removing pipes, meters, fittings or apparatus thereon belonging to the undertakers conferred by the said section twenty-two, as applied to the undertakers by any enactment, may be exercised in like manner as in the cases specified in that section.

Amendment as to charge for fittings connected with a prepayment meter.

22. Such of the provisions of any enactment as limit the charges to be made by undertakers in respect of the hire of a prepayment meter and fittings connected therewith or require such charges to be based on the quantity of gas or number of therms in the form of gas supplied through the meter shall not apply to fittings which—

(*a*) are of a class or description not ordinarily provided by the undertakers in connection with such a meter or are of a quality superior to that of fittings ordinarily so provided; and

(*b*) are supplied to a consumer at his written request containing an acknowledgment that he is acquainted with the provisions aforesaid and the provisions of this section.

Erroneous registration of meters.

23. Where a meter used by a consumer of gas supplied by undertakers, when tested in manner provided by regulations made by the Board of Trade under the principal Act, is found to register erroneously to a degree exceeding the degree permissible under the said regulations—

(*a*) the meter shall be deemed to have registered erroneously to the degree so found since the penultimate date on which the register of the meter was ascertained before the date of the test, except in a case where it is proved to

have begun to register erroneously as aforesaid on some later date; and

(*b*) the amount of the allowance to be made to, or the surcharge to be made upon, the consumer by the undertakers in consequence of the erroneous registration shall be paid to or by the consumer, as the case may be, and shall, in the case of a surcharge, be recoverable in like manner as charges for gas are recoverable by the undertakers.

Stand-by supplies.

24.—(1) Notwithstanding anything in any enactment, a person shall not be entitled to demand or continue to receive a supply of gas from any undertakers for the purposes only of a stand-by supply for any premises having a separate supply of gas, or having a supply (in use or ready for use for the purpose for which the stand-by supply of gas is required) of electricity, steam, or other form of energy, unless he has agreed with the undertakers to pay to them such annual sum in addition to any charge for gas supplied as will give them a reasonable return on the capital expenditure incurred by them in providing the stand-by supply, and will cover other standing charges incurred by them in order to meet the possible maximum demand for those premises.

(2) Any question arising under this section—

(*a*) as to whether a supply of gas is demanded or received for the purpose only of a stand-by supply; or

(*b*) as to whether any premises have a separate supply of gas or have a supply (in use or ready for use for the purpose for which a stand-by supply of gas is required) of electricity, steam, or other form of energy; or

(*c*) as to the amount of the said annual sum to be specified in the agreement;

shall in default of agreement be determined by arbitration.

Use of anti-fluctuators and valves.

25.—(1) Where a consumer of gas supplied by undertakers uses the gas for working or supplying an engine gas compressor or other similar apparatus (hereafter in this section referred to as a "compressor"), he shall, if so required by the undertakers by notice in writing, fix in a suitable position and keep in use an appliance

provided by him which will effectually prevent pressure fluctuation in the supply mains and any other inconvenience or danger being caused to other consumers of gas by reason that they and the first mentioned consumer are supplied with gas from the same source.

(2) Where a consumer of gas supplied by undertakers uses for or in connection with the consumption of the gas so supplied any air at high pressure (in this section referred to as " compressed air ") or any gas not supplied by the undertakers (in this section referred to as " extraneous gas "), he shall, if so required by the undertakers by notice in writing, fix in a suitable position and keep in use an appliance provided by him which will effectually prevent the admission of the compressed air or extraneous gas into the service pipe or into any main through which gas is supplied by the undertakers.

(3) Where a consumer is required by this section to keep in use any appliance, he shall at his own expense keep it in proper order and repair, and repair, renew or replace it if it is not in proper order or repair.

(4) It shall not be lawful for a consumer of gas supplied by undertakers to use a compressor, or any apparatus for using compressed air or extraneous gas, being a compressor or apparatus installed by him after the commencement of this Act, unless he has given to the undertakers not less than fourteen days' notice in writing of his intention to do so.

(5) If a consumer makes default in complying with any provision of this section, the undertakers may cut off the supply of gas to him and shall not be required to resume the supply until the default has been remedied to their reasonable satisfaction.

(6) All undertakers shall give notice of the effect of the foregoing provisions of this section to consumers of gas supplied by them—

(*a*) in the case of a person who is such a consumer at the date of the commencement of this Act, on the demand note for gas charges payable to the undertakers delivered to that person next after that date; and

(*b*) in the case of a person becoming such a consumer after the said date, on the first such demand note delivered to that person after he has become a consumer.

(7) All undertakers shall have access at all reasonable times to any premises supplied by them with gas upon which the undertakers have reason to believe that a compressor or compressed air or extraneous gas is being used, in order to ascertain whether the provisions of this section are being complied with.

(8) All undertakers shall have power to disconnect, remove, test and replace any appliance which a consumer of gas supplied by them is required by this section to keep in use, and any expenses incurred by the undertakers under this subsection shall, if the appliance is found in proper order and repair, be paid by the undertakers but otherwise shall be paid by the consumer.

Appointment of officers as directors.

8 & 9 Vict. c. 16.

26.—(1) Notwithstanding anything in the Companies Clauses Consolidation Act, 1845, as applied by any enactment to a company being undertakers—

(*a*) any person employed as chief engineer, general manager, or secretary of the company may be appointed a director of the company whether he is a shareholder in the company or not, but not so as to increase the number of the directors beyond the maximum number prescribed by any enactment relating to the undertakers;

(*b*) a person appointed a director of the company by virtue of the last foregoing paragraph shall not cease to be a director by reason that he is employed as aforesaid;

(*c*) any such appointment may be made by the directors of the company as well as in manner provided by the said Act;

(*d*) the provisions of the said Act requiring directors to retire by rotation shall have effect as if a person appointed by virtue of this section were not a director:

Provided that—

(i) not more than one director of the company shall hold office at the same time by virtue of this section; and

(ii) any person appointed by the directors by virtue of this section shall cease to be a

director as from the date of the next ordinary general meeting of the company, unless the appointment is approved at that meeting by a majority of the votes of the proprietors of the company entitled to vote or voting, whether personally or by proxy, at the meeting.

Avoidance of provisions in leases &c. preventing supply of gas.

27.—(1) It shall not be lawful after the passing of this Act for a local authority to insert or procure to be inserted in any instrument in connection with the sale or letting of any premises which they own or in which they have any interest and which are situated within the authorised limits of supply of undertakers not being a local authority, a provision restricting the right of any owner or occupier of the premises to take a supply of gas from those undertakers.

(2) For the purposes of this section a provision which would have the effect, in the event of an owner or occupier of premises taking a supply of gas, of imposing upon him obligations to which he would not otherwise be subject or of taking away from him rights which he would otherwise enjoy shall be deemed to be a provision restricting his right to take that supply.

(3) Any provision inserted in an instrument in contravention of this section shall be void.

(4) Nothing in this section shall prohibit the insertion in any instrument relating to any premises of any reasonable provision regulating the position in any room or other part of the premises in which fittings used in connection with a supply of gas are to be placed.

(5) Civil proceedings to restrain the contravention by a local authority of the provisions of this section or for a declaration that any provision in an instrument is void by virtue of those provisions may be brought by the undertakers concerned, but nothing in this subsection shall prejudice the right of any other person concerned or of the Attorney General to bring such proceedings.

(6) In this section the expression " local authority " includes a rural district council.

Expenses and powers of the

28.—(1) Expenses of the Board of Trade which, in the opinion of the Treasury, are directly attributable to

Board of Trade. 22 & 23 Geo. 5. c. 40.

the execution of their powers and duties under the Gas Undertakings Act, 1932, and this Act shall be paid out of the gas fund, and there shall be included among the expenses of the Board of Trade to be paid out of the said fund under this subsection and under subsection (2) of section seven of the principal Act such sum as, in the opinion of the Treasury, approximately represents the amount in each year of the accruing liability in respect of any superannuation allowances, lump sums or gratuities to which any officers, inspectors or servants employed for the purposes of the Gas Undertakings Acts, 1920 to 1932, and this Act, or the legal personal representatives of any such persons, will become entitled under the Superannuation Acts, 1834 to 1919.

(2) The provisions of sections sixteen and seventeen of the principal Act (which relate to the power of the Board of Trade to make rules and to the exercise of the powers of the Board) shall apply for the purpose of the Gas Undertakings Act, 1932, and of this Act as they apply for the purpose of the principal Act.

(3) For subsection (2) of section sixteen of the principal Act, there shall be substituted the following subsection:

> "(2) Any rules made under this section shall be laid before both Houses of Parliament as soon as may be after they are made, and shall cease to have effect if either House, within the next subsequent twenty-eight days on which that House has sat after the date on which the rules are laid before it, resolves that the rules shall be annulled, but without prejudice to anything previously done thereunder or to the making of new rules."

Expenses of local authorities.

29.—(1) Expenses incurred under the Gas Undertakings Acts, 1920 to 1932, and this Act by a local authority or rural district council who themselves supply gas to the public, shall, if and to the extent that they are incurred in connection with the authority's or council's gas undertaking, be defrayed as part of the expenses of that undertaking.

(2) Save as aforesaid, expenses incurred under the principal Act and this Act by a local authority being a

county council shall, instead of being defrayed as provided by section twenty of the principal Act, be defrayed as payments for special county purposes chargeable on those parts of the county for which the council have power, or would have power if they did not themselves supply gas to the public, to appoint a gas examiner, and expenses incurred under this Act by any other local authority shall be defrayed in the same manner as expenses incurred by them under the principal Act.

Expenses of members and officers of local authorities, &c.

30. Undertakers being a local authority or rural district council may, with the consent of the Board of Trade, pay the reasonable expenses of attendance of any members of the authority or council or of any officers employed in connection with the undertaking at a conference or meeting convened by any association formed for the purpose of consultation as to the common interests of undertakers and the discussion of matters relating to the supply of gas, and may purchase the reports of the proceedings of such conference or meeting.

Minor and consequential amendments. 19 & 20 Geo. 5. c. 24.

31.—(1) The amendments specified in the second column of Part I of the Second Schedule to this Act (being minor amendments of the principal Act and the Gas Undertakings Act, 1929) shall be made in the provisions of those Acts specified in the first column of that Part of that Schedule and shall come into operation at the commencement of this Act.

(2) The amendments specified in the second column of Part II of the said Schedule, being amendments consequential on the abolition of the office of chief gas examiner, shall be made in the provisions of the principal Act specified in the first column of that Part of that Schedule and shall come into operation on the first day of January, nineteen hundred and thirty-five.

(3) As from the first day of January, nineteen hundred and thirty-nine, there shall be substituted for sections five, six, eight and nine of the principal Act respectively the provisions set out in Part III of the said Schedule, being provisions which reproduce the said sections subject to the amendments made therein by Parts I and II of the said Schedule and such other amendments as are consequential on the abolition of the office of gas referees and the provisions of this Act relating to the purity and

pressure of gas supplied by non-statutory undertakers and undertakers who are not thermal unit undertakers.

Interpretation.

32.—(1) In this Act the following expressions have the meanings hereby respectively assigned to them :—

"Enactment" includes any Public General Act, any special Act, any provisional order confirmed by an Act and any order made under section one of the principal Act;

"Declared calorific value" has the meaning assigned to it by paragraph (*a*) of subsection (4) of section one of the principal Act;

"Local authority" has the meaning assigned to it by section eighteen of the principal Act;

"Non-statutory undertakers" means companies, bodies or persons who, though not authorised by any enactment (other than the Public Health Act, 1875) to supply gas, are engaged in supplying gas to the public, and for that purpose make use of pipes or mains laid in any highway:

38 & 39 Vict. c. 55.

Provided that, if any such companies, bodies or persons, not being local authorities or rural district councils, show to the satisfaction of the Board of Trade that they are not primarily engaged in supplying gas, or gas and water, or gas and electricity, or gas, water and electricity, to the public, they shall not be deemed to be non-statutory undertakers;

"Preference stock" includes preference shares;

"Principal Act" means the Gas Regulation Act, 1920, as amended by any subsequent Act, including, unless the context otherwise requires, this Act;

10 & 11 Geo. 5. c. 28.

"Quarter" means the three months commencing on the first day of January, the first day of April, the first day of July, and the first day of October in any year;

"Share capital" includes stock not being debenture stock;

"Therm" has the meaning assigned to it by subsection (2) of section one of the principal Act;

"Thermal unit undertakers" means undertakers who are authorised by any enactment to charge for gas according to the number of British thermal units supplied;

"Undertakers" has, except for the purpose of any provision which relates solely to non-statutory undertakers, the meaning assigned to it by section eighteen of the principal Act, so however that it does not include any undertakers to whom no provision of the principal Act or the Gas Undertakings Act, 1929, applies;

"Year" means the twelve months commencing on the first day of January.

(2) In any amendment of the principal Act made by this Act, the expressions "enactment", "non-statutory undertakers", "quarter", "thermal unit undertakers" and "undertakers" shall have the meanings respectively assigned to them by the last foregoing subsection.

(3) In calculating for the purpose of any provision of this or the principal Act the number of therms supplied in the form of gas by undertakers in any period, the gas supplied by those undertakers shall be taken to have been supplied at the declared calorific value throughout that period.

(4) Where any non-statutory undertakers carry on two or more gas undertakings, which are not connected with each other by pipes, the gas supplied by the several undertakings shall, for the purpose of any provision of this Act relating to non-statutory undertakers, be deemed to be supplied by different undertakers.

Repeals.

33.—(1) As from the commencement of this Act, the enactments mentioned in Part I of the Third Schedule to this Act shall be repealed to the extent specified in the third column of that Part of that Schedule.

(2) As from the first day of January, nineteen hundred and thirty-five, the enactments mentioned in Part II of the said Schedule shall be repealed to the extent specified in the third column of that Part of that Schedule.

(3) As from the first day of January, nineteen hundred and thirty-nine, the enactments mentioned in

Part III of the said Schedule shall be repealed to the extent specified in the third column of that Part of that Schedule, and there shall also be repealed such of the provisions of any enactment relating to undertakers as incorporate the provisions of the Gasworks Clauses Act, 1871, which are repealed by this subsection.

Power to Scottish local authorities to borrow for purposes of special order. 39 & 40 Vict. c. 49.

34. Any undertakers being the county council or the town council of a county or burgh in Scotland in which the Burghs Gas Supply (Scotland) Act, 1876, is in force may, with the sanction of the Secretary of State (given with the concurrence of the Board of Trade) and subject to such conditions as he may impose, borrow such sums as he may approve for the purpose of carrying into effect any special order made under the Gas Undertakings Acts, 1920 to 1934, and the provisions contained in the Burghs Gas Supply (Scotland) Act, 1876 as amended by any subsequent enactment relating to borrowing powers (including the provisions as to the guarantee rate) and to the fixing of the price to be paid for gas shall apply to moneys borrowed under the powers of this section as if such moneys had been borrowed under the provisions and for the purposes of the last-mentioned Act.

Application to Scotland.

35.—(1) In the application of this Act to Scotland the following modifications shall be made:—

(*a*) for any reference to the Minister of Health there shall be substituted a reference to the Secretary of State;

(*b*) the expression "local authority" means a county or a town council, and references to a rural district council shall not apply;

(*c*) the expression "highway" means a road or street maintainable by a county or a town council;

(*d*) for any reference to a court of quarter sessions there shall be substituted a reference to the sheriff;

(*e*) the following subsection shall be substituted for subsection (4) of section six of this Act:—

"(4) In relation to any thermal unit undertakers being a county or a town council the provisions of this section shall have effect as

if references to the sheriff clerk were substituted for references to the local authority or local authorities:

Provided that, where the limits of supply of any thermal unit undertakers being the town council of a burgh extend beyond the boundaries of the burgh, references to the sheriff clerk shall be added to and not substituted for references to the local authority or local authorities."

(*f*) section nine of this Act shall not apply;

(*g*) subsection (2) of section twenty-nine of this Act shall not apply, and, save as provided in subsection (1) of the said section, expenses incurred by a local authority under this Act shall be defrayed in like manner as expenses under the principal Act;

(*h*) section thirty of this Act shall have effect as if a reference to the Secretary of State were substituted for any reference to the Board of Trade;

(*i*) Part I of the Second Schedule to this Act shall have effect as if the amendments therein specified of sections ten and eighteen of the principal Act were omitted therefrom.

(2) Section fifteen and subsection (2) of section seventeen of this Act shall for the purposes of the proviso to section six of the Private Legislation Procedure (Scotland) Act, 1933, be deemed to have been in force at the passing of that Act. 23 & 24 Geo. 5. c. 37.

36.—(1) This Act may be cited as the Gas Undertakings Act, 1934, and this Act and the Gas Undertakings Acts, 1920 to 1932, may be cited together as the Gas Undertakings Acts, 1920 to 1934. Short title, citation, extent and commencement.

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

(3) This Act shall come into operation on the first day of October, nineteen hundred and thirty-four.

SCHEDULES.

Section 4.

FIRST SCHEDULE.

PROVISIONS AS TO ISSUE AND REDEMPTION OF REDEEMABLE AND REDEEMED STOCK BY COMPANIES INCORPORATED BY ACT OF PARLIAMENT.

1. Redeemable stock may be redeemed either by paying off the stock or by issuing to the holder of the stock (subject to his consent) other securities of the company in exchange therefor.

2. Redeemable stock shall not be paid off out of revenue, but any discount allowed on the issue thereof or any premium payable on the redemption thereof may be written off or paid out of revenue.

3. For the purpose of redeeming redeemable stock, either by raising money to pay it off or by providing securities in exchange therefor, the company may create new securities or the directors may issue any redeemed stock:

Provided that no new securities shall be created nor shall any redeemed stock be issued so as to make the total amount of any particular class of securities exceed the amount of securities of that class which the company are for the time being authorised to create, except during any necessary interval between the creation or (in the case of redeemed stock) the issue of the securities and the completion of the redemption for the purpose of which the securities of that particular class are proposed to be so created or issued.

4. The terms of redemption upon which any redeemable stock is issued shall be stated in any offer by the company of the stock for subscription, sale or exchange, and in the certificate of the stock, and no term of redemption which is not so stated shall be binding upon the holder of the stock.

5. Redeemable stock shall, subject to the foregoing provisions of this Schedule, be redeemable at such time and in such manner and subject otherwise to such terms as the directors may before the issue thereof determine, and shall bear such rate of dividend or interest (not exceeding any maximum rate

prescribed by any enactment in respect of the particular class of stock) as may be so determined. 1ST SCH. —*cont.*

6. The redemption of any preference stock issued so as to be redeemable shall not affect the validity of any mortgage or debenture stock of which the grant or issue by the company was lawful in the circumstances existing at the date of its grant or issue.

7. Any securities issued solely in exchange for redeemable stock shall not be subject to any enactment which requires securities of the company to be offered for sale by public auction or tender or for public subscription.

8. For the purpose of any enactment relating to stamp duty, the share capital of the company shall not be deemed to be increased by the issue of share capital in pursuance of this Schedule for the purpose of redeeming preference stock, if the preference stock is redeemed before the expiration of such an interval as is mentioned in the proviso to paragraph three of this Schedule.

9. For the purpose of any enactment which regulates the annual contributions to, or the amount of, any fund which the company are authorised to establish, any securities or redeemed stock created or issued under paragraph three of this Schedule shall not, during any such interval as is mentioned in the proviso to that paragraph, be deemed to be share capital or debenture stock of the company.

10. Notwithstanding any enactment by virtue of which the issue or raising of share capital by a company has the effect of increasing the amount which may be borrowed by the company, the amount which may be so borrowed shall not be increased by reason of the issue of any share capital of the company under paragraph three of this Schedule for the purpose of redeeming preference stock:

Provided that, where the amount raised by the share capital issued as aforesaid exceeds the amount raised by the preference stock redeemed as a result of the issue, nothing in this paragraph shall prevent the amount which may be borrowed by the company being increased in proportion to the excess.

11. In this Schedule the expression "securities" means share capital and debenture stock.

Sections 31 and 35.

SECOND SCHEDULE.

MINOR AMENDMENTS.

PART I.

AMENDMENTS TO COME INTO OPERATION AT COMMENCEMENT OF ACT.

Provisions to be amended.	Amendment.
The Gas Regulation Act, 1920 :—	
Section one -	In subsection (6) for the words "the local authority" there shall be substituted the words "every local authority."
Section five -	In subsection (2) for the words "one hundred million cubic feet of gas" there shall be substituted the words "five million therms in the form of gas."
Section six -	In subsection (2) after the word "decision" there shall be inserted the words "after considering any representations made by the parties in writing, or if requested by any of them to do so." In subsection (3) after the word "shall" there shall be inserted the words "subject to the provisions of subsection (3) of section nine of this Act."
Section seven -	In subsection (3) for the words "each million cubic feet of gas sold by them in the preceding year" there shall be substituted the words "each five thousand therms in the form of gas sold by them in the preceding year, excluding gas sold to other undertakers in bulk for distribution"; at the end of the subsection the following proviso shall be inserted :— "Provided that the rate prescribed in respect of gas supplied separately for industrial purposes only shall be not more than half the rate prescribed in respect of other gas."
Section ten -	In subsection (1) after the words "local authority" there shall be inserted the words "rural district council."

2ND SCH. —*cont.*

Provisions to be amended.	Amendment.
The Gas Regulation Act, 1920:—	
Section fifteen -	In subsection (2) for the words "the local authority" there shall be substituted the words "every local authority."
Section seventeen.	After the word "Secretary," where it first occurs, there shall be inserted the words "or Under Secretary."
Section eighteen	In the definition of the expression "gas undertakers" and "undertakers," after the words "local authority" there shall be inserted the words "rural district council", and after the words "Act of Parliament", where they first occur, there shall be inserted the words "(other than the Public Health Act, 1875)".
The Gas Undertakings Act, 1929:—	
Section one -	In subsection (1) after the words "local authority" there shall be inserted the words "or rural district council". In subsection (2) for the words "the local authority", where they first occur, there shall be substituted the words "every local authority" and for the words "the local authority" where they secondly occur, there shall be substituted the words "any local authority".
Section two -	After the words "local authority" there shall be inserted the words "or rural district council".
Section three -	In subsections (1) and (2), the words "raised" by the undertakers on mortgage or by the "creation and issue of debenture stock" shall cease to have effect. At the end of the section there shall be inserted the following new subsection— "(5) In this section the expression 'outstanding loans' means sums which have been raised by the undertakers on mortgage or by the creation and issue of debenture stock and have not been paid off."

2ND SCH. —*cont.*

Provisions to be amended.	Amendment.
The Gas Undertakings Act, 1929—*cont.*	
Section five	In subsection (3) for the words "the local authority" there shall be substituted the words "every local authority".
Section six	In subsection (1), after the words "supplied, and" there shall be inserted the words "subject to the provisions of any special order made under section ten of the principal Act." At the end of subsection (5) the following words shall be inserted, "or, in a case where the Board of Trade are satisfied that the undertakers would not have supplied more than that quantity of gas in the last-mentioned year if they had not purchased some other undertaking during that year, such later date as the Board may prescribe by the order aforesaid."
Section seven	In paragraph (*a*) after the word "failed," there shall be inserted the words "at the date of the application."
Section nine	After the word "undertakers" where that word first occurs there shall be inserted the words "(not being a company within the meaning of the Companies Act, 1929)."

PART II.

AMENDMENTS OF PRINCIPAL ACT TO COME INTO OPERATION ON THE 1ST JANUARY, 1935.

Section six	In subsection (2) for the words "chief gas examiner, who" there shall be substituted the words "Board of Trade, who shall appoint a competent and impartial person to determine the appeal, and that person", and for the word "whose," there shall be substituted the word "his". In subsection (3) for the words "by the chief gas examiner" there shall be substituted the words "on appeal as aforesaid". In subsection (4) for the words "the chief gas examiner" there shall be substituted the words "a person appointed by the Board of Trade under this section."

2ND SCH. —*cont.*

Provisions to be amended.	Amendment.
Section nine	For subsection (5) the following subsection shall be substituted :—

"(5) Proceedings against any undertakers in respect of any forfeiture incurred under this Act may be commenced at any time within three months after the date of the report of the gas examiner which is evidence of their liability to that forfeiture :

Provided that, in the event of an appeal to the Board of Trade against any such report, proceedings may be commenced within three months after the determination of the appeal or, in a case where the appeal is withdrawn, within three months after the date of the receipt by the Board of notice of its withdrawal."

PART III.

PROVISIONS TO BE SUBSTITUTED AS FROM THE 1ST JANUARY, 1939, FOR SECTIONS 5, 6, 8 AND 9 OF PRINCIPAL ACT.

Manner of testing gas.

5.—(1) The Board of Trade shall prescribe—

(*a*) the places at which and the apparatus and method by which tests are to be made to ascertain whether any undertakers or non-statutory undertakers are supplying gas in conformity with the requirements of any enactment for the time being in force as to the calorific value, purity, pressure or composition of the gas; and

(*b*) in the case of thermal unit undertakers in whose case intermittent tests are prescribed, the frequency of the tests and the manner of distribution of all or any of the tests throughout the quarter; and

(*c*) the method by which any such apparatus is to be verified; and

(*d*) the time and form of the reports to be made by the gas examiner to the Board of Trade and the local authority or court of quarter sessions by which he was

2ND SCH. —*cont.*

appointed, and to the undertakers or non-statutory undertakers, as the case may be, to whom the reports relate, and the means by which the results of the tests are to be made available to the public :

Provided that any testing place provided by thermal unit undertakers in pursuance of any special or other Act of Parliament relating to the undertaking shall, unless otherwise agreed between the undertakers and the local authority by whom the gas examiner was appointed, be deemed to be a prescribed testing place under this section, but the Board of Trade may, if they think fit, prescribe any additional testing place in respect of that undertaking.

(2) The prescribed apparatus shall, in the case of any thermal unit undertakers who have sold in the preceding year more than five million therms in the form of gas, and in the case of any other thermal unit undertakers, if it appears to the Board of Trade to be necessary, include a calorimeter for the production of a continuous record of the calorific value of the gas which is being supplied.

(3) All undertakers and non-statutory undertakers shall provide and maintain to the satisfaction of the Board of Trade the testing places prescribed in their case and shall give any gas examiner access to any such testing place for the proper execution of his duty.

(4) All thermal unit undertakers shall provide and maintain to the satisfaction of the Board the apparatus prescribed in their case.

(5) On any occasion on which the gas examiner tests the gas supplied by undertakers or non-statutory undertakers, a representative of the undertakers or non-statutory undertakers, as the case may be, may be present, and a representative of thermal unit undertakers may be present on any occasion on which the gas examiner inspects, alters, adjusts, or replaces the testing apparatus provided by them, but no such representative shall in any way interfere with the test or with the inspection, alteration, adjustment or replacement of the apparatus.

For the purposes of this subsection, the gas examiner shall, in cases where the testing place is situated elsewhere than on the works of the undertakers or non-statutory undertakers, give them reasonable notice of the time at which he will attend at the testing place.

(6) A person authorised in writing by the Board of Trade may at any time, where it appears to the Board necessary for the proper execution of their duties under this section, enter upon and inspect the works of any undertakers or non-statutory undertakers, and the undertakers or non-statutory undertakers,

2ND SCH. —*cont.*

as the case may be, shall afford that person full facilities for that purpose and shall furnish the Board of Trade with such information with regard to the position of their mains and pipes, and with regard to any other matter, as the Board of Trade may reasonably require.

(7) If any undertakers or non-statutory undertakers or any local authority think themselves aggrieved by any prescription of the Board of Trade made under this section, they may, within twenty-one days of the making of the prescription, notify the Board in writing of their objection thereto and thereupon the Board (unless they modify the prescription to the satisfaction of the objectors) shall refer the objection to the arbitration of a competent and impartial person to be appointed for the purpose by the Lord Chancellor, and that person may confirm, with or without modification, or annul the prescription, and his decision, after considering any representations made by the objectors or by the Board in writing and if requested by either of them to do so, after hearing the objectors and the representatives of the Board, shall be final and conclusive.

(8) Any decision of a person appointed by the Lord Chancellor as aforesaid purporting to have been signed by him shall for all purposes and to all intents be prima facie evidence of the due making and signing thereof without proof of such signature.

Appeals to Board of Trade from gas examiner.

6.—(1) If any undertakers or non-statutory undertakers think themselves aggrieved by any report of a gas examiner, they may within twenty-one days appeal to the Board of Trade who shall appoint a competent and impartial person to determine the appeal, and that person may confirm with or without amendment or annul the report, and his decision, after considering any representations made by the parties in writing, and, if requested by any of them to do so, after hearing the parties, shall be final and conclusive.

(2) The report of a gas examiner (including any such report as amended on appeal as aforesaid) showing any failure to comply with the provisions of any enactment as to the calorific value, purity, pressure or composition of gas, shall, subject to the provisions of subsection (4) of section nine of this Act, be conclusive evidence of the liability of the undertakers or non-statutory undertakers supplying the gas to a forfeiture in respect thereof.

(3) Any decision of a person appointed by the Board of Trade under this section purporting to have been signed by him shall, for all purposes and to all intents, be prima facie evidence of the due making and signing thereof without proof of such signature.

2ND SCH. —*cont.*

Penalties for failure to comply with prescription of Board of Trade, &c.

8. If any undertakers or non-statutory undertakers fail—

(*a*) to comply with any lawful prescription of the Board of Trade under this Act relating to them or to provide or maintain any testing place, apparatus or materials or any other matter or thing which they are required to provide or maintain by this Act or any such prescription; or

(*b*) to afford to the gas examiner or a person authorised in writing by the Board of Trade access to any testing place or works in accordance with the requirements of this Act; or

(*c*) to afford or furnish any facilities or information in accordance with the requirements of this Act;

they shall be liable on summary conviction to a fine not exceeding twenty-five pounds and, in the case of a continuing offence, to a further fine not exceeding five pounds for each day during which the default continues.

Forfeiture for deficient calorific value, &c.

9.—(1) If for a period of two hours or upwards the calorific value of gas supplied by any thermal unit undertakers, ascertained in accordance with the provisions of this Act, is more than five per cent. below the declared calorific value, the undertakers shall be liable on summary conviction to a forfeiture not exceeding five pounds for every complete one per cent. by which the calorific value is deficient in excess of such five per cent.

(2) If, where there is no continuous record of the calorific value of the gas supplied by any such undertakers, the calorific value of gas so supplied is found at any testing place on any occasion of testing to be more than five per cent. below the declared calorific value, a second testing shall be made after an interval of not less than one hour, and the mean of the two testings shall be deemed for the purpose of the last foregoing subsection to be the calorific value of the gas supplied by the undertakers at that testing place for a period of two hours ascertained as aforesaid.

(3) If on any occasion the gas supplied by any undertakers or non-statutory undertakers does not conform with the provisions as to purity or pressure contained in any enactment for the time being in force relating to them, they shall be liable on summary conviction—

(*a*) in the case of thermal unit undertakers, to a forfeiture not exceeding ten pounds; and

(*b*) in the case of any other undertakers or non-statutory undertakers, to a forfeiture not exceeding five pounds.

2nd Sch. —*cont.*

(4) No undertakers or non-statutory undertakers shall be liable to any forfeiture under this section in any case where they show that the deficiency or failure was due to circumstances not within their control, or be liable for more than one forfeiture in respect of any day for any deficiency in pressure, composition or purity of gas supplied from any one works or, in the case of thermal unit undertakers, for any deficiency in calorific value of gas so supplied.

(5) Proceedings against any undertakers or non-statutory undertakers in respect of any forfeiture incurred under this Act may be commenced at any time within three months after the date of the report of the gas examiner which is evidence of their liability to that forfeiture:

Provided that, in the event of an appeal to the Board of Trade against any such report, proceedings may be commenced within three months after the determination of the appeal or, in a case where the appeal is withdrawn, within three months after the date of the receipt by the Board of notice of its withdrawal.

THIRD SCHEDULE.

Section 33.

Enactments Repealed.

Part I.

Enactments repealed as from commencement of Act.

Session and Chapter.	Short Title.	Extent of Repeal.
10 & 11 Geo. 5. c. 28.	The Gas Regulation Act, 1920.	Subsections (3) and (4) of section four; subsection (4) of section nine; in section eighteen the definition of the expression "quarter sessions".
19 & 20 Geo. 5. c. 24.	The Gas Undertakings Act, 1929.	In subsections (1) and (2) of section three the words "raised by the undertakers "on mortgage or by the "creation and issue of "debenture stock"; so much of the Schedule as amends section eighteen of the Gas Regulation Act, 1920.

3RD SCH. —*cont.*

PART II.

ENACTMENTS REPEALED AS FROM THE 1ST JANUARY, 1935.

Session and Chapter.	Short Title.	Extent of Repeal.
10 & 11 Geo. 5. c. 28.	The Gas Regulation Act, 1920.	In subsection (1) of section four the words " The Board " of Trade shall also ap- " point a competent and " impartial person to be " chief gas examiner " and the words " and the chief gas examiner "; subsection (1) of section six; in subsections (1) and (2) of section seven the words " the chief gas examiner " and "; paragraphs (*b*) and (*c*) of the proviso to section eight; subsection (6) of section nine.

PART III.

ENACTMENTS REPEALED AS FROM THE 1ST JANUARY, 1939.

34 & 35 Vict. c. 41.	The Gasworks Clauses Act, 1871.	In section twelve the words from " and such gas " to the end of the section; in section twenty-eight paragraph 2 and the words " and purity "; in sections twenty-nine and thirty the words " and purity "; in section thirty-three the words " or purity "; in section thirty-six the words " under such pressure as is prescribed " and " under less pressure " and " or of less purity "; in Schedule A paragraph 2 of Part I and paragraph II of Part II.

3RD SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
10 & 11 Geo. 5. c. 28.	The Gas Regulation Act, 1920.	Section four; subsection (1) and paragraphs (*a*) and (*b*) of subsection (2) of section seven.
19 & 20 Geo. 5. c. 24.	The Gas Undertakings Act, 1929.	So much of the Schedule as amends sections four, six and nine of the Gas Regulation Act, 1920.

CHAPTER 29.

An Act to amend the Unemployment Insurance Acts, 1920 to 1933, and to make further provision for the training and assistance of persons who are capable of, and available for, work but have no work or only part-time or intermittent work; and for purposes connected with the matters aforesaid. [28th June 1934.]

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:—

PART I.

AMENDMENT OF UNEMPLOYMENT INSURANCE ACTS.

Insured Persons.

Age for entry into insurance and contributions in respect of persons under sixteen.

1.—(1) The minimum age for entry into insurance under the principal Act shall, instead of being the age of sixteen years, be the age (not being less than fourteen years) when a person attains the age at which under the law for the time being in force his parents cease to be under an obligation to cause him to attend school unless there is some reasonable excuse.