CHAPTER clii.

An Act to amend "The Gosport Gas Act, 1865," with respect to the price of gas. [21st July 1873.]

A.D. 1873.

WHEREAS by "The Gosport Gas Act, 1865," section 51, the maximum price of gas to be supplied by the Gosport Gas and Coke Company (herein-after referred to as the Company) was fixed at four shillings and sixpence per thousand cubic feet: 28 & 29 Vict. c. lxiv.

And whereas by reason of the greatly increased cost of coals and other materials used in the manufacture of gas, and of workmen's wages and other labour, the net income of the Company has become much reduced, and may become further reduced or altogether extinguished, and it is therefore just and expedient that the limit of the charge for the supply of gas which the Company are by their recited Act restricted from exceeding be increased for the period and subject to the provision for revision herein-after contained:

And whereas none of these objects can be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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; (that is to say,)

Short title.

1. This Act may be cited as "The Gosport Gas Act, 1873."

Provisions of Acts herein named incorporated.

2. Subject to the provisions of this Act, "The Gasworks Clauses Act, 1847," is incorporated with and forms part of this Act, and "The Gasworks Clauses Amendment Act, 1871," shall apply to the undertaking of the Company as though the same had been authorised by this Act; provided that the annual statement of accounts required by section 35 (accounts, &c.) of that Act to be forwarded to the local authority shall be so forwarded on or before the fifteenth day of February in every year, instead of the twenty-fifth day of March as required by the said section of that Act.

As to maximum price of gas.

3. Notwithstanding anything in "The Gosport Gas Act, 1865," the price chargeable by the Company for gas may from the thirtieth

A.D. 1873. day of June one thousand eight hundred and seventy-three, until the thirtieth day of June one thousand eight hundred and seventy-six, be at any rate not exceeding five shillings and sixpence per one thousand cubic feet, subject to the provisions of this Act for the revision of such price when it shall exceed the maximum price fixed by the said Act of 1865.

As to the dividend payable by the Company.

4. From and after the passing of this Act, the prescribed rate of profits of the Company in respect of any one year upon the amount from time to time paid up of the capital of the Company shall be as follows; (that is to say,)

So long as the Company's maximum charge for gas shall not exceed four shillings and sixpence per one thousand cubic feet, the rate of ten pounds per centum per annum:

So long as the Company's maximum charge for gas shall exceed four shillings and sixpence per one thousand cubic feet, the rate of five pounds per centum per annum.

As to revision of the maximum price of gas.

5. If in any year in which the price charged by the Company for gas supplied by them shall exceed four shillings and sixpence per one thousand cubic feet the local authority, or any ten consumers of the Company's gas, desire to decrease the price so charged, they shall in such year give notice of the amount of the proposed decrease as follows:

To the Company on or before the fifteenth day of February;

To the Board of Trade on or before the first day of March;

By advertisement inserted on or before the first day of March in some newspaper circulating in the district;

And thereupon the following provisions shall have effect; (that is to say,)

If the Company object to the proposed or to any decrease in such price they may, on or before the said twenty-fifth day of March, give notice thereof to the Board of Trade in writing, stating the grounds of such objection;

If no such notice be given to the Board of Trade, the Board shall forthwith confirm the proposed decrease, and the same shall take effect on and from the said twenty-fifth day of March, and shall continue in force until the same be again revised in accordance with the provisions of this Act;

If such notice of objection be given the Board of Trade shall forthwith appoint some competent and impartial person as a commissioner, who shall inquire into the propriety of the proposed or of any decrease, and for that purpose shall hear the Company and the said local authority or such consumers, as the case may be, and may summon any person to give evidence, and

to bring and produce any documents before him, and administer oaths and take affidavits and declarations, and shall report the result of such inquiry to the Board of Trade, who shall thereupon determine whether any and what decrease shall be permitted, and if any decrease be permitted the same shall take effect as from the twenty-fourth day of June in that year, and continue in force until the price be again revised under the provisions of this Act;

The commissioner shall upon any such inquiry hear evidence as to whether any loss of profits has been sustained by the Company in consequence of any negligent or improvident management of the business of the Company, and shall report the result of such evidence to the Board of Trade, who shall determine whether or not the amount of such loss shall be paid out of and in reduction of the dividend of the Company for the year next following such inquiry, and thereupon the dividend to be paid by the Company for that year shall be in accordance with such determination;

If at any time after any decrease in the maximum price shall have been so made the Company shall desire the same to be revised they may apply to the Board of Trade for that purpose, and the provisions of this Act with respect to the decrease of such maximum price, upon the application of the local authority or the said consumers, shall mutatis mutandis apply to such revision;

The costs of and incident to any inquiry attendant upon an application for revision shall be paid by the party or parties who, upon such inquiry, shall fail in their application or objection, as the case may be, and if neither party shall wholly fail, such costs shall be in the discretion of the commissioner, and all such costs payable by the company shall be paid by them out of and in reduction of the dividend for the then current year.

Upon any such application or objection by such consumers they shall deposit with the Board of Trade the sum of fifty pounds as security for the cost to be incurred in relation to the said inquiry, and if they fail in their said application or objection, as the case may be, the said sum shall be applied so far as the same will extend in payment of the said costs, and the balance (if any) of such costs shall be paid by the said consumers; provided that the residue (if any) of the said sum after such payment, and the whole of such sum if the said consumers succeed in their application or objection, as the case may be, shall be returned to the said consumers.

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Amount of reserve fund.

6. The accumulated amount of the reserve fund authorised by "The Gasworks Clauses Act, 1847," shall not at any time exceed the amount of the dividends actually paid for the then current year or for the last preceding year, as the directors of the Company may determine.

Special audit of accounts.

7. The local authority shall appoint and pay in every year a fit person, and the Company shall appoint and pay another fit person, which two persons shall be special auditors and shall together examine and audit the annual accounts of the Company for the year in which they shall have been so appointed, in the manner and with the powers provided by "The Companies Clauses Consolidation Act, 1845," the provisions of which Act shall also apply to the appointment by the Company of such auditor: Provided that neither of the special auditors need to be a shareholder in the Company.

Gas not to be manufactured except on lands scheduled.

8. No lands shall be used by the Company for the purpose of manufacturing gas or residual products except the lands mentioned in the Schedule to this Act.

Pressure of gas.

9. All gas supplied by the Company to any consumer of gas shall be supplied at such pressure as to balance a column of water from midnight to sunset of not less than seven tenths of an inch, and from sunset to midnight of not less than one inch in height at the main, as near as may be to the junction therewith of the service pipe supplying such customer; and any gas examiner appointed under "The Gasworks Clauses Act, 1871," may, subject to the terms of his appointment, from time to time test the pressure at which the gas is supplied, and may for that purpose open any street, road, passage, or place vested in or under the control of any local or road authority; and the provisions of "The Gasworks Clauses Act, 1871," with reference to testing of gas and to penalties shall, mutatis mutandis, apply to such testing of pressure: Provided that on each occasion of such testing sufficient notice in writing of the time and place at which the same shall be conducted shall be given to the Company to enable them to be represented.

Quality of gas.

10. The prescribed number of candles shall be fourteen.

Testing place.

11. The testing place shall be at the works of the Company or at their principal office in Gosport.

Burner.

12. The prescribed burner shall be Sugg's London argand burner number one, with a six-inch by one and three quarters-inch glass chimney, but if at any time the gas flame tail over the top of that glass a six-inch by two-inch chimney shall be used.

Company to pay interest on security.

13. When any owner or occupier is required by the Company to give to them security for the payment of the price or rent of a

meter, the Company shall pay interest at the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

Expenses of Act.

14. All the costs, charges, and expenses of and incident to the passing of this Act and preparatory thereto shall be paid by the Company.

SCHEDULE referred to in the foregoing Act.

Lands in the parish of Alverstoke occupied by gasworks of the Company situate at a place known as New Town, bounded on the south by Haslar Creek, on the east by a public road leading from Hope Place to Haslar Creek, on the north by another public road or street called Hope Place, otherwise John's Place, and on the west by premises of John Tribe, and other lands belonging or reputed to belong to the said Company on the south side of the said Creek, bounded on the north and east by the said Creek, on the south by a meadow of Frederick William Dolman, and on the west by land of Joseph Diggle.

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