CHAPTER xliii.

An Act for consolidating the capital of the Gomersal Gas Company for enabling that Company to raise additional capital and for other purposes. [24th June 1904.] A.D. 1904.

WHEREAS by the Gomersal Gas Act 1865 (in this Act called "the Act of 1865") the Gomersal Gaslight Company was dissolved and reincorporated into a new company under the name of the Gomersal Gas Company (in this Act called "the Company") and was authorised to supply gas within the limits defined in section 6 of that Act in the West Riding of the county of York:

And whereas the capital of the Company consists of—

(A) Seven hundred and seventy-five shares called "A shares" entitled to a maximum dividend of ten pounds per centum per annum and of a nominal value of five pounds each fully paid up;

(B) Seven hundred and seventy-five shares called "B shares" entitled to a maximum dividend of five pounds per centum per annum and of a nominal value of three pounds each fully paid up;

(C) One thousand five hundred shares called "ordinary C shares" entitled to a maximum dividend of seven pounds per centum per annum and of a nominal value of five pounds each fully paid up;

and the Company has borrowed and has now outstanding on mortgage three thousand four hundred pounds:

And whereas it is expedient that the several classes of shares in the capital of the Company be respectively consolidated and converted into stock in the manner and subject to the provisions herein-after contained and that the Company be authorised

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to raise additional capital and that its borrowing powers be enlarged:

And whereas it is expedient that the further powers hereinafter contained be conferred upon the Company as herein-after provided:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and 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:—

Short title.

1. This Act may be cited as the Gomersal Gas Act 1904.

Incorporation of general Acts.

2. The Lands Clauses Acts (except the provisions thereof with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking and with respect to the sale of superfluous land) the Gasworks Clauses Act 1847 (except sections 31 to 34) the Gasworks Clauses Act 1871 and the clauses and provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say):—

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

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

The making of dividends;

The giving of notices; and

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

and Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts are (so far as the same respectively are applicable for the purposes of and are not inconsistent with the provisions of this Act) incorporated with and form part of this Act:

Provided that section 13 of the Gasworks Clauses Act 1847 shall be read as if the words "or any premises" were inserted after the words "private building" and that section 35 of that Act shall in and for the purposes of the Act of 1865 and this Act and of its application to the Company be read and construed

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as though the words from "in case the whole" down to the words "have been paid" were omitted therefrom and as though the expression "the prescribed rate" included the standard rate of dividend or such rate as reduced or increased in accordance with the provisions of this Act together with any sum which under the provisions of this Act may be carried to the insurance fund or to the renewal fund authorised by this Act and the Act of 1865 shall be read and construed as if sections 31 to 34 of the Gasworks Clauses Act 1847 were not incorporated therewith.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective meanings unless there be something in the subject or context repugnant to such construction.

Recovery of demands under fifty pounds.

4. Proceedings for the recovery of any demand not exceeding fifty pounds made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in the county court Provided that from and after the first day of January one thousand nine hundred and five the provisions of the County Courts Act 1903 shall apply to and in respect of any such proceedings in lieu of the provisions of this section.

As to consolidation of shares.

5. The following provisions shall have effect with respect to the consolidation of the existing shares in the capital of the Company into stock (that is to say) :—

(1) As from the thirty-first day of March one thousand nine hundred and five the shares in the existing ordinary capital of the Company shall be consolidated into consolidated ordinary stock bearing a standard dividend of five pounds per centum per annum according to the following scales respectively (that is to say) :—

For every "A share" in the capital of the Company entitled to a dividend of ten pounds per centum per annum ten pounds consolidated ordinary stock;

For every "B share" in such capital entitled to a dividend of five pounds per centum per annum three pounds consolidated ordinary stock;

For every "C share" in such capital entitled to a dividend of seven pounds per centum per annum seven pounds consolidated ordinary stock:

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And as from that date there shall be by virtue of this Act created such a nominal amount of consolidated ordinary stock of the Company as shall be necessary for the purpose of giving effect to the provisions of this section and the amounts of consolidated ordinary stock to which the holders of existing shares consolidated and converted into stock by virtue of this Act respectively become entitled in substitution for such shares shall be vested in such holders as from the aforesaid thirty-first day of March one thousand nine hundred and five and shall be forthwith registered in their respective names in the books of the Company:

Consolidated stock to be held on same trusts &c. as shares for which it is substituted.

(2) Consolidated ordinary stock shall be held in the same rights upon the same trusts and subject to the same powers provisions charges and liabilities as those in upon or to which the existing shares for which the consolidated ordinary stock is substituted were held or were subject to immediately before the said thirty-first day of March one thousand nine hundred and five and shall be dealt with applied and disposed of accordingly and so as to give effect to and not to revoke any deed will or other instrument disposing of or affecting any such existing shares and trustees executors or administrators or other parties under disability may accept consolidated ordinary stock in substitution for existing shares in the capital of the Company held by them and may subject to the provisions of this Act retain dispose of or otherwise deal with the same as fully and freely in all respects as they might have retained disposed of or otherwise dealt with such existing shares:

Certificates of shares to be called in and others issued.

(3) The Company shall call in the certificates of the shares for which consolidated ordinary stock shall be substituted by virtue of this Act and shall issue in exchange for those certificates to the respective proprietors thereof free of charge certificates of consolidated ordinary stock of the respective amounts to which those proprietors are by this Act respectively entitled but no proprietor shall be entitled to a new certificate until he shall have delivered up to the Company to be cancelled the existing certificate for which such certificate is to be substituted or shall have proved

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to the reasonable satisfaction of the directors of the Company the loss or destruction thereof Provided always that until the issue of such new certificates the existing certificates shall (according to the amounts of consolidated ordinary stock to be substituted by virtue of this Act for the existing shares which they respectively represent) have and possess the same rights and advantages as if they were certificates for those respective amounts of consolidated ordinary stock created by virtue of this Act but if any holder of any existing shares of the Company neglect or omit to send or deliver to the Company his existing certificate for the period of one year after notice in writing sent by post to the address appearing in the shareholders' address book the Company may suspend the payment of any dividend declared or made payable upon or in respect of the consolidated ordinary stock so held by him until such existing certificate is sent or delivered to the Company or is proved to the reasonable satisfaction of the directors of the Company to have been lost or destroyed:

Transfers of shares although by present name to be valid.

(4) All transfers or other dispositions of any shares in the capital of the Company as existing up to the conversion thereof into consolidated ordinary stock by virtue of this Act shall after such conversion and notwithstanding this Act be valid and have due effect given to them respectively as transfers of the respective amounts of that class of consolidated ordinary stock which the shares thereby expressed to be transferred or disposed of represents or which are or may be substituted for the same under the provisions of this Act although the instrument transferring or disposing thereof shall describe the same by the name or denomination which the shares transferred or disposed of had before such conversion and the bequest of or any covenant or provision of any deed or agreement relating to any specific nominal amount of any such existing shares converted by this Act into stock of larger nominal amount shall be held to apply to a nominal amount of consolidated ordinary stock equal to that into which such existing shares shall have been converted by virtue of this Act:

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Consolidated stock to be transferable in multiples of a pound.

(5) Consolidated ordinary stock shall be transferable in amounts of one pound or multiples of a pound :

Application of certain provisions of Companies Clauses Act 1845 to consolidated stock.

(6) Subject to the provisions of this Act the following provisions of the Companies Clauses Consolidation Act 1845 (that is to say) sections 7 10 to 13 and 62 and 63 shall be incorporated with this Act and shall extend and apply to consolidated ordinary stock and sections 18 to 20 of the said Act shall also be so incorporated and shall be deemed and construed to include and apply to such stock and dividend thereon as if such stock and dividend had been expressly named in the said sections :

Rights of holders of stock.

(7) Holders of consolidated ordinary stock shall be entitled to participate in the dividends and profits of the Company according to the amount of their respective interests in that stock and subject to the provisions of this Act such interests shall in proportion to the amount thereof confer on the respective holders of such stock the same privileges and advantages as would have been conferred by ordinary shares of equal amount in the capital of the Company but so that none of such privileges or advantages except participation in the dividends and profits of the Company shall be conferred by any aliquot part of such amount of consolidated ordinary stock as would not if existing in such shares have conferred such privileges or advantages :

Provided that from and after the passing of this Act at all general meetings of the Company every holder of consolidated ordinary stock shall for every complete sum of ten pounds of such stock held by him be entitled to one vote and such scale of voting shall be the prescribed scale of voting at such general meetings and all provisions of the Act of 1865 which regulate the scale of voting of the proprietors of the Company are hereby repealed :

Creation of stock in lieu of shares cancelled or surrendered.

(8) If any ordinary shares in the capital of the Company are cancelled or surrendered in accordance with the provisions of the Companies Clauses Consolidation Act 1845 as amended by Part I. of the Companies Clauses Act 1863 the Company shall not issue new shares in

lieu thereof but may create and issue such nominal amount of consolidated ordinary stock as would under the foregoing provisions of this section have been substituted for such shares had the same not been so cancelled or surrendered but no stock created and issued by the Company under this subsection shall vest in the person or corporation accepting the same unless the full price of such stock together with any premium obtained upon the sale thereof shall have been paid in respect thereof within three months after such sale.

Power to apply and raise additional capital.

6. The Company may from time to time apply to the purposes of this Act to which capital is properly applicable any moneys they may have already raised or are authorised to raise and may from time to time raise (in addition to the consolidated ordinary stock created by virtue of this Act) additional capital to such nominal amount as shall be sufficient to produce including the premium if any which may be obtained on the sale thereof the sum of twenty thousand pounds by the creation and issue of further amounts of consolidated ordinary stock but no stock created and issued by the Company under this section shall vest in the person or corporation accepting the same unless the full price of such stock together with any premium obtained upon the sale thereof shall have been paid in respect thereof within three months after such sale.

Additional capital to be offered by auction or tender.

7. Notwithstanding anything in this Act contained the Company shall when any stock in the additional capital created under the powers of this Act is to be issued and before offering the same to the holders of consolidated ordinary stock and whether such stock is at a premium or not offer the same for sale by public auction or by tender in such manner at such times and subject to such conditions of sale as the Company shall from time to time determine Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of stock and that the reserved price put upon such stock shall not be less than the nominal amount thereof and notice of the amount of such reserved price shall be sent by the Company in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of stock in the Company except that if any bid or offer by tender

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of any holder or holders of stock in the Company be the same in amount as any bid or offer made by any other person the bid or offer of such holder or holders of stock in the Company may be accepted in preference and preference may in like manner be given to any employee of the Company or gas consumer whose bid or offer is the same in amount as any bid made by any other person not being a holder of stock in the Company.

Purchase money of capital sold to be paid within three months.

8. It shall be one of the conditions of any sale of stock under this Act that the full amount thereof including any premium given by any purchaser at such sale shall be paid to the Company within three months after such sale.

Notice to be given as to sale of stock.

9. The intention to sell any such stock by auction or by tender shall be communicated in writing to the clerk of each urban district council having jurisdiction within the limits of the Company for the supply of gas and to the secretary of the committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within such limits.

Stock not sold by auction or by tender to be offered to holders of consolidated ordinary stock &c.

10. When any stock in the additional capital created under the powers of this Act has been offered for sale by auction or tender and not sold the same may be disposed of or acquired by the directors at a price not less than the reserved price put upon the same for the purpose of sale by auction or tender or may at the discretion of the directors be offered at such reserved price to the holders of consolidated ordinary stock of the Company in manner provided by the Companies Clauses Act 1863 or to the employees of the Company or gas consumers Provided always that any stock not so disposed of or so offered and not accepted within the time prescribed by the said Act shall again be offered for sale by public auction or by tender in the manner and subject to the provisions of this Act with respect to the sale of stock in the additional capital created under the powers of this Act except that the reserved price put upon such stock may upon such second sale if the directors of the Company think fit be less than the nominal amount thereof and any stock not then sold may be disposed of by the directors or offered to the holders of consolidated ordinary stock or to the employees of the Company or gas consumers at not less than the last-mentioned reserved price and so from time to time until the whole of such stock is sold.

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Application of premium arising on issue of stock.

11. Any sum of money which shall arise from the issue of any stock in the additional capital by this Act authorised by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Company but shall be expended in extending or improving the works of the Company or in paying off money borrowed or owing on mortgage by the Company and shall not be considered as part of the capital of the Company entitled to dividend Provided that the sums of money so arising by way of premium shall for the purpose of determining the powers of the Company to raise money by borrowing or the amount which the Company may set aside as an insurance reserve or renewal fund be reckoned as part of the paid-up capital.

Power to Company to borrow in respect of consolidated stock.

12. Section 50 of the Act of 1865 (Power to borrow on mortgage) is hereby repealed and the Company may at any time and from time to time after the thirty-first day of March one thousand nine hundred and five borrow on mortgage of the undertaking any sum or sums not exceeding (inclusive of any sum or sums then already borrowed by them) one-third of the nominal amount of consolidated ordinary stock issued in exchange for the existing shares in the capital of the Company.

Power to borrow.

13. The Company may subject to the provisions of this Act borrow on mortgage of the undertaking any sum or sums not exceeding in the whole one-third part of the amount of the additional capital by this Act authorised to be raised and at the time actually issued but no part thereof shall be borrowed until the whole of the stock at the time issued together with the premium (if any) realised on the sale thereof shall have been fully paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that such stock and premium (if any) have been issued and fully paid up and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof For the purposes of this section there shall be added to the additional capital created and issued under the authority of this Act the amount of the premium obtained upon the sale of the stock representing such additional capital.

Appointment of receiver.

14. Section 53 of the Act of 1865 (Power to sue for principal moneys secured by mortgages or to apply for a receiver) is hereby

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repealed but without prejudice to any appointment heretofore made or to any proceedings pending at the passing of this Act and in lieu thereof the mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver and in order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one thousand five hundred pounds in the whole.

Debenture stock.

15. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time after the passing of this Act created and issued or granted by the Company under any previous Act or this or any subsequent Act shall subject to the provisions of any subsequent Act rank pari passu (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock issued after the passing of this Act.

Priority of mortgages and debenture stock over other debts.

16. All money to be raised by the Company on mortgage or by the issue of debenture stock shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act Provided always that this priority shall not affect any claim against the Company or their property in respect of any rent-charge granted or to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company in pursuance of any Act relating to the Company which is entitled to rank in priority to or pari passu with the interest or dividend on their mortgages or debenture stock.

Existing mortgages to have priority.

17. All mortgages granted by the Company in pursuance of the Act of 1865 and subsisting at the date of the passing of this Act shall during the continuance thereof have priority over all mortgages granted in pursuance of this Act.

Application of moneys.

18. All moneys raised under this Act whether by consolidated stock debenture stock or mortgages shall be applied for the

purposes of this Act and for the general purposes of the Company being in all cases purposes to which capital is properly applicable. A.D. 1904.

Renewals.

19. The directors of the Company may if they think fit annually appropriate out of the revenue of the Company and as part of the expenditure on revenue account any sum not exceeding an amount equal to one per centum on the paid-up capital for the time being of the Company to be called "the renewal fund" to provide for the renewal and repair of their gasworks mains and pipes and may from time to time appropriate as occasion may require any portion of such fund to such purposes.

Such fund shall be invested in Government or other securities and the dividends and interest arising from such securities shall also be invested in the same or like securities in order that the same may accumulate at compound interest until the fund so formed amounts to a sum equal to ten per centum on the paid-up capital for the time being of the Company :

Provided that when and so often as the said fund shall reach such sum the interest thereon shall be carried to the credit of the fund available for dividend Provided also that if such fund be at any time reduced below such sum it may thereafter be made up to that sum and so from time to time as often as such reduction shall happen.

Division of profits.

20. Notwithstanding anything in the Act of 1865 and as from the thirty-first day of March one thousand nine hundred and five the profits of the Company to be divided amongst the holders of consolidated ordinary stock in any year shall not except as by this Act provided exceed the rate of five pounds in respect of every one hundred pounds of such consolidated ordinary stock (which rate is in this Act referred to as "the standard rate of dividend").

Dividend dependent on price charged.

21. As from the thirty-first day of March one thousand nine hundred and five section 60 of the Act of 1865 shall be and is hereby repealed and from and after that date the standard price to be charged by the Company for gas supplied by them to persons who shall burn the same by meter shall be four shillings and sixpence per thousand cubic feet :

Provided that the Company may increase or reduce the price charged by them for gas above or below the standard price

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subject to a reduction or increase in the dividend payable by the Company on the consolidated ordinary stock as follows :—

In respect of any half year during any part of which the price charged by the Company shall have been one penny or part of a penny above the standard price the dividend payable by the Company shall in respect of each penny or part of a penny by which the standard price shall have been increased be reduced below the standard rate of dividend by one shilling and threepence on every one hundred pounds of consolidated ordinary stock and so in proportion for any fraction of one hundred pounds :

And in respect of any half year during the whole of which the price charged by the Company shall have been one penny or more below the standard price the dividend payable by the Company may in respect of each penny by which the standard price shall have been reduced be increased above the standard rate of dividend by one shilling and threepence on every hundred pounds of consolidated ordinary stock and so in proportion for any fraction of one hundred pounds :

Provided also that if in any half year the dividend payable shall be of such amount as to involve the payment of a fractional sum less than one-quarter per centum the Company may defer the payment of such fractional sum until the payment of the next or some succeeding dividend and shall in the discretion of the Company either add such fractional sum to and pay the same with such succeeding dividend accordingly or add the same to the reserve fund.

If profits exceed amount limited excess may be invested and form an insurancefund.

22. If the clear profits of the undertaking of the Company in any year amount to a larger sum than is sufficient to pay the dividend on the consolidated ordinary stock at the authorised rate the excess beyond the sum necessary for that purpose may from time to time to the extent of one per centum per annum upon the paid up capital of the Company be invested in Government or other securities and the dividends and interest arising from such securities shall also be invested in the same or like securities in order that the same may accumulate at compound interest until the fund so formed amounts to a sum equal to one-twentieth of the paid-up capital of the Company which sum shall form an insurance fund to meet any extraordinary claim demand or charge which may at any time arise against or fall upon the Company

from or in respect of the death of or injury to any of the employees of the Company or other person or from accident strikes or other circumstances which in the opinion of a court of summary jurisdiction due care and management could not have prevented and if such fund be at any time reduced it may thereafter be again made up to the said sum and so from time to time as often as such reduction shall happen Provided that when and so often as the said fund shall reach one-twentieth part of the paid-up capital the interest thereon shall be carried to the credit of the fund available for dividend Provided also that resort may from time to time be had to the insurance fund to meet any extraordinary claim demand or charge as aforesaid although such fund may not at the time have reached or may have been reduced below the full amount of one-twentieth as aforesaid.

Application of excess of profits over authorised rate of dividend.

23. If the clear profits of the undertaking of the Company in any year amount to a larger sum than is sufficient to pay the dividend at the authorised rate on the consolidated ordinary stock of the Company the excess or such portion of it as is not carried to the insurance fund shall be carried to the credit of the divisible profits of such undertaking for the next following year.

Power to create a reserve fund.

24. Where in any year the dividend of the Company on the consolidated ordinary stock of the Company shall exceed the standard rate by reason of the price charged by the Company for gas in such year being below the standard price then out of the amount of the divisible profits of the Company applicable to the payment of such excess of dividend the Company may in such year set apart such sum as they shall think fit and all sums (if any) so set apart by the Company and any reserve or other fund of the Company existing at the passing of this Act may be invested in Government or other securities and the dividends and interest arising from such securities may also be invested in the same or the like securities in order that the same may accumulate at compound interest and the fund so formed shall be called "the reserve fund" and shall be applicable to the payment of dividend in any year in which the clear profits of the Company shall be insufficient to enable the Company in such year to pay the dividend at the authorised rate on the consolidated ordinary stock of the Company and save as in this Act provided no sum shall in any year be carried by the Company to any reserve fund.

Interim dividend.

25. The directors may in any year without calling a meeting of proprietors in the Company for the purpose declare an interim

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half-yearly dividend not exceeding one half of the amount of the standard rate of dividend out of the then ascertained profits of the Company provided that the amount of dividends which under the powers of this Act they may be entitled to make in respect of each year shall not be exceeded.

Closing of transfer books previous to declaring interim dividend.

26. It shall be lawful for the directors to close the register of transfers for a period not exceeding fourteen days previous to the declaration of any interim dividend and they may fix a day for closing the same of which seven days' notice shall be given by advertisement in some newspaper published or circulating in the district within which the principal office of the Company is situate and any transfer made during the time when the transfer books are so closed shall as between the Company and the party claiming under the same but not otherwise be considered as made subsequently to the declaration of any such dividend.

Altering qualification of directors.

27. After the passing of this Act the qualification of a director of the Company shall be the possession in his own right of shares or stock in the capital of the Company to the amount of two hundred pounds nominal value.

Power to purchase lands by agreement.

28. The Company may for the purposes of their undertaking purchase take and hold (by agreement but not otherwise) in addition to the lands now belonging to them any lands and hereditaments not exceeding in the whole three acres which the Company may require for the purposes of their works and undertaking but the Company shall not create or permit a nuisance on any such lands and no lands shall be used by the Company for the purpose of manufacturing gas or residual products except the lands referred to in section 55 of the Act of 1865.

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

29. The Company may on the application of the owner or occupier of any premises within the limits of the Company for the supply of gas abutting on or being erected in any street or road laid out or made but not dedicated to public use supply such premises with gas and may lay down take up alter relay or renew in across or along such street or road such pipes and apparatus as may be requisite or proper for the furnishing such supply and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid so far as they are applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof.

Gas consumers to give notice to Company before removing.

30. Twenty-four hours' notice in writing shall be given to the Company by every gas consumer before he shall quit any premises supplied with gas by meter by the Company and in default of such notice the consumer so quitting shall be liable to pay to the Company the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such premises shall require the Company to supply gas to such premises whichever shall first occur Notice of the effect of this enactment shall be endorsed upon every demand note for gas rent payable to the Company.

Notice to discontinue supply of gas.

31. A notice to the Company from a consumer for the discontinuance of a supply of gas shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the Company.

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

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

Period of error in defective meters.

33. In the event of any meter used by a consumer of gas being tested in manner provided by the Sale of Gas Act 1859 and being proved to register erroneously within the meaning of the said Act such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Company shall be paid by or to the Company to or by the consumer as the case may be and shall be recoverable in the like manner as gas rents are recoverable by the Company.

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

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

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

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(2) The Company may if they think fit make different specifications for different classes of premises having regard to the probable maximum consumption of gas thereon at any one time:

(3) The specifications shall be published twice in some newspaper or once in each of two newspapers circulating within the limits of the Company for the supply of gas and a copy thereof shall be kept exhibited in the office of the Company:

(4) Every meter to be used in a new building or a building not previously supplied with gas or in connexion with a new or substituted pipe laid by the consumer between the main and the consumer's meter shall be placed as near as may be reasonably practicable to the main of the Company but within the outside wall of the building:

(5) When any such pipe or meter as aforesaid has been laid or placed notice thereof shall be given to the Company and the pipe shall not be covered over until after the expiration of twenty-four hours from the service of such notice on the Company Any officer of the Company duly appointed may between nine o'clock in the morning and five o'clock in the afternoon attend and inspect such pipes (with their fittings) and meter and if the officer is not permitted to make the inspection or if the pipes or fittings are not according to the Company's specification or if the meter is not placed as required by this section the Company may refuse to supply gas to the premises until the provisions of this section have been complied with:

(6) Any person to whom the Company refuses a supply of gas under the provisions of this section may appeal to a petty sessional court against such refusal and the court may after hearing the parties and considering any questions as to the reasonableness of the Company's specification make such order as seems to them proper in the circumstances and may order by which of the parties the costs of and incident to the appeal shall be paid.

Discounts.

35. The Company may if they think fit allow discounts or rebates to consumers of gas in consideration of prompt payment of gas rents not exceeding in any case ten per centum and in

addition to or irrespective thereof they may if they think fit allow discounts or rebates to large consumers not exceeding in any case fifteen per centum Provided that all discounts or rebates shall be of equal amount under like circumstances to all consumers Provided also that notice of the effect of this enactment shall be endorsed on every demand note for gas rent. A.D. 1904.

Power to supply gas fittings &c. for heating and other purposes and fittings not to be subject to distress.

36.—(1) The Company may purchase provide supply sell let for hire use and otherwise deal in fit up fix alter repair remove and refix but shall not manufacture meters engines motors stoves ranges pipes fittings and other apparatus and appliances for lighting for motive power for the warming and ventilating of houses and buildings for the cooking of food and for all other purposes for which gas can or may be used and may provide all materials and do all work necessary or proper in that behalf and may demand and take such remuneration or rents and charges with respect thereto and make such terms and conditions as may be agreed upon between the Company and the persons to or for whom the fittings are sold let fixed up repaired or removed.

(2) The meters engines motors stoves ranges pipes fittings and other apparatus appliances articles and things let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent nor to be taken in execution under any process of a court of law or equity or any proceedings in bankruptcy against the persons in whose possession the same may be Provided that such meters engines motors stoves ranges pipes fittings and other apparatus appliances articles and things have upon them a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Company as the actual owners thereof.

Anti-fluctuators for gas engines.

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

A.D. 1904.

Penalty not recoverable in certain cases.

38. No penalty shall be recoverable from the Company for insufficiency of pressure or for deficiency in illuminating power or purity of the gas supplied by them in any case in respect of which it shall be proved to the satisfaction of the two justices referred to in the Gasworks Clauses Act 1871 that such insufficiency or defect was caused by an unavoidable cause or by accident Provided that the want of sufficient funds shall not be held to be an unavoidable cause.

Company may supply gas in bulk.

39. The Company may contract with any local authority company or person whether within or beyond the Company's limits of supply (but as to any such company public body or person beyond the Company's limits of supply only with the consent in writing of the local authority of the district within which the supply is to be given and of any company or person supplying gas under parliamentary powers in that district) for the supply to them respectively of gas in bulk upon such terms and conditions and for such periods not exceeding seven years from the making of the contract as shall be agreed upon.

Authentication and service of notices by Company.

40. Any notice to be served by the Company on a person supplied with gas shall be sufficiently authenticated by the name of the secretary of the Company or if it be a notice to pay any charge in respect of a supply of gas by the name of the secretary or collector of the Company being affixed thereto in writing.

Expenses of Act.

41. All the costs charges and expenses of incident and preliminary to the preparing and applying for obtaining and passing of this Act and otherwise in relation thereto shall be paid by the Company.

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