CHAPTER xlix.

An Act to consolidate and convert the existing shares of the Prescot Gas Company to authorise the Company to raise additional capital and for other purposes. A.D. 1915.

[15th July 1915.]

WHEREAS by the Prescot Gas Act 1867 (hereinafter referred to as "the Act of 1867") the Prescot Gas Company were incorporated and were empowered to supply gas within certain limits of supply comprising the parishes of Prescot and Knowsley and parts of the parishes of Huyton Whiston Rainhill and Eccleston all in the county of Lancaster: 30 & 31 Vict. c. xxxix.

And whereas by the Act of 1867 the capital of the Company was defined to be nine thousand pounds composed of five thousand pounds divided into four hundred shares (now known as and hereinafter referred to as "A shares") of twelve pounds ten shillings each and four thousand pounds divided into four hundred shares (now known as and hereinafter referred to as "B shares") of ten pounds each:

And whereas it was provided by the Act of 1867 that the Company should not in any one year make out of their profits any larger dividend on the A shares than nine pounds and on the B shares than seven pounds in respect of every one hundred pounds actually paid of the capital represented by such shares:

And whereas all the A shares and the B shares have been issued and are fully paid up:

And whereas by the Prescot Gas Act 1880 (hereinafter referred to as "the Act of 1880") the Company were authorised to raise by the creation of new ordinary shares or stock or new 43 & 44 Vict. c. xx.

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And whereas it was provided by the Act of 1880 that the Company should not in any one year make out of their profits any larger dividend on the new capital of sixteen thousand pounds thereby authorised than seven pounds in respect of every one hundred pounds actually paid up of such new capital as should be raised as ordinary capital or six pounds in respect of every one hundred pounds actually paid up of such new capital as might be raised as preference capital:

And whereas under the powers of the Act of 1880 the Company have created and from time to time issued preference C stock to the nominal amount of sixteen thousand pounds entitled to a preferential dividend at various rates per annum not exceeding five per centum:

And whereas the Company were empowered by the Act of 1867 to raise by borrowing on mortgage or by the creation and issue of debenture stock the sum of two thousand pounds and by the Act of 1880 to raise by similar modes in respect of the new capital of sixteen thousand pounds thereby authorised the sum of four thousand pounds:

And whereas under the powers of the Act of 1867 and the Act of 1880 the Company have raised by mortgage of their undertaking the sum of six thousand pounds and have not created or issued any debenture stock:

And whereas it is expedient that provision should be made as in this Act contained for the conversion and consolidation of the A shares and the B shares into ordinary shares bearing a uniform rate of dividend of five pounds per centum per annum:

And whereas the said preference C stock or part thereof was inadvertently issued without regard to the obligation imposed by the Act of 1880 to include in the amount to be raised thereby the amount of any premiums obtained upon such issue and the premiums in fact obtained amounted to one hundred and twenty pounds three shillings and three pence:

And whereas the capital powers conferred by the Act of 1880 have been exceeded by the amount of the premiums so

obtained and it is expedient that the creation and issue of the said preference C stock should be confirmed and that the provisions contained in this Act with respect to the said premiums should be made:

And whereas the demand for the supply of gas within the limits of supply of the Company is increasing and with a view to meeting such demand and making the necessary provision for the supply of gas and for the other purposes of this Act and the general purposes of the Company it is expedient that the Company should be authorised to raise additional capital as by this Act provided:

And whereas in consequence of the large increase in the use for heating and power purposes and for consumption for lighting purposes in incandescent burners of the gas supplied by the Company it is expedient that such gas should be tested with reference to its calorific power instead of with reference to its illuminating power and that the provisions relative thereto which are contained in this Act should be enacted:

And whereas it is expedient that the other provisions contained in this Act should be made:

And whereas the purposes 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 (that is to say):—

Short title.

1. This Act may be cited as the Prescot Gas Act 1915.

Incorporation of Acts.

2. The Lands Clauses Acts (except the provisions of the Lands Clauses Consolidation Act 1845 with respect to the purchase and taking of lands otherwise than by agreement) and the Gasworks Clauses Act 1847 as amended by the Gasworks Clauses Act 1871 are hereby incorporated with this Act so far as the provisions thereof are applicable for the purposes and are not inconsistent with or varied by the provisions of this Act:

Provided that section 13 of the said Gasworks Clauses Act 1847 in its application to the Company 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

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" 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.

Application of certain provisions of Companies Clauses Acts.

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

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

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

The forfeiture of shares for non-payment of calls;

The remedies of creditors of the Company against the shareholders;

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

The consolidation of the shares into stock;

The making of dividends;

The giving of notices; and

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

and Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts shall so far as the same are respectively applicable and except so far as the same may be varied by or be inconsistent with the provisions of this Act extend and apply to the Company in respect of the additional capital which they are by this Act authorised to raise.

Interpretation.

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

The expression "the Company" means the Prescot Gas Company;

The expression "the limits of supply" means the limits of the Company for the supply of gas as defined by the Act of 1867.

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Purchase of lands by agreement.

5. The Company may for the general purposes of their undertaking purchase and take by agreement (but not otherwise) and may hold in addition to any lands which the Company now hold or are authorised to acquire any lands and hereditaments not exceeding in the whole five acres which the Company 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 for the storage of gas otherwise than in accordance with the provisions of the Act of 1867 the Act of 1880 and this Act.

Certain provisions of Lands Clauses Consolidation Act 1845 not to apply to lands acquired by agreement.

6. Notwithstanding anything contained in the Gasworks Clauses Act 1871 or in any Act of or relating to the Company with which that Act is incorporated the provisions of sections 128 to 132 (both inclusive) of the Lands Clauses Consolidation Act 1845 shall not apply to any lands which have been or may be acquired by the Company by agreement.

Powers as to construction and maintenance of gasworks &c.

7.—(1) The Company may upon the lands described in the Schedule to this Act 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:

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.

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Consolidation and conversion of capital.

8.—(1) As from the first day of January one thousand nine hundred and sixteen the A shares and the B shares in the capital of the Company shall by virtue of this Act be consolidated and converted into fourteen thousand six hundred consolidated ordinary shares of the nominal value of one pound each bearing a uniform dividend at the rate of five pounds per centum per annum as follows (that is to say):—

The four hundred A shares into nine thousand consolidated ordinary shares:

The four hundred B shares into five thousand six hundred consolidated ordinary shares.

(2) The consolidated ordinary shares shall (subject to the provisions of this Act as to fractional parts of a share) be divided among and vested in the several persons who on the said first day of January one thousand nine hundred and sixteen are registered in the books of the Company as holders of A shares or B shares (as the case may be) as follows (that is to say):—

To each holder of A shares for each such share held by him twenty-two and one half consolidated ordinary shares:

To each holder of B shares for each such share held by him fourteen consolidated ordinary shares.

(3) As from the said first day of January one thousand nine hundred and sixteen there shall by virtue of this Act be created such a number of consolidated ordinary shares of the Company as shall be necessary for the purpose of giving effect to the provisions of this section and the number of consolidated ordinary shares to which the holders of A shares or B shares respectively become entitled under this section shall be forthwith registered in their respective names in the books of the Company.

(4) Consolidated ordinary shares issued under this section shall be held in the same rights upon the same trusts and subject to the same powers provisions charges and liabilities as those upon or to which the existing A shares or B shares for which the consolidated ordinary shares are substituted were held or were subject immediately before the said first day of January one thousand nine hundred and sixteen and shall be dealt with applied and disposed of accordingly and so as to give effect to and not to revoke any deed will or other instrument disposing of or affecting any such existing shares and

trustees executors or administrators or other parties under disability may accept consolidated ordinary shares in substitution for any existing shares in the capital of the Company held by them and may subject to the provisions of this Act retain dispose of or otherwise deal with the same as fully and freely in all respects as they might have retained disposed of or otherwise dealt with such existing shares.

(5) The Company shall call in the certificates of the existing shares for which consolidated ordinary shares are by this Act substituted and shall issue in exchange for those certificates to the respective proprietors thereof free of charge certificates for the number of consolidated ordinary shares to which those proprietors are under this Act respectively entitled but no proprietor shall be entitled to a new certificate until he shall have delivered up to the Company to be cancelled the existing certificate for which such certificate is to be substituted or shall have proved to the reasonable satisfaction of the directors of the Company the loss or destruction thereof Provided always that until the issue of such new certificates the existing certificates shall (according to the number of consolidated ordinary shares substituted by this Act for the existing shares which they respectively represent) have and possess the same rights and advantages as if they were certificates for that number of consolidated ordinary shares but if any holder of any of the A shares or the B shares neglect or omit to send or deliver to the Company his existing certificates for the period of one year after notice in writing sent by registered letter to the address appearing in the shareholders' address book the Company may suspend the payment of any dividend declared or made payable upon or in respect of the consolidated ordinary shares to which such holder is entitled under the provisions of this section until such existing certificates are sent or delivered to the Company or are proved to the reasonable satisfaction of the directors of the Company to have been lost or destroyed.

(6) All transfers or other dispositions of any of the existing A shares or B shares shall after the conversion thereof into consolidated ordinary shares and notwithstanding this Act be valid and have due effect given to them respectively as transfers of—

(*a*) The number of consolidated ordinary shares which represents the existing shares thereby expressed to

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be transferred or disposed of and which is substituted for the same by this Act; or

(*b*) In the case of a transfer or disposition of an uneven number of A shares the number of complete consolidated ordinary shares which represents with a fractional part of another such share the A shares thereby expressed to be transferred or disposed of and also a sum in cash equal to the market value of such fractional part;

although the instrument transferring or disposing thereof shall describe the same by the name or denomination of such existing shares and the bequest of or any covenant or provision in any deed or agreement relating to any specific number or nominal amount of any such existing shares shall be held to apply to—

(*a*) The number of consolidated ordinary shares which is under the provisions of this Act substituted for such existing shares; or

(*b*) Where an uneven number of A shares is affected the number of complete consolidated ordinary shares which represents with a fractional part of another such share the said A shares and also a sum in cash equal to the market value of such fractional part.

As to fractional parts of one pound.

9. In every case where under the provisions of this Act a holder of A shares of the Company would be entitled to be registered as the holder of a number of consolidated ordinary shares including a fractional part of such a share the Company in lieu of registering such holder and issuing to him a certificate as holder of a number of consolidated ordinary shares including such fractional part shall at the same time as they register such holder in their books pay to him such a sum in cash as shall be equal to the market value of such fractional part and shall register such holder and issue to him a certificate as holder of the number of consolidated ordinary shares to which he shall be entitled as aforesaid excluding such fractional part and the receipt of such holder for the sum in cash so to be paid as aforesaid shall be a sufficient discharge to the Company in respect of such fractional part The Company may either cancel all or any of the consolidated ordinary shares representing the aggregate of the fractional parts of such shares in respect of which payment has been made or issue such consolidated ordinary

shares to any willing purchaser thereof and any loss or expense which may be incurred in connection with such issue shall be borne by the Company.

Power to Company to raise additional capital.

10. The Company may from time to time raise additional capital not exceeding in the whole eighteen thousand pounds by the creation and issue of consolidated ordinary shares or new preference shares or preference stock or wholly or partially by one or more of those modes respectively but the Company shall not issue any such share of less nominal value than one pound nor shall any such share or stock vest in the person or corporation accepting the same unless and until the full price of such share or stock (including 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 eighteen thousand pounds.

Profits of Company limited.

11. The Company shall not in any one year make out of their profits any larger dividend on the consolidated ordinary shares for the time being issued than five per centum and the Company shall not attach to any part of the additional capital by this Act authorised to be raised which shall be issued as preference capital a greater rate of dividend than six pounds in respect of every one hundred pounds actually paid up of such capital.

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

12.—(1) All shares or stock created under the powers of the section of this Act of which the marginal note is "Power to Company to raise additional capital" 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 of the district council of every district wholly or partly within the limits of supply and to the secretary of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and shall also be duly advertised once in

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

(4) Any shares or stock which have been offered for sale in accordance with subsection (2) or with subsections (2) and (3) 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

and upon such terms as the directors may determine for the purpose of realising the best price obtainable.

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

Application of premium arising on issue of shares or stock.

13. Any sum of money which shall arise from the issue of any such shares or stock by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Company but shall be expended in extending or improving the works of the Company or in paying off money borrowed or owing on mortgage by the Company Provided that all such sums shall for the purpose of determining the powers of the Company to raise money by borrowing or the amount which the Company may carry to any reserve fund which may be formed by the Company be reckoned as part of the paid-up capital.

Incidents of additional capital.

14. The additional capital by this Act authorised so far as the same is not issued as preference capital shall form part of the consolidated ordinary shares of the Company and the proprietors of any shares or stock issued under the authority of this Act shall subject to the provisions of this Act be entitled to the same rights as the other holders of the same shares or stock.

Power to borrow in respect of converted capital.

15.—(1) The Company may after the first day of January one thousand nine hundred and sixteen from time to time borrow on mortgage of the undertaking in respect of the A shares and B shares converted by this Act into consolidated ordinary shares and of the preference C stock of the Company any sum or sums (inclusive of any moneys then borrowed) not exceeding in the whole one third of the aggregate nominal amount of such consolidated ordinary shares and preference stock.

(2) Section 25 (Power to borrow on mortgage) of the Act of 1867 and section 16 (Power to borrow on mortgage) of the Act of 1880 are hereby repealed without prejudice to anything lawfully done by the Company under the powers of those sections or either of them.

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Power to borrow in respect of additional capital.

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

Repealing existing provision as to receiver.

17. Section 18 (As to appointment of receiver) of the Act of 1880 is hereby repealed but without prejudice to any appointment which may have been made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under that section.

For appointment of receiver.

18. 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 one thousand pounds in the whole.

Debenture stock.

19.—(1) 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 after the passing of the Act of 1880 created and issued or granted by the Company under this Act or any previous or 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 debenture stock or 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.

(2) Section 27 (Power to create debenture stock) of the Act of 1867 and section 20 (Debenture stock) of the Act of 1880 are hereby repealed.

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Existing mortgages to have priority.

20. All mortgages granted by the Company in pursuance of the powers of the Act of 1867 or of the Act of 1880 before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages and subject to the provisions of the Acts under which such mortgages were respectively granted have priority over any mortgages granted by virtue of this Act but nothing in this section shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Priority of mortgages and debenture stock over other debts.

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

Receipt in case of persons not sui juris.

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

Application of money.

23. All money raised under this Act by the Company whether by shares stock debenture stock or borrowing shall be applied only to the general purposes of the Company being in all cases purposes to which capital is properly applicable.

Borrowed money not to be converted into capital.

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

Confirmation of issue of preference C stock.

25. The creation and issue by the Company of preference C stock to the aggregate amount of sixteen thousand pounds in exercise or purported exercise of the powers conferred by the Act of 1880 is hereby confirmed and the whole of the stock so issued shall for the purpose of determining the powers of the Company under the Act of 1880 or this Act to raise money by borrowing be reckoned as part of the paid-up capital of the

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Company Provided that a sum equivalent to the premiums which arose from such issue (after deducting therefrom the expenses of and incident to such issue) shall within one year after the passing of this Act be expended in extending or improving the works of the Company or in paying off money borrowed or owing on mortgage by the Company.

Charge for gas supplied by means of prepayment meters.

26.—(1) The Company may demand for any gas supplied through a prepayment meter a not greater charge than for gas supplied to private consumers through any other kind of meter.

(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 and 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 purposes 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.

Standard calorific power.

27.—(1) As from the first day of January one thousand nine hundred and sixteen so much of the provisions of sections 12 28 29 30 32 33 and 36 of the Gasworks Clauses Act 1871 as relate to the illuminating power of gas shall cease to apply to the Company or in respect of the gas supplied by them and sections 50 (Quality of Company's gas) 51 (Experimental meter)

52 (Power to test the illuminating power of the gas) and 53 (Costs of experiment to be paid according to event) of the Act of 1867 and sections 25 (As to number of candles) and 27 (Burner) of the Act of 1880 shall be and the same are hereby repealed and the Gas Companies (Standard Burner) (No. 2) Act 1910 shall be read and have effect as if the name of the Company had not been inserted in the First Schedule thereto and there shall be substituted a standard of calorific power for the prescribed illuminating power.

(2) The standard calorific power of the gas supplied by the Company in the limits of supply shall be five hundred British thermal units (the expression "British thermal units" being used in this Act as meaning British thermal units gross per cubic foot).

(3) The following provisions shall apply with respect to the testing for calorific power of the gas supplied by the Company and to forfeitures in respect of deficient calorific power of such gas:—

(*a*) Within one month after the said first day of January one thousand nine hundred and sixteen the Company shall provide and shall thereafter keep and maintain at the testing place prescribed by the Act of 1880 apparatus for testing the calorific power of the gas supplied by the Company and such apparatus shall be that which is most suitable for ascertaining and in making the test shall be used in such a manner and under such conditions as to ascertain after any necessary calculations have been made the total heat value of the gas and in the event of any dispute arising as to the apparatus to be used such dispute shall be determined by the Board of Trade:

(*b*) The gas examiner of the local authority of any district within the limits of supply may by means of the testing apparatus supplied by the Company as aforesaid test the calorific power of the gas supplied by the Company at the said testing place at any time between the hours prescribed by section 29 of the Gasworks Clauses Act 1871 but not more than one testing for calorific power shall be made on any day except in the event mentioned in paragraph (*c*) of this subsection:

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(*c*) In the event of the calorific power being on any testing ascertained to be below the standard calorific power the gas examiner shall forthwith give notice thereof to the Company and a second testing shall be made at an interval of not less than one hour from the time of making the first testing and the average of the two testings shall be the ascertained calorific power of the gas supplied by the Company on that day:

(*d*) The gas examiner shall on the day immediately following that on which any testing has been made under this section make and deliver a report of the results of his testing to the Company and to the local authority or the justices by whom he was appointed and such report shall be receivable in evidence:

(*e*) When the ascertained calorific power on any day of the gas supplied by the Company is below the standard calorific power the Company shall be liable to forfeitures in respect of any deficiency as hereinafter mentioned but the Company shall not be liable to any forfeiture or proceedings for or in respect of any deficiency in the calorific power of the gas supplied by them unless such deficiency has been ascertained in the manner and subject to the conditions prescribed by this section:

(*f*) The forfeitures to which the Company shall be liable in respect of any ascertained deficiency in the calorific power of the gas supplied by them shall not exceed the following (that is to say):—

Where the deficiency does not exceed fourteen British thermal units two pounds;

Where 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:

(*g*) The provisions of section 31 of the Gasworks Clauses Act 1871 shall apply to any testing made under this section:

(*h*) Any forfeiture under the provisions of this section may be sued for and recovered in the same manner as penalties imposed by the Gasworks Clauses Act 1871.

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Power to Board of Trade to vary standard calorific power.

28. If within one month after the expiration of a period of three years from the first day of January one thousand nine hundred and sixteen or after the expiration of any subsequent period of three years either the Company or any urban or rural district council having jurisdiction within the limits of supply shall desire that the standard calorific power prescribed by the section of this Act of which the marginal note is "Standard calorific power" shall be reduced or increased and shall give (in the case of the Company) to all the said district councils and (in the case of any of the said district councils) to the Company and the other district councils interested and (in either case) to the Board of Trade notice in writing of such desire it shall be lawful for the Board of Trade after hearing the parties and considering any representations made by any of them by order under the hand of an assistant secretary to reduce or increase the amount of the said standard calorific power and of the deficiency below such standard within which the Company are not to be liable to penalty or forfeiture or either of such amounts to such extent as to the said Board may seem fit and the said Board may by such order make all such modifications of this Act as may be necessary in consequence of any such reduction or increase as aforesaid and may also direct the manner in which the costs charges and expenses of the said parties and of the said Board of and incidental to any such application and any inquiry held by or under the direction of the said Board in connection therewith shall be borne.

Pressure.

29.—(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 ten-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 testing-place prescribed by the Act of 1880 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.

(3) Provided always that as regards gas supplied to any consumer within the parish of Knowsley subsection (1) of this section shall be read and have effect as though the words "twelve-tenths" had been substituted for the words "ten-tenths."

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(4) Section 30 (Pressure of gas) of the Act of 1880 is hereby repealed.

Exemption from penalties in certain cases.

30. No penalty or forfeiture 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.

Company to supply suitable burners gratis in exchange for certain burners in use.

31. The Company if and when required at any time within two years after the first day of January one thousand nine hundred and sixteen by any consumer of gas supplied by the Company shall supply to such consumer and fix free of charge flat-flame burners suitable in all respects for the consumption of gas of the calorific power prescribed by this Act in substitution for any burners (not being incandescent burners) in use by such consumer before the said first day of January which shall be of a pattern not suitable for such consumption.

Notice of the provisions of this section shall be given on each demand note of the Company during the period of two years hereinbefore mentioned.

As to testing for illuminating power.

32.—(1) Notwithstanding anything in this Act the Company shall provide and maintain at the testing-place prescribed by the Act of 1880 a suitable photometer with a Harcourt's ten-candle pentane lamp and a suitable flat-flame burner for the purpose of testing the illuminating power of the gas supplied by the Company and any gas examiner appointed under the Gasworks Clauses Act 1871 may at the said testing-place at any reasonable hour test the illuminating power of the gas so supplied Provided that nothing in this section shall impose any obligation on the Company to maintain any standard of illuminating power.

(2) The Company may if they think fit on each occasion of the testing of gas under the provisions of this section be represented by some officer but such officer shall not interfere in the testing.

(3) The gas examiner shall on the day immediately following that on which any testing under this section has been conducted make and deliver a report of the result of his testing to the Company.

(4) The Company shall not be liable to forfeitures or penalties in respect of any testing made under the provisions of this section.

As to price of gas for public lighting.

33. The price to be charged by the Company for gas supplied by them to any public lamps shall in no case be higher than the minimum charge for the time being made by the Company to any private consumer within the limits of supply.

Fittings let for hire not to be subject to distress.

34. Any engines meters dynamos stoves ranges pipes or other gas fittings (in this section referred to as "fittings") let for hire by the Company under statutory powers shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under process of any court 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 Company as the actual owners thereof.

Engines &c. of Company let on hire though fixed to premises to remain property of Company.

35.—(1) All gas engines apparatus fittings and appliances let by the Company on hire under statutory powers shall notwithstanding that they be fixed or fastened to any part of any premises in which they may be situate or to the soil under any such premises at all times continue to be the property of and removable by the Company provided that such gas engines apparatus fittings and appliances 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.

(2) Nothing in this section shall affect the amount of assessment for rating of any premises upon which any gas engines apparatus fittings and appliances are or shall be fixed.

Maximum price of gas.

36. Section 28 (Maximum price of gas) of the Act of 1880 is hereby repealed and the price to be charged by the Company for gas supplied by them by meter shall not exceed four shillings per one thousand cubic feet:

Provided always that if payment be made on demand on the delivery of the quarterly account or at the office of the Company within one month from such delivery the Company shall make a deduction by way of discount of ten per centum on the price of gas so supplied.

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Gas consumers to give notice to Company before removing.

37.—(1) 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.

(2) Section 32 (Notice of intention by consumers to discontinue gas supply) of the Act of 1880 is hereby repealed.

Company may refuse to supply gas in certain cases.

38. If a person requiring a supply of gas from the Company has previously quitted premises at which gas was supplied to him by the Company without paying to them all gas charges and meter rent due from him to the Company they may refuse to furnish to him a supply of gas until he pays the same.

Minimum charge for gas laid on to premises having a supply of electricity or power gas.

39. Where any person has for the purposes of a stand-by only a supply of gas laid on by the Company to any premises for which he has at the same time a separate supply of electricity or gas for power or other purposes (not being domestic purposes) the Company shall be entitled to charge and receive from him in respect of the supply of gas so laid on such minimum sum as shall be fixed by them not exceeding twenty-five shillings for any one quarter of a year notwithstanding that the ordinary charge for the gas actually consumed in such quarter would amount to a lower sum Provided that in fixing the amount of such minimum charge the Company shall have regard to the probable maximum supply of gas which might at any time be required for such premises Provided also that in respect of any premises for which the whole supply of gas afforded by the Company is taken through a meter having a nominal capacity of less than ten lights the amount of the minimum charge shall not exceed five shillings for any one quarter of a year.

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

40. 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 thereof shall be kept exhibited in the office or offices 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

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proper in the circumstances and may order by which of the parties the costs of and incident to the appeal shall be paid.

Power to lay pipes in private streets.

41. 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 this Act or the Act of 1867.

As to streets not repairable by inhabitants at large.

42. The local authority of the district within which any street not repairable by the inhabitants at large is situate shall be deemed in addition to any other persons to be persons having the control or management of such street for the purposes of the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes.

Power to utilise pipes for ancillary purposes.

43. Subject to the provisions of this Act the Company may lay down place repair alter remove and renew mains pipes and culverts within the limits of supply for the purpose of procuring conducting or disposing of any oil or other materials used by them in or resulting from any manufacture of gas or any residual products thereof or for any purpose connected with their business and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid shall so far as applicable extend and apply to the laying down and placing repairing altering or removing and protection of such mains pipes and culverts.

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

44. 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.

Power to enter premises and remove fittings.

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

Period of error in defective meters.

46. 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.

Notice to discontinue supply of gas.

47. A notice to the Company from a consumer for the discontinuance of a supply of gas shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the Company or be given by the consumer personally at the office of the Company.

Power for directors to determine remuneration of secretary.

48. In addition to the powers which the directors may exercise under the Companies Clauses Consolidation Act 1845 they may from time to time determine the remuneration of the secretary of the Company.

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

49. The Company may contract with any local authority company body or persons supplying gas under parliamentary powers in any district adjacent to the limits of supply for the supply to them respectively of gas in bulk upon such terms and conditions and for such periods not exceeding in any case seven years from the making of the contract as may be agreed upon but nothing in this section shall authorise the Company to lay any mains or other pipes or interfere with any street beyond their limits of supply.

For protection of Lancashire County Council,

50. In exercising the powers by this Act authorised and conferred as far as the same affect roads bridges and other property vested in or under the jurisdiction of the Lancashire

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County Council (in this section referred to as "the county council") the following provisions for the protection of the county council shall unless otherwise agreed between the county council and the Company have effect (that is to say):—

(1) All mains pipes and works to be laid in or along any main road or in upon or across any county or hundred bridge or any roadway over the same or the approaches thereto shall be laid in such position in or at the side thereof and at such depths as the county council in writing under the hand of the county surveyor or county bridgemaster respectively may reasonably direct:

(2) The notice required by section 8 of the Gasworks Clauses Act 1847 shall in the case of any main road or any county or hundred bridge be not less than seven days instead of three days except in cases of laying connecting or repairing consumers' service pipes when not less than three clear days' notice shall be given and except in cases of emergency when as long notice as reasonably practicable shall be given:

(3) The Company shall fill in and properly ram to the satisfaction of the county surveyor or county bridgemaster any trench or excavation made by them in any main road including the roadway over any county bridge and approach in the excavation or in the repair of any of the works of the Company and after they have done so the county council shall reinstate and make good the surface of the road and for the work so carried out by the county council the company shall in respect of the area of the trench or excavation where the same is situate under the metalled surface of any road on demand pay to the county council an amount calculated at the price or rate of fifteen shillings per cube yard for reinstating concrete foundation two shillings and sixpence per superficial yard for relaying pitchgrouted sett pavement two shillings per superficial yard for relaying waterbound macadam and three shillings per superficial yard for reinstating tar macadam Provided that if the county council make any delay in completing the reinstatement and making good of such road in accordance with the provisions of this subsection the county council shall indemnify

the Company against all costs charges expenses and penalties to which they may become liable by reason of such delay or failure:

(4) If by reason of the construction of the works by this Act authorised any increased expense is incurred by the county council in connection with the maintenance and repair of any main road or any county or hundred bridge such increased expense shall be paid by the Company to the county council within one month after notice of the amount as certified by the county surveyor or county bridgemaster respectively has been given to the Company:

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

(6) If any dispute shall arise between the county council and the county surveyor or the county bridgemaster on the one hand and the Company on the other hand with regard to this section the same shall be referred to and determined by an arbitrator to be appointed on the application of either party by the Board of Trade and subject thereto the provisions of the Arbitration Act 1889 shall apply to such reference.

For protection of Whiston Rural District Council.

51. The provisions of the section of this Act whereof the marginal note is "For protection of Lancashire County Council" shall so far as applicable extend and apply to and enure for the benefit and protection of the rural district council of Whiston in relation to any road street bridge or other highway (not being a main road) for the time being maintainable by that council.

For protection of London and

52. The following provisions for the protection of the London and North Western Railway Company (hereinafter

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North Western Railway Company.

referred to as "the railway company") shall be in force and have effect:—

In laying down or executing or in effecting the repairs and renewals of any mains pipes or other works upon across over under or in way affecting the railways lands or property now or hereafter belonging to or used or occupied by the railway company or the bridges approaches viaducts stations or other works or any level crossings over the railways of the railway company the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the railway company and only according to such plans to be submitted to and in such manner as shall be previously reasonably approved by him and in all things by and at the expense of the Company who also shall restore and make good the roads over any such bridges level crossings and approaches which the railway company are or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Company and all such works matters and things shall be constructed executed and done so as not to cause any injury to such railways bridges level crossings approaches viaducts stations works lands or property or interruption to the passage or conduct of traffic over such railways or at any station thereon And if any such injury or interruption shall arise from or be in any way owing to any of the acts operations matters and things aforesaid or the bursting leakage or failure of any such mains pipes or works the Company shall make compensation in respect thereof to the said railway company:

Any dispute or difference which may arise between the railway company and the Company with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer or other fit person to be appointed by the Board of Trade on the application of the railway company and the Company or either of them and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

Quorum of general meetings.

53.—(1) From and after the first day of January one thousand nine hundred and sixteen the quorum of general meetings (whether ordinary or extraordinary) shall be five

holders of consolidated ordinary shares or of any preference stock or preference shares of the Company issued or to be issued upon the terms that the holders thereof shall be entitled to vote in respect thereof at meetings of the Company present personally or by proxy and holding in the aggregate shares or stock to the nominal amount of not less than five hundred pounds.

(2) As from the said first day of January one thousand nine hundred and sixteen section 30 (Quorum of general meetings) of the Act of 1867 shall be and the same is hereby repealed.

Scale of voting.

54.—(1) From and after the first day of January one thousand nine hundred and sixteen every holder of consolidated ordinary shares shall be entitled to one vote and to an additional vote for every complete multiple of one hundred of such shares held by him beyond the first one hundred shares.

(2) As from the said first day of January one thousand nine hundred and sixteen section 31 (Scale of voting) of the Act of 1867 shall cease to apply in respect of votes at general meetings of the holders of ordinary shares in the capital of the Company.

Altering qualification of directors.

55. As from the first day of January one thousand nine hundred and sixteen section 33 (Qualification of directors) of the Act of 1867 shall be and is hereby repealed and the qualification of a director of the Company shall be the possession in his own right of not less than one hundred consolidated ordinary shares.

Consent of Treasury to raising of money.

56. The Company shall not raise or borrow any money for the purposes of this Act during the continuance of the present war and twelve months thereafter unless the consent of the Treasury has been previously obtained.

Saving as to general Acts.

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

Costs of Act.

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

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The SCHEDULE referred to in the foregoing Act.

Lands in the parish and urban district of Prescot in the county of Lancaster belonging to and in the occupation of the Company comprising an area of 7334 square yards or thereabouts bounded on the north-east by land belonging or reputed to belong to the trustees of William Lees Evans deceased on the east by land formerly belonging to the said trustees but now forming the site of houses and premises in Ward Street on the south by land formerly belonging to the said trustees but now belonging or reputed to belong to Sidney Henry Reakes Joseph Lyon Messrs. S. and A. Taylor and Scarisbrick Taylor and on the west partly by land belonging or reputed to belong to the Earl of Derby and partly by the works and premises of the Company.

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