CHAPTER xli.

An Act for conferring further powers upon the Luton Gas Company. A.D. 1911.

[29th June 1911.]

WHEREAS the Luton Gas Company (in this Act called "the Company") were incorporated by the Luton Gas Act 1858 (in this Act referred to as "the Act of 1858") for the purpose of making and supplying gas within the limits by that Act defined:

And whereas further powers were conferred on the Company by the Luton Gas Act 1890 (in this Act referred to as "the Act of 1890"):

And whereas the share capital of the Company is made up as follows:—

£6,400 created under the Act of 1858 consisting of six hundred and forty ordinary Class A shares of ten pounds each entitled to a standard dividend at the rate of ten per centum per annum;

£3,200 created under the Act of 1858 consisting of six hundred and forty ordinary Class A shares of five pounds each entitled to a standard dividend at the rate of ten per centum per annum;

£3,200 created under the Act of 1858 consisting of six hundred and forty preference Class B shares of five pounds each entitled to a dividend of four per centum per annum;

£12,200 raised by the creation and issue under the Act of 1858 of two thousand four hundred and forty preference Class C shares of five pounds each entitled to a dividend at the rate of five per centum per annum;

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

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£23,510 raised by the creation and issue under the Act of 1890 of two thousand three hundred and fifty-one new ordinary Class D shares of ten pounds each entitled to a standard dividend at the rate of seven per centum per annum:

And whereas in addition to the share capital raised by the Company under the Act of 1890 the Company have received premiums upon the sale of the shares representing such capital to the amount of sixteen thousand four hundred and seventy-eight pounds twelve shillings in respect of the new ordinary Class D shares:

And whereas the Company were authorised by the Act of 1858 to borrow on mortgage any sums not exceeding in the whole six thousand pounds and the Company have borrowed under that Act by the creation and issue of debenture bonds which are now outstanding the sum of two thousand five hundred pounds entitled to interest at the rate of five per centum per annum and three thousand five hundred pounds debenture stock entitled to interest at the rate of four per centum per annum:

And whereas the Company were authorised by the Act of 1890 to borrow on mortgage any sums not exceeding in the whole ten thousand pounds and the Company have borrowed under that Act by the creation and issue of debenture stock the sum of six thousand two hundred pounds entitled to interest at the rate of four per centum per annum:

And whereas since the year 1858 the Company have expended out of revenue on capital account certain sums amounting in the whole to ninety thousand five hundred and seventy-one pounds sixteen shillings and sevenpence and it is expedient to make provision that the moneys so expended should form part of the capital of the Company not entitled to dividend:

And whereas the lands held and acquired by the Company in pursuance of the powers conferred on them by the Act of 1858 and now used for the manufacture and storage of gas and residual products and for the general purposes of their undertaking are described in the first part of the First Schedule to this Act:

And whereas in pursuance of the powers conferred on them by the Act of 1890 the Company acquired and now hold for the

general purposes of their undertaking certain further lands amounting in the whole to two and a half acres or thereabouts and it is expedient to empower the Company to acquire and use additional lands for the purposes of the manufacture and storage of gas:

And whereas it is expedient that the Company should be authorised to raise additional capital and that the other powers in this Act contained should be conferred upon the Company:

And whereas the provisions of the Gasworks Clauses Act 1871 have superseded or rendered unnecessary certain provisions of the Act of 1858 and it is expedient that those and other provisions of the Act of 1858 and of the Act of 1890 should be repealed:

And whereas the objects aforesaid cannot be attained 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):—

Part I.

Preliminary.

Short title and citation.

1. This Act may be cited as the Luton Gas Act 1911 and the Luton Gas Act 1858 and the Luton Gas Act 1890 and this Act may be cited together as the Luton Gas Acts 1858 to 1911.

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 (except the provisions thereof relating to the acquisition of lands otherwise than by agreement):

The Gasworks Clauses Act 1847 as amended by the Act of 1858 and the Gasworks Clauses Act 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

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"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 distribution of the capital of the Company into shares;

The transfer or transmission of shares;

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

The forfeiture of shares for non-payment of calls;

The remedies of creditors of the Company against the shareholders;

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

The general meetings of the Company;

The accountability of the officers of the Company;

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 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 And in this Act unless the subject or context otherwise requires—

"The recited Acts" means the Acts relating to the Company referred to in the preamble to this Act;

"Limits of supply" means the limits within which the Company are authorised by the recited Acts to supply gas;

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

"The borough" means the borough of Luton.

PART II.

LANDS AND GASWORKS.

Lands for manufacture and storage of gas and powers to construct and maintain gasworks.

4. The Company may purchase by agreement but not otherwise and may hold and use for the purposes of their undertaking the lands described in Part II. of the First Schedule to this Act and they may upon those lands erect construct lay down provide maintain alter improve enlarge extend and renew or discontinue gasworks and works for the manufacture and storage of gas and for the manufacture conversion utilisation storage and distribution of materials used in or residual products resulting from such manufacture and the Company may also from time to time provide lay down alter improve enlarge extend and renew all necessary retorts gasholders receivers mains pipes machinery and other works and apparatus and conveniences and do all such acts as they think proper for making and storing gas and for supplying gas within the limits of supply and may supply gas accordingly and manufacture sell provide supply and deal in lime coke chemicals tar pitch asphaltum ammoniacal liquor and all other products and residuum of any materials employed in or resulting from the manufacture of gas or its residual products.

Power to purchase lands by agreement.

5. The Company may for the purposes of their undertaking purchase take and hold (by agreement but not otherwise) in addition to the lands now belonging to them and any lands which they are authorised to acquire under the powers of this Act any lands and hereditaments not exceeding in the whole five acres which the Company may require for the purposes of their undertaking but the Company shall not create or permit a nuisance on any lands purchased under the powers of this section and no lands shall be used by the Company for the purpose of manufacturing gas or residual products except the lands described in the First Schedule to this Act.

Dwelling-houses for persons in Company's employ.

6. The Company may purchase or take on lease houses cottages and buildings for persons in their employ and offices showrooms and other buildings for the purposes of their undertaking and they may also erect maintain and let any of such buildings upon any lands for the time being belonging or leased to the Company.

Power to sell and lease lands.

7. The Company may sell and dispose of or may let on lease for such period as they think fit any lands acquired by

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them by agreement and for the time being belonging to them and not at the time required for the purposes of their undertaking and any such sale disposal or lease may be for such consideration and subject to such reservations stipulations and conditions as the Company think fit And notwithstanding anything in the Gasworks Clauses Act 1871 contained the provisions of sections 128 to 132 (both inclusive) of the Lands Clauses Consolidation Act 1845 shall not apply to any lands sold or disposed of by the Company under the powers of this section.

PART III.

CAPITAL.

Additional capital.

8. The Company may from time to time raise additional capital not exceeding in the whole one hundred thousand pounds by the creation and issue of new ordinary shares or stock or new 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 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 one hundred thousand pounds Provided further that the Company shall not raise by the issue of preference shares or stock a greater amount of such additional capital than sixty-six thousand pounds.

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

9.—(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 town clerk of the borough of Luton and to the clerk to each urban or rural district council having jurisdiction over any part of 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 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 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 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 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 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) of this section and are 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 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 shares or stock sold the total amount obtained as premium (if any) and the highest and lowest prices obtained for the shares or stock.

Application of premium arising on issue of shares or stock.

10. All money raised under this Act including premiums shall be applied only to purposes to which capital is properly applicable and any sum of money which shall arise from the issue of any shares or stock by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as part of the capital of the Company entitled to dividend Provided that all such sums shall for the purpose of determining the powers of the Company to raise money by borrowing or the amount which the Company may carry to any reserve or other fund but for no other purposes be reckoned as part of the paid-up capital.

Privileges &c. of holders of additional capital.

11. Subject as hereinafter provided the additional capital raised by the Company under this Act shall be part of the general capital of the Company and save as otherwise provided in respect of such capital by the provisions of this Act the holders of shares or stock in such additional capital shall be entitled to the like rights of voting and any other rights qualifications and privileges in proportion to the amount of their shares or stock from time to time paid up and be subject to the like provisions and liabilities as the holders of shares or stock issued under this Act to holders of the shares in the present capital of the Company are subject.

Profits of Company limited.

12.—(1) Except as provided by section 29 of the Act of 1890 the profits of the Company to be divided amongst the holders of the additional share capital to be raised under the powers of this Act shall not exceed the rate of five pounds in respect of every one hundred pounds actually paid up of such capital as is issued as ordinary capital and the Company shall not attach to any part of the additional share capital by this Act authorised to be raised as shall be issued as preference capital a greater rate of dividend than five pounds in respect of every one hundred pounds actually paid up of such capital.

(2) The proviso (Dividend dependent on price charged) to section 29 of the Act of 1890 shall in its application to so much of the additional capital to be raised under the powers of this Act as is issued as ordinary capital be read and have effect as

though the words "two shillings and sixpence" had been inserted therein instead of the words "five shillings." A.D. 1911.

Dividends on different classes of shares to be paid proportionately.

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

Creation of capital not entitled to dividend.

14. As from the first day of January one thousand nine hundred and twelve the moneys expended by the Company out of revenue on capital account and amounting in the whole to the sum of ninety thousand five hundred and seventy-one pounds sixteen shillings and sevenpence which said sum appears as "Balance of capital account" in the balance sheet of the Company for the year ending the thirty-first day of December one thousand nine hundred and ten shall form and be created a separate class of the capital of the Company to be known as E capital and shall not be considered as part of the capital of the Company entitled to dividend.

Borrowed money not to be converted into capital.

15. The provisions of the Companies Clauses Consolidation Act 1845 with respect to the conversion of the borrowed money into capital shall cease to apply to the Company.

Power to borrow in respect of existing capital.

16. 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 Acts of 1858 and 1890 and created under this Act any sum or sums not exceeding (inclusive of the sum of twelve thousand two hundred pounds already borrowed in pursuance of the Acts of 1858 and 1890) fifty-one thousand eight hundred and fifty-three pounds.

Power to borrow in respect of additional capital.

17. The Company may also subject to the provisions of this Act borrow on mortgage of the undertaking in respect of the additional capital by this Act authorised to be created and issued any sum or sums not exceeding in the whole one-third part of the amount of such additional capital which at the time of borrowing has been raised under the powers of this Act but no sum shall be borrowed until the Company have proved to the 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 shares or stock at the time

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issued together with the premiums (if any) realised on the sale thereof shall have been fully paid up.

Debenture stock.

18. The Company may in respect of the powers of raising money on mortgage or bond conferred upon them by this Act create and issue debenture stock subject to the provisions of section 24 of the Act of 1890 Notice of the effect of that enactment shall be endorsed on all mortgages and certificates of debenture stock issued after the passing of this Act.

Priority of mortgages and debenture stock over other debts.

19. All moneys raised or to be raised by the Company on mortgage or debenture stock under the provisions of the recited Acts 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.

Arrears may be enforced by appointment of a receiver.

20. Section 22 of the Act of 1890 is hereby repealed but without prejudice to any appointment heretofore made or to any proceedings pending thereunder 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 seven thousand pounds in the whole.

Receipt in case of persons not sui juris.

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

Appointment remuneration &c. of officers.

22. The directors of the Company may at their discretion appoint suspend remove or dismiss such managers treasurers secretaries engineers collectors clerks agents and servants as they from time to time may think proper for the better carrying on of the business of the Company and may determine their respective salaries wages commissions or other emoluments.

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Power to create a special purposes fund.

23.—(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 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 a chartered accountant or incorporated accountant being the accountant 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.

(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 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) The money or securities standing to the credit of the insurance fund of the Company at the passing of this Act shall be credited to the special purposes fund and section 17 of the Act of 1890 is hereby repealed.

Application of excess of profits over authorised rates of dividend.

24. 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

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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 or the sum of twelve thousand pounds whichever is the greater amount.

General meetings and declaration of half-yearly dividends.

25. Notwithstanding anything in section 43 of the Act of 1858 contained the general meetings of the shareholders of the Company shall be held in the month of March in each year or in such other month as the Company by resolution of an extraordinary general meeting from time to time determine and the directors may declare and pay a half-yearly dividend payable out of the profits of the Company for any half year ending on the thirtieth day of June without the sanction or direction of a general meeting but no such half-yearly dividend shall exceed one half of the amount of the authorised rate of dividend.

Closing of transfer books previous to declaring dividend.

26. The directors may close the register of transfers for a period not exceeding fourteen days previous to the declaration of any 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 or circulating in the district in which the principal place of business of the Company is situate 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.

Quality.

27.—(1) 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 one hundred and twenty grains of sperm per hour and shall be in all respects in accordance with the provisions of the Gasworks Clauses Act 1871.

(2) 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.

(3) The Company shall within three months after the passing of this Act provide all the apparatus required by this Act for the testing of gas and shall at all times keep the same in proper order and repair.

Testing place.

28. 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 the lands described in Part I. of the First Schedule to this Act within three months after the passing of this Act Provided that after the erection of gasworks on the lands described in Part II. of the First Schedule to this Act the Company may if they think fit remove the testing place to such last-mentioned lands.

No penalty in case of unavoidable cause.

29. 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.

Repeal of certain sections of Act of 1858 and Act of 1890.

30. The sections of the Act of 1858 and the Act of 1890 of which the numbers and marginal notes are set forth in the Second Schedule to this Act shall be and the same are hereby repealed.

As to construction and placing of pipes &c. between mains and meters.

31. 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 either in the first instance or on the occasion of any renewal between the Company's mains and the meter and (so far as the same are intended to be covered over) on the consumer's premises:

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(2) The Company may if they think fit make different specifications for different classes of premises having regard to the probable maximum consumption of gas thereon at any one time:

(3) The specification shall be published twice in some newspaper or once in each of two newspapers circulating 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.

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Supply of gas where 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 (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 lay pipes in streets or roads not dedicated to public use.

33. The Company may upon the application of the owner or occupier of any premises within the limits of supply abutting on or being erected in any street or road laid out or made but not dedicated to public use supply such premises with gas and may lay down take up alter relay repair or renew in across or along or out of such street or road such pipes and apparatus as may be requisite or proper for furnishing such supply and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes 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 laying of mains and pipes in private streets.

34.—(1) Before the Company break up any street or road in the borough not repairable by the inhabitants at large (other than a road belonging to a railway company) the Company shall (except in case of emergency) give three clear days' notice to the corporation of their intention so to do and the Company shall in carrying out any works in such street or road and in reinstating the same conform to all such reasonable requirements made by the corporation as shall not be inconsistent with any requirements of the owner of such street or road.

(2) Any difference arising between the Company and the corporation or between the corporation and the owner of the street or road under subsection (1) of this section shall be referred to and determined by a court of summary jurisdiction.

(3) The Company shall not open or break up the street or road nor reinstate the same except under the superintendence of the corporation (unless they or their officer fail to attend

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at the time fixed for such opening breaking up or reinstatement) and the Company shall cause the portion of the road broken up to be fenced and guarded and every night during which the same shall be continued open and broken up lighted sufficiently for the warning of passengers.

(4) If the Company make delay in completing any such work or in filling in the ground or reinstating or making good the street or road or in carrying away the rubbish occasioned thereby or if they neglect to cause the place where such street or road is broken up to be fenced guarded or lighted they shall be liable on conviction to a penalty not exceeding five pounds.

(5) If any such delay or omission as aforesaid shall take place the corporation may cause the work to be executed and the expense of executing the same shall be repaid to the corporation by the Company and may be recovered by the corporation summarily as a civil debt.

For protection of Midland Railway Company and Great Northern Railway Company.

35. Any mains or pipes which under the powers of the section of this Act whereof the marginal note is "Power to lay pipes in streets or roads not dedicated to public use" the Company may lay down under or over or which may affect any railway works or roadway belonging to the Midland Railway Company or the Great Northern Railway Company (each of which companies is in this section referred to as "the railway company") shall be laid down and executed and subsequently maintained by the Company under the direction and superintendence and to the reasonable satisfaction of the chief engineer of the railway company and in accordance with plans and sections previously submitted to and approved by him and the Company shall make the railway company full compensation for all damage sustained by them by reason of the exercise of the powers of this section.

If any difference shall arise between the Company and the railway company under this section such difference shall be settled by an engineer to be appointed by the President for the time being of the Institution of Civil Engineers at the request of either party.

For protection of Luton Corporation.

36. The following provisions for the protection of the corporation shall apply to the breaking up and reinstatement of streets bridges sewers drains and tunnels in the borough unless otherwise agreed between the Company and the corporation (that is to say):—

(1) The notice required by section 8 of the Gasworks Clauses Act 1847 with respect to the breaking up of

streets bridges sewers drains and tunnels shall as regards any such road bridge sewer drain or tunnel be not less than seven days instead of three days:

(2) The plan required by section 9 of the last-mentioned Act shall as regards any such road bridge approach sewer drain or tunnel be on a scale of not less than a quarter of an inch to every one hundred feet and shall be accompanied by sections to suitable scales to show clearly the proposed works and shall be delivered to the borough surveyor by the Company not less than seven days before the Company commence to open or break up such road bridge or other work:

(3) 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 on any such road bridge or approaches and the Company shall not break up at any one time a greater length than one hundred yards of any such road:

(4) If except in case of frost more than forty-eight hours shall elapse between the commencement of the breaking up of any road bridge or approaches in which the mains pipes or other works of the Company are or may be laid for the purpose of laying altering renewing or repairing mains pipes or other works and the termination of the work of reinstatement of such road bridge or approaches the Company shall pay to the corporation the reasonable costs which the corporation may incur in the repair and reinstatement of so much of any such road bridge or approaches as may be damaged by reason of the traffic being concentrated thereon during the laying alteration renewal or repair of the said mains pipes or other works:

(5) If the Company in the execution of any works in or affecting any such road or bridge as aforesaid shall cause any damage injury or disturbance to such road or bridge 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 corporation after seven days' notice to the Company of the alleged

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neglect or refusal and of the works which they propose to execute to do all works necessary for making good all such damage injury or disturbance and the Company shall repay to the corporation all costs charges and expenses which the corporation shall reasonably and properly incur in carrying out such works including all reasonable expenses of superintendence :

(6) The corporation shall not be liable for or in respect of any damage or injury done to any works of the Company laid below the surface of any street or road in the borough where such injury arises from the ordinary use by the corporation of a steam or other roller not exceeding fifteen tons in weight for the repair of such street or road or from the ordinary use of any traction engine not exceeding the weight aforesaid :

(7) If any difference arises at any time between the corporation and the Company touching the foregoing provisions of this section or anything to be done or not to be done thereunder or the giving or withholding of any such consent or the conditions of giving the same or any direction such difference shall be settled by arbitration by an engineer to be agreed upon between the corporation and the Company and failing agreement to be appointed by the President of the Institution of Civil Engineers on the application of either party and the Arbitration Act 1889 or any statutory modification thereof shall apply to the arbitration.

Power to lay down pipes for ancillary purposes.

37. The Company may lay down and repair take up alter or 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.

A.D. 1911.

Power to supply gas fittings &c.

Fittings not to be subject to distress and though fixed to premises to remain property of Company.

38.—(1) The Company may sell let for hire fix repair and remove but shall not manufacture engines stoves ranges pipes and other fittings for lighting for motive power for the warming and ventilating of houses and buildings for the cooking of food and for all other purposes for which gas can or may be used and may provide all materials and 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 any process of any court or any proceedings in bankruptcy against the person in whose possession the same may be.

(3) Subject as hereinafter provided all fittings let by the Company on hire as aforesaid 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 nothing in this subsection shall affect the amount of the assessment for rating of any premises upon which any such fittings are or shall be fixed.

(4) The Company shall only be entitled to the privileges and exemptions conferred by this section in respect of such fittings as shall have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Company as the actual owners thereof.

Power to require use of anti-fluctuators for gas engines.

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

A.D. 1911.

Notice of discontinuance of supply of gas.

40. 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.

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

41. Notwithstanding anything in the Act of 1858 contained 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.

42. 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 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.

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

43. The Company may contract with any local authority company or persons 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 street beyond their limits of supply.

Charges for gas supplied by 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 their limits of supply through any other kind of meter or by any other method of supply.

(2) The Company shall not charge for the hire of any prepayment meter and fittings to be used therewith any sum other than a sum of money calculated according to the quantity of gas supplied through such prepayment meter and the maximum sum to be so charged shall be at the rate of

tenpence per one thousand cubic feet supplied in manner aforesaid such sum to include the hire of 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:

The said charge shall include the providing letting fixing repairing and maintenance of the meter and fittings and the cost of collection and other costs incurred by the Company in connection with the meter and fittings.

(3) The maximum charge for the hire of a prepayment meter without fittings shall be at the rate of ten per centum on the cost of the meter.

(4) 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.

Gas consumers to give notice to Company before removing.

45. At least twenty-four hours' notice in writing shall be given to the Company by every gas consumer before he shall quit any premises supplied with gas by meter by the Company and in default of such 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.

Authentication of notices.

46. Any notice to be served by the Company demanding payment of any charge in respect of a supply of gas or of fittings shall be sufficiently authenticated by the name either of the secretary or of a collector of the Company being affixed thereto in print or by a stamp.

Costs of Act.

47. 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 be paid out of the divisible profits of the undertaking.

A.D. 1911.

The SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

PART I.

All those pieces or parcels of land on which the existing works and buildings of the Company are erected situate in the parish and borough of Luton in the county of Bedford and in the occupation of the Company bounded on the south by the Luton and Dunstable Branch of the Great Northern Railway on the south-west by the Dunstable Road on the north-west by Francis Street on the north-east and north by a public footpath leading from Francis Street to New Bedford Road and on the east by property belonging or reputed to belong to the Great Northern Railway Company and in the occupation of Arnold and Company and now used as a timber yard all which said pieces of land contain in the whole by admeasurement 6 acres 0 roods 14 perches or thereabouts.

PART II.

All that piece or parcel of land situate in the said parish and borough of Luton and forming part of the enclosure numbered 135 on the $\frac{1}{2500}$ Ordnance map Bedfordshire sheets XXXIII–1 and XXXIII–5 (2nd edition 1901) and bounded on the north by the Luton and Dunstable Branch of the Great Northern Railway on the east by land belonging or reputed to belong to the Davis Gas Stove Company Limited on the west and south by land belonging or reputed to belong to Francis Crawley and which said piece of land contains in the whole by admeasurement 12 acres or thereabouts.

SECOND SCHEDULE.

Referred to in the section of this Act of which the marginal note is "Repeal of certain sections of Act of 1858 and Act of 1890."

Act of 1858:—

Section 56 (Gas to be consumed by meter);

Section 57 (Penalty for tampering with meters);

Section 58 (Company may remove pipes from unoccupied premises on giving notice to owner);
Section 59 (Interfering with lamps &c.);
Section 60 (Penalties not cumulative);
Section 62 (Quality of gas);
Section 63 (Company to erect a meter to test gas);
Section 70 (As to recovery of sums under £50);
Section 71 (Liabilities to gas rate not to disqualify justices).

Act of 1890:—
Section 31 (Testing of gas);
Section 32 (Quality of gas).

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