CHAPTER lxi.

An Act to confer further powers upon the Houghton-le-Spring District Gas Company. [7th August 1912.] A.D. 1912.

WHEREAS by the Houghton-le-Spring District Gas Act 1879 (hereinafter called "the Act of 1879") the Houghton-le-Spring District Gas Company (hereinafter called "the Company") were incorporated for the purposes of taking over the Houghton Gasworks and the manufacture and supply of gas within the townships of Houghton-le-Spring Newbottle and East Rainton in the county of Durham:

And whereas the capital of the Company authorised by the Act of 1879 is twenty thousand pounds divided into two thousand shares of ten pounds each all of which have been issued and are fully paid up:

And whereas by the Act of 1879 the Company were authorised to borrow on mortgage of their undertaking the sum of five thousand pounds and such borrowing powers have been exercised to the full extent:

And whereas the demand for gas within the Company's present limits of supply has increased and is increasing and certain other districts adjacent thereto are without a supply of gas:

And whereas it is expedient that the limits of supply of the Company should be extended and that the Company should be authorised to raise further capital:

And whereas it is expedient that the further powers in this Act provided should be conferred upon the Company:

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

[*Price* 1*s.* 3*d.*]

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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 Houghton-le-Spring District Gas Act 1912 and the Act of 1879 and this Act may be cited together as the Houghton-le-Spring District Gas Acts 1879 and 1912.

Incorporation of Acts.

2. The following Acts and parts of Acts so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act are hereby incorporated with this Act (namely):—

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

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 Companies Clauses Consolidation Act 1845 (except the provisions relating to the conversion of borrowed money into capital):

Part I. (relating to cancellation and surrender of shares) 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.

Extension of limits of supply.

4.—(1) From and after the passing of this Act the limits of supply of the Company shall include in addition to their

existing limits the following parishes (that is to say) East and Middle Herrington West Herrington Painshaw South Biddick Bournmoor Little Lumley Great Lumley Lambton Cocken and Morton Grange all in the county of Durham. A.D. 1912.

(2) The Company shall have and may exercise within the limits of supply as extended by this Act all and the like powers privileges and authorities for and in relation to the supply of gas and shall be subject to all and the like duties liabilities and obligations as amended by this Act in respect thereof as they now have and may exercise and are subject to within the limits of supply of the Company as defined by the Act of 1879.

For protection of Chester-le-Street Rural District Council.

5. For the protection of the council of the rural district of Chester-le-Street in the county of Durham (hereinafter referred to as "the council") the following provisions shall unless otherwise agreed have effect (that is to say):—

If at any time after the expiration of five years from the passing of this Act the Company have not laid down the necessary mains for supplying gas or are not furnishing or prepared on demand to furnish in accordance with the provisions of this Act a reasonably sufficient supply of gas in any of the parishes of South Biddick Bournmoor Little Lumley Great Lumley Lambton and Cocken nothing in this Act shall prevent any company person or local authority having statutory power so to do from supplying gas in all or any of the said parishes in which the Company are not either supplying gas or prepared to furnish a supply on demand and the Company shall not oppose any application by the council of any urban district in which any of such parishes or any part thereof may be comprised or any company or person for an Act of Parliament or Provisional Order for the purpose of providing such a supply:

If any difference shall arise between the Company and the council as to the reasonable sufficiency of the supply in any of the said parishes such difference shall be settled by an arbitrator to be appointed on the application of either party by the Board of Trade.

For protection of North Eastern

6. The following provisions for the protection of the North Eastern Railway Company (hereinafter called "the railway company") shall unless with the previous consent of the railway

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Railway Company.

company in writing under their common seal apply and have effect :—

(1) All mains and pipes laid or proposed to be laid by the Company under the powers of this Act over or under any bridge of the railway company shall be carried over or under the same in such a way as not to interfere with the structure of any such bridge and all other mains and pipes laid or proposed to be laid or maintained by the Company under the powers of this Act which shall cross any railway of the railway company shall be laid under the same so as to cause as little interference as may be with such railway and so as to cause no interruption to the passage or conduct of the traffic thereon :

(2) In laying and maintaining any mains pipes or other works over upon or across or under any work or property of the railway company the Company shall with all reasonable despatch execute and maintain their works under the direction and superintendence and to the reasonable satisfaction of the engineer of the railway company and except in cases of emergency in accordance with plans drawings and specifications previously submitted to and approved by him and shall pay and make good to the railway company all loss damage and expense which the railway company shall sustain or be put to by or in consequence of the laying maintenance or user of the said mains pipes and other works or by or in consequence of the bursting of or any other accident to any main or pipe of the Company not due to the act or default of the railway company Provided that if for a period of twenty-one days after the delivery thereof the engineer of the railway company neglects or refuses to approve or signify his disapproval of the said plans drawings and specifications he shall be deemed to have approved thereof Provided also that if the said engineer fails to superintend the works as aforesaid the Company may proceed without such superintendence :

(3) If at any time it is found necessary in order to enable the railway company to carry out any alterations or

extensions of their railway or works that the position of such mains pipes or other works shall be altered the Company shall on receiving twenty-one days' notice in writing from the railway company so to do at their own cost and with all reasonable despatch alter the position of the same so far as may be necessary to enable the railway company to carry out such alterations or extensions and the provisions of this section shall apply to the said mains pipes or other works in their altered position If the railway company give to the Company reasonable notice in writing that they themselves desire to construct so much of the works or to carry out so much of the alterations of such mains pipes or other works as will affect any railway or work belonging to them the railway company may themselves execute such works and alterations and recover the reasonable cost thereof from the Company Provided that the railway company shall not in any way interfere with any works of the Company until they shall have made all such arrangements as the Company may reasonably require for preventing any loss or any interruption in the supply of gas:

(4) Any difference arising between the Company and the railway company under this section shall be determined by an engineer to be appointed failing agreement by the Board of Trade.

Power to purchase lands by agreement.

7. The Company may for the purposes of their undertaking purchase take and hold (by agreement but not otherwise) in addition to the lands described in the schedule to the Act of 1879 any lands and hereditaments not exceeding in the whole five acres which the Company may require for the purposes of their works and undertaking but the Company shall not create or permit a nuisance on any such lands and no lands shall be used by the Company for the purpose of manufacturing gas or residual products except the lands described in the schedule to the Act of 1879.

Power to sell and lease lands.

8. The Company may sell and dispose of or may let on lease for such period as they think fit any lands for the time being belonging to them and which may not at the time be

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required for the purposes of their undertaking and any such disposal or lease may be for such consideration and subject to such reservations stipulations and conditions as the Company think fit.

Power to raise additional capital.

9. The Company may from time to time raise additional capital not exceeding in the whole thirty thousand pounds by the creation and issue of additional ordinary shares or stock or preference shares or stock or wholly or partially by one or more of those modes respectively but the Company shall not issue any share of less nominal value than ten pounds nor shall any such share or stock vest in the person accepting the same unless and until the full price of such share or stock including any premium obtained upon the sale thereof shall have been paid in respect thereof Provided that it shall not be lawful for the Company to create and issue under the powers of this Act any greater nominal amount of additional capital than shall be sufficient to produce including any premium which may be obtained on the sale thereof the sum of thirty thousand pounds.

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

10.—(1) All shares or stock created under the powers of this Act shall be issued in accordance with the provisions of this section.

(2) All shares or 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 clerk of the council of every district wholly or partially included within the Company's limits for the supply of gas 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 said 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 shares or 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 except that if an offer by tender of any shareholder or shareholders of the Company be the same in amount as any offer made by any other person the offer of such shareholder or shareholders shall be accepted in preference 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 shares or stock which have been so offered for sale and are not sold may be offered at the reserve price to the holders of ordinary and preference shares or 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 directors may think fit or to one or more of these classes of persons only Provided in the case of an offer to holders of shares or stock that if the aggregate amount of shares or 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 shares or stock which have been offered for sale in accordance with subsection (2) or with subsections (2) and (3) and are not sold may be again offered for sale by public auction or by tender in accordance with the provisions of this section and any such shares or 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.

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(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 shares or stock sold the total amount obtained as premium (if any) and the highest and lowest prices obtained for the respective shares or stock.

Application of premium arising on issue of shares or stock.

11. Any sum of money which shall arise by way of premium from the issue of any such shares or stock after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Company but shall be expended in extending or improving the works of the Company or in paying off money borrowed or owing on mortgage by the Company and shall not be considered as part of the capital of the Company entitled to dividend Provided that all such sums shall be deemed to be part of the paid up or nominal capital of the Company for the purpose of determining the amount which the Company may borrow under this Act and the amount which the Company may place to their reserve fund.

Power to borrow.

12.—(1) The Company may at any time and from time to time after the passing of this Act borrow on mortgage of the undertaking in respect of the capital created and raised under the Act of 1879 any sum or sums not exceeding (inclusive of the sum of five thousand pounds already borrowed in pursuance of the Act of 1879) six thousand six hundred and sixty-six pounds.

(2) The Company may also subject to the provisions of this Act borrow on mortgage of the undertaking any sum or sums not exceeding in the whole one-third part of the amount of the additional capital by this Act authorised to be raised and at the time actually raised by the issue of shares or stock but no part thereof shall be borrowed until the whole of the shares or stock at the time issued together with the premium (if any) realised on the sale thereof shall have been fully paid up and the Company have proved to the justice who is to certify under section 40 of the Companies Clauses Consolidation Act 1845 before he so certifies that such shares and stock and premium (if any) have been issued and fully paid up and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Borrowed money not to be converted into capital.

13. As from the passing of this Act the provisions of the Companies Clauses Consolidation Act 1845 and of section 15 of the Act of 1879 with respect to the conversion of borrowed money into capital shall cease to apply to the Company.

Incidents of additional capital.

14. The additional capital created by the Company under this Act and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the capital of the Company authorised to be raised by the Act of 1879 of the same class or description and the new shares or stock were shares or stock in that capital.

Debenture stock.

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

For appointment of receiver.

16. Section 14 of the Act of 1879 (Appointment of a receiver) is hereby repealed The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one-tenth part of the whole for the time being outstanding.

Existing mortgages to have priority.

17. All mortgages granted by the Company in pursuance of the Act of 1879 and subsisting at the passing of this Act shall during the continuance thereof and subject to the provisions of the Act of 1879 have priority over all mortgages granted in pursuance 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.

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Priority of mortgages and debenture stock over other debts &c.

18. 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 but 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.

Application of money.

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

Profits on additional capital.

20. The Company shall not in any year pay out of their profits any larger dividend on the additional capital to be raised under the powers of this Act than seven pounds per centum per annum in respect of such capital as shall be issued as ordinary capital and as shall be actually paid up unless a larger dividend be at any time necessary to make up the deficiency of any previous dividend which shall have fallen short of the said sum of seven pounds per centum per annum or than six pounds per centum per annum in respect of such capital as shall be issued as preference capital and as shall be actually paid up.

Repeal of section 32 of Act of 1879 Price of gas.

21.—(1) On and as from the first day of January one thousand nine hundred and thirteen section 32 of the Act of 1879 (Limiting the price of gas) shall be repealed.

(2) From and after the said date the prices to be charged by the Company for gas supplied by them to persons who shall burn the same by ordinary meter shall not at any time exceed within the township of Houghton-le-Spring four shillings per thousand cubic feet and within all other portions of the limits of supply shall not at any time exceed by more than six-pence per thousand cubic feet the prices for the time being charged for a supply under like circumstances within the said township.

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As to supply to users of suction gas plant.

22. No penalty shall be incurred by the Company for neglect or refusal to give a supply of gas in accordance with the provisions of this Act to any company body or person who uses or is in the habit of using machinery or apparatus for making and utilising suction gas if and so long as the giving of a supply to such company body or person would interfere with the supply of gas by the Company for public and private lighting and to consumers not using such machinery or apparatus as aforesaid Provided that in the event of any difference or dispute arising as to whether any such supply of gas would be so interfered with as aforesaid such difference or dispute shall be referred to arbitration in manner provided by the Arbitration Act 1889.

Supply of gas where consumer has separate supply.

23. Notwithstanding anything contained in the Gasworks Clauses Act 1871 or any other Act a person shall not be entitled to demand from the Company a supply or the continuance of a supply of gas for premises having a separate supply (that is to say a supply from an installation other than that of the Company) unless he shall have previously agreed to pay the Company such minimum annual sum as will give to them a reasonable return on the capital expenditure and standing charges incurred by them to meet the possible maximum demand for those premises and the minimum annual sum to be so paid shall be determined in default of agreement by arbitration in manner provided by the Arbitration Act 1889.

Power to create a special purposes fund.

24.—(1) The directors of the Company 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 cent. 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 a chartered accountant or incorporated accountant being the auditor of the Company or 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.

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(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.

Application of excess of profits over authorised rates of dividend.

25. If the clear profits of the undertaking of the Company in any year amount to a larger sum than is sufficient to pay the dividend on the preference capital and the dividend at the authorised rate 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 rate.

Pressure of gas.

26.—(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 eight-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.

(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 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) Section 33 of the Act of 1879 is hereby repealed.

Saving as to penalties.

27. No penalty shall be incurred by the Company for insufficiency of pressure defect of illuminating 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. A.D. 1912.

Testing gas.

28.—(1) Section 36 (Burner) of the Act of 1879 is hereby repealed.

(2) For the purposes of the Gasworks Clauses Act 1871 the prescribed testing place shall be the testing place already provided by the Company at their present works or some other testing place to be provided by the Company upon some part of their works in substitution for such testing place.

(3) The quality of the gas supplied by the Company shall with respect to its illuminating power be such as to produce at the testing place when burned at the rate of five cubic feet per hour a light equal in intensity to the light produced by fourteen sperm candles of six to the pound each consuming 120 grains of sperm per hour and shall be in all respects in accordance with the provisions of the Gasworks Clauses Act 1871.

(4) For testing the illuminating power of the gas the burner to be used shall be that known as the Metropolitan Argand No. 2 the photometer shall be the bar photometer or the table photometer the standard light shall be that supplied by Harcourt's ten-candle pentane lamp and in making the test the burner shall be so used as to obtain from the gas when burned at the rate aforesaid the greatest amount of light Provided that the Board of Trade may on the application of the Company or the local authority approve the use of any other burner photometer or standard light which may appear to the Board to be equally or more suitable for the testing.

Interim dividend.

29. The directors may in any year without calling a meeting of share or stock holders for the purpose declare an interim half-yearly dividend out of the then ascertained profits of the Company Provided that the amount of any interim half-yearly dividend so declared shall not exceed in any one half-year one half of the amount of the authorised rate of dividend.

Closing of transfer books previous to declaring interim dividend.

30. 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 a newspaper published in the county of Durham and

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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.

Receipt in case of persons not sui juris.

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

As to purchase of materials.

32. Notwithstanding anything contained in the Act of 1879 the Company shall not purchase or use in any process of manufacture any materials other than those required for the making and supply of gas by them or for the working up of their own residual products or for the construction maintenance and repair of their gasworks plant and buildings or for the maintenance or repair of gas fittings.

Directors may determine remuneration of secretary.

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

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

34. The Company may on the application of the owner or occupier of any premises within the Company's limits for the supply of gas 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 Acts 1847 and 1871 shall apply as if the street were a street within the meaning of those Acts.

Power to lay down pipes for ancillary purposes.

35. The Company may lay down and repair take up alter relay or renew mains pipes and culverts within the Company's limits for the supply of gas for the purpose of procuring 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 business 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.

As to appointment of managing director.

36.—(1) The directors of the Company may appoint any one of their body to be 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.

(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 any or all of these 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 Provided that the directors shall be responsible for the acts of any managing director acting under the powers of this section.

Directors not to be disqualified &c.

37. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 no person shall be disqualified from being a director of the Company by reason of his holding any office or place of trust or profit under the Company or by reason of his being interested in any contract with the Company nor shall any director be required to cease from voting or acting as a director by reason of his accepting any such office or place of trust or profit or becoming interested in any such contract Provided that in the case of his being or becoming interested in any contract with the Company whether such interest shall arise before or after his appointment as a director the nature of his interest in the contract shall be disclosed by him at the meeting of the directors at which the contract is determined or if his interest then exists or in any other case at the first meeting of the directors after the acquisition of his interest or after his appointment and also in the next annual report of the Company and that no director shall as a director vote in respect of any such contract and if he does so vote his vote shall not

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be counted but this prohibition shall not apply to any contract by or on behalf of the Company to give to the directors or any of them any security by way of indemnity.

Power to make superannuation and other allowances.

38. It shall be lawful for the Company to make superannuation and other allowances and to pay pensions to any officers servants or employees of the Company who may be temporarily or permanently disabled by sickness infirmity or age and for that purpose to apply the funds and revenues of the Company.

Number and qualification of auditors.

39.—(1) The prescribed number of auditors shall be one unless the number be increased to two by an order of a general meeting Provided that if the Company think fit a firm may be appointed auditors.

(2) The auditor or auditors appointed by the Company shall be either chartered or incorporated accountants and it shall not be necessary for them to hold shares in the capital of the Company.

Power to supply gas fittings

Fittings not to be subject to distress.

40.—(1) Section 39 of the Act of 1879 is hereby repealed.

(2) 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.

(3) Any engines stoves meters fittings pipes and other appliances 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.

Power to enter premises and remove fittings.

41. The power to enter premises and to remove pipes meters 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.

Gas consumers to give notice to Company before removing.

42. 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.

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

43. 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 meters.

44. 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.

Anti-fluctuators for gas engines.

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

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reasonable times and such taking off removal testing inspecting and replacing to be done at the expense of the Company if the anti-fluctuator be found in proper order but otherwise at the expense of such consumer.

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

46. The Company may contract with any local authority company or person authorised to supply gas under Parliamentary powers in any district adjacent to the Company's 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 interfere with any streets beyond their limits of supply.

Recovery of demands.

47. Proceedings for the recovery of any demand made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

Authentication and service of notices.

48. Any notice to be served by the Company on a person supplied with gas shall be sufficiently authenticated by the signature of the secretary of the Company being affixed thereto in writing or by a stamp or if it be a notice to pay any charge in respect of a supply of gas by the name either of the secretary or of a collector of the Company being affixed thereto as aforesaid and any such notice may be served on such person either personally or by sending the same through the post by a prepaid letter addressed to him by name at his last known or usual place of abode or of business or by delivering the same to some inmate at his last known or usual place of abode or business or to any inmate of the premises supplied or if such premises be unoccupied and the place of abode of the person to be served is after proper inquiry unknown it shall in the case of any notice not being a notice to pay any charge be sufficient to affix such notice or a copy thereof upon some conspicuous part of such premises.

Recovery of penalties &c.

49. Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs and expenses imposed or recoverable under this Act or any byelaw

made in pursuance thereof 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.

Dwelling-houses for persons in Company's employment.

50. The Company may erect and maintain dwelling-houses for persons in their employment upon the lands for the time being belonging or leased to the Company.

Costs of Act.

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

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