CHAPTER xv.

An Act to authorise the Hemel Hempsted District Gas Company to raise additional capital to extend the limits of supply of and to confer further powers upon that Company and for other purposes. [10th July 1917.] A.D. 1917.

WHEREAS by the Hemel Hempsted District Gas Act 1878 (in this Act called "the Act of 1878") the Hemel Hempsted and Boxmoor Gas and Coke Company (Limited) and the Boxmoor Two Waters and Crouchfield Gas and Coke Company (Limited) were dissolved and the shareholders of such Companies were incorporated as the Hemel Hempsted District Gas Company (in this Act called "the Company") and the Company were authorised amongst other things to acquire the undertakings of the King's Langley Gas Company Limited and the Abbots Langley Gas Company Limited and to manufacture and supply gas within the limits in that Act defined:

And whereas shortly after the passing of the Act of 1878 the Company acquired the undertakings of the two last-mentioned companies:

And whereas the demand for gas within the Company's limits of supply is increasing and in order to meet such increased demand it is expedient to authorise the Company to erect and maintain additional works and to raise additional capital:

And whereas it is expedient that the Company's existing limits of supply should be extended so as to include therein so much of the parish of Redbourn in the rural district of Saint Albans in the county of Hertford as is not comprised within the Company's said existing limits:

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And whereas it is expedient that new provisions should be made with reference to the quality and testing of the gas supplied by the Company:

And whereas it is expedient to empower the Company to establish certain funds for the benefit of the servants of the Company and other purposes:

And whereas the whole of the capital raised by the Company by the issue of stock and shares has been raised as ordinary capital and no part thereof has been raised as preference capital:

And whereas the following is a statement of the capital stock and shares and loan capital which the Company have issued and borrowed or are authorised to issue and borrow under the powers in that behalf conferred upon the Company by the Act of 1878:—

Capital Stock.

Description of Stock.	Standard Dividend per cent.	Total paid up.	Total authorised.
		£	£
"A" Stock - - - - -	10	12,000	12,000
"B" Stock - - - - -	10	5,500	5,500
£10 "C" Shares or "C" Stock - - -	7	1,000 16,000	20,000

Loan Capital.

Description of Loan.	Rate of Interest per cent.	Total borrowed.	Remaining to be borrowed.	Total authorised.
		£	£	
Terminable Mortgage Bonds.	4	2,000	—	4,400*l.* in respect of the "A" and "B" Stock.
Permanent Mortgage Bonds.	4	2,400	—	
Ditto - - -	4	2,500	1,300	5,000*l.* in respect of the additional 20,000*l.* capital.
Ditto - - -	5	1,200		

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And whereas the Company also received from the issue of the said "C" shares and the issue of one hundred and sixty shares of ten pounds each which were under the powers of the said Act converted into the said "C" stock premiums to the amount of three thousand five hundred and ninety-two pounds six shillings and sixpence which sum was applied in the manner directed by section 35 of the Act of 1878:

And whereas it is expedient that the Company should be authorised to construct the footbridge in the borough of Hemel Hempsted hereinafter described 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 and section showing the lines and levels of the said footbridge and a book of reference to such plan containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken or used or in respect of which easements may be acquired for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Hertford and such plan section and book of reference are in this Act respectively referred to as the deposited plan section and book of reference:

And whereas the objects aforesaid 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 (that is to say):—

Short and collective titles.

1. This Act may be cited as the Hemel Hempsted District Gas Act 1917 and the Hemel Hempsted District Gas Act 1878 and this Act may be cited together as the Hemel Hempsted District Gas Acts 1878 and 1917.

Incorporation of general Acts.

2. The following Acts and parts of Acts are (subject to the provisions of and so far as applicable to the purposes of this Act) hereby incorporated with and form part of this Act (namely):—

The Lands Clauses Acts:

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The Gasworks Clauses Acts 1847 and 1871 Provided that section 13 of the former Act shall be read as if the words "or any premises" were inserted after the words "private building" and as if the words "Provided also "that every such contract entered into by the Company "shall be alike in terms and amount under like circum- "stances to all consumers" were added at the end of that section:

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

The transfer or transmission of shares;

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

The making of dividends;

The giving of notices; and

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

and the said provisions shall so far as the same are respectively applicable apply to any ordinary and preference stock to be issued under the powers of this Act:

And Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts.

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 And the expressions—

"The limits of supply" means the limits for the time being for the supply of gas by the Company;

"The directors" means the directors of the Company;

"British thermal units" means British thermal units gross per cubic foot of gas;

"The corporation" means the mayor aldermen and burgesses of the borough of Hemel Hempsted; and

"The borough" means the borough of Hemel Hempsted.

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Powers as to construction and maintenance of gasworks &c

4.—(1) Subject to the provisions of this Act the Company may upon the lands described in the First Schedule to this Act erect maintain alter improve and renew gasworks with all necessary machinery and apparatus and do all such acts as may be proper for making and storing and for supplying gas within the limits of supply.

(2) The Company may also upon the said lands—

(A) Work up and convert the residual products arising directly or indirectly from the manufacture of gas by them:

(B) Purchase the residual products arising from the manufacture of gas by other gas undertakers and therewith manufacture other products of the same kind as the Company are manufacturing from their own residual products Provided that the quantity of any residual product so purchased by the Company in any year shall not exceed one-third of the quantity of the like residual product which shall in that year arise directly or indirectly from the manufacture of gas by them:

(c) Purchase from other gas undertakers and elsewhere and use the materials required to work up and convert the residual products so arising from their own manufacture of gas or purchased as aforesaid:

But the Company shall not manufacture chemicals exclusively from raw materials purchased from sources other than gas undertakings or in the manufacture of which the use of residual products produced by the Company or purchased from other gas undertakings is merely subsidiary.

Power to construct footbridge.

5. The Company may in the parish and borough of Hemel Hempsted construct and maintain in the lines and according to the levels shown on the deposited plan and section the footbridge hereinafter described together with all such temporary and other works arches walls piers abutments footways surface drains and conveniences as may be necessary or expedient and may enter upon take and use such of the lands delineated on the said plan and described in the deposited book of reference as may be required for such purpose (that is to say):—

A footbridge on the site of the footpath leading from the road from Watford to Berkhampstead over the London

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and North Western Railway to Featherbed Lane and extending between points one hundred yards and one hundred and thirty yards or thereabouts measured along the said footpath in a southerly direction from the junction of the said footpath with the said road from Watford to Berkhampstead:

And may close and stop up for public and other traffic the portion of the footpath shown upon the deposited plan between the said points of commencement and termination of the said footbridge and as from such stopping up all public rights of way (if any) thereover shall cease and be extinguished and the Company may appropriate and use for the purposes of their gas undertaking the site of the portion of the said footpath so stopped up Provided that the Company shall make full compensation to all parties interested in respect of any private rights of way extinguished by virtue of this section and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Limits of deviation.

6. In the construction of the works by this Act authorised the Company may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plan and they may also deviate vertically from the levels shown on the deposited section to any extent not exceeding five feet upwards and five feet downwards.

Period for compulsory purchase of lands.

7. 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.

Persons under disability may grant easements &c.

8. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Correction of errors in deposited plan and book of reference.

9. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plan or specified in the deposited book of reference the Company after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county of Hertford for the correction thereof and if it appear to the justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Hertford and a duplicate thereof shall also be deposited with the town clerk of the borough and such certificate and duplicate respectively shall be kept by such clerks respectively with the other documents to which the same relate and thereupon the deposited plan and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Company to take the lands and execute the works in accordance with such certificate.

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

10. The Company may for the purposes of their undertaking purchase take and hold (by agreement but not otherwise) in addition to the lands which the Company are authorised to purchase take and hold under the Act of 1878 and this Act any lands and hereditaments not exceeding in the whole five 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 which the Company are authorised to use for such purposes by the Hemel Hempsted District Gas Acts 1878 and 1917.

Dwelling-houses for employees offices &c.

11. The Company may purchase or take on lease houses and cottages for any of their employees and offices and showrooms for the purposes of their undertaking and may erect fit up maintain and let any such building upon any lands for the time being belonging or leased to the Company.

Power to sell and lease lands.

12. Subject to the provisions of the Lands Clauses Consolidation Act 1845 with respect to the sale of superfluous lands (so far as such provisions are applicable) the Company may sell

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or let on lease for such period as they think fit or otherwise dispose of any lands or property for the time being belonging to them and which may not at the time be required for the purposes of their undertaking or any easements or rights in or under any lands for the time being belonging to them and may retain and hold or sell and dispose of any interests in or reversion to any lands or property so let and any such sale disposal or lease may be for such consideration and subject to such reservations restrictions and provisions and generally upon such terms and conditions as the Company think fit.

EXTENSION OF LIMITS OF SUPPLY.

Extension of limits of supply.

13. From and after the passing of this Act the limits of the Company for the supply of gas shall include in addition to their existing limits of supply the portion of the parish of Redbourn in the rural district of Saint Albans in the county of Hertford which lies beyond a distance of three miles from Hemel Hempsted parish church and the Company may purchase any gas mains and apparatus within and shall have and may exercise within the limits of supply as so extended all and the like powers privileges and authorities and shall be subject to all and the like duties liabilities and obligations as they may have and are subject to within the said existing limits of supply of the Company Provided that the Company shall not supply gas within any part of the said portion of the said parish of Redbourn which is now supplied with gas from the gas business belonging or reputed to belong to Henry King Hiller and Clifford Holmes Hunt save with the consent of the proprietors for the time being of that business.

CALORIFIC POWER AND TESTING.

Testing-place.

14. For the purposes of the Gasworks Clauses Act 1871 the prescribed testing-place shall be a testing-place which shall be provided by the Company on some part of the lands described in the schedule to the Act of 1873 or the First Schedule to this Act within three months after the passing of this Act.

Testing for calorific power.

15.—(1) Within six months after the passing of this Act the Company shall provide and thereafter maintain at the prescribed testing-place apparatus for testing the calorific power of the gas supplied by them The apparatus shall be such as may from time to time be agreed upon between the Company and the

Corporation and shall be used in the mode and under the conditions set forth in the agreement Failing such agreement the apparatus shall be similar to the apparatus from time to time prescribed by the Metropolitan Gas Referees for testing the calorific power of the gas supplied by the companies referred to in the London Gas Act 1905 and shall be used in the mode and under the conditions for the time being prescribed by the Metropolitan Gas Referees.

(2) The gas supplied by the Company shall when tested in accordance with the provisions of this Act be of a calorific power of not less than five hundred British thermal units and that power is in this Act referred to as "the standard calorific power."

(3) The provisions of section 12 of the Gasworks Clauses Act 1871 with reference to the testing for the illuminating power shall cease to apply to the Company and sections 28 to 33 of that Act shall in their application to the Company be construed as if calorific power were therein mentioned in lieu of illuminating power.

Provisions as to testing for calorific power.

16. Not more than one testing for calorific power shall be made on any one day Provided that if on any occasion of testing the calorific power is found to be below the standard calorific power a second testing shall be made on the same day after an interval of not less than one hour and the average of the two testings shall be deemed to be the calorific power of the gas on that day.

The gas examiner shall forthwith deliver a report of the result of his testing to the Company and that report shall be receivable in evidence.

Penalties for deficient calorific power.

17. If the calorific power on any day of the gas supplied by the Company is less than five hundred British thermal units the Company shall be liable to the following penalties in respect of such deficiency (that is to say):—

If the deficiency does not exceed fourteen British thermal units two pounds;

If the deficiency exceeds fourteen British thermal units but does not amount to twenty-eight British thermal units a sum not exceeding five pounds;

For each complete twenty-eight British thermal units of defective power a sum not exceeding ten pounds:

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Provided that the Company shall not be liable to more than one penalty in respect of a deficiency of the calorific power of the gas supplied on any one day.

Pressure.

18.—(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 not less than fifteen-tenths of one inch in height at the main or as near as may be to the junction therewith of the service pipe supplying the consumer:

Provided that all gas supplied by the Company to any station of the London and North Western Railway Company shall be supplied at such pressure as to balance a column of water not less than twenty-tenths of one inch in height at the inlet of the primary meter or meters registering that supply to such company:

Provided also that all gas supplied by the Company at the Hemel Hempsted station of the Midland Railway Company shall be supplied at such pressure as to balance a column of water not less than twenty-tenths of one inch in height at the inlet of the primary meter or meters supplying such company.

(2) Any gas examiner appointed under the Gasworks Clauses Act 1871 may for the purposes of this Act subject to the terms of his appointment at the testing-place or at any public lamp or on the premises of the London and North Western Railway Company at the inlet of the primary meter or meters registering the supply to such company as and when he thinks fit test the pressure at which the gas is supplied The Company shall afford to the examiner all reasonable facilities for making the test.

(3) Sections 66 to 69 (inclusive) of the Act of 1878 are hereby repealed.

Saving as to penalties.

19. No penalty shall be incurred by the Company for insufficiency of pressure defect of calorific power or excess of impurity in the gas supplied by them in any case in respect of which it is proved that such insufficiency defect or excess was produced by any circumstance beyond the control of the Company Provided that the want of sufficient funds shall not be held to be a circumstance beyond the control of the Company.

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Suitable burners to be provided in lieu of those now in use.

20. The Company if and when required at any time within two years after the passing of this Act by any consumer of gas supplied by the Company shall supply to such consumer and fix free of charge flat flame burners suitable in all respects for consumption of gas of the standard calorific power prescribed by this Act in substitution for any burners (not being incandescent burners) in use by the consumer before the passing of this Act.

Notice of this condition shall be given on each demand note of the Company during the period of two years herein-before mentioned.

Power to Board of Trade to vary standard calorific power &c.

21. If within one month after the expiration of five years from the passing of this Act or after the expiration of any subsequent period of five years the Company or the corporation apply to the Board of Trade to reduce or increase the standard calorific power the Board of Trade after hearing the parties and any other persons who appear to them to be interested may make such reduction or increase of the standard calorific power as they think fit.

ADDITIONAL CAPITAL AND BORROWING POWERS &C.

Power to Company to raise additional capital.

22. The Company may raise additional capital not exceeding in the whole twenty-four thousand pounds by the creation and issue of ordinary "C" stock or preference stock or wholly or partially by one or other of those modes respectively 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 premium which may be obtained on the sale thereof the sum of twenty-four thousand pounds.

Additional capital to be part of general capital.

23. The additional capital created by the Company under this Act shall form part of the general capital of the Company and save as is otherwise by this Act provided the holders thereof respectively in proportion to the amount of their stock shall be entitled and subject to the like rights of voting and any other rights qualifications privileges provisions and liabilities as other holders of stock of the Company of the same class or description.

Profits of Company limited.

24. Except as by this Act provided the Company shall not in any year pay out of their profits any larger dividend on the

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additional capital to be raised under the powers of this Act than seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital and six pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as preference capital.

New stock to be sold by auction or tender.

25.—(1) All ordinary and preference stock created under the powers of this Act shall be issued in accordance with the provisions of this section.

(2) All stock so to be issued shall be offered for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Company shall from time to time determine Provided as follows:—

(A) Notice of the intended sale shall be given in writing to the town clerk of Hemel Hempsted to the clerk to the district council of every district wholly or partly within the limits of supply and to the secretary 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 shall also be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the limits of supply:

(B) A reserve price shall be fixed and notice thereof shall be sent by the Company in a sealed letter to be received by the Board of Trade not less than twenty-four hours before but not to be opened till after the day of auction or last day for the receipt of tenders as the case may be:

(C) No lot offered for sale shall comprise stock of greater nominal value than one hundred pounds:

(D) In the case of a sale by tender no preference shall be given to one of two or more persons tendering the same sum In the case of a sale by auction a bid shall not be recognised unless it is in advance of the last preceding bid:

(E) It shall be one of the conditions of sale that the total sum payable by the purchaser shall be paid to the Company within three months after the date of the auction or of the acceptance of the tender as the case may be.

(3) Any stock which has been so offered for sale and is not sold may be offered at the reserve price to the holders of ordinary and preference stock of the Company in accordance with the provisions of sections 18 19 and 20 of the Companies Clauses Act 1863 and to the employees of the Company and to the consumers of gas supplied by the Company in such proportions as the Company may think fit or to one or more of these classes of persons only Provided in the case of an offer to holders of stock that if the aggregate amount of stock applied for shall exceed the aggregate amount so offered as aforesaid the same shall be allotted to and distributed amongst the applicants as nearly as may be in proportion to the amounts applied for by them respectively.

(4) Any stock which has been offered for sale in accordance with subsection (2) or with subsections (2) and (3) and is not sold shall be again offered for sale by public auction or by tender in accordance with the provisions of this section and any such stock then remaining unsold may be otherwise disposed of at such price and in such manner as the directors may determine for the purpose of realising the best price obtainable.

(5) As soon as possible after the conclusion of the sale or sales the Company shall send a report thereof to the Board of Trade stating the total amount of the respective stock sold the total amount obtained as premium (if any) and the highest and lowest prices obtained for the respective stock.

(6) Sections 31 to 35 inclusive of the Act of 1878 are hereby repealed.

Restrictions as to votes in respect of preference stock.

26. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new stock to which a preferential dividend shall be assigned.

Power to borrow in respect of additional capital.

27. The Company may subject to the provisions of this Act borrow on mortgage of the undertaking any sum or sums not exceeding in the whole one-third part of the amount of the additional capital which at the time of borrowing has been raised under the powers of this Act But no sum shall be borrowed in respect of any capital so raised until the Company have proved to a justice of the peace before he gives his certificate under the fortieth section of the Companies Clauses Consolidation Act

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1845 that the whole of such capital at the time issued together with the premiums (if any) realised on the sale thereof has been fully paid up.

Debenture stock.

28. The Company may create and issue debenture stock subject to the provisions of section 41 of the Act of 1878 Notice of the effect of that enactment shall be endorsed on all mortgages and certificates of debenture stock.

Priority of mortgages and debenture stock over other debts.

29. All money raised or to be raised by the Company on mortgage or debenture stock under the provisions of any former Act relating to the Company or under this Act 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 which is entitled to rank in priority to or pari passu with the interest on their mortgages or debenture stock.

Existing mortgages to have priority.

30. The principal moneys secured by all mortgages granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act and subsisting at the passing of this Act shall during the continuance of such mortgages and subject to the provisions of the Acts under which such mortgages were granted have priority over the principal moneys secured by any mortgages granted by virtue of this Act but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Arrears may be enforced by appointment of a receiver.

31. Section 40 of the Act of 1878 is hereby repealed but without prejudice to any appointment heretofore made or to any proceedings pending at the passing of this Act The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver 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 two thousand pounds in the whole.

Receipt in case of persons not sui juris.

32. If any money is payable to a stockholder 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.

33. All moneys raised under this Act including premiums shall be applied only to purposes to which capital is properly applicable and any sum of money which may arise by way of premium from the issue of stock under the provisions of this Act shall not be considered as part of the capital of the Company entitled to dividend.

Application of excess of profits over authorised rates of dividend.

34.—(1) 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 any preference capital and the dividend at the authorised rates on the ordinary capital of the Company the excess shall be carried to the credit of the divisible profits of such undertaking for the next following year:

Provided that the sum standing to the credit of such divisible profits shall not at any time exceed the amount required to pay one year's dividend at the authorised rates.

(2) Section 64 of the Act of 1878 is hereby repealed.

Borrowing in respect of authorised capital.

35. Sections 37 and 38 of the Act of 1878 shall be read and construed as if the Company were by those sections authorised to borrow on mortgage of the undertaking one-third part of the capital which at the time of borrowing has been raised under the powers of that Act.

Issue of redeemable preference shares or stock or debenture stock.

36.—(1) The Company may create and issue all or any of the preference shares or stock or debenture stock authorised to be created and issued under the powers of this Act so as to be redeemable on such terms and conditions as may be specified in a resolution of the Company passed at a special meeting convened for the purpose.

(2) If it is so provided in the resolution the Company may—

(A) Call in and pay off the shares or stock or any part thereof at any time before the fixed date of redemption; and

(B) Redeem the shares or stock or any part thereof either by paying off the shares or stock or by issuing to any shareholder or stockholder subject to his consent

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other shares or stock in substitution therefor and may for the purpose of providing money for paying off the shares or stock or of providing substituted shares or stock create and issue (subject as regards preference shares or stock to the provisions of the section of this Act of which the marginal note is "New stock to be sold by auction or tender") new shares or stock (either redeemable or irredeemable) or re-issue shares or stock originally created and issued under this section Provided that the creation and re-issue for the purpose of any particular class of shares or stock does not make the total nominal amount of such shares or stock exceed the amount of that class of shares or stock which the Company are for the time being authorised to create.

(3) The Company shall not redeem out of revenue any debenture stock or preference shares or stock created under this section.

Company not to convert borrowed money into capital.

37.—(1) Notwithstanding anything contained in the Act of 1878 the Company shall not exercise in respect of any moneys borrowed by them the powers of the Companies Clauses Consolidation Act 1845 with respect to the conversion of borrowed money into capital.

(2) Section 39 of the Act of 1878 is hereby repealed.

Minimum amounts of holdings and transfers of stock.

38.—(1) Any ordinary stock preference stock or debenture stock of the Company may be issued and be held in amounts of ten pounds or of any integral number of pounds exceeding ten and not otherwise and the Company shall not be under any obligation to register a transfer of any such stock which would reduce the holding of the transferor below or make the holding of the transferee less than ten pounds of stock of that class.

(2) Notice of this enactment so far as applicable shall be stated in all certificates of ordinary stock preference stock or debenture stock of the Company as the case may be.

(3) The provisions of this section shall not apply to stock issued under or for the purposes of or subject to any profit sharing scheme put in force under the section of this Act of which the marginal note is "Profit sharing and savings."

Special Purposes and Benefit Funds &c. A.D. 1917.

Special purposes fund.

39.—(1) The directors may if they think fit in any year appropriate out of the revenue of the Company as part of the expenditure on revenue account any sum not exceeding an amount equal to one per centum of the paid-up capital of the Company including premiums to a fund to be called "the special purposes fund."

(2) The special purposes fund shall be applicable only to meet such charges as an accountant appointed for the purpose by the Board of Trade shall approve as being—

(A) Expenses incurred by reason of accidents strikes or circumstances which due care and management could not have prevented; or

(B) Expenses incurred in the replacement or removal of plant or works other than expenses requisite for maintenance and renewal of plant and works.

(3) The maximum amount standing to the credit of the special purposes fund shall not at any time exceed an amount equal to one-tenth part of the paid-up capital of the Company including premiums.

(4) The moneys forming the special purposes fund or any portion thereof may be invested in securities in which trustees are authorised by law to invest or may be applied for the general purposes of the Company to which capital is properly applicable or may be used partly in the one way or partly in the other.

(5) Resort may from time to time be had to the special purposes fund notwithstanding that the sum standing to the credit of the fund is for the time being less than the maximum allowed by this section.

(6) Section 63 of the Act of 1878 is hereby repealed.

Benefit fund.

40.—(1) The directors may if they think fit in respect of any year appropriate out of the revenue of the Company as part of the expenditure on revenue account any sum not exceeding one halfpenny per one thousand cubic feet of gas supplied by the Company during such year to a fund to be called "the benefit fund":

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Provided that the amount of the sums so appropriated and for the time being standing to the credit of the benefit fund shall not at any time exceed the amount which the directors would have been entitled to appropriate to the benefit fund out of the revenue of the Company at the rate aforesaid during the then preceding five years.

(2) The directors may out of the benefit fund grant a gratuity of any sum or make pension or other allowances payments or benefits to any of the weekly servants of the Company who may be disabled or injured in or may be retired from or become incapacitated through age permanent injury or other infirmity from continuing in the service of the Company or to the widow or family or dependents of any such servant and on such terms and conditions as to contributions by such servants or otherwise as the directors may think fit Provided that it shall not be obligatory on any present or future servant of the Company to become a party to any arrangement made under this Act for securing to him or his widow family or dependents any gratuity pension or other allowance payment or benefit.

(3) The benefit fund shall be applicable for the purposes of this section and for no other purpose whatsoever and no such gratuity pension allowance payment or benefit as is mentioned in this section (other than sick pay) shall be granted or paid to any such servant widow family or dependent otherwise than out of the benefit fund.

(4) The directors may enter into and carry into effect agreements with any insurance company or other association or company for securing to any such servant or the widow family or any dependent of any such servant gratuities pension or other allowances payments or benefits as aforesaid and may make payments out of the benefit fund for the purpose of any such agreement.

(5) The moneys forming the benefit fund or any portion thereof shall be invested in securities in which trustees are by law authorised to invest or in such other securities as may be authorised by resolution of the Company.

(6) Every gratuity pension or other allowance payment or benefit secured made or granted under this Act shall be payable to or in trust for the servant person widow or dependent to

whom the same shall be granted and shall not be assignable or chargeable with the debts or other liabilities of such servant person widow or dependent as the case may be.

(7) If the Company shall under the powers of this Act make any scheme involving contributions by their servants such scheme shall not come into operation until such scheme shall have been registered as the rules of a society under the Friendly Societies Act 1896 and any amendment or variation of such scheme shall not be valid until so registered and the provisions of that Act (except the proviso to subsection (1) of section 8 and section 41) so far as they are applicable and are not inconsistent with the provisions of this Act shall apply (A) as if such scheme were the rules of a society to which the said Act of 1896 applies (B) as if the Company were the trustees of such society (C) as if the benefit fund were the funds of such society and (D) as if persons contributing to and participating in the benefit of such fund were the members of such society.

Power to directors to make donations subscriptions &c.

41. The directors may subscribe or make donations to infirmaries or hospitals which are within the limits of supply and to convalescent homes and similar institutions and to any industrial exhibitions and to the benevolent and sick funds of the employees of the Company and may for any of those purposes apply the funds and revenues of the Company.

Power to grant pensions &c.

42. The directors may in addition to forming a benefit fund under the section of this Act of which the marginal note is "Benefit fund" grant pensions and retiring or superannuation allowances to officers and servants (other than weekly servants) of the Company and for that purpose may apply the funds and revenues of the Company Provided that the total amount of the payments made by the directors in any year under the provisions of this section shall not exceed an amount equal to one halfpenny per thousand cubic feet of gas supplied by the Company during such year.

Dividend dependent on price charged.

43.—(1) The price to be charged by the Company for gas supplied by them within so much of the borough as is within one mile and a half of Hemel Hempsted parish church to persons who shall consume the same by ordinary meter shall be four shillings and twopence per thousand cubic feet (which price is hereinafter referred to as "the standard price") but it

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shall be lawful for the Company to increase or reduce the price charged by them above or below the standard price subject to a reduction or increase in the dividends payable by the Company on the ordinary share capital or stock as follows:—

In respect of any year during any part of which the price charged by the Company within so much of the borough as is within one mile and a half of Hemel Hempsted parish church shall have been one penny or part of a penny above the standard price the dividend payable by the Company shall in respect of each penny or part of a penny by which the standard price shall have been increased be reduced below the standard rate of dividend by five shillings on every one hundred pounds of ordinary paid-up capital with a ten per centum standard rate of dividend and by three shillings and sixpence on every one hundred pounds of such capital with a seven per centum standard rate of dividend and so in proportion for any fraction of one hundred pounds:

And in respect of any year during the whole of which the price charged by the Company within so much of the borough as is within one mile and a half of Hemel Hempsted parish church shall have been one penny or more below the standard price the dividend payable by the Company may in respect of each penny by which the standard price shall have been reduced be increased above the standard rate of dividend by five shillings on every one hundred pounds of ordinary paid-up capital with a ten per centum standard rate of dividend and by three shillings and sixpence on every one hundred pounds of such capital with a seven per centum standard rate of dividend and so in proportion for any fraction of one hundred pounds:

Provided that if in any year the dividends payable shall comprise a fractional amount less than one half per centum the directors may in their discretion add the same to the reserve fund or may defer the payment of such fractional amount until the payment of the next or some succeeding dividend and shall in their discretion either add such fractional amount to and pay the same with succeeding dividends accordingly or add the same to the reserve fund.

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(2) The prices to be charged by the Company for gas supplied by them within any part of the limits of supply which is not within one mile and a half of Hemel Hempsted parish church to consumers who shall burn the same by ordinary meter shall not exceed the price for the time being charged by the Company to consumers under like circumstances within one mile and a half of Hemel Hempsted parish church by more than the following respective amounts (namely) :—

Within any part of the borough which is not within one mile and a half of Hemel Hempsted parish church fourpence per thousand cubic feet ;

Within any part of the limits of supply which is not within the borough eightpence per thousand cubic feet.

Notwithstanding anything in this section contained the Company may charge in any part of the borough which is not within a mile and a half of Hemel Hempsted parish church or in any one or more parishes or places outside the borough a price or prices less than the prices which they are authorised to charge in such part of the borough or in such parishes or places provided that the reduced price in any such parish or place shall not at any time be less than the highest price charged during the same time to ordinary consumers within the borough.

(3) Section 62 of the Act of 1878 is hereby repealed.

Provisions as to Supply of Gas.

Prepayment meters.

44.—(1) The Company may demand for any gas supplied through a prepayment meter a not greater charge than for gas supplied to private consumers within the limits of supply through any other kind of meter or by any other method of supply.

(2) The charge for the hire of any prepayment meter and fittings to be used therewith shall be a sum of money calculated according to the quantity of gas supplied through the prepayment meter and the maximum charge shall be at the rate of tenpence per one thousand cubic feet supplied in manner aforesaid such sum to include the hire of a meter and the fittings used therewith or at the rate of one shilling per one thousand cubic feet if such fittings include a cooking stove.

(3) The charge for the hire of any prepayment meter without fittings shall be a sum of money calculated according

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to the quantity of gas supplied through the prepayment meter and the maximum charge shall be at the rate of sixpence per one thousand cubic feet supplied in manner aforesaid or at the rate of ten per centum per annum on the cost of the meter whichever shall be the higher.

(4) The said charges shall include the providing letting fixing repairing and maintenance of the meters and fittings or of the meters (as the case may be) and the cost of collection and other costs incurred by the Company in connection therewith.

(5) For the purpose of this section the expression "prepayment meter" means any meter or appliance by which the quantity of gas supplied is regulated according to the amount of money prepaid therefor.

Pipes &c. between mains and meters.

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

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

(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 circulating within the limits of supply and a copy thereof shall be kept exhibited in the office of the Company:

(4) Every meter to be used in a new building or a building not previously supplied with gas or in 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 lay pipes in private streets.

46. The Company may on the application of the owner or occupier of any premises within the limits of supply abutting on or being erected in any street laid out but not dedicated to public use supply those premises with gas and for that purpose the Gasworks Clauses Act 1847 shall apply as if section 7 of that Act were excepted from incorporation in the Act of 1878 and this Act:

Provided that nothing in this section contained shall apply to any existing street belonging to and forming the approach to any station or depôt of the Midland Railway Company except with the consent of that company first being obtained such consent not to be unreasonably withheld nor shall the Company in carrying out the works authorised by this section unreasonably obstruct or interfere with the convenient access to any such street station or depôt.

Power to lay pipes for ancillary purposes.

47. The Company may within a radius of half a mile from their existing gasworks lay down and repair take up relay or renew mains pipes and culverts for the purpose of procuring

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conducting or disposing of any oil or other materials used by them in or resulting from the manufacture of gas or any residual products thereof or for any purpose connected with their undertaking and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid so far as they are applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof.

Amending obligations as to supply of gas.

48. Notwithstanding anything contained in any enactment to the contrary the Company shall not be obliged to give from any main a supply of gas for any purpose other than lighting in any case where the capacity of such main is insufficient for such purpose or if and so long as any such supply would in the opinion of the Company interfere with the sufficiency of the gas required to be supplied by means of such main for lighting purposes.

As to mode of cutting off supplies.

49.—(1) In any case in which the Company are by virtue of any enactment relating to their undertaking authorised to cut off and discontinue the supply of gas to any premises in consequence of any default on the part of the occupier of the premises it shall be lawful for the Company without prejudice to any other remedy which may be lawfully available to them to disconnect at the meter the service pipe (whether belonging to the consumer or to the Company) and any person who shall re-connect such service pipe with the meter without the consent of the Company shall be deemed to commit an offence within the meaning of section 18 of the Gasworks Clauses Act 1847:

Provided that if and so soon as the matter complained of shall have been remedied nothing in this section shall prejudice or interfere with any rights vested in any person by virtue of section 11 of the Gasworks Clauses Act 1871.

(2) For the purposes of this section the Company shall (subject to the conditions specified in section 22 of the Gasworks Clauses Act 1871) have and may exercise the like powers of entry as are exerciseable under the said section 22 for the purposes of that section.

Expenses of re-connecting discontinued supply.

50. In any case in which in consequence of any default on the part of the occupier of any premises the Company have cut off the supply of gas to such premises and the occupier so in

default shall desire to resume such supply he shall pay to the Company the expenses of re-connecting the supply and the Company shall not be under any obligation to supply gas to such occupier until he shall have paid such expenses. A.D. 1917.

Charge for gas to premises having a supply of electricity or gas.

51. Where any person has for the purposes of a stand-by only a supply of gas laid on by the Company to any premises for which he has at the same time a separate supply of electricity or gas for power or other purposes the Company shall be entitled to charge and receive from him in respect of the supply of gas so laid on such minimum sum as shall be fixed by them not exceeding twenty-five shillings for any one quarter of a year notwithstanding that the ordinary charge for the gas actually consumed in such quarter would amount to a lower sum Provided that in fixing the amount of such minimum charge the Company shall have regard to the probable maximum supply of gas which might at any time be required for such premises.

Power to supply gas fittings &c.

52.—(1) The Company may purchase sell let for hire fix repair and remove but shall not manufacture engines stoves ranges pipes and other gas fittings for lighting motive heating ventilating cooking or any other purposes and may provide all materials and 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.

(2) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under process of any court or proceedings in bankruptcy against the person in whose possession the same may be Provided that such fittings are marked or impressed with a sufficient mark or brand indicating the Company as the actual owners thereof.

Engines &c. fixed to premises to remain property of Company.

53. Subject as hereinafter provided all engines fittings apparatus and appliances (in this section referred to as "fittings") let by the Company on hire or under hire-purchase agreements under any statutory powers shall notwithstanding that they be fixed or fastened to any part of any premises in which they may be situate or to the soil under any such premises at all times continue to be the property of and removable by the Company Provided that such fittings are marked or impressed with

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a sufficient mark or brand indicating the Company as the actual owners thereof Provided also that nothing in this section shall affect the amount of the assessment for rating of any premises upon which any such fittings are or shall be fixed.

Removal of fittings where gas supply discontinued.

54. The power to enter premises and to remove pipes meters and fittings or apparatus conferred upon the Company by section 22 of the Gasworks Clauses Act 1871 shall extend to all cases in which any person entering into occupation of any premises previously supplied with gas by the Company shall not require to take a supply of gas from the Company or to hire from the Company all or any of the pipes meters fittings or apparatus belonging to the Company and let by them on hire to any former occupier of such premises.

Anti-fluctuators.

55. Every consumer of gas supplied by the Company who uses a gas engine or any other apparatus or machinery in which gas is used shall if required to do so by the Company use an effective anti-fluctuator together with an effective non-return valve and shall at all times at his own expense keep such anti-fluctuator and valve in proper repair and in default of his so using or keeping in proper repair such anti-fluctuator and valve 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 and valve at all reasonable times such taking off removing testing inspecting and replacing to be done at the expense of the Company if the anti-fluctuator and valve be found in proper order but otherwise at the expense of the consumer.

Consumers notice before removing.

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

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Notice to discontinue supply of gas.

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

(2) Section 74 of the Act of 1878 is hereby repealed.

Refusal of supply to persons in debt for other premises.

58. 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 charges and meter rent due from him to the Company they may refuse to furnish to him a supply of gas until he pays the same.

Period of error in defective meter.

59. 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 charges are recoverable by the Company.

Supply in bulk.

60. The Company may contract with any local authority company or persons authorised to supply gas under Parliamentary powers in any district adjacent to the limits of supply 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 may be agreed upon but nothing in this section shall authorise the Company to lay any mains or other pipes or to interfere with any street beyond their limits of supply.

Purchase of gas in bulk.

61. The Company may enter into and carry into effect agreements with any company body or person for the purchase of gas in bulk by the Company for such price and on such terms and conditions and for such period as may be agreed upon and any gas so purchased may be used by the Company for distribution within the limits of supply and otherwise for the purposes of the undertaking.

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Company may contract for purchase of gas.

62. The Company may enter into and carry into effect agreements with any company or person for the supply of gas in a crude or partially purified state by such company or person to the Company for such remuneration on such terms and conditions and for such period as the Company may think fit.

Power to vary price according to purpose for which gas is supplied.

63. Notwithstanding anything contained in this or any other Act relating to the Company the price to be charged by the Company for a supply of gas may vary according to the purposes for which the gas is supplied as may be agreed upon between the Company and the person taking such supply Provided that the Company shall not under the powers of this section give any preferential price as between any consumers who shall take a supply of gas for the same purpose under like circumstances.

AS TO DIRECTORS—AUDITORS—VOTING RIGHTS—INTERIM DIVIDENDS—CLOSING OF REGISTERS &C.

Notice of candidature for office of director or of opposition to re-election of director.

64. From and after the passing of this Act no person not being a retiring director of the Company shall be eligible to be elected at any general meeting a director of the Company unless notice in writing is given to the secretary or left at the principal office of the Company fourteen days at least before the day of election that such person will be proposed for election as a director of the Company and the secretary of the Company shall during such fourteen days and on the day of election fix a copy of every such notice so delivered in some conspicuous place in such office Any such person must have been the holder of the qualifying amount of stock or shares for at least three months prior to his election In the case of a retiring director or directors notice of opposition to his or their re-election shall be given in like manner.

As to appointment of managing director.

65.—(1) The directors may appoint any one of their body to be a managing director of the Company either for a fixed term or without any limitation as to time and may remove or dismiss him from office and appoint another in his place.

(2) A managing director shall not while holding that office be subject to retirement by rotation and shall not be taken into account in determining the rotation of retirement of directors but if he ceases to hold the office of director from any other cause he shall ipso facto immediately cease to be a managing director.

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(3) The remuneration of a managing director shall from time to time be fixed by the directors and may be by way of salary or commission or participation in profits or by all or any of those modes.

(4) The directors may entrust to and confer upon any managing director such of the powers exerciseable by the directors and subject to such conditions as they may think fit and may from time to time revoke withdraw alter or vary all or some of such powers.

As to appointment of proxies.

66. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 the attorney of any shareholder or stockholder duly authorised in writing may appoint a proxy to vote for and on behalf of the shareholder or stockholder and for that purpose may execute on behalf of the shareholder or stockholder the necessary form of proxy Provided that the instrument appointing the attorney shall be transmitted to the secretary of the Company at the same time as the instrument appointing the proxy.

Joint holders.

67. Notwithstanding anything contained in the Companies Clauses Consolidation Act 1845 where several persons are jointly entitled to and registered as holders of any share or stock any one of those persons may vote at any meeting either personally or by proxy in respect of the share or stock as if he were solely entitled thereto but if more than one of the joint holders be present at any meeting personally or by proxy that one of the said persons so present whose name stands first on the register in respect of the share or stock shall alone be entitled to vote in respect thereof Several executors or administrators of a deceased member in whose name any share or stock stands shall for the purposes of this section be deemed joint holders thereof.

Annual meeting of Company and interim dividend.

68.—(1) The ordinary general meeting of the Company shall be held in each year in the months of April or May or at such other time as the directors may appoint.

(2) The directors may in any year declare and pay an interim half-yearly dividend on any class or classes of shares or stock in the capital of the Company out of the profits of the Company without the sanction or direction of a general meeting

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but no such half-yearly dividend shall exceed one half of the amount of the maximum yearly dividend payable on such shares or stock.

(3) Section 44 of the Act of 1878 is hereby repealed.

Closing of transfer books previous to declaring interim dividend.

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

Directors may determine remuneration of secretary &c.

70. In addition to the powers which the directors of the Company may exercise under the Companies Clauses Acts 1845 to 1889 they may determine the remuneration of the secretary and auditors of the Company.

Auditors.

71. The prescribed number of auditors shall be one but the number may be increased to two by a resolution of the Company passed at a general meeting and such auditor or auditors shall be a member or members of the Institute of Chartered Accountants or the Society of Incorporated Accountants and Auditors or an accountant or accountants approved by the Board of Trade and need not hold stock or shares of the Company but nothing in this section shall prevent any person who at the date of the passing of this Act is an auditor of the Company continuing to act as such auditor.

PROFIT SHARING AND SAVINGS.

Profit sharing and savings.

72.—(1) The directors may with the sanction of a majority of the proprietors of the Company present and voting at an extraordinary general meeting of the Company prepare put in force and from time to time modify alter or rescind a scheme or schemes enabling the workmen servants and employees of the Company (in this section called "employees") or any class or classes of such employees as may be defined in such scheme or schemes to participate in the profits of the undertaking as part of the terms of remuneration for the services of any such employee:

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Provided that no such modification alteration or rescission of any such scheme or schemes shall place any employee who at the date of such modification alteration or rescission is entitled under such scheme to participation in profits in a worse position than he would have been if such modification alteration or rescission had not been made.

(2) Any agreement as to service with any employee in pursuance of any such scheme may be entered into with any employee above the age of sixteen years and shall be in writing and may be made on the part of the Company under the hands of any two directors or under the hand of the secretary or of any person from time to time appointed in that behalf by resolution of the directors.

(3) Notwithstanding anything contained in any Act relating to the Company the Company may if and whenever required by any persons being the trustees under any such scheme so to do issue to any employee of the Company such amount of ordinary stock as the trustees may specify (being in each case within the limit of the amount of ordinary stock which the Company may for the time being be authorised to issue) without first offering such stock for sale by public auction or tender Provided that any ordinary stock issued under the provisions of this section shall be issued at the average price at which according to the Company's books sales of ordinary stock were effected within the period of six months immediately preceding the issue or if there has been only one sale or no sale of ordinary stock within the said period then at the price at which the last sale of such stock was effected making due allowance in each case for any enhancement in price by reason of any accrued dividend The price at which such stock is to be issued shall be determined by the said trustees in accordance with the provisions of this subsection.

Disposal of stock and deposits of co-partners on death.

73.—(1) Subject to the provisions of this section and the regulations set forth in the Second Schedule to this Act any employee of the Company who shall have become entitled to participate in the profits of the Company under any such scheme or schemes as are referred to in the last preceding section of this Act and not being under the age of sixteen years (in this section referred to as "the co-partner") may nominate any person or persons (in this section referred to as "nominee") who on the death of the co-partner shall (to the extent of a total value of

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not exceeding one hundred pounds and so far as the same are covered by such nomination) be entitled to be registered as holder of any ordinary stock of the Company (in this section referred to as "stock") and to be paid any bonus or other sums left on deposit (in this section called "deposits") with persons being the trustees under such co-partnership scheme (in this section referred to as "the trustees") and standing in the name of the co-partner at the time of his death.

(2) On receiving satisfactory proof of the death of a co-partner who has made a nomination in force at his death the directors and the trustees if they have no notice of the claim of any creditor shall subject to the provisions of this section and the said regulations give effect to the nomination to the extent of a total value of not exceeding one hundred pounds and shall respectively in accordance with the directions of the nomination register the nominee as holder of the stock and pay to the nominee the deposits standing in the name of the co-partner at his death or as the case may be the portion of the stock and deposits mentioned in the nomination Provided that if the total value of the stock and deposits standing in the name of the co-partner at his death exceeds one hundred pounds the directors and the trustees shall before giving effect to the nomination to a greater extent than seventy-five pounds require the production of a duly stamped receipt for the succession duty payable on such stock or deposits or a letter or certificate from the Commissioners of Inland Revenue stating that no such duty is payable and the Commissioners shall give such receipt letter or certificate on the payment of the duty or satisfactory proof of no duty being payable as the case may be.

(3) If any co-partner dies intestate without having made any nomination under this section in force at his death and the total value of the stock and deposits standing in his name does not exceed one hundred pounds then without letters of administration the directors and the trustees if they have no notice of the claim of any creditor may respectively register the stock in the names of and pay the deposits to such persons as appear to a majority of the trustees upon such evidence as they may deem satisfactory to be entitled by law to be registered as owners of the stock or to receive the deposits Provided that if the total value of the stock and deposits of the deceased co-partner exceeds ninety pounds the directors and the trustees shall before

dealing with the stock or deposits under this subsection to a greater extent than seventy-five pounds obtain from the Commissioners of Inland Revenue a receipt for the legacy duty payable thereon or a letter or certificate stating that no such duty is payable.

(4) When the principal value of the estate in respect of which estate duty is payable of any co-partner exceeds one hundred pounds any stock registered or sum paid under this section without probate or letters of administration shall notwithstanding such registration or payment be liable to estate duty as part of the amount on which that duty is charged.

(5) The directors and the trustees shall respectively before registering any person as the holder of any stock or paying to any person any deposits standing in the name of a deceased co-partner satisfy themselves that the principal value of the estate of the deceased co-partner does not after deduction of debts and funeral expenses exceed one hundred pounds and in the absence of other evidence to their satisfaction shall be empowered to require a statutory declaration by such person to that effect or if such principal value exceeds one hundred pounds they shall before registering the stock in the name of or paying the deposits to any person other than the legal personal representative of the deceased co-partner to an extent greater than three-fourths of the total value of such stock and deposits require production of a certificate from the Commissioners of Inland Revenue of the payment of the estate duty.

(6) Any registration of stock or payment of deposits made by the directors or the trustees under the provisions of subsection (3) of this section shall be valid and effectual against any demand made upon the Company the directors or the trustees by any other person but the next-of-kin or lawful representative of the deceased co-partner shall have remedy for recovery of the stock so registered or deposits so paid as aforesaid against the person who has been registered as holder of the stock or received the deposits.

(7) For the purposes of this section the value of the stock of a deceased co-partner shall be deemed to be the value of such stock as at the date of the death of the co-partner and in the event of the directors and trustees being restricted under the provisions of this section from giving effect to any nomination made by a deceased co-partner and in force at his death to

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the whole extent of the nomination they shall primarily give effect thereto to the extent to which it relates to stock.

Miscellaneous.

For protection of corporation.

74. For the protection of the corporation the following provisions shall unless otherwise agreed in writing between the Company and the corporation have effect (that is to say):—

(1) The footbridge and the works in connection therewith authorised by the section of this Act of which the marginal note is "Power to construct footbridge" shall be constructed in accordance with plans sections and specifications to be submitted to and reasonably approved by the corporation and the works shall be carried out to the reasonable satisfaction of the corporation:

(2) The Company shall maintain the footbridge in good repair and condition and sand the same in times of frost:

(3) All new mains pipes and works (not being replacements of existing mains pipes and works) to be laid in or along any road or in or upon or across any bridge or approach thereto repairable by the corporation shall be laid in such position in or at the side thereof as the corporation in writing under the hand of their surveyor may reasonably direct:

(4) The notice required by section 8 of the Gasworks Clauses Act 1847 with respect to the breaking up of streets shall as regards any such road bridge or approach be not less than seven days instead of three days:

(5) All works in any such road bridge or approach shall be so executed by the Company as not to stop or (so far as reasonably practicable) impede or interfere with the traffic on any such road or over any such bridge or approach and the Company shall not break up at any one time a greater consecutive length than one hundred yards of any such road bridge or approach:

(6) Where any mains or pipes of the Company (other than service pipes) are to be laid or relaid beneath the surface of the roadway of any such road bridge or

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approach as aforesaid the same shall be laid or relaid wherever practicable at such a depth that not less than two feet six inches shall intervene between the surface of such roadway and the upper surface of such mains or pipes:

(7) For the purposes of the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes the corporation shall be deemed in addition to any other persons to be persons having the control or management of any street in the borough not repairable by the inhabitants at large:

(8) The price per thousand cubic feet to be charged by the Company to the corporation for gas supplied to public lamps in the borough shall not exceed a sum which shall be twenty per centum less than the price per thousand cubic feet from time to time charged by the Company to ordinary private consumers residing within one mile and a half of Hemel Hempsted parish church:

(9) If any difference shall arise between the Company and the corporation touching the provisions of this section such difference shall be settled by an arbitrator to be agreed upon between the Company and the corporation or failing agreement to be appointed on the application of either party after notice to the other by the President of the Institution of Civil Engineers and subject as aforesaid the Arbitration Act 1889 or any statutory modification thereof shall apply to the arbitration.

For protection of Hertfordshire County Council.

75. The following provisions for the protection of the county council of the administrative county of Hertford (in this section referred to as "the county council") shall unless otherwise agreed between the Company and the county council have effect throughout the limits of supply:—

(1) All new mains pipes and works not being replacements of existing mains pipes and works to be laid or executed in or affecting any main road or bridge for the time being maintainable by the county council shall be laid or executed in such position in

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or at the side thereof as the county council in writing under the hand of the county surveyor may reasonably direct:

(2) Except in cases of laying down connecting or repairing consumers' service pipes and except in cases of leakage bursting or other emergency the notice required by section 8 of the Gasworks Clauses Act 1847 with respect to the breaking up of streets shall as regards any such main road or bridge as aforesaid be not less than seven days instead of three days:

(3) The plan required by section 9 of the Gasworks Clauses Act 1847 shall as regards any such main road or bridge as aforesaid be on a scale of not less than twenty-five inches to the mile and such plan shall be drawn to suitable scales to clearly show the proposed works and their proposed position and depth and shall be delivered to the county council or the county surveyor by the Company not less than fourteen days (except for the laying connecting or repairing of consumers' service pipes as to which three days' notice shall be given and except in cases of accidental leakage bursting or other emergency in which case notice shall be immediately given) before the Company commence to open or break up or interfere with any such main road or bridge as aforesaid:

(4) All works shall be so executed by the Company as not to stop or (so far as reasonably practicable) impede or interfere with the traffic of any such main road or bridge as aforesaid and the Company shall not break up at any one time a greater consecutive length than fifty yards at any place where only one cart can pass at the side of the opening or one hundred yards where only two carts can pass at the same time:

(5) The Company shall not without the consent in writing of the county council (which consent shall not be unreasonably withheld) open or break up the roadway over or in any manner interfere with the structure of any bridge for the time being maintainable by the

county council but shall if so reasonably required by the county council attach any main or pipe which they may wish to carry across such bridge under or on the outside of such bridge in such manner as the county council may reasonably direct:

(6) If the county council shall for the purpose of reconstructing altering improving or diverting any such main road or bridge as aforesaid or rebuilding altering widening repairing or raising any such bridge at any time require the position or level of any main pipe or other work of the Company laid in under through or by the side of any such main road or bridge as aforesaid to be altered the Company shall at their own expense on receiving notice in writing under the hand of the clerk of the county council so to do alter the same in such manner as may be reasonably required by such notice and under the superintendence of the county surveyor and any additional expense in relation to the reconstruction alteration or diversion of any such main road or bridge as aforesaid or the rebuilding altering widening repairing or raising of any such bridge as aforesaid or the approaches thereto to which the county council may be put by reason of the necessity for providing for any main pipe or other work of the Company shall be paid by the Company to the county council Any difference as to the reasonableness of any requirement contained in any such notice or as to the amount of any sum to be so paid by the Company to the county council shall be determined by arbitration as hereinafter in this section provided:

(7) If the Company in the execution of any works in or affecting any such main road or bridge as aforesaid shall cause any damage injury or disturbance to the same and shall neglect or refuse to make good all such damage injury or disturbance in accordance with the provisions of the Gasworks Clauses Act 1847 then it shall be lawful for the county council after fourteen days' notice to the Company of their alleged neglect or refusal and of the works which they propose to execute to do all works necessary for making

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good all such damage injury or disturbance and the Company shall repay to the county council all costs charges and expenses which the county council shall reasonably and properly incur in carrying out such works Any difference as to the reasonableness of such works or of such costs charges and expenses shall be determined by arbitration as hereinafter in this section provided Any sums becoming payable to the county council in pursuance of this or the preceding subsection shall be a debt due from the Company to the county council and recoverable as such as soon as the amount thereof shall have been ascertained by agreement or arbitration :

(8) No claim shall be made against the county council for damage to any main pipe or other works of the Company unless the Company shall within forty-eight hours of the discovery of such damage have given written notice thereof to the county surveyor and shall have given him a reasonable opportunity and facilities for inspecting such work :

(9) The Company shall make compensation to the county council for all damage or injury loss or expenses whatsoever which the county council may sustain by reason or in consequence of the bursting or giving way of any main pipe or other works in any main road or bridge as aforesaid :

(10) Any difference by this section required to be determined by arbitration shall be determined by an engineer to be appointed (in default of an agreement between the parties) by the President of the Institution of Civil Engineers on the application of either party under the Arbitration Act 1889.

For protection of London and North Western Railway Company.

76. The following provisions for the protection of the London and North Western Railway Company (hereinafter called "the railway company") shall unless otherwise agreed in writing between the railway company and the Company be in force and have effect :—

In laying down or executing or in effecting the repairs and renewals of any mains pipes or other works upon across

over under or in any way affecting the railways of the railway company or the bridges approaches viaducts stations or other works or any level crossings over the railways of the railway company the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the railway company and only according to plans submitted to and in such manner as shall be previously reasonably approved by him and in all things by and at the expense of the Company who also shall restore and make good the roads over any such bridges level crossings and approaches which the railway company are or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Company and all such works matters and things shall be constructed executed and done so as not to cause any injury to such railways bridges level crossings approaches viaducts stations or works or interruption to the passage or conduct of traffic over such railways or at any station thereon And if any such injury or interruption shall arise from or be in any way owing to any of the acts operations matters and things aforesaid or the bursting or failure of any such mains pipes or works the Company shall make compensation in respect thereof to the railway company:

Any dispute or difference which may arise between the railway company and the Company under the provisions of this section shall be settled by arbitration by an engineer or other fit person to be agreed upon between the railway company and the Company or failing such agreement to be appointed by the President of the Institution of Civil Engineers on the application of the railway company and the Company or either of them after notice to the other and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to the arbitration.

For protection of Midland Railway Company.

77. In executing and maintaining the works authorised by this Act where the same will cross over or under or otherwise affect any railway or any part of the works or property of the Midland Railway Company (hereinafter referred to as "the Midland Company") the Company shall (except so far as it

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may be otherwise agreed between the Midland Company and the Company) be subject to the following conditions:—

(1) All such works shall be executed and maintained under the superintendence (if the same be given) and to the reasonable satisfaction of the principal engineer for the time being of the Midland Company and according to plans and drawings to be previously submitted to and reasonably approved by him or in case of difference by an arbitrator appointed in pursuance of this section Provided that if for twenty-eight days after such plans and drawings shall have been submitted to the said engineer he shall fail to give notice to the Company of his objections thereto he shall be deemed to have approved thereof:

(2) If within twenty-eight days after the receipt of any such plans and drawings the Midland Company give to the Company notice that they themselves desire to execute any part of the work (other than the actual laying down of the mains which shall be done by the Company) which will cross over or under any railway or work belonging to them the Midland Company may themselves execute such part of the work and recover the reasonable costs thereof from the Company:

(3) All works which the Company may execute under this section shall be so constructed as to cause no injury to the railways works and property of the Midland Company or interruption to the passage or conduct of traffic over the same and if in consequence of the execution maintenance or failure of such works any injury be caused to the said railways works and property or any interruption be caused to the traffic the Company shall make full compensation to the Midland Company in respect of any such injury or interruption the amount of such compensation unless agreed upon to be determined by arbitration as hereinafter provided:

(4) The Company shall bear and on demand pay to the Midland Company the reasonable expense of the employment by the Midland Company during the

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execution or maintenance of the work affecting their railways of a sufficient number of inspectors watchmen and signalmen to be appointed by the Midland Company for watching and signalling the same with reference to and during the execution or maintenance of any such work of the Company and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Company or their contractors :

(5) Any additional expense which the Midland Company may reasonably and properly incur in effecting any repair renewal or widening alteration or extension of their railway bridges and works by reason of the existence of any mains or pipes of the Company laid under the powers of this Act across over or under such bridges or works shall be paid by the Company :

(6) Any dispute or difference which may arise between the Midland Company and the Company with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer or other fit person to be appointed (in default of agreement) by the Board of Trade on the application of the Midland Company or the Company and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

Amendment of section 58 of Act of 1878.

78. Section 58 (Provision as to interfering with roads in parish of Hemel Hempsted) shall be read and have effect as though the words "standard rate of wages current in the parish" had been inserted therein in lieu of the words "rate of three shillings and sixpence a day."

Recovery of demands.

79. Proceedings for the recovery of any demand made under the authority of this Act or any other Act relating to the Company or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does

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not exceed the amount recoverable in that court in a personal action.

Recovery of penalties &c.

80. Save as is otherwise by this Act expressly provided all offences against this Act or any other Act relating to the Company and all penalties forfeitures costs and expenses imposed or recoverable under this Act may be prosecuted and recovered in a summary manner Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Several sums in one summons.

81. Where the payment of more than one sum by any person is due to the Company under this Act or any other Act relating to the Company any summons or warrant issued for the purposes of those Acts or any of them in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

Power to apply funds.

82. The Company may from time to time apply for or towards all or any of the purposes of this Act and for or towards the general purposes of their undertaking to which capital is properly applicable any sums of money which they have already raised or are authorised to raise under and by virtue of the Act of 1878 or which may be in their possession or under their control and which are not required for the purposes to which they are by that Act made specially applicable:

Provided that the powers conferred by this section shall not be exercised by the Company during the continuance of the present war and twelve months thereafter unless the consent of the Treasury has been previously obtained.

Consent of Treasury to raising of money.

83. The Company shall not under the powers of this Act raise or borrow any money (except for the payment of the costs charges and expenses referred to in the section of this Act whereof the marginal note is "Costs of Act") during the continuance of the present war and twelve months thereafter unless the consent of the Treasury has been previously obtained.

Saving for general Acts.

84. Nothing in this Act shall exempt the Company or their undertaking from the provisions of any general Act relating

to the supply of gas which may be passed in this or any future session of Parliament. A.D. 1917.

Costs of Act.

85. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company and may in whole or in part be charged against revenue.

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The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

(A) A piece of land in the parish of Hemel Hempstead in the county of Hertford belonging or reputed to belong to the Company containing by admeasurement 1 acre 0 roods and 31 poles or thereabouts bounded on the west by the Company's existing gasworks on the south-east by land belonging or reputed to belong to the Midland Railway Company on the north-east by cottages and premises belonging or reputed to belong to the Boxmoor Trustees and on the north in part by the road leading from Watford to Berkhampstead and in other part by premises belonging or reputed to belong to Richard Dowse and Thomas Henry Coughtrey.

(B) A piece of land in the said parish belonging or reputed to belong to the Company and in the occupation of the mayor aldermen and burgesses of the borough of Hemel Hempsted containing by admeasurement 2 acres 2 roods and 31 poles or thereabouts bounded on the east by the said gasworks on the south by the Midland Railway on the west by land belonging or reputed to belong to Arthur Frederick Phillips and in the occupation of the said mayor aldermen and burgesses and on the north by the said road leading from Watford to Berkhampstead.

(C) A piece of land in the said parish belonging or reputed to belong to the said Arthur Frederick Phillips and in the occupation of the said mayor aldermen and burgesses containing by admeasurement 3 roods or thereabouts bounded on the south by the Midland Railway on the west by lands belonging or reputed to belong to and in the occupation of Ada Emily Catling and Caroline Ethel Catling on the north by the said road leading from Watford to Berkhampstead and on the east by land belonging or reputed to belong to the Company.

THE SECOND SCHEDULE.

Regulations as to Disposal of Stock and Deposits of Co-partners on Death.

1. In these regulations "the Company" means the Hemel Hempsted District Gas Company "the directors" and "the secretary" respectively mean the directors and secretary of the Company "appointor" means any person who makes a nomination under the provisions of the section of the Hemel Hempsted District Gas Act 1917 the marginal note whereof is "Disposal of stock and deposits of co-partners on death" and "the trustees" "stock" "deposits" and "nominee" have the same respective meanings as are given thereto in the same section.

2. A nomination shall be in writing in the form prescribed by the trustees and shall be signed by the appointor in the presence of a witness and shall be sent by post or left at the office of the secretary during the lifetime of the appointor.

3. A nomination when received by the secretary shall be registered and the receipt thereof shall be acknowledged.

4. A nomination may be revoked by the appointor by writing under his hand signed in the presence of a witness and the revocation shall be sent by post to or left at the office of the secretary during the lifetime of the appointor.

5. A revocation when received by the secretary shall be registered in like manner as in the case of a nomination and the receipt thereof shall be acknowledged.

6. The marriage of an appointor shall operate as a revocation of any nomination theretofore made by that appointor.

7. A nomination may relate to the whole of the stock and deposits standing in the name of an appointor or to part only of such stock and deposits.

8. Except where otherwise stated a nomination shall be deemed to extend to all stock and deposits to which an appointor is entitled at the time of his decease up to a total value of not exceeding one hundred pounds but an appointor may in a nomination expressly exclude any part of such stock or deposits from the operation of such nomination.

9. A nomination may be in favour of one person or of several persons and in the latter case may direct that on the death of the appointor the stock shall be registered in the name of and that the deposits shall be paid to one or more of the persons named in the

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nomination or that the persons named in such nomination shall be registered as owners of the stock and shall take the deposits or any of them respectively in specified shares or may give directions to both effects.

10. No person who witnesses the signature of an appointor to a nomination shall take any benefit under such nomination.

11. The receipt of any nominee who has attained the age of sixteen years shall be a good discharge to the trustees for any sum paid to him notwithstanding that such nominee has not attained the age of twenty-one years.

12. Where the directors have registered stock in the name of or the trustees have paid deposits to a nominee in ignorance of a marriage of the appointor subsequent to the nomination the registration shall be deemed to have been lawfully made and the receipt of the nominee shall be a valid discharge for the sum so paid.

13. Where any nominee is at the death of the appointor an infant under the age of sixteen years and it is proved to the satisfaction of the trustees that funds are needed for the maintenance education or benefit of such infant the directors may register the stock in the name of and the trustees may pay the deposits mentioned in the nomination or any part thereof to any person who may satisfy the trustees that he will apply any money received by him from the trustees or by the sale of or as interest on such stock for the maintenance education or benefit of such infant and the receipt of such person shall be a good discharge to the trustees for the amount so paid.

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