CHAPTER xxxviii.

An Act to authorise the Maidenhead Gas Company to raise additional capital to confer further powers upon the Company and for other purposes. A.D. 1918.

[8th August 1918.]

WHEREAS by the Maidenhead Gas Act 1876 (in this Act called "the Act of 1876") the Maidenhead Gaslight and Coke Company was dissolved and re-incorporated as the Maidenhead Gas Company (in this Act called "the Company" and the Company was authorised amongst other things to acquire the undertaking of the Burnham United Gas Light and Coke Company Limited and to manufacture and supply gas within the limits in that Act defined:

And whereas shortly after the passing of the Act of 1876 the Company acquired the undertaking of the last-mentioned company:

And whereas by the Maidenhead Gas Act 1900 (in this Act called "the Act of 1900") the Company was authorised to erect and maintain further gasworks on the lands in that Act mentioned and the shares in the capital of the Company were consolidated and converted into one class of stock therein called "original consolidated stock" and the Company was authorised to raise additional capital as in the said Act mentioned and standard prices were fixed for the supply of gas by the Company and it was by the said Act provided that such original consolidated stock and any additional capital raised as ordinary capital under the powers of that Act should be entitled to a standard rate of dividend of five pounds per centum per annum subject to a half-yearly increase or decrease therein dependent on the prices charged by the Company for gas supplied by them in each half-year being below or above such standard prices:

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And whereas by the Maidenhead Gas Act 1912 further powers were conferred upon the Company:

And whereas by the Maidenhead Gas (Standard of Calorific Power) Order 1917 a standard of calorific power was substituted for the standard of illuminating power prescribed by the Act of 1900 for the gas supplied by the Company and other provisions were made affecting such supply:

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

And whereas the authorised capital of the Company is one hundred and sixteen thousand eight hundred pounds of which the Company has raised (including premiums) ninety-two thousand five hundred and thirty-nine pounds by the issue of consolidated stock with a standard rate of dividend of five pounds per centum per annum and the Company is entitled to raise the remainder of such authorised capital by the issue of ordinary or preference stock:

And whereas the Company is authorised to borrow on mortgage or to raise by the issue of debenture stock twenty-five thousand pounds of which the Company has borrowed or raised the sum of fourteen thousand eight hundred pounds by the issue of mortgage debentures bearing interest at the rate of four pounds per centum per annum:

And whereas it is expedient that such other powers should be conferred upon the Company and that such other provisions should be made as are in this Act hereinafter set forth:

And whereas the objects aforesaid cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):—

Short and collective titles.

1. This Act may be cited as the Maidenhead Gas Act 1918 and the Maidenhead Gas Acts 1876 to 1912 and this Act may be cited together as the Maidenhead Gas Acts 1876 to 1918.

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

The transfer or transmission of shares;

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

The making of dividends;

The giving of notices; and

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

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

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

Interpretation.

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

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

"The directors" means the directors of the Company.

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LANDS AND WORKS.

Powers as to construction and maintenance of gasworks &c.

4.—(1) Subject to the provisions of this Act the Company may upon the lands firstly described in the First Schedule to this Act or on any part thereof and if and when the lands secondly described in the said schedule or any part thereof shall have been acquired by the Company then upon such last-mentioned lands or such part thereof erect maintain alter improve and renew gasworks with all necessary machinery and apparatus and do all such acts as may be proper for making and storing and for supplying gas within the limits of supply.

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

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

(B) Purchase from other gas undertakers and elsewhere and use the materials required to work up and convert the residual products so arising from the Company's own manufacture of gas:

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

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 which the Company are authorised to purchase take and hold under the Act of 1876 and the Act of 1900 and this Act any lands and hereditaments not exceeding in the whole five acres which the Company may from time to time require for the purposes of their works and undertaking but the Company shall not create or permit a nuisance on any such lands and no lands shall be used by the Company for the purpose of manufacturing gas or residual products except the lands which the Company are authorised to use for such purposes by the Maidenhead Gas Acts 1876 to 1918.

Dwelling houses for employees offices &c.

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

Power to sell and lease lands.

7. Subject to the provisions of the Lands Clauses Consolidation Act 1845 with respect to the sale of superfluous lands (so far as such provisions are applicable) the Company may sell or let on lease for such period as they think fit or otherwise dispose of any lands or property for the time being belonging to them and which may not at the time be required for the purposes of their undertaking or any easements or rights in or under any lands for the time being belonging to them and may retain and hold or sell and dispose of any interests in or reversion to any lands or property so let and any such sale disposal or lease may be for such consideration and subject to such reservations restrictions and provisions and generally upon such terms and conditions as the Company think fit.

Additional Capital and Borrowing Powers &c.

Power to Company to raise additional capital.

8. The Company may raise additional capital not exceeding in the whole twenty 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 thousand pounds.

Additional capital to be part of general capital.

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

Removal of limit on dividend on preference capital.

10. The provisions of section 13 of the Act of 1900 in so far as they limit the rate of dividend on the preference capital of the Company are hereby repealed and any preference stock which may be hereafter created under the powers of that Act or which may be created under the powers of this Act may be stock with a dividend at such rate not exceeding six pounds per centum per annum as the directors of the Company may determine at the time or times of the creation thereof.

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New stock to be sold by auction or tender.

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

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

(A) Notice of the intended sale shall be given in writing to the town clerk of Maidenhead to the clerk to the district council of every district wholly or partly within the limits of supply and to the secretary of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and shall also be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the limits of supply:

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

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

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

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

(3) Any stock which has been so offered for sale and is not sold may be offered at the reserve price to the holders of ordinary and preference stock of the Company in accordance with the provisions of sections 18 19 and 20 of the Companies Clauses Act 1863 and to the employees of the Company and to

the consumers of gas supplied by the Company in such proportions as the Company may think fit or to one or more of these classes of persons only Provided in the case of an offer to holders of stock that if the aggregate amount of stock applied for shall exceed the aggregate amount so offered as aforesaid the same shall be allotted to and distributed amongst the applicants as nearly as may be in proportion to the amounts applied for by them respectively.

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

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

Restrictions as to votes in respect of preference stock.

12. 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.

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

Debenture stock.

14. The Company may create and issue debenture stock subject to the provisions of section 24 of the Act of 1900 Notice of the effect of that enactment shall be endorsed on all mortgages and certificates of debenture stock.

Priority of mortgages and deben-

15. All money raised or to be raised by the Company on mortgage or debenture stock under the provisions of any

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ture stock over other debts.

former Act relating to the Company or under this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act Provided always that this priority shall not affect any claim against the Company or their property in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company which is entitled to rank in priority to or pari passu with the interest on their mortgages or debenture stock.

Existing mortgages to have priority.

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

Arrears may be enforced by appointment of a receiver.

17. Section 23 of the Act of 1900 is hereby repealed but without prejudice to any appointment heretofore made or to any proceedings pending at the passing of this Act The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than three thousand five hundred pounds in the whole.

Receipt in case of persons not sui juris.

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

Application of money.

19. 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.

20. Section 20 of the Act of 1900 shall be read and construed as if the Company was by that section authorised to borrow on mortgage of the undertaking one-third part of the capital which at the time of borrowing has been raised under the powers of that Act.

Issue of redeemable preference shares or stock or debenture stock.

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

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

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

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

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

Company not to convert borrowed money into capital.

22.—(1) Notwithstanding anything contained in the Act of 1876 the Company shall not exercise in respect of any moneys borrowed by them the powers of the Companies Clauses Consolidation Act 1845 with respect to the conversion of borrowed money into capital.

(2) Section 33 of the Act of 1876 is hereby repealed.

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Minimum amounts of holdings and transfers of stock.

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

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

SPECIAL PURPOSES FUND &C.

Special purposes fund.

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

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

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

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

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

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

(5) Resort may from time to time be had to the special purposes fund notwithstanding that the sum standing to the

credit of the fund is for the time being less than the maximum allowed by this section.

(6) Section 35 of the Act of 1900 is hereby repealed.

Power to directors to make donations subscriptions &c.

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

Power to grant pensions &c.

26. The directors may in addition to forming the benefit fund provided for by the Maidenhead Gas Act 1912 grant pensions and retiring or superannuation allowances to officers and servants (other than weekly servants) of the Company and for that purpose may apply the funds and revenues of the Company Provided that the total amount of the payments made by the directors in any year under the provisions of this section shall not exceed an amount equal to one halfpenny per thousand cubic feet of gas supplied by the Company during such year.

PROVISIONS AS TO SUPPLY OF GAS.

Prepayment meters.

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

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

(3) The charge for the hire of any prepayment meter without fittings shall be a sum of money calculated according to the quantity of gas supplied through the prepayment meter and the maximum charge shall be at the rate of sixpence per one thousand cubic feet supplied in manner aforesaid or at the rate of ten per centum per annum on the cost of the meter whichever shall be the higher.

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

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

Pipes &c. between mains and meters.

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

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

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

(3) The specification shall be published twice in some newspaper circulating within the limits of supply and a copy thereof shall be kept exhibited in the office of the Company:

(4) Every meter to be used in a new building or a building not previously supplied with gas or in connexion with a new or substituted pipe laid by the consumer between the main and the consumer's meter shall be placed as near as reasonably practicable to the Company's main but within the outside wall of the building:

(5) When any such pipe or meter as aforesaid has been laid or placed notice thereof shall be given to the Company and the pipe shall not be covered over until after the expiration of twenty-four hours from the service of such notice on the Company Any officer of the Company duly appointed may between nine

o'clock in the morning and five o'clock in the afternoon attend and inspect such pipes (with their fittings) and meter and if the officer is not permitted to make the inspection or if the pipes or fittings are not according to the Company's specification or if the meter is not placed as required by this section the Company may refuse to supply gas to the premises until the provisions of this section have been complied with:

(6) Any person to whom the Company refuses a supply of gas under the provisions of this section may appeal to a petty sessional court against such refusal and the court may after hearing the parties and considering any questions as to the reasonableness of the Company's specification make such order as seems to them proper in the circumstances and may order by which of the parties the costs of and incident to the appeal shall be paid.

Power to lay pipes in private streets.

29.—(1) The Company may on the application of the owner or occupier of any premises within the limits of supply abutting on or being erected in any street laid out but not dedicated to public use supply those premises with gas and for that purpose the Gasworks Clauses Act 1847 shall apply as if section 7 of that Act were excepted from incorporation in the Act of 1876 the Act of 1900 and this Act.

(2) For the purposes of this section the Eton Rural District Council shall be deemed in addition to any other persons to be persons having the control or management of any such street in the Eton Rural District.

(3) The Company shall not under the powers of this section without the consent of the Great Western Railway Company which consent shall not be unreasonably withheld lay down or place any pipe or other work in any existing street laid out but not dedicated to the public use which is the property of and forms the approach to any station or depôt of such railway company nor shall the Company in carrying out such works unreasonably obstruct or interfere with the convenient access to any such street station or depôt.

Power to lay pipes for ancillary purposes.

30. The Company may within the limits of supply lay down and repair take up relay or renew mains pipes and culverts for the purpose of procuring conducting or disposing

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

Provided that the provisions of section 48 (For the protection of the Great Western Railway Company) of the Act of 1876 shall apply to the laying down or otherwise dealing with such mains pipes and culverts under the powers of this section as if the said section of the Act of 1876 had been expressly re-enacted in this Act with reference thereto.

Amending obligations as to supply of gas.

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

Provided that the Company shall not exercise the powers of this section otherwise than with the approval of the district council of the area concerned or in the event of the said district council declining to give such approval with the approval of an arbitrator to be appointed on the application of either party by the Board of Trade.

As to mode of cutting off supplies.

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

Provided that if and so soon as the matter complained of shall have been remedied nothing in this section shall prejudice

or interfere with any rights vested in any person by virtue of section 11 of the Gasworks Clauses Act 1871.

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

Expenses of re-connecting discontinued supply.

33. In any case in which in consequence of any default on the part of the occupier of any premises the Company has cut off the supply of gas to such premises and the occupier so in default shall desire to resume such supply he shall pay to the Company the expenses of re-connecting the supply and the Company shall not be under any obligation to re-connect or to supply gas to such occupier until he shall have paid such expenses.

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

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

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

35. Subject as hereinafter provided all engines fittings apparatus and appliances (in this section referred to as "fittings") let by the Company on hire or under hire-purchase agreements under any statutory powers shall notwithstanding that they be fixed or fastened to any part of any premises in which they may be situate or to the soil under any such premises at all times continue to be the property of and removable by the Company Provided that such fittings are marked or impressed with a sufficient mark or brand indicating the Company as the actual owners thereof Provided also that nothing in this section shall affect the amount of the assessment for rating of any premises upon which any such fittings are or shall be fixed.

Removal of fittings where gas

36. The power to enter premises and to remove pipes meters and fittings or apparatus conferred upon the Company

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supply discontinued.

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

Anti-fluctuators.

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

Consumer's notice before removing.

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

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

As to Directors Auditors Voting Rights Interim Dividends Closing of Registers &c. A.D. 1918.

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

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

As to appointment of managing director.

41.—(1) The directors may appoint any one of their body to be a managing director of the Company 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 all or any of those modes.

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

As to appointment of proxies.

42. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 the attorney of any stockholder duly authorised in writing may appoint a proxy to vote for and on behalf of the stockholder and for that purpose may execute on

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behalf of the stockholder the necessary form of proxy Provided that the instrument appointing the attorney shall be transmitted to the secretary of the Company at the same time as the instrument appointing the proxy.

Joint holders.

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

Annual meeting of Company and interim dividend.

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

(2) The directors may in any year declare and pay an interim half-yearly dividend on any class or classes of stock in the capital of the Company out of the profits of the Company without the sanction or direction of a general meeting but no such half-yearly dividend shall exceed one-half of the amount of the maximum yearly dividend payable on such stock.

Directors may determine remuneration of secretary &c.

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

Auditors.

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

PROFIT SHARING.

Profit sharing.

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

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

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

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

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

48.—(1) Subject to the provisions of this section and the regulations set forth in the Second Schedule to this Act any employee of the Company who shall have become entitled to participate in the profits of the Company under any such scheme or schemes as are referred to in the last preceding section of this Act and not being under the age of sixteen years (in this section referred to as "the co-partner") may nominate any person or persons (in this section referred to as "nominee") who on the death of the co-partner shall (to the extent of a total value of not exceeding one hundred pounds and so far as the same are covered by such nomination) be entitled to be registered as holder of any ordinary stock of the Company (in this section referred to as "stock") and to be paid any bonus or other sums left on deposit (in this section called "deposits") with persons being the trustees under such co-partnership scheme (in this section referred to as "the trustees") and standing in the name of the co-partner at the time of his death.

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

(3) If any co-partner dies intestate without having made any nomination under this section in force at his death and the total value of the stock and deposits standing in his name does not exceed one hundred pounds then without letters of administration the directors and the trustees if they have no notice of the

claim of any creditor may respectively register the stock in the names of and pay the deposits to such persons as appear to a majority of the trustees upon such evidence as they may deem satisfactory to be entitled by law to be registered as owners of the stock or to receive the deposits Provided that if the total value of the stock and deposits of the deceased co-partner exceeds ninety pounds the directors and the trustees shall before dealing with the stock or deposits under this subsection to a greater extent than seventy-five pounds obtain from the Commissioners of Inland Revenue a receipt for the legacy duty payable thereon or a letter or certificate stating that no such duty is payable.

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

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

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

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

MISCELLANEOUS.

Provision and use of barges &c.

49. The Company may provide maintain and use barges lighters and vessels in connexion with their undertaking and may apply their funds for such purposes.

For protection of Maidenhead Corporation.

50. For the protection of the mayor aldermen and burgesses of the borough of Maidenhead (in this section called "the corporation") the following provisions shall unless otherwise agreed between the corporation and the Company apply and have effect (that is to say):—

(1) The Company shall not carry out any process for the recovery or manufacture of sulphuric acid or any other manufacture of a deleterious character on any part of the lands described in the First Schedule to this Act Provided that the powers by this Act conferred upon the Company to work up and convert thereon residual products arising from the manufacture of gas by the Company shall be deemed to allow the Company to (A) treat ammoniacal liquor (B) extract benzol from the gas and (C) dehydrate tar with the object of making the same suitable for use in connexion with the repair and maintenance of roads and other purposes for which dehydrated tar may be suitable or conveniently used and to manufacture such other materials from residual products as may be agreed upon between the corporation and the Company or failing such agreement allowed by an arbitrator appointed by the Board of Trade on the application of the corporation or the Company:

(2) Before exercising any powers under the section of this Act of which the marginal note is "Power to lay

pipes in private streets" in the borough of Maidenhead the Company shall give to the corporation a similar notice to that provided for by section 8 of the Gasworks Clauses Act 1847:

(3) The Company shall not under the provisions of the section of this Act of which the marginal note is "Charge for gas to premises having a supply of electricity or gas" charge for any year in respect of any premises in the borough of Maidenhead any greater sum than the sum by which the ordinary charge for gas supplied by the Company to such premises in that year falls short of the sum of four pounds or the sum of four pounds in respect of any year in which no supply of gas is taken from the Company for such premises.

For protection of Cookham Rural District Council.

51. For the protection of the Cookham Rural District Council (in this section called "the council") the following provisions shall unless otherwise agreed between the Company and the council apply and have effect (that is to say):—

The provisions of the section of this Act of which the marginal note is "For protection of Maidenhead Corporation" shall extend and apply for the benefit and protection of the council as if in that section the council were substituted for the corporation and the rural district of Cookham for the borough of Maidenhead.

For protection of Eton Rural District Council.

52. For the protection of the rural district council of Eton (in this section called "the council") the following provisions shall have effect (that is to say):—

(1) In exercising any of the powers conferred upon them by this Act the Company shall not in any way directly or indirectly curtail injure or interfere with the surface water drainage of Mill Road in the Eton Rural District or any drains gutters water channels or outlets thereof to any lands acquired by the Company:

(2) If any injury or interference as aforesaid shall arise or any expense is occasioned to the council by reason of the acts or omissions of the Company the Company shall make compensation to the council in respect thereof and the amount of such compensation

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unless agreed upon shall be determined by arbitration as hereinafter provided:

(3) Any dispute or difference which may arise between the council and the Company with reference to the provisions of this section shall be settled by arbitration by an engineer to be agreed upon between the council and the Company or 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 shall apply to any such arbitration.

Amendment of section 34 of Act of 1900.

53. Section 34 (Standard price of gas Dividend dependent on price charged) of the Act of 1900 shall be read and construed as if the words "and in such part of the county of Buckingham as is situate within a distance of one and a half miles of the gasworks of the Company in the parish of Taplow in the said county" were inserted in that section after the word "Maidenhead" therein.

For protection of Thames Conservancy.

54. For the protection of the conservators of the River Thames (in this section called "the conservators") the following provisions shall unless otherwise agreed between the Company and the conservators apply and have effect (that is to say):—

The provisions of subsection (1) of the section of this Act of which the marginal note is "For protection of Maidenhead Corporation" shall extend and apply for the benefit and protection of the conservators as if in that subsection the conservators were substituted for the corporation.

Recovery of demands.

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

Recovery of penalties &c.

56. Save as is otherwise by this Act expressly provided all offences against this Act or any other Act relating to the Company and all penalties forfeitures costs and expenses imposed or recoverable under this Act may be prosecuted and recovered

in a summary manner provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Several sums in one summons.

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

Power to apply funds.

58. The Company may from time to time apply for or towards all or any of the purposes of this Act and for or towards the general purposes of their undertaking to which capital is properly applicable any sums of money which they have already raised or are authorised to raise under and by virtue of the Act of 1876 or the Act of 1900 or which may be in their possession or under their control and which are not required for the purposes to which they are by those Acts or either of them made specially applicable:

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

Consent of Treasury to raising of money.

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

Saving for general Acts.

60. Nothing in this Act shall exempt the Company or their undertaking from the provisions of any general Act relating to the supply of gas which may be passed in this or any future session of Parliament.

Costs of Act.

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

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The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

Firstly A piece of land belonging or reputed to belong to the Company containing by admeasurement one rood twenty-nine poles or thereabouts bounded on the west by the River Thames on the south by the Company's existing gasworks on the east by Mill Road leading from Maidenhead Bridge to Taplow Mills and on the north by land belonging or reputed to belong to the Right Honourable Lord Desborough and in the occupation of the Guards' Club:

Secondly A piece of land containing by admeasurement three acres two roods and thirty-three poles or thereabouts bounded on the north-west by the above-mentioned Mill Road on the south-east by a public footpath leading from Mill Road to Taplow and on the north by land belonging or reputed to belong to the Right Honourable Lord Desborough.

THE SECOND SCHEDULE.

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

1. In these regulations "the Company" means the Maidenhead Gas Company "the directors" and "the secretary" respectively mean the directors and secretary of the Company "appointor" means any person who makes a nomination under the provisions of the section of the Maidenhead Gas Act 1918 the marginal note whereof is "Disposal of stock and deposits of co-partners on death" and "the trustees" "stock" "deposits" and "nominee" have the same respective meanings as are given thereto in the same section.

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

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

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

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

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

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

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

9. A nomination may be in favour of one person or of several persons and in the latter case may direct that on the death of the appointor the stock shall be registered in the name of and that the deposits shall be paid to one or more of the persons named in the nomination or that the persons named in such nomination shall be registered as owners of the stock and shall take the deposits or any of them respectively in specified shares or may give directions to both effects.

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

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

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

13. Where any nominee is at the death of the appointor an infant under the age of sixteen years and it is proved to the satisfaction of the trustees that funds are needed for the maintenance education or benefit of such infant the directors may register the stock in the name of and the trustees may pay the deposits mentioned in the

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nomination or any part thereof to any person who may satisfy the trustees that he will apply any money received by him from the trustees or by the sale of or as interest on such stock for the maintenance education or benefit of such infant and the receipt of such person shall be a good discharge to the trustees for the amount so paid.

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