CHAPTER ciii.

An Act to extend the limits of the Leyland Gas Company for the supply of gas to empower the Company to raise further capital and for other purposes. A.D. 1914.

[31st July 1914.]

WHEREAS by the Leyland and Farington Gas Act 1863 (in this Act called "the Act of 1863") the Leyland Gas Company (in this Act called "the Company") were incorporated and were authorised (amongst other things) to manufacture and supply gas within the limits in that Act defined:

And whereas by the Leyland and Farington Gas Act 1902 (in this Act called "the Act of 1902") the Company were authorised to raise additional capital:

And whereas by the Leyland Gas Act 1909 (in this Act called "the Act of 1909") the limits of the Company for the supply of gas were extended so as to include the parishes of Eccleston and Heskin in the county of Lancaster and the Company were empowered to raise further capital:

And whereas it is expedient that the limits of the Company for the supply of gas should be further extended so as to include the parishes of Bretherton Little Hoole Much Hoole and a portion of the parish of Longton all in the county of Lancaster:

And whereas the demand for gas within the limits of the Company has greatly increased since the passing of the Act of 1909 and is still increasing and it is expedient in order to meet such demand that the present gasworks of the Company should be enlarged and extended:

And whereas the boundaries of the respective limits for the supply of gas of the Company and the Preston Gas Company

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to some extent overlap and the said companies have agreed a plan defining and adjusting the boundary between their said limits and it is expedient that this arrangement should be confirmed:

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

And whereas by the Act of 1902 the shares in the Company were consolidated into stock and it was by that Act and the Act of 1909 provided that the capital of the Company should be sixty-nine thousand eight hundred pounds whereof the Company have raised the sum of forty thousand one hundred and thirty-six pounds and sixteen shillings by the issue of thirty-seven thousand eight hundred pounds of ordinary stock entitled to a maximum dividend of five per centum and two thousand pounds of five per centum preference stock:

And whereas by the Act of 1902 and the Act of 1909 the Company were authorised to raise on mortgage or by the creation and issue of debenture stock the total sum of eleven thousand two hundred and fifty pounds but have not raised any part thereof:

And whereas further capital is needed for the purposes aforesaid and other purposes of the Company and it is expedient that the Company should be empowered to raise additional capital as provided by this Act:

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

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):—

PRELIMINARY.

Short and collective titles.

1. This Act may be cited as the Leyland Gas Act 1914 and the Leyland Gas Acts 1863 to 1909 and this Act may be cited together as the Leyland Gas Acts 1863 to 1914.

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Incorporation of general Acts.

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

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;

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

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

Interpretation.

3. In this Act unless there be something in the subject or context repugnant to such construction the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings And—

The expression "the limits of supply" means the area within which the Company are by the Leyland Gas Acts 1863 to 1914 authorised to supply gas;

The expression "the new limits" means the area within which the Company are by this Act authorised to supply gas;

The expression "the undertaking" means the undertaking of the Company as authorised by the Leyland Gas Acts 1863 to 1914;

The expression "the directors" means the directors of the Company.

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EXTENSION AND DEFINITION OF LIMITS FOR GAS SUPPLY.

Extension of limits of supply.

4. From and after the passing of this Act there shall be excluded from the limits of the Company for the supply of gas so much of the parish of Farington as is coloured red on the plan signed in quadruplicate by William Arthur Mount the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred (hereinafter referred to as "the signed plan") one copy whereof has been deposited in the Parliament Office of the House of Lords one copy in the Private Bill Office of the House of Commons one copy at the office of the Company and one copy at the office of the Preston Gas Company and the limits of the Company for the supply of gas shall include in addition to their existing limits of supply as so modified as aforesaid the parishes of Bretherton Little Hoole and Much Hoole in the county of Lancaster and so much of the parish of Longton in the said county as is coloured blue on the signed plan and subject to the provisions of this Act the Company shall have and may exercise within the new limits all and the like powers privileges and authorities and shall be subject to all and the like duties liabilities and obligations as they now have and are subject to within the said existing limits of supply of the Company.

Definition of boundary between limits of supply of Company and Preston Gas Company.

5. The boundary between the limits of supply and the limits for the supply of gas of the Preston Gas Company shall as from the passing of this Act be in accordance with and follow the line marked in red colour on the signed plan and any right of either such company to supply gas or to lay mains within the limits of the other of them as modified by the signed plan shall cease and determine except that the Preston Gas Company may for the purpose of affording a supply of gas within their limits for the supply of gas as so modified as aforesaid exercise their rights of laying mains within that portion of the parish of Longton which is within the limits of supply.

Provision in case of mains not being laid down within a limited period.

6. If at any time after the expiration of five years from the passing of this Act the Company have not laid down mains for the supply of gas within any parish mentioned in the section of this Act whereof the marginal note is "Extension of limits of supply" so far as such parish is included under the provisions of this Act in the new limits this Act shall not be deemed to prevent any company person or local authority

having statutory power so to do from supplying gas in such parish and the Company shall not oppose otherwise than upon details any application by the council of any urban district in which any such parish or any part thereof may hereafter be comprised for an Act of Parliament or Provisional Order for the purpose of providing such supply and for the repeal of the powers of the Company in that behalf.

For protection of Lancashire County Council.

7. In exercising the powers by this Act authorised and conferred so far as the same affect main roads and county or hundred bridges in the new limits vested in or under the jurisdiction of the Lancashire County Council (hereinafter referred to as "the county council") the following provisions for the protection of the county council shall unless otherwise agreed between the county council and the Company have effect (that is to say):—

(1) All mains pipes and works to be laid in or along any such road or in or across any such bridge or any roadway over the same or the approaches thereto shall be laid in such position in or at the side thereof and at such depth as the county council in writing under the hand of the county surveyor or county bridgemaster may reasonably direct and the Company shall be held liable for the maintenance of the roadway over the trench for a period of twelve months from the date of completion:

(2) The notice required by section 8 of the Gasworks Clauses Act 1847 shall (except in case of emergency and then so soon as is possible after the beginning of the work or the necessity for the same shall have arisen) in the case of any such road or any such bridge be not less than seven days instead of three days:

(3) If after any main pipe or work has been laid in or along any such road or in upon or across any such bridge or any roadway over the same or the approaches thereto any sinking or subsidence of the surface of the road shall occur thereby during such period of twelve months the Company shall at their own expense make good the same to the reasonable satisfaction of the county surveyor or county bridgemaster and if they fail to do so when required by

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the county surveyor or county bridgemaster he may on giving the Company twenty-four hours' notice cause the work to be done and all expenses reasonably and properly incurred in connection with such work shall be paid by the Company to the county council:

(4) The county council shall not be liable to the Company for any damage done to any main pipe or work of the Company laid in or along any such road or in upon or across any such bridge or any roadway over the same or the approaches thereto caused by the reasonable and proper use of a road roller or other engine or machine used in connection with road or bridge construction and repair:

(5) In laying any mains pipes or works in upon or across any such bridge or any roadway over the same or the approaches thereto the Company shall not alter or interfere with the structure of such bridge or approaches thereto unless such alteration or interference with the structure of such bridge be absolutely necessary for the purpose of such works and in such case the Company shall (together with the prescribed notice) submit to the county bridgemaster detailed drawings and specifications showing the proposed works as affecting such bridge or approaches:

(6) If any dispute shall arise between the county council and the Company under this section the same shall be determined by an arbitrator to be appointed on the application of either party by the Board of Trade.

For further protection of Lancashire County Council.

8.—(1) Nothing in this Act shall in any way limit or affect the powers of the county council to rebuild alter widen or repair the structure of any bridge upon which any work by this Act authorised shall be constructed or impose upon the county council any liability in relation to any such bridge which was not by law imposed upon them prior to the commencement of this Act.

(2) If at any time the county council require to carry out works for rebuilding altering widening or repairing any such bridge or the roadway over the same or the approaches thereto

which might involve interference with any portion of the undertaking of the Company by this Act authorised they shall prior to the commencement of such works give the Company one month's notice of their intention to carry out such works and if in order to avoid interruption to the supply by the Company of gas it is in the opinion of the county bridgemaster necessary to temporarily remove the mains pipes and apparatus forming part of such undertaking from such bridge or the roadway over the same or the approaches thereto then the Company shall (and they are hereby authorised) at their own expense to temporarily carry their mains pipes and apparatus across such bridge or approaches thereto overhead or at the side thereof in such manner as will not be a danger or inconvenience to the public or unreasonably interfere with the works to be carried out by the county council Provided that the county council shall afford all reasonable facilities for the Company to temporarily carry such mains pipes and apparatus across the stream watercourse or other place.

(3) When the rebuilding altering widening or repairing of such bridge or the roadway over the same or the approaches thereto shall have been completed the Company shall have the same rights and powers with regard to such bridge and its approaches as they had before the works were carried out.

(4) If any dispute shall arise between the county council and the Company with regard to this section the same shall be determined by an arbitrator to be appointed on the application of either party by the Board of Trade.

For protection of Lancashire and Yorkshire and London and North Western Railway Companies.

9. For the protection of the Lancashire and Yorkshire Railway Company and the London and North Western Railway Company the following provisions shall have effect:—

The provisions of section 13 (For protection of Lancashire and Yorkshire and London and North Western Railway Companies) of the Act of 1909 shall be deemed to be incorporated with this Act and shall extend and apply and have effect for the benefit and protection of the said railway companies or either of them as the case may require within the new limits in the same manner and to the same extent as those provisions applied and had effect within the limits of the Company for the supply of gas as existing immediately before the passing of this Act.

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Construction and maintenance of gasworks &c.

GAS LANDS AND WORKS.

10. Subject to the provisions of this Act the Company may upon the lands described in the schedule to this Act or on any of such lands or any part or parts thereof respectively erect lay down provide and from time to time maintain alter improve enlarge extend and renew gasworks with all necessary machinery and apparatus and do all such acts as they may think proper for making and storing gas and supplying gas within the limits of supply and may on the said lands convert and manufacture residual products resulting from the manufacture of gas but nothing contained in this section shall empower the Company to enter upon or use the lands secondly or thirdly described in the said schedule until they shall have acquired the same or possession thereof.

CALORIFIC POWER AND TESTING.

Substituting standard calorific power for prescribed illuminating power.

11. As from the first day of January one thousand nine hundred and fifteen—

(A) Every enactment in force immediately before that date whereby or by virtue whereof the gas supplied by the Company is required to be of a prescribed illuminating power shall cease to apply with respect to such gas:

(B) The Company shall cease to be under any liability or obligation to provide or maintain any apparatus for testing the illuminating power of such gas and shall be at liberty to remove any such apparatus which they have provided:

(C) The Company shall not be liable to any penalty in respect of any deficiency in the illuminating power of the gas supplied by them:

(D) The gas supplied by the Company shall when tested in the mode and under the conditions for the time being prescribed by the Metropolitan gas referees for testing the calorific power of gas be of a standard calorific power of five hundred and forty British thermal units gross per cubic foot (the expression "British thermal units" being used in this Act as meaning British thermal units gross per cubic foot) Provided that the Company shall not be liable to any penalty or proceedings for or in respect of deficient

calorific power of the gas so supplied by them except in accordance with the provisions in this Act contained.

Power to Board of Trade to alter standard calorific power.

12. The Board of Trade may on the application of the Company or of a local authority any part of whose district is situate within the limits of supply by order fix a new standard calorific power of the gas to be supplied by the Company and any standard calorific power so fixed and for the time being in force shall be deemed to be the standard calorific power for the purposes of this Act.

Testing place.

13.—(1) The existing testing place at the gasworks of the Company shall be the prescribed testing place for such of the purposes of the Gasworks Clauses Act 1871 as are applicable for the purposes of this Act and the testing place for the purposes of this Act.

(2) The Company shall prior to the first day of January one thousand nine hundred and fifteen provide at the testing place apparatus similar to that for the time being 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.

Provisions as to testing for calorific power.

14. The following provisions shall apply with respect to the testing for calorific power of the gas supplied by the Company (that is to say) :—

(1) Not more than one testing for calorific power shall be made on any one day (reckoned from midnight to midnight) except that in the event of the calorific power being on any testing ascertained to be below the standard calorific power by more than seven and a half per centum a second testing shall be made on the same day but at an interval of not less than one hour from the time of making the first testing and the average of the two testings shall be deemed to be the calorific power of the gas on that day :

(2) The Company shall be entitled on each occasion of the testing of gas under the provisions of this section to be represented by some officer who shall not interfere in the testing :

(3) The gas examiner shall forthwith give notice to the Company at their office of any defect of calorific

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power ascertained by him on any testing made under this section:

(4) Sections 29 30 and 33 of the Gasworks Clauses Act 1871 in their application to the Company shall be construed as if calorific power were therein referred to in lieu of illuminating power.

Penalties for deficient calorific power.

15. The Company shall not be liable to any penalty for defective calorific power where the calorific power on any day of the gas supplied by them is not below the standard calorific power to an extent exceeding seven and a half per centum but where the calorific power of such gas is on any day below the standard calorific power to an extent exceeding seven and a half per centum the Company shall be liable to the following penalties in respect of any deficiency beyond such margin of seven and a half per centum (that is to say):—

Where the deficiency exceeds seven and a half per centum but does not exceed ten per centum a sum not exceeding two pounds;

Where the deficiency exceeds ten per centum but does not exceed fifteen per centum a sum not exceeding five pounds;

Where the deficiency exceeds fifteen per centum a sum not exceeding one pound for every one per centum by which the calorific power is below such margin of seven and a half per centum.

Saving as to penalties.

16. 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 the gas examiner reports or 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.

Company to supply burners.

17. 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 a sufficient number of flat flame burners suitable in all respects for the consumption of gas of the calorific power prescribed by this Act in substitution for the burners (not being incandescent burners) in use at the commencement of this Act.

Notice of the provisions of this section shall be given on each demand note issued by the Company during the said period of two years. A.D. 1914.

Additional Capital and Borrowing Powers.

Power to Company to raise additional capital.

18. The Company may raise additional capital not exceeding in the whole twenty-two thousand pounds by the creation and issue of ordinary 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-two thousand pounds.

Additional capital to be part of general capital.

19. 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 ordinary and preference stock so created and 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 forfeitures and liabilities whatsoever in all respects as if such ordinary or preference stock as the case may be were part of the now existing ordinary or preference stock of the Company of the same class or description.

New stock to be sold by auction or tender.

20.—(1) All 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 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 said limits of supply:

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(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.

Restrictions as to votes in respect of preference stock.

21. 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.

22. 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 1845 that the whole of the stock at the time issued together with the premiums (if any) realised on the sale thereof has been fully paid up.

Debenture stock.

23. The Company may create and issue debenture stock subject to the provisions of section 18 of the Act of 1909 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.

24. 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 or dividend on their mortgages or debenture stock.

Existing mortgages to have priority.

25. 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

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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.

26. 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 three thousand five hundred pounds in the whole.

Receipt in case of persons not sui juris.

27. 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 moneys.

28. 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.

Borrowing in respect of authorised capital.

29. Section 18 of the Act of 1902 and section 17 of the Act of 1909 shall be read and construed as if the Company were by those sections respectively 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 those Acts respectively.

Miscellaneous.

Power to purchase additional lands by agreement.

30. In addition to the other lands which they are by the Leyland Gas Acts 1863 to 1909 authorised to purchase the Company may for the purposes of the undertaking purchase and take (by agreement but not otherwise) and may hold lands not exceeding in the whole five acres or any rights in lands but the Company shall not create or permit a nuisance on any such lands and except as otherwise provided by this Act no lands shall be used by the Company for the purpose of manufacturing gas or residual products except the lands authorised to be so used by this or any other Act or Order affecting the undertaking.

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Persons under disability may grant easements &c.

31. 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 the undertaking 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.

Supply of gas when consumer has separate supply.

32. 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 of gas (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.

Appointment of managing director.

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

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fit and may from time to time revoke withdraw alter or vary all or some of such powers.

Power to enter premises and remove fittings.

34. 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.

Directors may determine remuneration of secretary.

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

Authentication and service of notices by Company.

36. Any notice to be served by the Company on a person supplied with gas shall be sufficiently authenticated by the signature of the secretary 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 in print or by a stamp 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.

As to applications by Company under Electric Lighting Acts.

37. The Company may make application for Provisional or other Orders under the provisions of the Electric Lighting Acts 1882 to 1909 or any other Act for the time being in force relating to the supply of electrical energy for the supply of electrical energy or other purpose and the Board of Trade may authorise by any such Provisional Order an increase of the capital and borrowing powers of the Company for the purpose of enabling the Company to carry into effect any powers thereby

conferred on them The Company may expend their capital and funds upon or in connection with any such application and upon and in connection with the carrying into effect of any powers conferred upon them by any such Provisional or other Order.

Recovery of penalties &c.

38. 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 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.

Recovery of demands.

39. Proceedings for the recovery of any demand made under the authority of this Act the Act of 1863 or the Act of 1909 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.

Repeal of certain provisions of Acts of 1863 and 1909.

40. Section 36 (Penalties not cumulative) section 38 (Contents of warrants) section 39 (Warrants shall include costs) and section 40 (Liability to gas rate not to disqualify justices) of the Act of 1863 section 21 (Arrears may be enforced by appointment of a receiver) section 44 (Authentication and service of notices by Company) and section 45 (Penalties not cumulative) of the Act of 1909 are hereby repealed as from the date of the passing of this Act and section 32 (Quality of gas) section 33 (Testing place) section 34 (Testing for quality) and section 36 (Saving as to penalties) of the Act of 1909 are hereby repealed as from the first day of January one thousand nine hundred and fifteen.

Saving for general Gas Acts.

41. Nothing in this Act shall exempt the Company or the 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.

Costs of Act.

42. 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 SCHEDULE referred to in the foregoing Act.

LANDS FOR GASWORKS.

Firstly A piece of land belonging or reputed to belong to the Company situate in the urban district of Leyland and lying to the west of the Company's existing gasworks containing by admeasurement two roods six and three-quarter perches or thereabouts and bounded on the north by Bannister Brook on the south by Hough Lane on the east by the Company's existing gasworks and on the west by land belonging or reputed to belong to the representatives of Thomas Beardwood.

Secondly A piece of land belonging or reputed to belong to John Clieveley and Elizabeth Clieveley situate in the said urban district and containing by admeasurement four acres two roods and thirty-five poles or thereabouts bounded on the north in part by Golden Hill Lane and in part by land belonging or reputed to belong to the Company on the south in part by Bannister Brook in part by Hough Lane and in part by land belonging or reputed to belong to Bartholomew Banister on the east in part by land belonging or reputed to belong to and in the occupation of the Company in part by land belonging or reputed to belong to the representatives of Thomas Beardwood and in part by land belonging or reputed to belong to Bartholomew Banister and on the west in part by land belonging or reputed to belong to William Higham in part by Back Herbert Street and in part by land belonging or reputed to belong to Alfred James Lomax.

Thirdly A piece of land belonging or reputed to belong to the representatives of Thomas Beardwood situate in the said urban district and containing by admeasurement three thousand seven hundred and ninety square yards or thereabouts bounded on the north by Bannister Brook on the south by Hough Lane on the east by land belonging or reputed to belong to the Company and on the west in part by land belonging or reputed to belong to John Clieveley and Elizabeth Clieveley and in part by land belonging or reputed to belong to Bartholomew Banister.

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