CHAPTER xxi.

An Act to change the name of the Ormskirk Gas Light Company to empower the Company to acquire additional lands to supply electricity and to raise additional capital and for other purposes. A.D. 1915.

[24th June 1915.]

WHEREAS by the Ormskirk Gaslight Act 1853 (hereinafter called "the Act of 1853") the Ormskirk Gas Light Company (hereinafter called "the Company") were incorporated for the purpose of (amongst other things in the said Act mentioned) making and supplying gas to the places and within the limits in that Act defined:

And whereas by the Ormskirk Gaslight Act 1892 (in this Act called "the Act of 1892") and the Gas Companies (Standard Burner) (No. 2) Act 1910 further powers were conferred upon the Company and further provisions enacted with reference to the Company's undertaking and amongst other things the limits of the Company for the supply of gas were extended so as to include the townships of Lydiate Maghull and Melling and so much of the townships of Scarisbrick and Halsall as is in the Act of 1892 described all in the county palatine of Lancaster and the Company were authorised to raise additional capital both by the issue of new shares or stock and by borrowing:

And whereas the demand for gas within the limits of the Company has greatly increased since the passing of the Act of 1892 and is still increasing and it is expedient in order to meet such demand that the present gasworks of the Company should be enlarged and extended and that the Company should be empowered to manufacture gas and residual products upon additional lands adjoining the existing gasworks acquired by the

A.D. 1915. Company by agreement since the Act of 1892 and also that the Company should be authorised to acquire other lands for the purposes of their said gasworks and be empowered to manufacture gas and residual products thereon:

And whereas it is expedient that new provisions be made with reference to the quality and testing of the gas supplied by the Company and that further powers be conferred upon the Company as in this Act contained:

And whereas it is expedient that the Company should be empowered to supply electricity for public and private purposes to and within the parish of Aughton within the rural district of West Lancashire in the county palatine of Lancaster:

And whereas it is expedient that the name of the Company should be changed to that of the Ormskirk and District Gas and Electricity Company:

And whereas by the Act of 1853 the original capital of the Company was fixed at twenty thousand pounds divided into two thousand shares of ten pounds each subject to a maximum dividend at the rate of ten per centum per annum and the whole of such shares has been issued and fully paid up:

And whereas by the Act of 1892 the Company were authorised to raise additional capital to an amount of twenty thousand pounds by the creation and issue of new ordinary shares or stock or new preference shares or stock and in exercise of such powers the Company have issued one thousand three hundred and sixty-five ordinary shares of ten pounds each entitled to dividends at the rate of seven per centum per annum and the Company have received the sum of six thousand one hundred and thirty-three pounds two shillings and sixpence by way of premiums on the issue of such ordinary shares:

And whereas the Company were by the Act of 1853 authorised to borrow and have borrowed thereunder the sum of two thousand pounds:

And whereas the Company were by the Act of 1892 authorised to borrow in respect of the additional capital authorised by that Act one-fourth part of the amount of such capital and in exercise of such power the Company have borrowed a further sum of five thousand pounds:

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

And whereas a plan showing the lands which may be taken or used compulsorily under the powers and for the purposes of this Act and a book of reference to such plan containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands have been duly deposited with the clerk of the peace for the county palatine of Lancaster and are hereinafter respectively referred to as "the deposited plan and book of reference":

And whereas the objects of this Act 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:—

PRELIMINARY.

Short and collective titles.

1. This Act may be cited as the Ormskirk Gas and Electricity Act 1915 and the Ormskirk Gaslight Acts 1853 and 1892 and this Act may be cited together as the Ormskirk Gas and Electricity Acts 1853 to 1915.

Application of Electric Lighting Acts.

2. This Act shall be deemed to be a special Act within the meaning of the Electric Lighting Acts 1882 to 1909 and the Electric Lighting (Clauses) Act 1899 so far as the provisions of those Acts and the schedules thereto are applicable to or incorporated with this Act (which Acts and the schedules thereto are hereinafter referred to as "the principal Acts").

Incorporation of general Acts.

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

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

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Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) Part III. (relating to debenture stock) and Part IV. (relating to change of name) of the Companies Clauses Act 1863 as amended by subsequent Acts;

The Gasworks Clauses Act 1847 Provided that section 13 thereof 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 circumstances to all consumers" were added at the end of that section;

The Gasworks Clauses Act 1871;

The Lands Clauses Acts; and

The provisions of the schedule to the Electric Lighting (Clauses) Act 1899 as amended by the Electric Lighting Act 1909 and except sections 5 23 83 and 84 thereof.

Interpretation.

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

The expression "the Company" means the Ormskirk and District Gas and Electricity Company;

The respective expressions "the Act of 1853" and "the Act of 1892" respectively mean the Ormskirk Gaslight Act 1853 and the Ormskirk Gaslight Act 1892;

The expression "the existing Acts" means the Act of 1853 and the Act of 1892;

The expression "the gas undertaking" means the gasworks and works connected therewith authorised by the existing Acts and any improvement and extension thereof which the Company may make or construct under the powers of this Act and the lands buildings estate right title property and privileges and effects and the undertaking for the supply of gas as authorised by the existing Acts and this Act;

The expression "the electricity undertaking" means the undertaking of the Company for the supply of electricity as authorised by this Act;

The expression "the undertaking" includes the gas undertaking and the electricity undertaking by this Act authorised;

The expression "calorific power" means the total heat value expressed in British thermal units;

The expression "British thermal units" means British thermal units gross per cubic foot of gas.

Change of Name of Company.

Change of name of Company.

5. Subject to the provisions of Part IV. (relating to change of name) of the Companies Clauses Act 1863 the name of the Company shall from and after the passing of this Act be the Ormskirk and District Gas and Electricity Company.

Supply of Gas Lands and Works.

Power to acquire lands.

6. Subject to the provisions of this Act the Company may enter upon take hold and use the lands and hereditaments shown on the deposited plan and described in the deposited book of reference.

Correction of errors in deposited plan and book of reference.

7. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plan or specified in the deposited book of reference the Company after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county palatine of Lancaster for the correction thereof and if it appear to the justices that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county palatine of Lancaster and a duplicate thereof shall also be deposited with the clerk of the urban district council for the urban district of Ormskirk in which the lands affected thereby are situate and such certificate and duplicate respectively shall be kept by such clerk of the peace and clerk of such urban district council respectively with the other documents to which the same relate and thereupon the

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deposited plan and deposited book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Company to take the lands and execute the works in accordance with such certificate.

Persons under disability may grant easements &c.

8. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Period for compulsory purchase of lands.

9. 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.

Powers to maintain gasworks and convert residual products.

10.—(1) Subject to the provisions of this Act the Company may upon the lands described in Part I. of the First Schedule to this Act maintain and continue the existing gasworks of the Company and upon the lands described in Part II. of the First Schedule to this Act or on any of such lands or any part or parts thereof respectively erect maintain alter improve extend and renew gasworks with all necessary machinery and apparatus and do all such acts as may be proper for making and storing gas 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 them:

(*b*) Purchase the residual products arising from the manufacture of gas by other gas undertakers and therewith manufacture other products of the same kind as the Company are manufacturing from their own residual products:

(*c*) Purchase from other gas undertakers and elsewhere and use the materials required to work up and convert the residual products so arising from their own manufacture of gas or purchased as aforesaid:

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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 or purchased from other gas undertakings is merely subsidiary.

Testing for calorific power.

11.—(1) Within six months after the passing of this Act the Company shall provide at the prescribed testing place apparatus for testing the calorific power of the gas supplied by them similar to the apparatus for the time being prescribed by the Metropolitan Gas Referees for testing the calorific power of gas supplied by the companies referred to in the London Gas Act 1905.

(2) As from the date on which the Company shall have completed the provision of the apparatus for testing the calorific power the gas supplied by the Company shall be tested in the mode and under the conditions for the time being prescribed by the Metropolitan Gas Referees and shall be of a calorific power of five hundred and fifty British thermal units and that power is in this Act referred to as "the standard calorific power."

(3) As from such date the provisions of section 12 of the Gasworks Clauses Act 1871 with reference to the testing for the illuminating power shall cease to apply to the Company and sections 28 to 31 and 33 of that Act shall in their application to the Company be construed as if calorific power were therein mentioned in lieu of illuminating power.

(4) Not more than one testing for calorific power shall be made on any one day Provided that if on any occasion of testing the calorific power is found to be below the standard calorific power by more than five per centum a second testing shall be made on the same day after an interval of not less than one hour and the average of the two testings shall be deemed to be the calorific power of the gas on that day.

Testing place.

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

Penalties for deficient calorific power.

13. If on any testing the calorific power of the gas supplied by the Company is found to be below the standard calorific

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power by more than seven and a half per centum they shall be liable to the following penalties in respect of any deficiency beyond such last-mentioned margin (that is to say):—

If the deficiency does not exceed fourteen British thermal units a sum not exceeding two pounds:

If the deficiency exceeds fourteen British thermal units but does not amount to twenty-eight British thermal units a sum not exceeding five pounds:

For each complete twenty-eight British thermal units of defective power a sum not exceeding ten pounds.

Pressure.

14.—(1) All gas supplied by the Company to any consumer of gas shall be supplied at such pressure as to balance a column of water not less than twelve-tenths of an inch in height at the main or as near as may be to the junction therewith of the service pipe supplying the consumer.

(2) Any gas examiner appointed under the Gasworks Clauses Act 1871 may for the purposes of this section subject to the terms of his appointment at the prescribed testing place or at any public lamp as and when he thinks fit test the pressure at which the gas is supplied The Company shall afford to the examiner all reasonable facilities for making the test.

Saving as to penalties.

15. No penalty shall be incurred by the Company for insufficiency of pressure defect of calorific power or excess of impurity in the gas supplied by them in any case in respect of which 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.

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

16. 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 or once in each of two newspapers circulating within the limits of supply and a copy of such specification 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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Power to lay pipes &c. for ancillary purposes.

17. The Company may lay down place repair alter remove and renew mains pipes culverts and other apparatus within the limits of supply for the purpose of procuring conducting or disposing of any oil or other material used by them in or resulting from the manufacture of gas or any residual products thereof or for any other 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 so laid shall so far as applicable for the purposes of this section extend and apply mutatis mutandis to and for the purposes thereof Provided always that the powers of this section shall only be exercised within the urban district of Lathom and Burscough with the consent in writing of the local authority of that district.

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

18. 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.

Charge for gas supplied by means of prepayment meters.

19.—(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 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.

(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 connection 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.

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

20.—(1) Any fittings engines stoves ranges pipes and other apparatus and appliances (in this section referred to as "fittings") let for hire by the Company under the provisions of section 44 (Power to supply gas fittings engines and other apparatus) of the Act of 1892 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.

(2) Any fittings let for hire by the Company 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.

(3) 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 enter premises and remove fittings.

21. The power to enter premises and to remove pipes meters fittings or apparatus conferred upon the Company by section 22 of the Gasworks Clauses Act 1871 shall extend to all cases in which any person entering into occupation of any premises previously supplied with gas by the Company shall not

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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.

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

22. 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 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 such anti-fluctuator and valve 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 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.

Period of error in defective gas meters.

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

Gas consumers to give notice to Company before removing.

24. 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. A.D. 1915.

As to mode of cutting off supplies.

25.—(1) In any case in which the Company are by virtue of any enactment relating to their gas 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 reconnect 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.

Occupier to pay expenses of reconnecting disconnected supply.

26. In any case in which in consequence of any default on the part of the occupier of any premises the Company shall have cut off the supply of gas to such premises (whether under the existing powers of the Company or under the powers conferred by this Act) and the occupier so in default shall desire to resume such supply he shall pay to the Company the expenses of reconnecting the supply and the Company shall not be under any obligation to supply gas to such occupier until he shall have paid such expenses.

For protection of urban district council of Lathom and Burscough.

27. For the protection of the urban district council of Lathom and Burscough (in this section called "the council") the following provisions shall apply and have effect (that is to say):—

(1) The Company shall prior to the 15th day of September 1915 lay a ten-inch main in extension of the existing ten-inch main from the termination of such main in the Liverpool and Preston main road for a distance

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of one mile along the said main road towards Burscough bridge:

(2) The Company shall also prior to the 15th day of September 1916 lay (1) A further ten-inch main in extension of the main to be laid in the preceding provision to the junction of the said main road with Square Lane (2) An eight-inch main from the termination of such last-mentioned main to the junction of the said main road with Junction Lane and (3) An eight-inch main for such further distance in a northerly direction along the said main road as may be necessary to afford an adequate and even pressure of gas to the whole of the consumers in the portion of the district of the council for the time being supplied with gas from the said ten-inch main:

Provided that if the Company are unable to obtain the consent of the Treasury to raise sufficient capital or to borrow sufficient money to lay the mains provided for in this subsection or having obtained such consent are unable to raise such capital or borrow such money the period provided in this subsection for laying the said mains shall be extended until such time as the consent of the Treasury so long as the same is necessary can be obtained and the capital to lay such mains can be raised or borrowed The Company shall use their best endeavours to obtain the consent of the Treasury and to raise the necessary capital by shares or by borrowing:

(3) Any dispute or difference which may arise between the Company and the council with reference to the provisions of this section or as to anything to be done in pursuance thereof shall be settled by arbitration by an engineer or other fit person to be nominated (in default of agreement) by the President of the Institution of Gas Engineers on the application of either party and subject thereto the provisions of the Arbitration Act 1889 shall apply to such reference.

Saving general legislation.

28. This Act shall not by reason only of the enactment of the provisions thereof confer any exemption from any general

legislation relating to the supply of gas which may be passed in this or any future session of Parliament but the provisions of this section shall not be construed as preventing the conferring of any such exemption or the enactment in any such general legislation of any special provisions relating to the undertaking of the Company.

SUPPLY OF ELECTRICITY.

Area for supply of electricity.

29. The area within which the Company may supply electricity under this Act (in this Act referred to as "the area of supply") shall be the parish of Aughton in the rural district of West Lancashire in the county palatine of Lancaster and such area shall be deemed to be the area of supply within the meaning of section 4 of the schedule to the Electric Lighting (Clauses) Act 1899 and the Company may supply electricity within the area of supply for all public and private purposes.

Power to use lands and erect generating station.

30.—(1) The Company may appropriate and use for the purposes of the electricity undertaking the lands described in Part I. and Part II. of the First Schedule to this Act or any part of those lands and the Company may thereon erect maintain work and use a station or stations for producing and generating transforming storing and distributing electricity with all such buildings engines batteries dynamos accumulators and other plant machinery apparatus works and conveniences as may be necessary or suitable for those purposes and may produce generate transform store use and supply such electricity accordingly.

(2) The Company may appropriate and use for the said purposes any other lands acquired by them but they shall not use any such lands for the purpose of constructing a generating station except with the consent of the Board of Trade and the Board of Trade shall not in any case give such consent except subject to and in accordance with the provisions of section 2 of the Electric Lighting Act 1909.

Electrical fittings &c.

31. The Company may sell let on hire fix repair and remove but shall not manufacture lamps electric lines fuses switches lamp-holders motors and other electrical fittings for lighting motive or other purposes and may provide all materials and do all work necessary or proper in that behalf and may demand take and recover such remuneration in money or such

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rents or charges for and may make such terms and conditions with respect thereto as may be agreed Provided that in the event of the electricity undertaking of the Company or any part thereof being purchased by the local authority the provisions contained in the Second Schedule to this Act shall apply to the undertaking or the part thereof purchased and be exerciseable by that authority.

Power to break up streets not repairable by local authority.

32. Subject to the provisions of the principal Acts the Company may break up for the purposes of the electricity undertaking the streets and parts of streets not repairable by the local authority and the bridges which are mentioned in the Third Schedule to this Act.

Mains &c. to be laid down.

33. Section 21 (subsection 1) of the schedule to the Electric Lighting (Clauses) Act 1899 in so far as it specifies a period within which the Company shall lay down distributing mains shall be read and construed as if the period therein mentioned were three years instead of two years and the Company shall before the expiration of three years after the passing of this Act without being required to do so lay down reasonably suitable and sufficient distributing mains for the purposes of general supply and commence to supply electricity throughout the streets or roads mentioned in the Fourth Schedule to this Act Provided that the Board of Trade may from time to time extend such period for such further periods as they may think fit Provided further that the Board of Trade may on the expiration of such period or of any such extended period as aforesaid if such mains mentioned in the Fourth Schedule to this Act are not then laid or if laid such supply is not then commenced on the representation of the local authority of the district affected revoke the powers of this Act in regard to the supply of electricity as to the whole or part of the area of supply and make such order as to payment by the Company of the costs of such representation as they think fit.

Power to break up street outside area of supply.

34. For the purpose of enabling them to bring electricity into their area of supply under this Act from the Company's generating station the Company may break up the following street outside that area and within the urban district of Ormskirk and the Company shall in respect of that street for the said purpose have the like rights and shall be subject to the like obligations and liabilities in respect of such street as if the same were

situate within the area of supply (that is to say) Aughton Street from a point opposite the entrance to the works of the Company to the boundary of the urban district of Ormskirk aforesaid.

Power to construct electrical sub-stations under streets.

35. The Company may with the previous consent in writing of the local authority (which consent shall not be unreasonably withheld) construct and maintain in or under any street within the area of supply and repairable by the inhabitants at large or dedicated to public use sub-stations transforming stations and other works in connection with their electricity undertaking and may in any such street provide and maintain all such means of access and approach to such sub-stations transforming stations and works as may be necessary or convenient Provided that any difference arising under this section between the Company and the local authority shall be determined by arbitration in the manner provided by the Arbitration Act 1889 Provided also that no such sub-station transforming station means of access or approach or other work shall be constructed or maintained in or under any street so as to cause interference with or render less convenient the access to or exit from any station or property of the Lancashire and Yorkshire Railway Company and any difference which may arise between that company and the Company under this proviso shall be referred to arbitration in the manner provided in the section of this Act the marginal note whereof is "For protection of Lancashire and Yorkshire Railway Company."

Maximum prices.

36. The maximum prices to be charged by the Company for electricity supplied by them shall subject to alteration as in the schedule to the Electric Lighting (Clauses) Act 1899 provided be those stated in that behalf in the Fifth Schedule to this Act.

Notice to discontinue supply of electricity.

37. A notice to the Company from a consumer for the discontinuance of a supply of electricity 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 or be given by the consumer personally at the office of the Company.

Period of error in defective meters.

38.—(1) In the event of a meter of a construction and pattern approved by the Board of Trade used by any consumer of electricity being proved to register erroneously such erroneous

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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.

(2) The amount of the allowance to be paid to or 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 charges for electricity are recoverable by the Company.

As to applications by Company for electric lighting powers.

39. The Company if they think fit may under the provisions of the principal Acts or any other Act for the time being in force with respect to the supply of electricity make application for a Provisional Order to produce and supply electricity for public and private purposes and any moneys raised under this Act may be employed for defraying the costs of any such application and for the purpose of carrying into effect the provisions of any such Provisional Order granted to the Company.

Power of purchase by West Lancashire Rural District Council.

40.—(1) Subject as hereinafter mentioned the West Lancashire Rural District Council (in this section called "the council") may at any time after the expiration of ten years from the date when the Company shall first commence to supply electricity within the parish of Aughton by a six months' previous notice in writing require the Company to sell and thereupon the Company shall sell to them so much of their electricity undertaking as is within the said parish of Aughton including all lands buildings works materials and plant of the Company within the said parish of Aughton and all mains cables wires plant and apparatus of the Company within the urban district of Ormskirk suitable to and used by the Company for the purposes of supplying electricity within the said parish of Aughton and also such part of the machinery and electric generating plant at their generating station used principally for the purposes of generating supplying and distributing electricity within the said parish of Aughton upon the terms and subject to the conditions provided in and by section 2 of the Electric Lighting Act 1888.

(2) The council may at any time after the expiration of the period and upon and subject to the terms and conditions mentioned and contained in subsection (1) of this section purchase the lands buildings works materials mains cables wires plant and apparatus of and belonging to the Company and

situate within the said parish of Aughton and may require the Company to supply electricity in bulk to them and in such event the Company shall supply electricity in bulk to the council at a point within the said parish of Aughton and at a price to be agreed upon between the Company and the council or failing agreement to be determined in the manner provided by the Arbitration Act 1889 Provided that if at any time after purchasing the lands buildings works materials mains cables wires plant and apparatus aforesaid and taking such supply of electricity in bulk as aforesaid the council shall discontinue the taking of such supply of electricity from the Company the council shall if so required by the Company purchase from the Company and the Company shall sell to the council all mains cables wires plant and apparatus of the Company within the urban district of Ormskirk suitable to and used by the Company for the purposes of supplying electricity within the said parish of Aughton and also so much of the machinery and plant situate at in or upon the generating station of the Company as is used principally for the purpose of generating electricity for supply within the said parish of Aughton upon and subject to the terms and conditions mentioned and contained in subsection (1) of this section.

(3) Nothing in this section shall affect the power of purchase of the council as the local authority under section 2 of the Electric Lighting Act 1888.

For protection of West Lancashire Rural District Council.

41. For the protection of the West Lancashire Rural District Council the following provisions shall unless otherwise agreed in writing between the Company and the said council apply and have effect (that is to say):—

From and after the commencement of the supply of electricity by the Company under the powers of this Act the Company shall commence to supply electricity to the owners or occupiers of any premises situate in the streets mentioned in the Fourth Schedule to this Act at a price not exceeding sixpence per Board of Trade unit and the Company shall not at any time thereafter charge for a supply of electricity to such owners or occupiers and to the owners or occupiers of any premises situate within a distance of fifty yards of any such streets any higher price per unit than the maximum price for the time being charged by the undertakers under the Ormskirk

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Electric Lighting Order 1900 to owners or occupiers of any premises in the streets mentioned in the Second Schedule to that Order.

Additional Capital and Financial Provisions.

Power to Company to raise additional capital.

42. The Company may from time to time raise additional capital not exceeding in the whole forty-five 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 nor shall any such share or stock vest in the person or corporation accepting the same unless and until the full nominal amount of such share or stock together with any premium obtained upon the sale thereof shall have been paid in respect thereof Provided that it shall not be lawful for the Company to create and issue under the powers of this Act any greater nominal amount of capital than shall be sufficient to produce including any premium which may be obtained on the sale thereof the sum of forty-five thousand pounds Provided also that the Company shall not raise by the issue of preference shares or stock a greater amount of such additional capital than twenty thousand pounds.

Except as otherwise provided new shares or stock to be subject to same incidents as existing capital.

43. Except as by this Act otherwise provided the capital in new shares or stock created by the Company under this Act and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company of the same class or description and the new shares or stock were shares or stock in that capital and the capital so created shall form part of the capital of the Company.

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

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

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

(A) Notice of the intended sale shall be given in writing to the clerk 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

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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.

(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.

Restriction as to votes in respect of preferential shares or stock.

45. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned.

Dividends on new shares or stock.

46. Every person who becomes entitled to new shares or stock shall in respect of the same be a holder of shares or stock in the Company and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called up and paid on such new shares or stock or to the whole amount of such shares or stock as the case may be.

Profits of Company on additional capital limited.

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

Power to borrow.

48.—(1) The Company may at any time borrow on mortgage of their undertaking in respect of the capital authorised by the existing Acts any sum or sums not exceeding (inclusive of the sum of seven thousand pounds borrowed under the existing Acts) the sum of thirteen thousand pounds.

(2) The Company may also subject to the provisions of this Act borrow on mortgage of the undertaking in respect of the additional capital which the Company are by this Act authorised to raise any sum or sums not exceeding in the whole one-third part of the amount of such capital (including premiums) which at the time of borrowing has been raised under the powers of this Act but no sum shall be borrowed in respect of any capital so raised until the Company have proved to a justice of the peace before he gives his certificate under section 40 of the Companies Clauses Consolidation Act 1845 that the whole of the shares or stock at the time issued together with the premium (if any) realised on the sale thereof have been fully paid up.

Company not to convert borrowed money into capital.

49. Notwithstanding anything contained in the existing Acts the provisions of the Companies Clauses Consolidation Act 1845 relating to the conversion of borrowed money into capital shall not apply to the moneys or any part thereof authorised to be borrowed on mortgage under the existing Acts.

Repeal of provisions of Act of 1892 with respect to appointment of receiver.

50. The provisions of the Act of 1892 by which the mortgagees of the Company are empowered to enforce payment of principal and interest or principal or interest due on their mortgages by the appointment of a receiver are hereby repealed but without prejudice to any appointment heretofore made or to the continuance of any proceedings which may have been commenced under any such provision previous to the passing of this Act or to any rights of existing mortgagees of the Company at the date of the passing of this Act.

For appointment of a receiver.

51. The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than three thousand pounds in the whole.

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Priority of existing mortgages.

52. All mortgages and bonds granted by the Company under the powers of the existing Acts and subsisting at the time of the passing of this Act shall during the continuance of such mortgages and bonds have priority over any mortgages granted or debenture stock created and issued 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.

Mortgages to have priority over other debts.

53. All money to be raised by the Company on mortgage or debenture stock under the provisions of the existing Acts or 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 the Company 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 in pursuance of any Act relating to the Company which is entitled to rank in priority to or pari passu with the interest on their mortgages or debenture stock.

Debenture stock.

54. The Company may create and issue debenture stock subject to the provisions of section 29 of the Act of 1892 Notice of the effect of that enactment shall be endorsed on all mortgages and certificates of debenture stock.

Application of moneys.

55. 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 any shares or stock under the provisions of this Act shall not be considered as part of the capital of the Company entitled to dividend.

Interim dividend.

56. The directors may in any year without calling a meeting of the shareholders for the purpose declare and pay an interim half-yearly dividend on any class or classes of shares or stock in the capital of the Company out of the then ascertained profits of the Company Provided that the amount of any interim half-yearly dividend so declared shall not exceed in any one half-year one half of the amount of the

maximum yearly dividend payable on such shares or stock respectively. A.D. 1915.

Closing of transfer books previous to declaring interim dividend.

57. The directors may close the register of transfers for a period not exceeding fourteen days previous to the declaration of any interim dividend and they may fix a day for closing the same of which seven days' notice shall be given by advertisement in a newspaper published within the Company's limits of supply 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.

Receipt in case of persons not sui juris.

58. 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 to the Company.

Application of excess of profits.

59. 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 at the authorised rate on the ordinary capital of the Company the excess or such portion thereof as is not carried to the reserve and insurance funds authorised by the existing Acts shall be carried to the credit of the divisible profits of the 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.

Separate accounts of gas and electricity undertakings.

60. Separate capital and revenue accounts shall be kept of the gas undertaking and the electricity undertaking.

The gas undertaking and the electricity undertaking respectively shall be duly credited and debited with the receipts and payments exclusively attributable thereto.

The Company shall out of the capital moneys raised under this Act carry to the credit of the capital account of the gas undertaking the value of all land acquired for the purposes of that undertaking and used for the purposes of the electricity undertaking.

The expenses of direction and management and any expenses common to both the gas undertaking and the electricity

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undertaking shall be from time to time apportioned between them as nearly as conveniently practicable in proportion to the amount of capital for the time being expended on the gas undertaking and the electricity undertaking respectively.

Restriction as to raising money during war.

61. Notwithstanding anything in this Act the Company shall not under the powers of this Act raise or borrow any money during the continuance of the present war and twelve months thereafter unless the consent of the Treasury has been previously obtained.

MISCELLANEOUS.

Power to purchase lands by agreement.

62. The Company may for the purposes of the undertaking purchase and take (by agreement but not otherwise) and may hold in addition to the other lands which they are by the existing Acts and by this Act authorised to hold any lands and hereditaments not exceeding in the whole five acres which they may require for the purposes of their works and undertaking but the Company shall not create or permit a nuisance on any such lands and no lands shall be used by the Company for the purpose of manufacturing gas or residual products or generating electricity except the lands authorised to be so used by this or any other Act or Order affecting the undertaking.

Dwelling-houses for persons in Company's employ.

63. The Company may purchase or take on lease houses cottages and buildings for persons in their employ and offices show-rooms and other buildings for the purposes of the undertaking and may 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.

64. Subject to the provisions of the Lands Clauses Consolidation Act 1845 the Company may sell or let on lease for such periods as they think fit any lands or property for the time being belonging to them and which may not at the time be required for the purposes of the undertaking and may retain and hold sell and dispose of any interest 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.

Supply of gas or electricity where

65. Notwithstanding anything contained in the Gasworks Clauses Act 1871 or any other Act a person shall not be

entitled to demand or continue to receive from the Company a stand-by supply of gas or electricity to any premises for purposes for which he has at the same time a supply of gas or electricity from an installation other than that of the Company unless he shall have agreed to pay to the Company such minimum annual sum as will give to them a reasonable return on the capital expenditure and will cover other standing charges incurred by them in order to meet the possible maximum demand for those premises and the sum to be so paid shall be determined in default of agreement by arbitration in the manner prescribed by the Arbitration Act 1889.

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consumer has separate supply.

66.—(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 existing Acts and this Act.

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

(2) The Company may upon the application of the owner or occupier of any premises within the area of supply abutting on or being erected in any street or road laid out but not dedicated to public use supply such premises with electrical energy and may lay down take up alter relay repair or renew in or across or along or out of such street or road such electric lines and apparatus as may be requisite or proper for furnishing such supply and the provisions of the Electric Lighting Acts 1882 to 1909 and of the schedule to the Electric Lighting (Clauses) Act 1899 so far as they are applicable for the purposes of this section shall extend and apply to and for the purposes hereof and to any works constructed or executed by the Company under the powers of this subsection.

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

For protection of Lancashire County Council.

(2) If at any time the county council require to carry out works for rebuilding altering widening or repairing any such

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

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

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

For protection of Lancashire and Yorkshire Railway Company.

68. For the protection of the Lancashire and Yorkshire Railway Company (in this section called "the railway company") the following provisions shall unless otherwise agreed between the Company and the railway company be observed and have effect (that is to say):—

(1) Whenever the Company shall require to lay down place repair take up alter remove relay or renew any mains pipes conduits culverts cables wires apparatus or works in connection with the undertaking upon across or under any railway for the time being belonging to or worked by the railway company or the stations bridges approaches or other works thereof

or to construct any works adjoining thereto they shall (except in cases of emergency) give to the engineer of the railway company fourteen days' notice in writing of their intention to carry out any such works accompanied by sufficient plans:

(2) Such works including the making good and repairing of any roads over any such railway and over any bridges and approaches which the railway company is or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Company shall be laid constructed and executed at the expense of the Company under the superintendence if the same be given and to the reasonable satisfaction of the said engineer and (except in cases of emergency) according to plans to be previously reasonably approved by him and so as to avoid as far as possible injury to any such railway or any of the works thereof and so as not to cause any interruption to the passage or conduct of the traffic over or at any such railway or station Provided that if the said engineer shall not express his disapproval of such plans within fourteen days from the submission thereof he shall be deemed to have approved thereof:

(3) When the Company open or break up any road or pavement of any street or other works belonging to or repairable by the railway company they shall with all convenient speed complete the work for which the same shall be broken up and reinstate and make good the road or works so opened or broken up and shall keep any road or pavement so broken up in good repair for three months after reinstatement and making good and for such further time if any not exceeding in the whole twelve months as the soil so broken up shall continue to subside:

(4) If the Company make any unnecessary delay in completing such work or reinstating and making good such road or works so opened or broken up or neglect to keep the road or pavement in repair as aforesaid the railway company may cause such work

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to be executed or effect such repair and the reasonable expense of executing the same shall be repaid to them by the Company:

(5) The Company shall repay to the railway company the reasonable expense of any temporary works or watching which may be necessary to provide for the protection of any such railway or the traffic thereon or thereto during the carrying out of the works aforesaid:

(6) If in the execution or maintenance of the works any injury shall arise to any such railway or station or any works connected therewith or any interruption of traffic be caused the Company shall make full satisfaction in respect thereof to the railway company and in the event of any dispute as to the amount of such satisfaction the same shall be determined by arbitration in manner hereinafter provided:

(7) Any difference which may arise between the Company and the railway company under the provisions of this section shall unless otherwise agreed be settled by arbitration under the provisions of the Arbitration Act 1889 by an engineer to be appointed by the President of the Institution of Civil Engineers at the request of either party.

Notice of candidature for office of director.

69. Except in the case of a director retiring by rotation and offering himself or being proposed for re-election no person shall be capable of being elected a director of the Company in place either of a director retiring by rotation or of a director dying refusing to act or ceasing to be qualified or being disqualified to act unless notice in writing that such person intends to offer himself or will be proposed for the office of director shall have been given to the secretary of the Company or left at the office of the Company fourteen days at least before the day of election.

Appointment of managing director.

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

(2) A managing director shall not while holding that office be subject to retirement by rotation and shall not be taken into account in determining the rotation of retirement of directors but if he ceases to hold the office of director from any other cause he shall ipso facto immediately cease to be a managing director.

(3) The remuneration of a managing director shall from time to time be fixed by the directors and may be by way of salary or commission or participation in profits or by any or all of those modes.

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

Power for directors to determine remuneration of secretary.

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

Power to make superannuation and other allowances.

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

Profit sharing.

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

(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 and shall be in writing and may be made on the part of the Company under the hands of any two directors of the Company or under the hand of the

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secretary of the Company or of any person from time to time appointed in that behalf by resolution of the board of directors of the Company.

Repeal of certain provisions of existing Acts.

74. The sections of the existing Acts and the schedule of the Gas Companies (Standard Burner) (No. 2) Act 1910 which are specified in the first column of the Sixth Schedule to this Act shall as from the respective dates mentioned in the third column of the said schedule to this Act be by virtue of this Act repealed to the extent mentioned in the second column of that schedule.

Authentication and service of notices by Company.

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

Several sums in one summons.

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

Penalties not cumulative.

77. Penalties imposed on the Company for one and the same offence by several Acts of Parliament shall not be cumulative and for such purposes this Act and the Acts incorporated herewith shall be deemed several Acts.

Recovery of penalties &c.

78. Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Recovery of demands.

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

Crown rights.

80. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown.

Costs of Act.

81. 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.

FIRST SCHEDULE.

PART I.

All that piece of land belonging to the Company and occupied by their existing gasworks and offices situate in the parish and urban district of Ormskirk in the county palatine of Lancaster and containing by admeasurement 8318 superficial square yards or thereabouts and bounded on the south-easterly side thereof in part by lands and premises belonging to Ellis Warde Webster & Company Limited and known as the "Bull's Head Hotel" in other part by Aughton Street and in other parts by lands and premises belonging to the Company Mary Whittle and Robert William Halsall on the north-easterly side thereof in part by the said lands and premises belonging to Ellis Warde Webster & Company Limited and in other part by lands and premises belonging to the Company and the Ormskirk Electric Supply Company Limited on the north-westerly side thereof by lands belonging to the urban district council of Ormskirk and known as "Coronation Park" and on the south-westerly side thereof by lands and premises belonging to the Company Mary Whittle Robert William Halsall Betty Rothwell Arthur Poole Joseph Peet and John Johnson.

PART II.

First All that piece of land belonging to and in the possession of the Company situate fronting to and on the north-westerly side of Aughton Street in the parish and urban district of Ormskirk aforesaid containing by admeasurement 748 superficial square yards or thereabouts bounded on the north-easterly side thereof in part by lands and premises belonging to Michael Hastings and in other part by lands belonging to John S. Hodgson on the north-westerly side thereof by lands and premises belonging to the Company and on the south-westerly side thereof in part by lands and premises belonging to the Company and in other part by lands and premises belonging to Ellis Warde Webster & Company Limited and known as the "Bull's Head Hotel."

Secondly All that piece of land belonging to and in the possession of the Company situate fronting to and on the north-westerly side of Aughton Street in the parish and urban district of Ormskirk aforesaid containing by admeasurement 515 superficial square yards or thereabouts bounded on the north-easterly and north-westerly sides thereof by lands and premises belonging to the Company and on the

south-westerly side thereof by lands and premises belonging to Mary Whittle. A.D. 1915.

Thirdly All that piece of land belonging or reputed to belong to Michael Hastings situate in the parish and urban district of Ormskirk aforesaid containing by admeasurement 239 superficial square yards or thereabouts bounded on the north-easterly side thereof by lands belonging to Alice Johnson and others on the north-westerly side thereof by lands belonging to the Ormskirk Electric Supply Company Limited on the south-westerly side thereof by lands belonging to the Company and on the south-easterly side thereof by lands belonging to John S. Hodgson.

Fourthly All that piece of land belonging or reputed to belong to John S. Hodgson situate in the parish and urban district of Ormskirk aforesaid containing by admeasurement 149 superficial square yards or thereabouts bounded on the north-easterly side thereof by lands belonging to Alice Johnson and others on the north-westerly side thereof by lands belonging to Michael Hastings on the south-westerly side thereof by lands belonging to the Company and on the south-easterly side thereof by lands and premises belonging to Michael Hastings.

Fifthly All that piece of land belonging or reputed to belong to Mary Whittle situate in the parish and urban district of Ormskirk aforesaid adjoining to and on the south-westerly and south-easterly sides of the lands and works of the Company containing by admeasurement 622 superficial square yards or thereabouts bounded on the north-easterly and north-westerly sides thereof by lands and works belonging to the Company on the south-westerly side thereof by lands belonging to Robert William Halsall and on the south-easterly side thereof by lands belonging to the said Mary Whittle.

SECOND SCHEDULE.

PROVISIONS made applicable upon the purchase of the electricity undertaking of the Company or any part thereof by the local authority (in this schedule referred to as "the council") and exerciseable by that authority.

(1) The council may subject to the provisions of this schedule sell let for hire and fix repair and remove but shall not manufacture lamps electric lines fuses switches lamp-holders motors and other electrical fittings for lighting motive or other purposes and may provide all materials and work necessary or proper in that behalf and with respect thereto may make such charges and subject to such terms and conditions as may be agreed upon.

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(2) The council shall not themselves execute the wiring of private property except between the main of the council and the consumer's meter but they may enter into contracts for the execution of any of the powers of this schedule including the wiring of private property provided that the contractor acts independently of the council in the execution of the contract The council shall not sell any such electrical fittings except through a contractor carrying on his business independently of the council.

(3) Any electrical fittings let for hire under the provisions of this schedule shall not be subject to distress or to the landlord's remedy for rent or liable to be taken in execution under process of law or proceedings in bankruptcy against the person in whose possession the same may be Provided that such fittings are marked or impressed with a sufficient mark or brand indicating the council as the actual owners thereof.

(4) Provided as follows :—

(*a*) The council shall so adjust the charges to be made by them for any such fittings or for the fixing repairing or removal thereof as to meet the sum properly chargeable for the costs and expenses incurred by them under the powers of this schedule in connection therewith (including interest upon moneys borrowed for those purposes and all sums applied to sinking fund for repayment of moneys so borrowed) :

(*b*) The sums properly chargeable and received by the council in connection with the purposes in this schedule mentioned in each year (including interest and sinking fund) shall be separately shown in the published accounts of the electricity undertaking of the council for that year :

(*c*) Every sum charged by the council to a consumer in respect of the provision of such fittings or the fixing repairing or removal thereof shall be separately stated on every demand note delivered by the council to the consumer.

THIRD SCHEDULE.

Streets and parts of streets not repairable by the local authority and bridges which may be broken up by the Company in pursuance of the special powers granted by this Act.

STREETS :—

Quarry Drive the roadway forming the approach to the Town Green and Aughton Station of the Lancashire and Yorkshire Railway Company from the bridge crossing the Lancashire and Yorkshire

Railway to Middlewood Road private street (unnamed) leading off Middlewood Road private street (unnamed) leading off Middlewood Road Aughton Park Drive from Long Lane to Back Lane Sandfield Avenue Church Hill Road Victoria Road church fields off Cottage Lane occupation road leading from the Liverpool and Preston Road to the Gorse Hill Reservoirs of the Southport Birkdale and West Lancashire Water Board.

BRIDGES:—

Brook Bridge Town End Halsall Lane Bridge.

The bridges (and the approaches thereto) carrying Town Green Lane Prescot Road Long Lane and Black Moss Lane over the Lancashire and Yorkshire Railway.

FOURTH SCHEDULE.

Streets and parts of streets throughout which the Company are to lay down suitable and sufficient distributing mains for the purposes of general supply within a period of three years after the passing of this Act.

Parish of Aughton:—

The Liverpool and Preston main road from the boundary of the urban district of Ormskirk to the junction of Prescot Road with the said main road at Town End Prescot Road from Town End to Doctors Bridge Moss Delf Lane from Prescot Road to Delf Lane Delf Lane from Moss Delf Lane to Granville Park the main road through Granville Park to Winifreds Lane the circular road known as Ponsonby Drive in Granville Park and Winifreds Lane from Granville Park Road to Bold Lane.

FIFTH SCHEDULE.

MAXIMUM PRICES.

In this schedule—

The expression "unit" shall mean the energy contained in a current of one thousand ampères flowing under an electromotive force of one volt during one hour.

SECTION 1.

Where the Company charge any consumer by the actual amount of energy supplied to him they shall be entitled to charge him at the following rates per quarter For any amount up to twenty units thirteen shillings and fourpence and for each unit over twenty units eightpence.

SECTION 2.

A.D. 1915.

Where the Company charge any consumer by the electrical quantity contained in the supply given to him they shall be entitled to charge him according to the rates set forth in section 1 of this schedule the amount of energy supplied to him being taken to be the product of that electrical quantity and the declared pressure at the consumer's terminals that is to say such a constant pressure at those terminals as may be declared by the Company under the Board of Trade regulations.

SIXTH SCHEDULE.

ENACTMENTS REPEALED.

Name of Act.	Extent of Repeal.	Date of Repeal taking effect.
Ormskirk Gaslight Act 1892—		
Section 18 - - -	The whole section - -	Passing of this Act.
Section 19 - - -	The whole section - -	Passing of this Act.
Section 20 - - -	The whole section - -	Passing of this Act.
Section 21 - - -	The whole section - -	Passing of this Act.
Section 22 - - -	The whole section - -	Passing of this Act.
Section 23 - - -	The whole section - -	Passing of this Act.
Section 25 - - -	The whole section - -	Passing of this Act.
Section 27 - - -	The whole section - -	Passing of this Act.
Section 28 - - -	The whole section - -	Passing of this Act.
Section 35 - - -	The whole section - -	Six months after passing of this Act.
Section 37 - - -	The whole section - -	Six months after passing of this Act.
Section 38 - - -	The whole section - -	Six months after passing of this Act.
Section 50 - - -	The words "or other moneys."	Passing of this Act.
Gas Companies (Standard Burner) (No. 2) Act 1910—		
First Schedule - -	The words "Ormskirk Gas Light Company" and "Ormskirk Gas Light Act 1892."	Six months after passing of this Act.

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