CHAPTER xlviii.

An Act to incorporate the North Sussex Gas Company and to enable that Company to supply with Gas certain parishes in the county of Sussex. [30th June 1905.] A.D. 1905.

WHEREAS there is no adequate supply of gas to the parishes of Billingshurst Wisborough Green Slinfold and Kirdford in the county of Sussex and it is expedient that a supply of gas should be afforded to the inhabitants of those parishes:

And whereas the persons in that behalf in this Act named with others are willing on being incorporated into a company with the necessary powers for such purposes to undertake the supply of gas to such parishes and places and it is expedient that they should be incorporated accordingly and authorised to acquire land and to construct gasworks as by this Act provided and that such other powers as are in this Act contained should be conferred on them for the better and more effectually carrying the purposes of this Act into effect:

And whereas plans showing the lands which may be taken for the purposes of this Act and also books of reference to the plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of such lands which may be taken for the purposes or under the powers of this Act have been duly deposited with the clerk of the peace for the county of Sussex and are herein-after respectively referred to as the deposited plans and books of reference:

And whereas the objects of this Act 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

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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:—

Short title.

1. This Act may be cited for all purposes as the North Sussex Gas Act 1905.

Incorporation of general Acts.

2. The following Acts and parts of Acts (so far as they are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act namely the Companies Clauses Consolidation Act 1845 (except the provisions relating to the conversion of borrowed money into capital) Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts the Lands Clauses Acts and the Gasworks Clauses Acts 1847 and 1871 Provided that section 13 of the Gasworks Clauses Act 1847 shall be read as if the words "or any premises" were inserted after the words "private building."

Interpretation.

3. In this Act the several words and expressions (hereinafter mentioned have the meanings hereby assigned to them) unless there be something in the subject or context repugnant to such construction (that is to say):—

Words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings:

The expression "the Company" shall mean the Company incorporated by this Act:

The expressions "the works" and "the gasworks" mean and include the gasworks and works connected therewith by this Act authorised to be constructed or maintained:

The expression "the undertaking" means and includes the gasworks and all lands buildings estate right title property privileges and effects and the undertaking of the Company and every part thereof.

Company incorporated.

4. William Bentham Martin Charles Hibbert Binney and Herbert Birch and all other persons who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a company for the purposes of this Act and for those purposes shall be and are

hereby incorporated by the name of "The North Sussex Gas Company" and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

General purposes of Company.

5. The Company shall be established for the purpose of manufacturing and supplying gas for lighting heating motive power and other purposes within the limits of this Act and may sell dispose of and deal in gas coke tar and all other residual products resulting from the manufacture of gas and generally may carry on the business usually carried on by a gas company.

Limits of Act.

6. The limits of this Act for the supply of gas shall be the parishes of Billingshurst Wisborough Green Slinfold and Kirdford in the county of Sussex.

Capital.

7. The capital of the Company shall be twelve thousand pounds in two thousand four hundred shares of five pounds each.

Issue of shares.

8. The Company shall not issue any share created under the authority of this Act nor shall any such share vest in the person accepting the same unless and until a sum not being less than one fifth of the amount of such share is paid in respect thereof.

Calls.

9. One fifth of the amount of a share shall be the greatest amount of a call and two months at least shall be the interval between successive calls and one fifth of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Power to borrow.

10. The Company may from time to time borrow on mortgage of the undertaking any sums not exceeding in the whole four thousand pounds in respect of the capital by this Act authorised or they may (subject to the conditions herein-after contained) borrow from time to time not exceeding one thousand pounds in respect of each portion of capital not exceeding three thousand pounds issued by the Company but no part of any such sum shall be borrowed until the whole capital or respective portion of capital in respect of which it is to be borrowed is issued and accepted and one half thereof is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that the whole of such capital or

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portion of capital has been issued and accepted and that one half thereof has been paid up and that not less than one-fifth part of the amount of each separate share in such capital or portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such capital or portion of capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns and that such persons or corporations their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof.

For appointment of a receiver.

11. 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 five hundred pounds in the whole.

Receipt in case of persons not sui juris.

12. If any money is payable to a shareholder 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 of the Company.

Debenture stock.

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

Application of moneys.

14. All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied only for the purposes of this Act to which capital is properly applicable.

First ordinary meeting.

15. The first ordinary meeting of the Company shall be held within six months after the passing of this Act.

Number of directors.

16. The number of directors shall be five but the Company may vary the number provided that the number be not at any time more than seven or less than three.

Qualification of directors.

17. The qualification of a director shall be the possession in his own right of not less than forty shares.

Quorum.

18. The quorum of a meeting of directors shall be three.

Directors.

19. William Bentham Martin Charles Hibbert Binney and Herbert Birch and any two other persons to be nominated by them or the majority of them and consenting to such nomination shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or nominated as aforesaid or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act or nominated as aforesaid being if they continue qualified eligible for re-election and at the first ordinary meeting to be held in every year after the above-mentioned first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for varying the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead.

Power to acquire lands.

20. Subject to the provisions of this Act the Company may enter upon take hold and use the lands and hereditaments shown on the deposited plans and described in the deposited books of reference and in addition the Company may by agreement take purchase and hold for the general purposes of the undertaking any lands not exceeding in the whole five acres in extent or any easement (not being an easement or right of water in which other parties than the grantors have an interest) in over or under any such lands but the Company shall not upon any such lands create or permit any nuisance and no lands shall be used by the Company for the purpose of manufacturing gas or residual products except the lands described in the schedule to this Act.

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Powers as to construction and maintenance of gasworks.

21. Subject to the provisions of this Act the Company may on the lands described in the schedule to this Act erect lay down provide and from time to time maintain alter improve enlarge extend and renew or discontinue gasworks retorts gasometers manufactories condensers scrubbers exhausters purifiers gasholders tanks receivers drains sewers mains pipes meters lamps lamp-posts burners stopcocks machinery and other works and apparatus and conveniences and may do all such acts as they may think proper for making and storing gas and for supplying gas within the limits of this Act and may make store and supply gas accordingly and may sell supply and deal in coke tar and all other products or residuum of any materials employed in or resulting from the manufacture of gas.

Period for compulsory purchase of lands.

22. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

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

23. The Company may on the application of the owner or occupier of any premises within the limits of this Act abutting on or being erected in any street laid out but not dedicated to public use supply such premises with gas and may lay down take up alter relay or renew in across or along such street 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 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.

For protection of Horsham Rural District Council.

24. The following provisions for the protection of the Horsham Rural District Council (in this section referred to as "the council") shall unless otherwise agreed between the Company and the council have effect:—

(1) The Company shall not permit any trench made by them in any road street or highway for the time being maintainable by the council to be open for more than one hundred yards in length at any place where only one cart can pass at the side of such trench or for more than one hundred and fifty yards in length where only two carts can pass at the same time:

(2) Where any main pipe or other work of the Company is required to be laid or constructed beneath the surface of any such road street or highway as aforesaid the

same shall if possible be laid or constructed at such a depth that not less than two feet shall intervene between the surface of such road street or highway and the upper surface of such main pipe or other work Any difference as to the possibility of so laying or constructing any such main pipe or other work shall be determined by arbitration as herein-after in this section provided:

(3) If the council shall for the purpose of altering any such road street or highway as aforesaid at any time require the position or level of any main pipe or other work of the Company laid in or under any such road street or highway as aforesaid to be altered the Company shall at their own expense on receiving notice in writing under the hand of the clerk of the council so to do alter the same as reasonably required by such notice and under the superintendence of the officer of the council and any reasonable expense in relation to such alterations as aforesaid to which the council may be put by reason of necessity for providing for any main pipe or other work of the Company shall be paid by the Company to the council:

(4) The Company shall also pay to the council all reasonable expenses actually incurred by them in relation to the superintendence by this section authorised Any difference as to the reasonableness of any requirement contained in any such notice or as to the amount of any sum to be so paid by the Company to the council shall be determined by arbitration as in this section herein-after provided:

(5) Any difference by this section required to be determined by arbitration shall be determined by an engineer to be appointed (in default of an agreement between the Company and the council) by the President of the Institution of Civil Engineers on the application of either party.

Power to supply gas fittings for heating and other purposes and not to be subject to distress.

25.—(1) The Company may sell let for hire or otherwise deal in 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

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gas can or may be used and may provide all materials and do all 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 between the Company and the persons to or for whom the fittings are sold let fixed up repaired or removed.

(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 persons in whose possession the same may be Provided that such fittings 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.

Maximum price of gas.

26. The price to be charged by the Company for gas supplied by them to persons who shall burn the same by meter shall not exceed four shillings and ninepence per thousand cubic feet.

Pressure of gas.

27. All gas supplied by the Company to any consumer of gas shall be supplied at such pressure as to balance a column of water from midnight to sunset not less than six tenths of an inch in height and from sunset to midnight not less than eight tenths of an inch in height at the main as near as may be to the junction therewith of the service pipe supplying such consumer and any gas examiner appointed under the Gasworks Clauses Act 1871 may subject to the terms of his appointment test the pressure at which the gas is supplied and may for that purpose open any street road passage or place vested in or under the control of any local or road authority and the provisions of the Gasworks Clauses Act 1871 with reference to testing of gas and to penalties shall mutatis mutandis apply to such testing of pressure and at least three hours' previous notice shall be given to the Company of the time and place at which such testing shall be conducted.

No penalty in case of unavoidable cause or accident.

28. No penalty shall be incurred by the Company for neglect or refusal to give a supply of gas in accordance with the provisions of this Act or 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 the court having cognisance of the case are of opinion that such neglect refusal insufficiency defect or excess was caused by an unavoidable

cause or accident provided that want of funds shall not be deemed an unavoidable cause or accident. A.D. 1905.

Quality of gas.

29. The prescribed number of candles for gas shall be not less than fourteen.

Testing place.

30. Within six months from the passing of this Act a testing place shall be provided at the works of the Company.

Burner.

31. The prescribed burner shall be Sugg's London Argand burner number one with a six-inch by one-and-three-quarter-inch glass chimney but if at any time and so long as the gas flame rises above the top of that glass a six-inch by two-inch chimney shall be used or any other burner or chimney approved for this purpose by the Board of Trade.

Company to pay interest on money deposited as security for meter.

32. If any person is required by the Company to give to them security for any supply of gas or for the payment of the price or rent of a meter and such security is made by way of deposit the Company shall pay interest after the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands Provided that the Company shall not require any security in respect of a prepayment meter.

Period of error in defective meters.

33. In the event of any meter used by a consumer of gas being tested in manner provided by the Sale of Gas Act 1859 and being proved to register erroneously within the meaning of the said Act such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Company shall be paid by or to the Company to or by the consumer as the case may be and shall be recoverable in the like manner as gas rents are recoverable by the Company.

Consumers to give notice to Company before removing.

34. 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

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Company to supply gas to such premises whichever shall first occur Notice of the effect of this enactment shall be stated in or endorsed upon every demand note for gas rent payable to the Company.

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

35. 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 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.

Notice of discontinuance.

36. 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 principal office for the time being of the Company.

Company may contract with local authority for supply in bulk.

37. The Company may contract with any local authority company or persons beyond the Company's limits of supply (but only with the consent in writing of the local authority of the district within which the supply is to be given and of any company or person supplying gas under Parliamentary powers in that district) 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 shall be agreed upon.

Anti-fluctuators for gas engines.

38. Every consumer of gas supplied by the Company who uses a gas engine shall if required to do so by the Company use an anti-fluctuator and shall at all times at his own expense keep such anti-fluctuator in proper order and if any consumer shall make default in complying with the provisions of this section the Company may cease to supply him with gas 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 removal testing inspecting and replacing to be done at the expense of the Company if the anti-fluctuator be found in proper order but otherwise at the expense of such consumer.

Dwelling-houses for persons in Company's employ.

39. The Company may purchase or take on lease dwelling-houses for persons in their employ and may erect and maintain dwelling-houses for such persons upon the lands for the time being belonging to or leased by the Company.

Power to take out licences for use of patents.

40. The Company may acquire take and use any leave licence or authority to work use exercise and put in practice any invention under letters patent made or to be made granting

any right or privilege of working using exercising or vending any invention in relation to the production utilisation and distribution of coal gas the production of coke tar pitch asphaltum ammoniacal oil sulphate of ammonia and the products from coal slack and other substances employed in or resulting from the manufacture of gas or otherwise in relation thereto but not so as to acquire any exclusive right to the working use exercising or putting in practice of any such invention. A.D. 1905.

41. All costs charges and expenses of and incidental to the preparing for obtaining and passing this Act or otherwise in relation thereto shall be paid by the Company. Costs of Act.

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The SCHEDULE referred to in the foregoing Act.

Gas Lands.

All that piece or parcel of land situate in the parish of Billingshurst in the county of Sussex lying on the east side of the road leading from Billingshurst to Pulborough and being the enclosure or field numbered 895 on the Ordnance map (scale $\frac{1}{2500}$) of that parish.

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