CHAPTER xcviii.

An Act to confer further powers on the Hebden Bridge Gas Company. A.D. 1894. [20th July 1894.]

WHEREAS by the Hebden Bridge Gas Act 1870 (in this Act called the Act of 1870) the Hebden Bridge Gas Company (in this Act called the Company) were incorporated and empowered to manufacture gas and to supply the same within the townships of Wadsworth and Heptonstall and parts of the townships of Midgley Sowerby Erringden and Stansfield all in the parish of Halifax in the west riding of the county of York:

And whereas the capital of the Company now consists of the following sums viz. £13670 stock (consisting of £8500 share capital authorised by section 24 of the Act of 1870 and £5170 authorised to be borrowed under that Act and raised as or converted into stock) with a maximum dividend of ten per centum per annum and £16424 in shares with a maximum dividend of seven per centum per annum:

And whereas the Company have not issued debenture stock:

And whereas the demand for gas within the limits of the Act of 1870 has increased and is increasing and the existing works of the Company and the lands which they are authorised to use for the manufacture and storage of gas are insufficient to enable the Company to meet such demand and it is expedient that the Company be authorised to acquire further lands and to construct and maintain additional works on such lands and on other lands belonging or reputed to belong to the Company:

And whereas it is expedient that the Company be authorised to raise further capital:

And whereas it is expedient that the Act of 1870 be amended as by this Act provided and that such other provisions be made with respect to the Company and their undertaking as are in this Act contained:

And whereas a plan of the lands required or whichmay be taken for the purposes or under the powers of this Act and a book of

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reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of such lands were duly deposited with the clerk of the peace for the west riding of the county of York and are in this Act respectively referred to as the deposited plan and book of reference:

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 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:—

Short title.

1. This Act may be cited as the Hebden Bridge Gas Act 1894 and the Hebden Bridge Gas Act 1870 and this Act may for all purposes be cited together as the Hebden Bridge Gas Acts 1870 and 1894.

Incorporation of general Acts.

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

The Lands Clauses Acts:

The Gasworks Clauses Act 1847:

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

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions and the 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 conversion of the borrowed money into capital;

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; and

Part I. (cancellation and surrender of shares) Part II. (additional capital) and Part III. (debenture stock) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869:

And the Gasworks Clauses Act 1871 shall subject to the provisions of this Act apply to the undertaking of the Company as if the same had been authorised by this Act.

Interpretation of terms.

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:

The expression "the Company" shall mean the Hebden Bridge Gas Company;

The expression "the Act of 1870" shall mean the Hebden Bridge Gas Act 1870;

The expressions "the works" "the gasworks" and "the undertaking" shall respectively mean and include the gasworks and works connected therewith by the Act of 1870 and this Act vested in or authorised to be made or maintained by the Company and any improvement thereof which they may construct under the powers of the Act of 1870 and this Act and the lands buildings estate right title property privileges and effects and the undertaking of the Company and every part thereof respectively;

The expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall for the purposes of this Act be read and have effect as if the debt or demand in respect of which the expression is used were a simple contract debt and not a debt or demand created by statute.

Power to raise additional capital.

4. The Company may from time to time raise additional capital not exceeding in the whole twenty-five thousand pounds by the creation and issue of new ordinary shares or stock or new preference shares and stock or wholly or partially by one or more of those modes respectively but the Company shall not issue any share of less nominal value than ten pounds nor shall any such share or stock 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 Provided that it shall not be lawful for the Company to create and issue under the powers of this Act any greater nominal amount of capital than shall be sufficient to produce including any premiums which may be obtained on the sale thereof the sum of twenty-five thousand pounds.

Profits of the Company limited.

5. Except as by this Act provided the profits of the Company to be divided among the shareholders in any year shall not exceed

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the following rates (which are in this Act referred to as the standard rates of dividend) that is to say on the sum of thirteen thousand six hundred and seventy pounds stock the rate of ten pounds in respect of every one hundred pounds of such capital on the sum of sixteen thousand four hundred and twenty-four pounds of share capital the rate of seven pounds in respect of every one hundred pounds of such capital and on the additional capital of twenty-five thousand pounds authorised to be raised under the powers of this Act the rate of seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital and the rate of six pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as preference capital.

Dividends on different classes of stock or shares to be paid proportionately.

6. In case in any half year the funds of the Company applicable to dividend shall be insufficient to pay the full amount of dividend at the prescribed authorised rate on each class of ordinary stock or shares in the capital of the Company a proportionate reduction shall be made in the dividend of each class.

Qualifications of new shares or stock.

7. The additional capital from time to time raised by the Company under this Act by shares or stock shall be part of the general capital of the Company and save as otherwise provided in respect of such capital by the provisions of this Act the holders of shares or stock in such additional capital shall be entitled to the like rights of voting and other rights qualifications and privileges in proportion to the amount of their shares or stock from time to time paid up and be subject to the like provisions forfeitures and liabilities as the holders of stock in the original capital Provided that except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned.

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

8. 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 reserved price put upon such shares or 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 shares or stock in the Company except that if any bidding or offer by tender of any holder or holders of shares or stock be the same in amount as any bid or offer made by any other person the bidding or offer of such holder or holders of shares or stock shall be accepted in preference.

Purchase money to be paid within three months.

9. It shall be one of the conditions of any sale of shares or stock under this Act that the whole nominal amount thereof together with 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 shares or stock.

10. The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the clerks to the Hebden Bridge District Local Board and the Mytholmroyd District Local Board respectively 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 districts of the said local boards respectively.

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

11. When any shares or stock 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 reserved price put upon the same respectively for the purpose of sale by auction or tender to the holders of ordinary shares or ordinary stock of the Company in manner provided by the Companies Clauses Act 1863 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 and in accordance with the provisions of this Act with respect to the sale of shares and stock created under the powers of this Act but at a lower reserved price than the price put upon the same at the preceding offer thereof for sale by auction or tender and any shares or stock not then sold shall be again offered to the holders of ordinary shares or ordinary stock at the last-mentioned reserved price and so from time to time until the whole of such shares or stock is sold.

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Application of premium arising on issue of shares or stock.

12. 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 fund is made proportionate to the paid up capital the premiums received from the sale of shares by auction or tender as herein-before provided shall for such purpose be reckoned as part of the paid-up capital.

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

13. 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 rates 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 accident strikes or other circumstances which in the opinion of two justices 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 or demand 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 rates of dividend.

14. 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 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 such undertaking for the next following year.

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

15. When in any year the dividend of the Company on the ordinary capital of the Company shall exceed the standard rates 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 rates 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.

Power to borrow in respect of additional capital.

16. The Company may from time to time subject to the provisions of this Act borrow on mortgage of the undertaking any sum or sums not exceeding in the whole one-fourth 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.

As to conversion of borrowed money into capital.

17. The Company shall not have power to raise the money by this Act authorised to be borrowed on mortgage or by the issue of debenture stock or any part thereof by the creation of shares or stock instead of borrowing or to convert into share capital any money borrowed under the provisions of this Act unless in either case all dividends upon the shares or stock whether ordinary or preferential are limited to a rate not exceeding five pounds per centum per annum.

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Repeal of provisions of former Acts with respect to appointment of receiver.

18. Every provision in any Act relating to the Company passed before the present session of Parliament by which the mortgagees of the Company are empowered to enforce payment of principal and interest or principal or interest due on their mortgages by the appointment of a receiver is by this Act repealed but without prejudice to any appointment heretofore made or to the continuance of any proceedings which may have been commenced under any such provision prior to the passing of this Act.

For appointment of receiver.

19. 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 one thousand pounds in the whole.

Debenture stock.

20. 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 created and issued or granted by the Company under 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 under this Act.

Receipt in case of persons not sui juris.

21. If any money is payable to a shareholder or mortgagee or debenture stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Application of money.

22. All money raised under this Act by the Company whether by shares stock debenture stock or borrowing shall be applied only to the purposes by this Act authorised and for the general purposes of the Company being in all cases purposes to which capital is properly applicable.

Restriction as to raising further capital.

23. The Company shall not except with the consent of the Hebden Bridge District Local Board and the Mytholmroyd District Local Board raise any capital under the provisions of this Act (except so far as may be necessary for defraying expenditure on capital account made in the ordinary course of the proper conduct

of the affairs of the Company and with the intention of benefiting the undertaking) until the twenty-first day of December one thousand eight hundred and ninety-four and if the said local boards or either of them shall introduce a Bill into Parliament and bonâ fide promote the same in the next available session of Parliament to empower them to purchase the undertaking of the Company the Company shall not raise any of the said capital (except with the consent aforesaid or for the purposes aforesaid) during the promotion of such Bill.

Power to take lands.

24. Subject to the provisions of this Act the Company may enter upon take and use such of the lands delineated on the deposited plan and described in the deposited book of reference and described in Part II. of the schedule to this Act as they may require for the purposes of the gasworks.

Correction of errors omissions &c.

25. If any omission misstatement or erroneous description is found to have been made of any lands or of any owners lessees or occupiers of any lands shown or described or intended to be shown or described on the deposited plan or in the deposited book of reference the Company may apply to two justices for the correction thereof after giving ten days' notice to the owners lessees and occupiers of the lands affected by the proposed correction and if it appears to the justices that the omission misstatement or erroneous description arose from mistake they shall certify the same accordingly stating the particulars of the omission misstatement or erroneous description and such certificate shall be deposited with the clerk of the peace for the west riding of the county of York and shall be kept by him with the other documents to which it relates and subject and according to the same enactments and provisions as apply to those other documents and thereupon the deposited plan or book of reference (as the case requires) shall be deemed to be corrected according to the certificate and the Company may enter on take hold and use those lands accordingly.

Powers as to construction and maintenance of gasworks &c.

26. Notwithstanding anything contained in the Act of 1870 the Company may subject to the provisions of this Act from time to time maintain alter improve enlarge extend and renew or discontinue their existing gasworks upon the lands described in Part I. of the schedule to this Act and they may also upon the lands described in Part II. of the said schedule from time to time erect lay down provide maintain alter improve enlarge extend and renew or discontinue additional and other gasworks retorts gasometers receivers drains sewers mains pipes meters lamps lamp-posts burners stop-cocks machinery and other works and apparatus and conveniences and may do all such acts as they think proper for

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making and storing gas and for supplying gas within the limits of the Act of 1870 and may make store and supply gas accordingly and may manufacture sell provide supply and deal in coke tar pitch asphaltum ammoniacal oil and all other products or residuum of any materials employed in or resulting from the manufacture of gas and also meters fittings tubes pipes and other articles and things in any way connected with gasworks or with the supply of gas as they may from time to time think fit.

Period for compulsory purchase of lands.

27. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Prescribed period for sale of lands.

28. In the case of lands acquired by the Company by compulsion the prescribed period within the meaning of section 127 of the Lands Clauses Consolidation Act 1845 shall be fifteen years from the passing of this Act.

Power to purchase lands by agreement. Gas not to be manufactured on such lands.

29. 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 schedules to the Act of 1870 and the schedule to this Act any lands and hereditaments not exceeding in the whole ten acres which the Company may from time to time 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 schedules to the Act of 1870 and the schedule to this Act.

Restriction on taking houses of labouring class.

30. The Company shall not under the powers of this Act purchase or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district 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 For the purpose of this section the expression "labouring class" means and includes mechanics artizans 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 such persons who may be residing with them.

Power to supply gas fittings engines and other apparatus.

31. The Company may purchase provide or hire and may supply sell or let burners tubes and stoves or ranges for heating or cooking by means of gas and any other materials or fittings for the use of gas for domestic or other purposes and also engines and machines for domestic manufacturing industrial or any other purposes whatever to be worked by means of gas for the production of motive power and any materials or fittings to be used in connexion therewith and charge for any stoves engines machines fittings and other things supplied sold or let under the powers of this Act such price rent or sum as may be agreed upon between the Company and the other party to any such agreement.

Power to supply gas for heating cooking and other purposes.

32. The Company may on the request of the owner or occupier of any property within the limits of the Company's supply give and continue to give a supply of gas for heating and ventilating such premises or for motive power cooking or other purposes on such property and may furnish and lay any pipes stoves apparatus fittings or conveniences for the purposes of this section on such terms and conditions in all respects as may be agreed on between the Company and such owner or occupier as aforesaid.

Supply of gas in bulk.

33. The Company may from time to time enter into and carry into effect agreements with any urban or rural sanitary or other local authority of any district within or beyond their limits or any company authorised to supply gas under Parliamentary authority within any such district for the supply by the Company to such sanitary or other local authority or company respectively of gas in bulk.

Repeal of sections 30 70 72 73 74 and 75 of Act of 1870.

34. Section 30 (Limit of dividend on part of capital) Section 70 (Limiting the price of gas) Section 72 (Quality and illuminating power of gas) Section 73 (Experimental meter) Section 74 (Power of testing quality of gas) and Section 75 (Cost of experiment by whom paid) of the Act of 1870 are hereby repealed.

Dividend dependent on price charged.

35. The standard price to be charged by the Company for gas supplied by them shall be three 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 subject to a reduction or increase in the dividend payable by the Company on the ordinary share capital or stock as follows:—

In respect of any year during which the price charged by the Company shall have been one penny or more above the standard price the dividend payable by the Company shall in respect of each penny by which the standard price shall

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have been increased be reduced below the standard rates of dividend by five shillings on every hundred pounds of ordinary paid-up capital and so in proportion for any fraction of one hundred pounds:

And in respect of any year during 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 rates by five shillings on every hundred pounds of ordinary paid-up capital and so in proportion for any fraction of one hundred pounds.

Pressure of gas.

36. 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 six-tenths of an inch and from sunset to midnight not less than eight-tenths of an inch in height at the main as near as may be to the junction therewith of the service-pipe supplying such consumer 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 and two hours previous notice shall be given to the Company of the time and place at which such testing shall be conducted.

Quality of gas.

37. The prescribed number of candles shall be fifteen.

Testing place.

38. Within six months from the passing of this Act a testing place shall be provided at some convenient part of the works or lands of the Company.

Burner.

39. The prescribed burner shall be Sugg's London Argand Burner number one with a six-inch by one-and-three-quarter inch glass chimney but if at any time and so long as the gas flame rises above the top of that glass a six-inch by two-inch chimney shall be used or any other burner or chimney approved for this purpose by the Board of Trade.

Costs of Act.

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

SCHEDULE referred to in the foregoing Act.

PART I.

A piece of land two thousand nine hundred and seventy-four square yards in extent occupied by the Company formerly part of the Redacre Estate situate near Mytholmroyd in the township of Wadsworth in the parish of Halifax in the west riding of the county of York bounded on the southerly side by the Rochdale Canal on the westerly side by other part of the said Redacre Estate on the easterly side by Redacre Road and on the northerly side partly by the said Redacre Road and partly by other part of the said Redacre Estate.

PART II.

A close piece or parcel of land five thousand three hundred and forty square yards in extent situate at Hebden Bridge in the township of Sowerby in the parish of Halifax in the west riding of the county of York bounded on or towards the north-west by Crow Nest Road on or towards the north-east by the River Calder and on or towards the south-west and south-east by land belonging or reputed to belong to the Lancashire and Yorkshire Railway Company and in the occupation of John William Lord.

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