CHAPTER c.

An Act to authorise the Hampton Court Gas Company to raise additional capital to convert their existing capital to enl arge their works to amend their existing Act and for other purposes. [21st July 1903.] A.D. 1903.

WHEREAS by the Hampton Court Gas Act 1867 (hereinafter called "the Act of 1867") the Hampton Court Gas Company (hereinafter called "the Company") were incorporated and authorised to supply gas within the several parishes of Hampton Teddington Hanworth and Feltham in the county of Middlesex and the parishes of East Molesey and West Molesey in the county of Surrey and for such purpose were authorised in addition to the therein declared capital of thirty-six thousand pounds divided into three thousand six hundred shares of ten pounds each called "A shares" with power to borrow in respect thereof the sum of nine thousand pounds to raise further capital by the creation of shares or stock not exceeding the sum of thirty-nine thousand pounds to be called "B shares" or "B stock" and if issued as shares to be of the nominal value of ten pounds each and also limited as to dividend as therein mentioned with power to borrow on mortgage or by the issue of debenture stock a further sum of nine thousand seven hundred and fifty pounds making the total authorised share capital of the Company seventy-five thousand pounds and the total authorised amount to be borrowed eighteen thousand seven hundred and fifty pounds:

And whereas the share or stock capital authorised under the Act hereinbefore mentioned has been issued and fully paid up and the share capital of the Company is as follows (that is to say):—

(A) Capital issued and fully paid up entitled to a maximum rate of dividend of ten per centum per annum £36,000;

(B) Capital issued and fully paid up entitled to a maximum rate of dividend of seven per centum per annum £39,000:

[*Price* 1*s.* 6*d.*]

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And whereas under the Act aforesaid the Company have created and issued debenture stock to the sum of £16,000:

And whereas the Company have not granted any mortgages:

And whereas it is expedient that the existing ordinary shares aforesaid in the capital of the Company be consolidated and converted in the manner hereinafter set forth:

And whereas since the passing of the Act of 1867 the consumption of gas in the Company's limits has very largely increased and is still increasing and it is expedient that the Company should be enabled to enlarge and extend their works both for the manufacture of gas and otherwise and for such purposes and for other the reasons hereinbefore mentioned should be authorised to raise further capital by the issue of shares or stock and to borrow further moneys either upon mortgage or by the issue of debenture stock for the purposes of their undertaking:

And whereas it is expedient that the provisions hereinafter contained be made:

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 Hampton Court Gas Act 1903.

Incorporation of general Acts.

2. The following Acts and parts of Acts are (except where expressly varied by or inconsistent with this Act) incorporated with and form part of this Act (that is to say):—

The Lands Clauses Acts (except the provisions thereof with respect to the purchase and taking of lands otherwise than by agreement):

The Gasworks Clauses Act 1847 except sections 31 to 34 and provided that the Act of 1867 shall be read and construed as if the said sections were not incorporated therewith and also provided that section 35 shall in and for the purposes of the said Act and of this Act and its application to the Company be read and construed as if the expression "the prescribed rate" included "the standard rate of dividend" as hereinafter provided:

The Gasworks Clauses Act 1871 shall subject to the provisions of this Act extend and apply to the undertaking of the Company as if the same had been authorised by this Act and shall control and supersede such of the provisions of the Act of 1867 as are at variance or inconsistent therewith:

The Companies Clauses Consolidation Act 1845 the clauses and provisions thereof with respect to the following matters (that is to say):—

The distribution of the capital of the Company into shares or stock;

The transfer or transmission of shares or stock;

The payment of subscriptions and means of enforcing the payment of calls;

The forfeiture of shares for non-payment of calls;

The remedies of creditors of the Company against the shareholders;

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

The consolidation of the shares into stock;

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

The making of dividends;

The giving of notices;

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

The Companies Clauses Act 1863 Part I. (relating to the cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) thereof as amended by subsequent Acts.

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.

Power to construct gasworks.

4. The Company may upon the lands described in the Schedule to this Act erect construct lay down provide maintain alter improve enlarge extend and renew or discontinue gasworks and works for the manufacture and storage of gas and for the manufacture conversion utilisation storage and distribution of materials used in or residual products resulting from such manufacture and the Company may also from time to time provide lay down maintain alter improve enlarge extend and renew all necessary retorts gasholders receivers

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drains sewers mains pipes machinery and other works and apparatus and conveniences and do all such acts as they may think proper for making and storing gas and for supplying gas within their limits for the supply of gas and may make store and supply gas accordingly and manufacture sell provide supply and deal in lime coke chemicals tar pitch asphaltum ammoniacal liquor and all other products or residuum of any materials employed in or resulting from the manufacture of gas Provided that the Company shall not manufacture by-products from tar on the lands described in the said Schedule and on the lands described in the Schedule to the Act of 1867.

Power to purchase lands by agreement.

5. The Company may for the purposes of their undertaking purchase take and hold (by agreement but not otherwise) in addition to the lands described in the Schedule to this Act any lands and hereditaments not exceeding in the whole ten 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 described in the Schedule to this Act and in the First Schedule to the Act of 1867.

Restriction on taking houses of labouring class.

6. The Company shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the Court may if it think fit reduce such penalty.

For the purposes of this section the expression "house" means any house or part of a house occupied as a separate dwelling and the expression "labouring class" means mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own

family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them. A.D. 1903.

Power to sell and lease land.

7. Subject to the provisions of the Lands Clauses Acts the Company may sell and dispose of or may let on lease for such periods as they think fit any lands for the time being belonging to them and which may not at the time be required for the purposes of their undertaking and any such sale disposal or lease may be for such consideration and subject to such reservations stipulations restrictions and provisions and generally upon such terms and conditions as the Company think fit.

Consolidation of ordinary stock.

8. As from the first day of January one thousand nine hundred and four all the existing ordinary capital of the Company already issued and fully paid up shall by force of this Act only and without any further requisite be consolidated and converted into one hundred and twenty-six thousand six hundred pounds consolidated ordinary stock bearing a standard rate of dividend of five per centum per annum which shall be distributed amongst the holders at such date of the existing shares according to the following scales respectively (that is to say) :—

For every one hundred pounds of ordinary shares A capital entitled to a dividend not exceeding the rate of ten per centum per annum two hundred pounds consolidated ordinary stock;

For every one hundred pounds of ordinary shares B capital entitled to a dividend not exceeding the rate of seven pounds per centum per annum one hundred and forty pounds consolidated ordinary stock;

and so in proportion for any less quantity than one hundred pounds of the aforesaid existing shares in the capital of the Company 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 carrying into effect such consolidation and conversion and the amounts of consolidated ordinary stock to which the holders of such existing shares by virtue of this Act respectively become entitled in substitution for such shares shall be vested in such holders as from the aforesaid first day of January one thousand nine hundred and four and shall be forthwith registered in their respective names in the books of the Company :

Provided that the amount which the Company may carry to their insurance fund in respect of their paid-up capital represented

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by the shares so consolidated and converted shall not be affected by reason of such consolidation and conversion.

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

9. Consolidated ordinary stock shall be held in the same rights on 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 first day of January one thousand nine hundred and four 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 incapacitated parties may accept consolidated ordinary stock in substitution for existing shares held by them in the capital of the Company 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 to be exchanged.

10. 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 certificate of the consolidated ordinary stock so substituted for the existing shares held by him 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 to the reasonable satisfaction of the directors of the Company the loss or destruction thereof Provided always that until the issue of the certificates of such consolidated ordinary stock the existing certificates for which new certificates are to be substituted 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 which are to be so substituted for such existing shares but if any holder of any of the existing shares of the Company neglect or omit to send or deliver to the Company his existing certificate or certificates for the period of one year after notice in writing sent by post to the address appearing in the shareholder's 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 or certificates is or are sent or delivered to the Company or is or are proved to the reasonable satisfaction of the directors of the Company to have been lost or destroyed.

Transfers of shares by present name to be valid.

11. The transfer books of the Company shall be closed from the fifteenth day of December one thousand nine hundred and three to the first day of January one thousand nine hundred and four and all transfers transmissions or other dispositions of any existing shares in the capital of the Company as existing up to the conversion thereof into consolidated ordinary stock by virtue of this Act and which shall not have been registered before the fifteenth day of December one thousand nine hundred and three shall as between the Company and the party claiming under the same but not otherwise be considered as made subsequently to the thirty-first day of December one thousand nine hundred and three and shall after such conversion and notwithstanding this Act be valid and have due effect given to them respectively as transfers or transmissions of the respective amounts of consolidated ordinary stock which the shares thereby expressed to be transferred transmitted or disposed of represent or which are or may be substituted for the same under the provisions of this Act although the instrument transferring transmitting or disposing thereof respectively shall describe the same by the name or denomination which the shares transferred transmitted 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 which is substituted for such existing shares equal to the amount into which such existing shares shall have been converted under the provisions of this Act.

Consolidated ordinary stock to be transferable in multiples of 10*l.* or 14*l.*

12. Consolidated ordinary stock shall be transferable only in amounts of ten pounds or multiples of ten pounds or fourteen pounds.

Application of Companies Clauses Act.

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

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Rights of holders of consolidated stock.

14. 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 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 stocks have conferred such privileges or advantages.

Additional capital.

15. The Company may from time to time raise 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 ninety thousand pounds by the creation and issue of consolidated ordinary stock or of preference shares or stock or wholly or partly by one or more of these modes respectively.

Shares &c. not to vest till fully paid.

16. The Company shall not issue any share in the additional capital by this Act authorised of less nominal value than ten pounds nor shall any such share or any stock in such capital vest in the person or corporation accepting the same unless and until the full price of such share or stock including any premium obtained upon the sale thereof shall have been paid in respect thereof.

Holders of new preference capital not to vote.

17. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new preference shares or stock in such additional capital.

New shares or stock to be offered by auction or tender.

18. Notwithstanding anything in this Act contained the Company shall when any shares or stock created under the powers of this Act are to be issued and before offering the same to the holder of any other shares or stock in the Company and whether the ordinary shares or ordinary stock of the Company are or 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 shares or stock and that the reserve price put upon such shares or stock shall not be less than the nominal amount thereof and notice of the amount of such reserve 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 no sooner And provided that no priority of tender shall be allowed to any holder of shares or stock in the Company except that if any bid or offer by tender of any holder or holders of shares or 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 shares or stock in the Company may be accepted in preference and preference may in like manner be given to any employee or gas consumer whose bid or offer is the same in amount as any bid or offer made by any other person not being a holder of shares or stock in the Company.

Notice to be given as to sale of shares or stock.

19. The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the clerk of every local authority having jurisdiction within the limits of supply of the Company 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 the said district.

Shares or stock not sold by auction or by tender to be offered to stockholders.

20. When any shares or stock in the additional capital created under the powers of this Act have been offered for sale by auction or tender and not sold the same shall be offered at the reserve price put upon the same respectively for the purpose of sale by auction or tender to the holders of ordinary stock of the Company in manner provided by the Companies Clauses Act 1863 or to the employees or gas consumers Provided always that any shares or stock 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 shares or stock in the additional capital created under the powers of this Act and the reserve put upon such stock may upon such second auction or tender if the directors of the Company think fit be less than the nominal amount thereof and any stock or shares not then sold shall be again offered to the holders of ordinary stock at the last-mentioned reserve price and so from time to time until the whole of such shares or stock is sold.

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

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

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Application of premium arising on issue of shares or stock.

22. Any sum of money which shall arise from the issue of any such shares or stock 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 in any case where a power to raise money by borrowing or to create an insurance or reserve fund is made proportionate to the paid-up capital the premium received from the sale of shares or stock by auction or tender as hereinbefore provided shall for such purpose be reckoned as part of the paid-up capital.

Power to borrow.

23.—(1) The Company may subject to the provisions of this Act borrow on mortgage of the undertaking in respect of the consolidated and converted ordinary stock of one hundred and twenty-six thousand six hundred pounds any sums not exceeding in the whole an aggregate nominal amount of twenty-five thousand pounds inclusive of the sum of eighteen thousand seven hundred and fifty pounds already authorised to be borrowed on mortgage and raised by the Company under their existing powers.

(2) In addition to the sum of twenty-five thousand pounds which the Company are authorised to borrow by the last preceding subsection hereof 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 an aggregate nominal amount of one-third part of the amount of the additional capital by this Act authorised to be raised and at the time actually issued by shares or stock but no part thereof shall be borrowed until the whole of the shares or 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 shares and 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.

Appointment of receiver.

24. Section 36 (Arrears may be enforced by appointment of a receiver) of the Act of 1867 is hereby 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 Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver 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 ten thousand pounds in the whole.

Debenture stock.

25. 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.

Provisions as to auction to apply to loan capital.

26. The provisions of this Act relating to the offering of shares or stock for sale by public auction or by tender and to the sale thereof and to the application of the premiums arising from such sale shall so far as applicable apply mutatis mutandis in relation to the granting of mortgages and the issuing of debenture stock by the Company after the passing of this Act.

Priority of mortgages and debenture stock over other debts.

27. 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 rentcharge 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.

Limit of interest on borrowed money.

28. The Company shall not without the consent of the Board of Trade pay interest at a higher rate than five pounds per centum per annum in respect of any moneys raised by the creation and issue of debenture stock under the authority of this Act.

Receipt in case of persons not sui juris.

29. If any money is payable by the Company to a shareholder stockholder mortgagee or debenture stock holder being a minor idiot

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or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Application of money.

30. All moneys raised under this Act whether by shares stock debenture stock or borrowing 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 and the Company may 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.

Division of profits.

31. From and after the first day of January one thousand nine hundred and four the profits of the Company to be divided amongst the holders of stock or shares in the capital of the Company in any year shall not except as by this Act provided exceed the following rates (that is to say):—

On the consolidated ordinary stock the rate of five pounds in respect of every one hundred pounds of such stock paid up (which rate is in this Act referred to as "the standard rate of dividend"):

On any preference shares or stock the rate of five pounds in respect of every one hundred pounds of such capital paid up:

And from and after such date for the purposes of the Act of 1867 and the Acts incorporated therewith the standard rate of dividend in this section mentioned shall be deemed to be "the prescribed rate" within the meaning of such Acts.

Dividend dependent on price.

32. As from the first day of January one thousand nine hundred and four section 65 (Limiting charge for supply of gas by meter) of the Act of 1867 shall be and is hereby repealed and from and after that date "the standard price" to be charged by the Company for the supply of gas throughout their limits of supply shall be three shillings and sixpence per thousand cubic feet subject to the provisions hereinafter contained (that is to say):—

The Company may increase or reduce the price charged by them for gas above or below such standard price subject to a reduction or increase in the standard 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 more 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 of such stock:

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 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 of such stock:

Provided that no increased dividend beyond the standard rate of dividend shall be paid in respect of any half-year during any portion of which the net price charged to any consumer shall be three shillings and fourpence or more per thousand cubic feet.

Qualification of directors.

33. On and as from the first day of January one thousand nine hundred and four section 44 (Qualification of directors) of the Act of 1867 shall be and is hereby repealed and from and after such date the qualification of a director of the Company shall be the possession in his own right of not less than four hundred pounds nominal value of consolidated ordinary stock.

Votes at meetings.

34. On and as from the first day of January one thousand nine hundred and four section 41 (Quorum of meetings) of the Act of 1867 shall be and is hereby repealed and at all general meetings of the Company held after that date every holder of a complete sum of ten pounds nominal value of consolidated ordinary stock shall be entitled to vote and shall have one vote in respect of every complete sum of ten pounds of such stock held by him and the quorum of every general meeting held after such date shall be ten holders of consolidated ordinary stock entitled to vote at such meeting present in person or by proxy and holding not less in the aggregate than two thousand pounds nominal value of such consolidated ordinary stock provided that no stockholder shall be entitled to vote except in respect of stock which shall have been registered in his name one month at least before the date of the meeting.

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

35. 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 preference capital (if any) and dividend on the ordinary capital at the authorised rate the excess beyond the sum necessary for that purpose may from time to time to the extent

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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 the 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 nominal 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 accidents 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.

Profits in excess of authorised rates of dividend.

36. 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 preference capital (if any) and the dividend at the authorised rates on the ordinary capital 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 the undertaking for the next following half year Provided that the Company shall not in any year carry forward a larger amount than six thousand pounds.

Power to create a reserve fund out of dividends when in excess of standard rate of dividend and application thereof.

37. Where in any year the dividend of the Company on the ordinary capital 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 ordinary capital 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.

Pressure quality and testing of gas.

38. As from the first day of January one thousand nine hundred and four section 76 (Illuminating power and purity of gas) section 77 (Experimental meter to be erected for testing quality of gas) section 78 (Power to test the purity of the gas) section 79 (Penalty for supplying gas of inferior illuminating power or purity) and section 80 (Cost of experiment by whom to be paid) of the Act of 1867 shall be and are hereby repealed and on and after such date and in lieu thereof the provisions of the incorporated Acts relating thereto and as varied by the following provisions shall have effect (that is to say) :—

(1) 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 not less than eight-tenths of an inch and from sunset to midnight not less than one inch in height at the main The testings for pressure may be made at the top of a service pipe to a public lamp and any gas examiner appointed under the Gasworks Clauses Act 1871 may subject to the terms of his appointment test the pressure at which the gas is supplied and may for that purpose use any public lamp as aforesaid or 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 and four hours previous notice in writing shall be given to the Company of time and place at which such testing shall be conducted Whenever the testing is made at the top of a service pipe aforesaid there shall be deducted from the observed pressure one-tenth of an inch in order to correct for the difference between the pressure of gas at the top of such service pipe and that at which it is supplied to the basement of the neighbouring houses :

(2) On or before the day aforesaid a testing place shall be provided at the works of the Company at the expense of the Company :

(3) The prescribed number of candles shall be fourteen :

(4) The prescribed burner shall be Sugg's London argand No. 1 burner or such other burner as shall for the time being

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be approved by the Board of Trade and in making tests for illuminating power the gas shall be burned at such a rate as to yield the maximum light for which the burner for the time being used in making such test shall be designed:

(5) Any gas examiner may test the illuminating power pressure and purity of the gas supplied by the Company at any time of the day or night:

(6) The gas supplied by the Company shall not contain more than thirty grains of sulphur in any form in every one hundred cubic feet of gas:

(7) No forfeiture shall be incurred in any case with respect to which it is proved before the justices that the defect of illuminating power or insufficiency of pressure or excess of impurity was occasioned by unavoidable cause or accident and in the case of an excess of sulphur unless that excess shall amount to two grains upon the average of six consecutive days or ten grains upon any one day:

(8) In the event of the gas examiner finding any defect of illuminating power or purity or deficiency of pressure in the gas he shall give notice thereof in writing to the Company at their office not later than the day immediately following that on which the testing has been conducted.

Anti-fluctuators for gas engines.

39. Every consumer of gas supplied by the Company who uses a gas engine shall if required to do so by the Company use an 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 the consumer.

Power to lay pipes &c. with consent of local authority for purposes ancillary to their business.

40. It shall be lawful for the Company for the purposes of their undertaking to lay down place repair alter remove and renew mains pipes and culverts wires and other apparatus with the consent of the local or road authority in or under any street or place dedicated to public use within the limits of the Company for the purpose of procuring conducting or disposing of any oil or other material used by them in or resulting from the manufacture of gas or any residual products thereof or for the purpose of effecting telegraphic or telephonic communication between to or from the Company's works and offices or for any other purpose connected

with or ancillary to their business Provided that such telegraphic and telephonic communication shall not be used for the purpose of transmitting telegrams in contravention of the exclusive privilege conferred on the Postmaster-General under the Telegraph Act 1869.

Saving rights of Crown.

41. Nothing contained in this Act shall authorise the Company to take use or in any manner interfere with any lands or hereditaments or any rights of whatsoever description belonging to the King's most Excellent Majesty in right of His Crown and under the management of the Commissioners of Woods or the Commissioners of Works without the consent in writing of the Commissioners of Woods or the Commissioners of Works as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent such commissioners are hereby authorised to give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the King's Majesty.

The Company shall not interfere with any water mains or drains the property of His Majesty connected with Hampton Court Palace or the royal parks or the Longford River so as to alter lower raise or divert the same except with the consent in writing of the commissioners or first commissioner for the time being of His Majesty's Works and Public Buildings on behalf of His Majesty for that purpose first had and obtained and all works which such commissioners or first commissioner as aforesaid shall sanction under this section shall be done at the expense of the Company and in accordance with the requirements and to the satisfaction of such commissioners or first commissioner testified as aforesaid.

Nothing in this Act shall authorise the Company to break up or in any way interfere with any street the soil of which is vested in the King's most Excellent Majesty in right of His Crown and is under the management of the Commissioners of Woods or which is vested in or under the control or management of the Commissioners of Works except with the consent of the Commissioners of Woods or Works as the case may be and on such conditions as those commissioners think fit.

For protection of London United Tramways (1901) Limited.

42. The following provisions for the protection of the London United Tramways (1901) Limited (in this section called "the United Company") shall be in force and shall have effect and be binding on the Company:—

(A) In exercising the powers conferred on the Company by this Act in the laying down placing repairing altering removing

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and renewing mains pipes and culverts wires and other apparatus in or under the streets or roads along which the United Company's tramways or any posts wires cables cableways or apparatus in connection therewith are now constructed and laid or are authorised to be so constructed and laid the Company shall not except so far as may be absolutely necessary alter or interfere with or injuriously affect the said tramways posts wires cables cableways or apparatus and all works shall be executed by the Company under the superintendence and to the reasonable satisfaction of the engineer of the United Company and only according to plans and sections submitted to and in such manner as shall previously be reasonably approved by him and in all things by and at the expense of the Company and such plans and sections shall be submitted to the United Company's engineer for approval at least twenty-one days before the commencement of any work The Company shall also restore and make good the streets or roads or portions thereof which the United Company is or may be liable to maintain and which may be disturbed or interfered with by or owing to the exercising the said powers and all such works matters and things shall be constructed executed and done so as not to cause any injury to the tramways works or property of the United Company or interruption to the passage or conduct of the traffic over such tramways or interference with or injury to any such posts cables or cableways:

(b) The Company shall repay to the United Company any additional expense incurred by the United Company in constructing repairing or maintaining any such tramways posts wires cables cableways or apparatus by reason of the exercise of the powers as aforesaid by the Company:

(c) If any difference arise between the Company and the United Company as to the mode of laying down replacing repairing altering removing and renewing mains pipes culverts wires and other apparatus under over or upon the works or the facilities to be afforded for the same as hereinbefore provided for such difference shall be settled by an engineer or other fit person to be agreed upon between the United Company and the Company or failing such agreement to be appointed on the application of either party by the Board of Trade under and subject to the provisions of the Arbitration Act 1889.

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

43. The Company may on the application of the owner or occupier of any premises within the Company's limits of supply abutting on or being erected in any street laid out but not dedicated to public use supply such premises with gas and may lay down take up alter relay or renew in across or along such street such pipes and apparatus as may be requisite or proper for 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 apparatus and for the protection of pipes when laid shall so far as they are applicable extend and apply to pipes and apparatus laid down under the provisions of this section.

Power to supply gas fittings &c. for heating and other purposes.

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

(2) Any apparatus or fittings let for hire under the provisions of this section shall not be subject to distress or to the landlords' remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be Provided that such apparatus or fittings have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Company as the actual owners thereof.

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

45. The Company may contract with any local authority company corporations or persons beyond the Company's limits of supply (but 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 in any case seven years from the making of the contract as shall be agreed upon.

Gas consumers to give notice

46. 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

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to Company before removing.

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.

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

47. 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 him a supply of gas until he pays the same.

Notice to discontinue supply of gas.

48. 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 for the time being of the Company.

Period of error in defective meter.

49. 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 meters.

50. 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 on any occasion of laying or relaying pipes are to be laid by the consumer 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 :

(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 specification shall be published twice in some newspaper or once in each of two newspapers circulating in the

district and a copy thereof shall be kept exhibited in the office of the Company : A.D. 1903.

(4) Every meter to be used in a new building or a building not previously supplied with gas or in connection with a new or substituted pipe laid by the consumer between the main and the consumer's meter shall be placed as near as reasonably practicable to the Company's main 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.

Power to apply for a Provisional Order to supply electrical energy.

51. The Company if they think fit may under the provisions of the Electric Lighting Acts 1882 and 1888 make application for a Provisional Order or Licence to supply electrical energy for public and private purposes and may apply their funds for the purpose of such application Provided that no such application shall be made in respect of the urban districts of Hampton Wick Teddington Hampton or East and West Molesey without the previous consent in writing under the seal of the district councils of those respective districts.

Expenses of Act.

52. 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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The SCHEDULE referred to in the foregoing Act.

ADDITIONAL GAS LANDS.

A piece or parcel of ground containing two acres and seventeen perches or thereabouts belonging to the Company and situate in that part of the parish of Hampton which is now included in the urban district of Hampton Wick in the county of Middlesex bounded on the north by the existing gasworks of the Company on the south by the rear of the several premises lying on the northern side of Cedars Road on the east by the Kingston branch of the London and South Western Railway and on the west by Sandy Lane.

Printed by EYRE and SPOTTISWOODE,
FOR
T. DIGBY PIGOTT, Esq., C.B., the King's Printer of Acts of Parliament.

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