CHAPTER xlvi.

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An Act to provide for the conversion of the existing capital of the Sheffield United Gaslight Company and to authorise them to raise additional capital to change the name of the Company and for other purposes.

[2nd August 1917.]

WHEREAS by the Sheffield Gas Act 1855 (hereinafter called "the Act of 1855") the Sheffield United Gaslight Company (hereinafter called "the Company") were incorporated and authorised to supply gas in the city of Sheffield and other parishes and townships as defined by the said Act and by the Sheffield Gas Act 1866 (hereinafter called "the Act of 1866") the limits of supply of the Company were extended and further powers were conferred upon them:

And whereas the whole of the share and loan capital authorised by the Act of 1855 and the Act of 1866 has been issued fully paid up and converted into capital stock and the share capital of the Company now consists of stock of the following classes and amounts (viz.):—

£135,000 A stock representing the Class A shares and Class B shares authorised by the Act of 1855;

£209,984 B stock representing the Class C shares Class D shares and Class E shares and the loan capital authorised by the Act of 1855;

£523,500 C stock representing the share and loan capital authorised by the Act of 1866:

And whereas by the Sheffield Gas Order 1882 the Sheffield Gas Order 1890 the Sheffield Gas Order 1893 the Sheffield Gas Order 1910 and the Sheffield Gas (Standard of Calorific Power) Order 1916 further powers were conferred upon the Company and further provisions were made with reference to the undertaking of the Company:

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And whereas by the said Sheffield Gas Order 1893 the Company were authorised to issue debenture stock up to the amount of £200,000 but subject to a maximum rate of interest of four per centum per annum and in exercise of the powers so conferred upon them the Company have issued debenture stock to the amount of £95,000 but the Company are unable to issue any further amount of such stock owing to the aforesaid limit on the rate of interest payable thereon:

And whereas the Company have received by way of premiums on the issue of the additional capital authorised by the Act of 1866 and of the debenture stock authorised by the Order of 1893 sums of upwards of £9,200 and £13,800 respectively:

And whereas the Company have expended on purposes to which capital is properly applicable the whole of the moneys (including premiums) received by them by the issue of share capital and debenture stock as aforesaid and in addition the sum of £75,000 and upwards:

And whereas the demand for gas within the Company's limits of supply has increased considerably more especially since the commencement of the present war and will continue to increase and it is expedient and urgent that the Company be authorised to raise additional capital and that the aforesaid limit on the interest payable on any debenture stock to be issued by them be repealed:

And whereas the dividends payable on the Company's A stock B stock and C stock respectively are limited to ten per centum per annum subject to reductions in the case of the B stock and of the C stock if the Company's general charge for gas shall exceed the sums of three shillings and sixpence and two shillings and ninepence respectively and it is expedient that the said stocks of the Company be converted into stocks of the amounts and entitled to the rates of dividend by this Act provided:

And whereas it is expedient that the Company be authorised to construct additional gasworks and that their limits of supply be extended:

And whereas it is expedient that the name of the Company be changed:

And whereas it is expedient that further powers be conferred upon the Company and further provisions be made with reference to their undertaking as in this Act contained:

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:—

Short and collective titles.

1.—(1) This Act may be cited as the Sheffield Gas Act 1917.

(2) The Sheffield Gas Acts and Orders 1855 to 1910 the Sheffield Gas (Standard of Calorific Power) Order 1916 and this Act may be cited together as the Sheffield Gas Acts and Orders 1855 to 1917.

Incorporation of general Acts.

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

The Companies Clauses Consolidation Act 1845 except the provisions thereof with respect to the appointment and duties of auditors and with respect to the conversion of borrowed money into capital and the provisions of that Act so incorporated shall so far as the same are applicable apply to any ordinary stock and preference stock to be issued or created by virtue of or under the powers of this Act;

The Companies Clauses Act 1863 as amended by subsequent Acts;

The Gasworks Clauses Act 1847; and

The Gasworks Clauses Act 1871.

Interpretation.

3. In this Act—

The several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective meanings unless there be something in the subject or context repugnant to such construction;

The respective expressions "the Act of 1855" "the Act of 1866" "the Order of 1882" "the Order of 1890" "the Order of 1893" and "the Order of 1910" respectively mean the Sheffield Gas Act 1855 the Sheffield

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Gas Act 1866 the Sheffield Gas Order 1882 the Sheffield Gas Order 1890 the Sheffield Gas Order 1893 and the Sheffield Gas Order 1910;

The expression "the existing Acts" includes the Act of 1855 the Act of 1866 the Order of 1882 the Order of 1890 the Order of 1893 the Order of 1910 and the Sheffield Gas (Standard of Calorific Power) Order 1916;

The expression "the undertaking" means the undertaking of the Company authorised by the existing Acts and this Act;

The expression "A stock" means the existing stock in the capital of the Company into which the Class A shares and the Class B shares created by the Act of 1855 have been converted;

The expression "B stock" means the existing stock in the capital of the Company into which the Class C shares the Class D shares the Class E shares and the loan capital created or raised by or under the provisions of the Act of 1855 have been converted;

The expression "C stock" means the existing stock in the capital of the Company into which the share and loan capital created or raised under the provisions of the Act of 1866 have been converted;

The expression "the date of conversion" means such date as may be approved by the Treasury upon the application of the Company during the continuance of the present war and the period of twelve months thereafter or if such approval shall not be obtained before the expiration of that period the first day of January or the first day of July (as the case may be) next following such expiration;

The expression "the limits of supply" means the limits within which the Company are authorised to supply gas by section 3 of the Act of 1855 as extended by section 5 of the Act of 1866 and the section of this Act of which the marginal note is "Extension of limits of supply";

The expression "the corporation" means the lord mayor aldermen and citizens of the city of Sheffield.

Change of Name.

Change of name.

4. From and after the passing of this Act the name of the Company shall be "The Sheffield Gas Company."

Conversion of Share Capital.

Conversion.

5.—(1) As from the date of conversion the then existing A stock B stock and C stock shall be converted into new ordinary stocks in this Act referred to as new A stock new B stock and new C stock respectively which shall subject to the provisions of this Act be by virtue of this Act vested in the holders of the then existing A stock B stock and C stock respectively as follows:—

For every one pound of A stock two pounds of new A stock;

For every one pound of B stock two pounds of new B stock;

For every one pound of C stock two pounds of new C stock.

(2) As from the date of conversion there shall be by virtue of this Act created such nominal amount of new A stock new B stock and new C stock as shall be necessary for the purpose of giving effect to such conversion and the amounts of new A stock new B stock and new C stock to which the holders of the existing A stock B stock and C stock shall by virtue of this Act respectively become entitled in substitution for their existing A stock B stock or C stock shall be deemed to be fully paid up and shall be vested in such holders as from the date of conversion and forthwith registered in their respective names in the books of the Company The said amounts of new A stock new B stock and new C stock shall rank for dividend as from the date of conversion and as from the same day the existing A stock B stock and C stock shall cease to bear any dividend.

Stock to be held on same trusts &c. as stock for which it is substituted.

6. All new stock of which the holders of A stock B stock and C stock are pursuant to the foregoing provisions of this Act registered as holders shall after registration thereof be held in the same rights upon the same trusts and subject (so far as is consistent with those provisions) to the same powers provisions charges and liabilities as those in upon or subject to which the

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A stock B stock or C stock for which the new stock is substituted were held immediately before the date of conversion 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 A stock B stock or C stock and trustees executors administrators and all other holders in any representative or fiduciary capacities and persons under disability may and shall accept the new stock of which they are pursuant to the foregoing provisions of this Act registered as holders in substitution for the A stock B stock or C stock 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 A stock B stock or C stock.

Certificates of existing stock to be called in and others issued.

7. The Company shall call in the certificates of the A stock B stock and C stock for which new stock shall be substituted by virtue of this Act and shall issue in exchange for those certificates to the respective holders thereof free of charge certificates of new A stock new B stock or new C stock of the respective amounts to which those holders are by this Act respectively entitled but no holder 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 the loss or destruction thereof and shall have given such guarantee or indemnity in respect thereof as the directors may require Provided always that until the issue of new certificates the existing certificates shall (according to the amounts of new A stock new B stock or new C stock to be issued by virtue of this Act in substitution for the existing A stock B stock or C stock which such certificates respectively represent) have and possess the same rights and privileges as if they were certificates for those respective amounts of new A stock new B stock or new C stock but if any holder of A stock B stock or C stock neglect or omit to send or deliver to the Company his existing certificate or certificates for the period of nine months after notice in writing sent by post to the address appearing in the "proprietors' address books" the Company may suspend the payment of any dividend declared or made payable upon or in respect of the new stock to which he is entitled until such existing certificate or certificates is or are sent or delivered to the Company or is or are proved to the reasonable satisfaction

of the directors to have been lost or destroyed and such guarantee or indemnity is given in respect of such lost or destroyed certificate as the directors may require.

Transfers of existing stocks although by present name to be valid.

8. All transfers or other dispositions of any A stock B stock or C stock as existing up to the conversion thereof into new stock by virtue of this Act shall after such conversion and notwithstanding this Act be valid and have due effect given to them respectively as transfers or dispositions of the respective amounts of new A stock new B stock or new C stock which represent the A stock B stock or C stock thereby expressed to be transferred or disposed of and are or may be substituted for the same under the provisions of this Act although the instrument transferring or disposing thereof shall describe the same by the name or denomination which the stock transferred or disposed of had before such conversion and the bequest of or any covenant or provision of any deed or agreement relating to any specific nominal amount of any A stock B stock or C stock shall be held to apply to a nominal amount of new A stock new B stock or new C stock equal to that into which such specific nominal amount of A stock B stock or C stock shall have been converted or which shall be substituted for the same under the provisions of this Act.

Conversion not to affect limit of reserve fund.

9. The conversion of the existing A stock B stock and C stock under the provisions of this Act shall not be deemed to affect the amount of the reserve fund formed by the Company under section 31 of the Gasworks Clauses Act 1847 and the amount standing to the credit of that fund in respect of the new stock into which the said existing stocks shall have been converted shall not at any time exceed the sum of eighty-six thousand eight hundred and forty-eight pounds but nothing in this section shall limit or affect the amounts which may be transferred to or may stand to the credit of the reserve fund in respect of any additional capital raised under the provisions of this Act.

ADDITIONAL CAPITAL.

Additional capital.

10. The Company may from time to time raise (in addition to the new ordinary stocks created by virtue of the foregoing provisions of this Act) additional capital to such amount as shall be sufficient to produce after taking into account the premiums or discounts (if any) which may be obtained or allowed

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respectively on the sale thereof the sum of six hundred thousand pounds by the creation and issue of new ordinary shares or stock and of preference shares or stock or wholly or partially by any one or more of those modes respectively.

Privileges &c. of holders of additional capital.

11.—(1) The additional capital created by the Company under this Act shall be part of the capital of the Company and any ordinary shares or stock forming part of such additional capital shall rank pari passu with the new C stock which by this Act is vested in the holders of C stock The new C stock so vested and all ordinary stock forming part of the additional capital shall in all respects and for all purposes be deemed to form part of one and the same stock.

(2) The holders of ordinary shares or stock in the additional capital shall in proportion to the amount of their shares or stock be entitled to the like rights of voting and other rights qualifications and privileges and be subject to the like provisions and liabilities as the holders of the new C stock vested as aforesaid.

Power to borrow in respect of existing and additional capital.

12.—(1) The Company may at any time after the date of conversion borrow on mortgage of the undertaking in respect of the amount of one million seven hundred and thirty-six thousand nine hundred and sixty-eight pounds of new stock into which the share capital authorised by the existing Acts is by this Act converted and of the premiums of nine thousand pounds and upwards received on the issue of such capital any sum or sums not exceeding in the whole (inclusive of any sums raised or to be raised by them by the issue of debenture stock under the provisions of the Order of 1893 as amended by this Act) the sum of five hundred and eighty thousand pounds.

(2) The Company may also borrow on mortgage of the undertaking in respect of the additional capital by this Act authorised to be created and issued any sum or sums not exceeding in the whole one-third part of the amount of such additional capital (including premiums thereon) 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 amount so raised until the Company have proved to the justice of the peace before he gives his certificate under the fortieth section of the Companies Clauses Consolidation Act 1845 that the whole of the shares or stock at the time issued together with the premiums (if any) realised on the sale thereof have been fully paid up.

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Appointment of receiver.

13.—(1) The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver and 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 ten thousand pounds in the whole.

(2) The provisions of section 50 (Receiver to be the receiver for all the mortgagees for the time being) of the Act of 1855 shall apply in the case of any receiver appointed under this section as though the said section 50 were herein enacted.

Debenture stock.

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

Priority of mortgages and debenture stock over other debts.

15. All money raised or to be raised by the Company on mortgage or by the issue of debenture stock under 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 them after the passing of this Act Provided always that this priority shall not affect any claim against the Company or their property in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company which is entitled to rank in priority to or pari passu with the interest on their mortgages or debenture stock.

Borrowed money not to be converted into capital.

16. 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.

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Issue of redeemable preference capital and debenture stock.

17.—(1) If the Company desire to raise by the issue of preference shares or stock any capital which they are by this Act authorised to raise or to issue any debenture stock under the powers of this Act or of the Order of 1893 as amended by this Act they may create and issue such shares or stock so as to be redeemable on such terms and conditions as may be specified in a resolution of the Company passed by a special meeting convened for the purpose.

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

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

(B) Redeem the shares or stock or any part thereof either by paying off the shares or stock or by issuing to any shareholder or stockholder subject to his consent other shares or stock in substitution therefor and may for the purpose of providing money for paying off the shares or stock or of providing substituted shares or stock create and issue new shares or stock (either redeemable or irredeemable) or reissue shares or stock originally created and issued under this section provided that the creation and issue of any preference capital under this section does not make the total nominal amount of preference and ordinary capital issued under this Act exceed the amount of such capital which the Company are by this Act authorised to issue and provided also that the creation and issue of debenture stock under this section is not in excess of the amount of debenture stock which the Company are for the time being authorised to create and issue under the powers of this Act.

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

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

18.—(1) All shares or stock created as additional capital under the powers of this Act and all debenture stock created under the powers of this Act or of the Order of 1893 as amended by this Act shall be issued in accordance with the provisions of this section.

(2) All such shares stock or debenture 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 respective town clerks of the city of Sheffield and the county borough of Rotherham and to the clerk of each urban and rural district council whose district or any part of whose district is included in 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 stock or debenture 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 stock or debenture stock which have been so offered for sale and are not sold may be disposed of by the directors at a price not less than the reserve price put upon the same for the purpose of sale by auction or tender or may be offered at the reserve price to the holders of any ordinary or preference shares or stock or debenture stock of the Company

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in accordance with the provisions of sections 18 19 and 20 of the Companies Clauses Act 1863 (as if in those provisions the expression "new stock" included debenture stock and the expression "stockholders" included debenture stock holders) 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 stock or debenture stock that if the aggregate amount of shares stock or debenture 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 stock or debenture 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 may at the discretion of the directors be again offered for sale by public auction or by tender in accordance with the provisions of this section or 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 each class of shares stock or debenture stock sold the total amount obtained as premium (if any) and the highest and lowest prices obtained for each class of shares stock or debenture stock.

Minimum holdings of stock.

19.—(1) After the date of conversion the ordinary stock and shares preference stock and shares and debenture stock of the Company shall be issued and be held in amounts of ten pounds or of any integral number of pounds exceeding ten and not otherwise and the Company shall not be under any obligation to register a transfer of any such stock or shares which would reduce the holding of the transferor below or make the holding of the transferee less than ten pounds of stock or shares of that class.

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

Consent of Treasury to raising of money.

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

Reduction of capital if new gas-works not authorised.

21. If within a period of three years after the passing of this Act the Company shall have failed to obtain statutory authority for the erection of gasworks on lands other than those on which the Company are by the existing Acts and this Act authorised to manufacture gas the additional capital (including loan capital) which the Company are by this Act authorised to raise shall be reduced to the sum of two hundred and eighty-five thousand pounds inclusive of the sum of one hundred and five thousand pounds remaining to be issued under the Order of 1893 as amended by this Act.

Application of money.

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

Dividends.

Dividends.

23.—(1) The profits of the Company to be divided amongst the holders of shares or stock (other than debenture stock) of the Company created by or under the provisions of this Act shall not exceed the following rates (namely):—

On the preference shares or stock (if any) such rate per annum as shall be specified in the resolution creating the stock;

On the new A stock the rate of five per centum per annum;

On the new B stock (i) the rate of four per centum per annum so long as the Company's general charge for gas per one thousand cubic feet shall exceed the sum of three shillings and sixpence and (ii) the rate of five per centum per annum so long as such general charge shall not exceed the sum of three shillings and sixpence;

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On the new C stock and on all ordinary shares or stock to be issued as additional capital under this Act (i) the rate of three and a half per centum per annum so long as the Company's general charge for gas per one thousand cubic feet shall exceed the sum of three shillings and threepence (ii) the rate of three and three-quarters per centum per annum so long as such general charge shall exceed the sum of three shillings but shall not exceed the sum of three shillings and threepence (iii) the rate of four and a half per centum per annum so long as such general charge shall exceed the sum of two shillings and ninepence but shall not exceed the sum of three shillings (iv) the rate of five per centum per annum so long as such general charge shall not exceed the sum of two shillings and ninepence.

In this subsection the Company's general charge for gas means the charge to consumers within the limits defined by the Act of 1855 not having such a special contract as is referred to in section 93 of that Act as modified by section 8 of the Order of 1890.

(2) If in any year the funds of the Company applicable to dividend after payment of the dividend on the preference stock (if any) shall not be sufficient to pay the full amount of dividend on each class of ordinary shares and stock at the rates authorised by this section to be paid in that year a proportionate reduction shall be made in the dividends on each such class.

(3) Nothing in this section shall affect the dividends payable prior to the date of conversion under the provisions of section 42 of the Act of 1855 and section 10 of the Act of 1866 on the A stock B stock and C stock of the Company.

(4) Section 10 (Interim dividends) of the Order of 1910 shall be read and construed as if the provisions of this section were therein referred to as well as the provisions of section 42 of the Act of 1855 and section 10 of the Act of 1866.

ADMINISTRATIVE PROVISIONS.

Number of elected directors.

24.—(1) No vacancy occurring among the elected directors of the Company after the passing of this Act otherwise than by rotation shall be filled until the number of elected directors shall be reduced to seven and thenceforth the number of elected directors shall be seven.

(2) Nothing in this section shall be deemed to affect the number appointment or retirement of the nominee directors appointed by the corporation.

Qualification of elected directors.

25. On and after the date of conversion the qualification of an elected director shall be the possession in his own right of ordinary or preference shares or stock of the Company of a total nominal amount of not less than one thousand pounds.

Notice of candidature for office of director.

26. Except in the case of an elected director retiring by rotation and offering himself or being proposed for re-election no person shall be capable of being elected at a general meeting a director of the Company unless notice in writing that such person intends to offer himself or will be proposed for the office of an elected director shall have been given to the secretary or left at the office of the Company ten days at least before the day of election.

Closing of transfer books previous to paying interest.

27.—(1) The directors may close the register of transfers of debenture stock for a period not exceeding fourteen days previous to each date at which the interest thereon shall be payable Notice of this enactment shall be stated on all certificates of debenture stock issued by the Company after the passing of this Act.

(2) Any transfer of debenture stock made during the time when the register of transfers of debenture stock is so closed shall as between the Company and the person claiming under the same but not otherwise be considered as made subsequently to the payment of such interest.

Remuneration of auditor and gas examiner.

28.—(1) Section 73 (Remuneration of auditor) of the Act of 1855 shall be read and have effect as if the words "or such "other sum as may be agreed between the directors and the "Corporation" were inserted therein after the words "twenty guineas."

(2) Section 89 (Corporation may appoint chemist to test quality of gas) of the Act of 1855 shall be read and have effect as if the words "or such other annual sum as may be agreed between the directors and the Corporation" were inserted at the end of the section.

Directors may determine remuneration of certain officers.

29.—(1) In addition to the powers which the directors may exercise under the Companies Clauses Acts 1845 to 1889 they may determine the remuneration of the secretary.

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(2) So much of section 64 (Company may appoint a managing director) of the Act of 1855 as is not repealed by section 6 of the Act of 1866 shall be read and have effect as if the words "as the directors may from time to time determine" were inserted therein in lieu of the words "as a general meeting from time to time authorises."

VOTING RIGHTS.

Votes of holders of shares or stock.

30.—(1) At all general meetings of the Company held on or after the date of conversion every holder of ordinary shares or stock and (subject as hereinafter mentioned) of preference shares or stock shall have one vote in respect of every fifty pounds of such capital held by him up to one thousand pounds of such capital and an additional vote for every one thousand pounds of such capital beyond the first one thousand pounds Provided that until the date of conversion the holders of any ordinary shares or stock and (subject as hereinafter mentioned) of any preference shares or stock issued as additional capital under this Act shall have the like rights of voting as are conferred on the holders of the existing stock in the capital of the Company by section 54 (Scale of voting) of the Act of 1855.

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

Appointment of proxies.

31. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 the attorney of any shareholder or stockholder of the Company duly authorised in writing may appoint a proxy to vote for and on behalf of the shareholder or stockholder and for that purpose may execute on behalf of the shareholder or stockholder the necessary form of proxy Provided that the instrument appointing the attorney shall be transmitted to the secretary at the same time as the instrument appointing the proxy.

Joint holders.

32. Notwithstanding anything contained in the Companies Clauses Consolidation Act 1845 where several persons are jointly entitled to and registered as holders of any shares or stock in the capital of the Company any one of those persons may vote at any meeting (at which holders of shares or stock of the same class are entitled to vote) either personally or by proxy in respect

of the shares or stock as if he were solely entitled thereto but if more than one of the joint holders be present at any meeting personally or by proxy that one of the said persons so present whose name stands first on the register in respect of the shares or stock shall alone be entitled to vote in respect thereof.

Extension of Limits.

Extension of limits of supply.

33.—(1) The limits within which the Company may supply gas and exercise the powers of the existing Acts and this Act are hereby extended so as to include the portion of the parish of Tankersley in the rural district of Wortley in the west riding of the county of York which lies to the southward of an imaginary straight line drawn due east and west through the northernmost point of the property numbered 78 on the Ordnance map (scale $\frac{1}{2500}$) 2nd edition 1905 sheet No. CCLXXXII. 11 in that parish.

(2) Within the said portion of parish the Company shall have and may exercise all and the like powers rights privileges and authorities for and in relation to the supply of gas and be subject to all and the like duties and obligations in respect thereof as they may have and be subject to within the limits defined in section 3 of the Act of 1855.

(3) The Company may continue maintain and use any mains pipes and other works laid down or constructed by them before the commencement of this Act within the said portion of parish as if the same had been laid down or constructed by them under the powers of this Act and the provisions of the Gasworks Clauses Act 1847 as amended by the Gasworks Clauses Act 1871 shall apply to the said mains pipes and works in all respects as if the same had been laid down or constructed under the authority of this Act.

Gasworks and Residual Products.

Power to construct new gasworks.

34. The Company may upon the lands hereinafter described erect construct maintain alter improve and renew gasworks with all necessary machinery and apparatus and do all such acts as may be proper for making and storing gas and for supplying gas within the limits of supply and may also upon the said lands work up and convert the residual products arising directly or indirectly from the manufacture of gas by them The lands in this section referred to are Lands in the parish or township

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of Sheffield in the city of Sheffield bounded on the north-east and south-east by land of the Midland Railway Company on the north-west by an imaginary straight line forming an extension in a south-westerly direction of the south-eastern side of Burslem Street and on the south-west by Colliery Road and containing by admeasurement two acres and one rood or thereabouts.

Residual products.

35. The Company may—

(A) Purchase the residual products arising from the manufacture of gas by other gas undertakers and therewith manufacture (upon the lands referred to in the foregoing section of this Act and any other lands on which they may for the time being be authorised to manufacture work up or convert residual products of gas) other products of the same kind as the Company are manufacturing from their own residual products Provided that the quantity of any residual product so purchased by the Company in any year shall not exceed one-third of the quantity of the like residual product which shall in that year arise directly or indirectly from the manufacture of gas by them:

(B) 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.

COKE OVEN GAS.

Supply of coke oven gas.

36.—(1) The Company may enter into and carry into effect contracts and agreements with any company body or persons producing gas from coke ovens (hereinafter referred to as "coke oven gas") within the limits defined in subsection (4) of this section with reference to the purchase and taking by the Company from such company body or persons of a supply of coke oven gas whether in bulk or otherwise and the Company may by agreement supply coke oven gas to any authority

company or person within the limits of supply for any purposes other than lighting.

(2) None of the provisions of the existing Acts or any Act incorporated therewith with respect to the calorific power purity pressure testing or price of the gas supplied by the Company shall apply to any coke oven gas supplied under the provisions of this section by means of mains or pipes through which other gas is not supplied but nothing in this section shall deprive any person within the limits of supply of any right which he may possess under the existing Acts or this Act of requiring a supply of gas of the calorific power purity and pressure prescribed by the existing Acts and any incorporated enactment.

(3) For the purposes of subsection (1) of this section the Company may lay down repair take up alter relay and renew mains pipes and culverts within the limits defined in subsection (4) of this section 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 for the purposes of this section extend and apply mutatis mutandis to and for such purposes throughout the limits so defined but nothing in this section shall authorise the Company nor shall the Company be under any liability whether under this section or otherwise to supply gas to any person or premises situate outside the limits of supply.

(4) The limits hereinbefore referred to are (A) the limits of supply and (B) the rural district of Wortley and so much of the rural district of Rotherham in the west riding of the county of York and of the rural district of Chesterfield in the county of Derby as is situate within three miles of any part of the city of Sheffield the urban district of Handsworth and the parish of Ecclesfield as existing at the passing of this Act but excepting and exclusive of so much of the parish of Brinsworth in the said rural district of Rotherham as is situate to the northward of the road leading from Tinsley past Canklow Church to Wickersley and known as the Bawtry Road.

Conditions as to quality of coke oven gas supplied.

37.—(1) It shall not be lawful for the Company at any time to supply coke oven gas which does not possess a distinctive and readily perceptible smell.

(2) For every contravention of this section the Company shall be liable on summary conviction to a fine not exceeding fifty pounds.

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(3) It shall be the duty of the inspectors of factories and the inspectors of mines to enforce the provisions of this section within their district so far as respects factories workshops and mines inspected by them respectively and such inspectors shall for this purpose have all powers and authorities conferred by section 119 of the Factory and Workshop Act 1901 and by section 98 of the Coal Mines Act 1911 and section 17 of the Metalliferous Mines Regulation Act 1872 respectively:

Provided that no proceedings shall be taken against the Company by any such inspector in respect of any contravention of the provisions of this section discovered by him on any inspection of a factory workshop or mine unless he shall have given notice in writing to the Company at their principal office of such contravention and of the nature of the contravention as soon as possible after he discovers the same.

Coke oven gas not to be supplied for illumination.

38. The Company shall not supply coke oven gas for the purpose of illumination and no coke oven gas supplied by the Company shall be used for that purpose.

If any person supplied by the Company with coke oven gas shall use the same for the purposes of illumination the Company shall forthwith upon becoming aware thereof discontinue the supply.

If the Company act in contravention of the provisions of this section they shall for every such offence be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds.

Home Secretary may make regulations as to supply of coke oven gas.

39.—(1) The Secretary of State for the Home Department may at any time either before or after the Company shall have commenced to give a supply of coke oven gas to consumers (after holding such inquiries as he may think fit and considering any representations made to him by the Company) make or impose in the interests of safety to persons regulations terms and conditions with respect to such supply.

(2) The Company shall not under the powers of this Act supply or continue to supply coke oven gas otherwise than in accordance with any regulations and upon and subject to any terms and conditions which shall have been so made or imposed and shall for the time being be in force Provided that if in the opinion of the Company compliance with any such regulations terms and conditions would render the supply or continued supply

of coke oven gas by them unremunerative or impracticable it shall be lawful for the Company upon giving to all consumers of coke oven gas supplied by them not less than three months' notice of their intention so to do to discontinue such supply and in that event the Company shall not be under any obligation to supply or to continue to supply coke oven gas to any person.

(3) For every contravention of this section the Company shall be liable on summary conviction to a fine not exceeding fifty pounds.

(4) For the purpose of enforcing this section or for the purpose of any inquiry by the said Secretary of State thereunder inspectors of factories and inspectors of mines shall have such and the like powers and authorities as are conferred by the enactments referred to in the section of this Act the marginal note whereof is "Conditions as to quality of coke oven gas supplied."

Provision as to general Acts relating to coke oven gas.

40. Nothing in this Act contained shall exempt the Company from the provisions of any general Act relating to the manufacture or supply of coke oven gas passed before or after the passing of this Act or from any regulations which may be made under such general Act.

Miscellaneous.

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

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 the Act of 1855 the Act of 1866 and this Act:

Provided that the Company shall not exercise the powers of this section with respect to any street or road belonging to or under the control or management of the Midland Railway Company the Great Central Railway Company or the Sheffield District Railway Company except with the consent of such railway company but such consent shall not be unreasonably withheld and if any difference shall arise between the railway company and the Company as to whether such consent is in any case unreasonably withheld the difference shall be deter-

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mined by an arbitrator to be agreed upon or failing agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers and in carrying out any works authorised by this section the Company shall not unreasonably obstruct or interfere with the convenient access to any such street or road:

Provided also that 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 the corporation shall be deemed in addition to any other persons to be persons having the control or management of any street in the city of Sheffield to which this section relates.

Supply of gas when consumer has separate supply.

42. Notwithstanding anything contained in the Gasworks Clauses Act 1871 or any other Act a person shall not be entitled to demand from the Company a supply or the continuance of a supply of gas for premises having a supply of gas from an installation other than that of the Company unless he shall have previously agreed to pay to the Company such minimum annual sum as will give to them a reasonable return on the capital expenditure and standing charges incurred by them to meet the possible maximum demand for those premises and the minimum annual sum to be so paid shall be determined in default of agreement by arbitration in manner provided by the Arbitration Act 1889.

Amending obligations as to supply of gas.

43. Notwithstanding anything contained in any enactment to the contrary the Company shall not be obliged until the expiration of six months from the service of notice upon the Company requiring them so to do to give from any main a supply of gas for any purpose other than lighting or domestic use in any case where the capacity of such main is at the date when such notice is served insufficient for the purpose.

Power to enter premises and to remove fittings.

44. 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.

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Period of error in defective meters.

45. 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.

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

46. 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 such consumer.

Power to refuse to supply gas to persons in debt.

47. The Company may refuse to supply gas to any person whose payments for the supply of gas are for the time being in arrear (not being the subject of a bonâ fide dispute) whether any such payments be due to the Company in respect of a supply to the premises in respect of which such supply is demanded or in respect of other premises.

Notice to discontinue supply of gas.

48. 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.

Gas consumers to give notice to Company before removing.

49. 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

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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.

Amendment of section 21 of Act of 1866.

50. Section 21 (Experimental meters to be provided in certain places) of the Act of 1866 shall be read and have effect as if the words "on giving two hours' previous notice in writing to the Company by delivering the same at the principal office of the Company" were omitted therefrom and the words "on giving sufficient notice to enable a representative of the Company to attend" were inserted in lieu thereof.

Repeal of certain provisions of existing Acts.

51. The sections of the existing Acts which are specified in the first column of the schedule to this Act shall as from the respective dates mentioned in the third column of the schedule be by virtue of this Act repealed to the extent mentioned in the second column of the schedule:

Provided that the repeal of section 13 of the Act of 1866 shall not prejudice any appointment of a receiver which may have been made or the continuance of any proceedings which may be pending under the provisions of that section.

PROTECTIVE PROVISIONS.

For protection of Sheffield Corporation.

52. The following provisions for the protection of the corporation shall unless otherwise agreed between the Company and the corporation have effect (that is to say):—

(1) All mains and pipes to be laid by the Company in any street for the time being maintainable by the corporation shall be laid in such position under the footpath wherever reasonably possible and otherwise at the side of the road as the corporation in writing under the hand of the city surveyor may reasonably direct This subsection shall also apply in the case of any mains or pipes to be laid within six feet of any sewer or water main or pipe of the corporation in a street not maintainable by the corporation if the road authority of such street consent thereto in writing :

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(2) Except in cases of emergency (when the longest reasonably practicable notice shall be given) and except in cases of the laying connecting or repairing of service pipes (when three days' notice shall be given) the notice required by section 8 of the Gasworks Clauses Act 1847 with respect to the breaking up of streets shall as regards any such street as aforesaid be not less than fourteen days instead of three days and such notice shall be served upon the corporation and accompanied by the plan referred to in section 9 of the said Act which shall be on a scale of not less than twenty-five inches to the mile and shall clearly show the proposed position of the works:

(3) The Company shall not without the consent in writing of the corporation or the city surveyor (which consent shall not be unreasonably withheld) open or break up the roadway or in any manner interfere with the structure of any bridge for the time being maintainable by the corporation but shall if reasonably required so to do by the corporation or the city surveyor attach any main or pipe which they may wish to carry across such bridge under or on the outside of the bridge in such manner as the corporation or the city surveyor may reasonably direct:

(4) If the Company shall in the execution or repair of any of the works of the Company make any trench or excavation in the roadway or footpath of any road or over any bridge and such roadway or footpath is maintainable by the corporation then the Company shall fill in and properly ram to the satisfaction of the city surveyor such trench or excavation and after they have done so the corporation shall reinstate and make good the surface of the roadway or footpath and for the work so carried out by the corporation the Company shall pay to them the expenses thereof which expenses shall be based upon a schedule of prices to be agreed between the Company and the corporation or failing agreement settled by arbitration in manner hereinafter provided Provided that if the corporation fail to reinstate and make good the surface of such roadway or footpath within three calendar months after the Company shall have filled in and

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rammed any such trench or excavation the corporation shall indemnify the Company against all costs charges expenses and penalties to which they may become liable by reason of such failure:

(5) In the case of any mains laid in any roadway where the foundation of such roadway consists of concrete the corporation may if they so desire execute the work of opening the trench so far as the breaking or cutting through of such concrete is concerned and the Company shall pay the reasonable costs of the corporation for so doing such work to be executed with all reasonable speed and in the event of the corporation failing to commence the said breaking through of such concrete within three days after the expiration of the notice by the Company of their intention to lay a main the Company may themselves execute the work aforesaid Provided that this subsection shall not apply to roadways situate as crossings to side streets (such crossings to be regarded as a continuation and part of the footpath) unless such crossings have concrete or other special foundations:

(6) Any difference which arises between the Company and the corporation under this section shall be determined by an engineer or other fit person to be appointed (in default of agreement between the parties) by the President of the Institution of Civil Engineers on the application of either party under the Arbitration Act 1889:

(7) The provisions of this section save so far as they modify existing legislation shall be in addition to and not in substitution for the provisions of any general Act applying to the Company or the corporation.

For protection of Derbyshire County Council.

53. Notwithstanding anything contained in this Act and the existing Acts the following provisions for the protection of the county council shall (unless otherwise agreed) apply and have effect (that is to say):—

(1) In this section—

The expression "the county council" means the county council for the administrative county of Derby;

The expression "any main road" means any road which is for the time being a main road vested in the county council;

The expression "any county bridge" means any bridge which is for the time being a county or main road bridge and includes the approaches to any such bridge vested in the county council;

The expression "the county surveyor" means the surveyor for the time being of the said county and includes any person duly authorised to discharge temporarily the duties of that office:

(2) All mains or pipes to be laid by the Company after the passing of this Act under any of the existing Acts or this Act in or along any main road or in upon or across any county bridge shall where reasonably practicable be laid in such a position under the footpath (wherever possible) or otherwise at the side of such road as the county council shall by writing under the hand of the county surveyor reasonably direct:

(3) The surplus paving metalling or materials removed during the laying of any mains pipes or other works to be laid as aforesaid shall not be placed on the metalled portion of the road without the written consent of the county surveyor and subject to such conditions and directions as he may reasonably require or give:

(4) All surplus paving metalling or materials removed during the laying of any such mains pipes or works after the passing of this Act in or along any main road or in upon or across any county bridge and not required by the Company for the purpose of reinstating and making good the road or bridge may be used by the county council for the maintenance and repair of any main or other road in the county and the Company shall on receiving notice from the county surveyor forthwith remove the same to such place or places not more than one mile from the place of excavation as the county surveyor may direct and if the Company fail to do so the county surveyor may remove the same but the county council shall repay to the

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Company any expenses which the Company may reasonably incur in complying with any directions of the county surveyor under this subsection:

(5) The notice required by section 8 of the Gasworks Clauses Act 1847 shall (except for the laying connecting or repairing of consumers' service pipes as to which three days' notice shall be given and except in cases of accidental leakage or burst or other emergency in which case the longest reasonably practicable notice shall be given) be not less than seven days instead of three days:

(6) The plan required by section 9 of the said Act shall except in cases of emergency and except when the works relate to service pipes be accompanied by a description of the proposed works in the case of any main road and by a section in the case of any county bridge and shall be delivered to the county council or the county surveyor by the Company not less than in the case of a county bridge or the approaches thereto fourteen days and in all other cases seven days before they commence to open or break up any main road or interfere with any county bridge for the purpose of executing the works:

(7) Nothing in the existing Acts and this Act shall authorise the Company to interfere with the structural part of any county bridge without the consent in writing of the county council or the county surveyor which consent shall not be unreasonably withheld and may be given upon such conditions (not being a money payment) as the county council may reasonably determine:

(8) Nothing in the existing Acts and this Act shall interfere with the right of the county council to alter the level of or deviate or improve in any manner they think fit any main road in or along which any mains pipes or works of the Company shall have been laid in the same manner as they might have altered deviated or improved such road if the existing Acts and this Act had not been passed and in the event of any such alteration deviation or improvement being intended by the county council the Company shall at the

reasonable expense of the county council with all convenient speed on receiving ten days' notice (or shorter in cases of emergency) in writing under the hand of the county surveyor so to do alter the position of any such mains pipes or works in such manner and to such extent as such notice may reasonably prescribe and to the satisfaction of the county surveyor Provided that the county council shall afford all reasonable facilities to the Company for such alteration and also (during the alteration deviation or improvement of such main road) for temporarily carrying or supporting such mains pipes or works along the main road so as not to interrupt the continuous supply of gas or to diminish the pressure of such supply through such mains pipes or works:

(9) Nothing in the existing Acts and this Act shall interfere with the right of the county council at any time or times to remove alter widen reconstruct or rebuild any county bridge over near or attached to which any mains or pipes of the Company are carried in the same manner as they might have removed altered widened reconstructed or rebuilt such bridge if the existing Acts and this Act had not been passed and in the event of any county bridge over or near or attached to which any such mains or pipes are laid being removed altered widened reconstructed or rebuilt as aforesaid the Company shall alter the position of such mains and pipes and any works by which the same are carried over or near or attached to any such bridge as aforesaid to the satisfaction of the county surveyor Provided that the county council shall afford all reasonable facilities to the Company for such alterations and also (during such removal alteration widening reconstruction or rebuilding of any county bridge as aforesaid) for temporarily carrying such mains or pipes across the stream river or other place over which such bridge is carried so as not to interrupt the continuous supply of gas or to diminish the pressure of such supply through such mains or pipes Provided also that all expenses reasonably incurred in altering the position of any such mains pipes and works shall

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where the same had been lawfully laid or constructed by the Company prior to the passing of this Act be borne by the county council but in all other cases shall be borne by the Company Provided further that if the removal alteration widening reconstruction or rebuilding of any such bridge is required solely for the accommodation of any trolley vehicle system or motor-omnibus service of the county council or any light railway or tramway belonging to or worked by the county council then the county council shall in any event repay to the Company any expenses reasonably incurred by the Company in complying with any requirements of the county surveyor under this subsection and the facilities to be provided by the county council as aforesaid shall be afforded at the expense of the county council:

(10) All works of the Company so far as they affect any main road or county bridge shall be so executed by the Company as not to stop the traffic and so far as reasonably practicable as not in any way to impede or interfere with the traffic on any main road or over any county bridge and the Company shall not without the consent of the county surveyor open or break up at any one time a greater continuous length than two hundred yards of any main road nor more than one hundred yards where there is only sufficient room for one cart to pass nor in the latter case shall such openings or breakings up be carried out without leaving where reasonably practicable a clear space of one hundred and fifty yards between consecutive openings or breakings up unless with the consent of the county surveyor and where any material or soil from any works trenches or excavations in any main road is deposited upon the metalled portion of the main road such material or soil shall be so placed as the county surveyor may reasonably direct Provided always that where reasonably practicable at least twelve feet of metalled road shall be kept clear for the use of the public:

(11) The Company shall repair and reinstate so much of any main road or of the road over any county bridge in which mains or pipes of the Company are or may

be laid as may be damaged by reason of the traffic being concentrated thereon during the laying alteration renewal or repair of the said mains or pipes:

(12) All costs charges amounts and expenses payable by the Company to the county council or by the county council to the Company under the provisions of this section shall be recoverable as a debt due from the Company to the county council or from the county council to the Company as the case may be:

(13) The county council shall not except in case of their negligence be liable for or in respect of any damage or injury to any mains pipes connexions meter boxes or other property of the Company laid or fixed after the passing of this Act in or upon the metalled portion of any main road or any county bridge arising from the ordinary use by the county council of a steam or other roller or traction engine not exceeding fifteen tons in weight Provided always that nothing in this subsection shall be deemed to imply that any such liability exists in respect of any mains pipes connexions meter boxes or other property of the Company laid or fixed before the passing of this Act and the liabilities (if any) in respect of such last-mentioned property of the Company shall not be affected by this subsection:

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

For protection of West Riding County Council.

54. In executing the works and exercising the powers authorised by this Act so far as they affect any main road or county bridge (which expression shall in this section mean and include any bridge which is for the time being a county or

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main road bridge and the approaches to such bridge) repairable by or at the cost of the county council of the west riding of Yorkshire (in this section, called "the county council") the following provisions for the protection of the county council shall have effect unless otherwise agreed in writing between the county council and the Company (that is to say):—

(1) All mains pipes or works to be laid in or along any such main road or in upon or across any such county bridge shall so far as is reasonably practicable be constructed and laid in such position at the side of the road as the county council shall by writing under the hand of their surveyor reasonably direct or (if the said surveyor so agrees) under the footpath Provided that this subsection shall not apply to service pipes:

(2) Except in cases of emergency and except when the works consist of service pipes the notice required by section 8 of the Gasworks Clauses Act 1847 with respect to the breaking up of streets shall as regards any such main road or county bridge be not less than seven clear days instead of three clear days and the plan required by section 9 of the last-mentioned Act shall be delivered to the county council or their surveyor by the Company not less than twenty-one days before the Company commence to open or break up any main road for the purpose of executing the works:

(3) All works shall be executed by the Company so as not to stop or (so far as reasonably practicable) impede or interfere with the traffic on any such main road or county bridge and the Company shall not break up at any one time a greater length than three hundred yards of any main road:

(4) If after the opening of any main road in pursuance of this Act the Company shall fail to reinstate the same in such manner and with such materials as the county council reasonably require or if and so long as the portion of road broken up shall subside the Company fail to properly restore the same the county council after giving the Company notice thereof may themselves execute the necessary works and recover the reasonable cost thereof from the Company;

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(5) Notwithstanding anything contained in this Act it shall be lawful for the county council at any time or times to divert widen or improve any main road vested in and repairable by them in which any such mains pipes or works are laid in the same manner as they might have diverted widened or improved such main road if this Act had not been passed and such mains pipes or works had not been laid in such main road And in the event of any such main road as aforesaid or any other main road in which any such mains pipes or works are laid being diverted widened or improved at the expense of the county council or of the county council and any other authority the Company shall with all convenient speed if required by the surveyor of the authority carrying out such diversion widening or improvement remove or alter the position of their said mains or pipes and replace the same in such position as the said surveyor shall reasonably direct and the reasonable expense of any removal or alteration and replacement so required shall be borne by such authority Provided that before and during such diversion widening or improvement of any such main road the county council or such other authority as aforesaid shall afford reasonable facilities for temporarily carrying such mains or pipes along the main road so as not to interrupt the continuous supply of gas:

(6) Nothing in this Act shall interfere with the right of the county council at any time or times to remove alter widen reconstruct or rebuild any county bridge over near or attached to which any mains or pipes of the Company are carried in the same manner as they might have removed altered widened reconstructed or rebuilt such bridge if this Act had not been passed and in the event of any county bridge over or near or attached to which any such mains or pipes are laid being removed altered widened reconstructed or rebuilt as aforesaid the Company shall if required by the surveyor of the county council alter the position of such mains and pipes and any works by which the same are carried over or near or attached to any such bridge as aforesaid

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to the satisfaction of the said surveyor Provided that the county council shall afford all reasonable facilities to the Company for such alterations Provided also that during such removal alteration widening reconstruction or rebuilding of any county bridge as aforesaid the county council shall afford all reasonable facilities for temporarily carrying such mains or pipes across the stream river or other place over which such bridge is carried so as not to interrupt the continuous supply of gas or to diminish the pressure of such supply through such mains or pipes:

(7) If any difference shall arise—

(A) between the Company and the county council (with respect to any main road or county bridge vested in and repairable by the county council) touching this section or anything to be done or not to be done thereunder or the giving of any direction or making of any requirement thereunder; or

(B) between the Company on the one hand and the county council and the authority in whom any other main road is vested on the other hand with respect to any direction or requirement relating to such last-mentioned road;

such difference shall be settled by arbitration by an arbitrator to be agreed upon by the parties in difference or failing such agreement to be appointed by the President of the Institution of Civil Engineers on the application of either or any of such parties and any difference between the Company and the county council with respect to any such road as first aforesaid which shall arise under section 9 of the Gasworks Clauses Act 1847 shall be determined by arbitration under this subsection instead of in the manner provided by that section:

Provided that if with respect to any main road which is not vested in and repairable by the county council any direction or requirement of the county council under or pursuant to this section shall conflict with any direction or requirement made pursuant to

the said Gasworks Clauses Act by the authority in whom such road is vested the matter so in difference shall (if not settled by agreement between the county council and such authority) be settled by arbitration in manner hereinbefore provided and the Company shall be at liberty if they think fit to be a party to any such arbitration:

The provisions of the Arbitration Act 1889 shall apply to any arbitration under this section.

For protection of Rotherham Rural District Council.

55. The provisions of the section of this Act whereof the marginal note is "For protection of West Riding County Council" shall so far as applicable apply and have effect for the protection of the Rotherham Rural District Council in relation to roads and bridges vested in or repairable at the cost of that council as if that council had been named therein in lieu of the county council and as if such roads and bridges had been referred to therein in lieu of main roads and county or main road bridges.

For protection of Midland Railway Company.

56.—(1) In executing and maintaining the works authorised by the Sheffield Gas Acts and Orders 1855 to 1917 where the same cross or will cross over or under or otherwise affect any railway or any part of the works or property of the Midland Railway Company (hereinafter referred to as "the Midland Company") the Company shall (except so far as it may be otherwise agreed between the Midland Company and the Company) be subject to the following conditions:—

(A) All such works shall be executed and maintained under the superintendence (if the same be given) and to the reasonable satisfaction of the principal engineer for the time being of the Midland Company and (except in case of emergency) according to plans and drawings to be previously submitted to and reasonably approved by him or in case of difference by an arbitrator appointed in pursuance of this section Provided that if for fourteen days after such plans and drawings shall have been submitted to the said engineer he shall fail to give notice to the Company of his objections thereto he shall be deemed to have approved thereof:

(B) If within fourteen days after the receipt of any such plans and drawings the Midland Company give to

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the Company notice that they themselves desire to execute any part of the work (other than the actual laying down of the mains which shall be done by the Company) which will cross over or under any railway or work belonging to them the Midland Company may themselves execute such part of the work under the superintendence and to the reasonable satisfaction of the Company's engineer and recover the reasonable costs thereof from the Company:

(c) All works which the Company may execute under this subsection shall so far as reasonably practicable be so constructed as to cause no injury to the railways works and property of the Midland Company or interruption to the passage or conduct of traffic over the same and if in consequence of the execution maintenance or failure of such works any injury be caused to the said railways works and property or any interruption be caused to the traffic the Company shall make full compensation to the Midland Company in respect of such injury or interruption the amount of such compensation unless agreed upon to be determined by arbitration as hereinafter provided:

(d) The Company shall bear and on demand pay to the Midland Company the reasonable expense of the employment by the Midland Company during the execution of any work of laying renewing or repairing gas mains which affects their railways of a sufficient number of inspectors watchmen and signalmen to be appointed by the Midland Company for watching and signalling the same with reference to and during the execution of such work of the Company and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Company or their contractors.

(2) Any additional expense which the Midland Company may reasonably and properly incur in maintaining their bridges and works by reason of the existence of any mains or pipes of the Company laid under the powers of this Act across over or under such bridges or works shall be paid by the Company.

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(3) Any dispute or difference which may arise between the Midland 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 (in default of agreement) by the President of the Institution of Civil Engineers on the application of the Midland Company or the Company and the provisions of the Arbitration Act 1889 shall apply to such arbitration.

For protection of Great Central Railway Company and Sheffield District Railway Company.

57. For the protection of the Great Central Railway Company and the Sheffield District Railway Company (each of which companies is hereinafter referred to as "the railway company") the following provisions shall unless otherwise agreed in writing between the railway company and the Company apply and have effect (that is to say):—

(1) In laying down and executing or in effecting the repairs or renewals of any pipes mains or other works in the exercise of the powers contained in this Act upon across or in any way affecting the railways canal and property now or hereafter belonging to or used or occupied by the railway company or the bridges or other works or the level crossings over the railways of the railway company the same shall be done under the superintendence (if such be given) and to the reasonable satisfaction of the principal engineer of the railway company and only (except in cases of emergency) according to such plans and in such manner as shall be submitted to and as shall be previously approved by him in writing or in case he shall unreasonably withhold his approval as shall be determined by arbitration Provided that if the said engineer does not express his approval or disapproval of the said plans or manner of doing the works within twenty-one days after the same shall have been submitted to him he shall be deemed to have approved thereof:

(2) All such works of the Company shall be done by and at the expense of the Company (except as in this section otherwise provided) who shall also restore and make good to the reasonable satisfaction of the said engineer the roads so far as repairable by the railway company over or under any bridge or over any level crossing of the railway of the railway company or

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the roads over the canal of the railway company or over the approaches to any such bridge or level crossing so far as the same may be disturbed or interfered with by or owing to any operations of the Company Provided always that should the railway company elect so to do where any such works of the Company are to be laid under or across any railway canal or other property of the railway company they may themselves execute the same under the superintendence and to the reasonable satisfaction of the Company's engineer and recover the reasonable cost thereof from the Company Provided further that the actual laying in the trenches and the jointing of any mains pipes or works of the Company shall be executed by the Company if the Company's engineer so desires:

(3) All such works of the Company and all matters incidental thereto shall be constructed executed maintained and done so as to cause as little injury as may be to such railways canal bridges level crossings works or property of the railway company and so as to cause no interruption to the passage or conduct of traffic over such railways and canal or at to or from any station thereon:

(4) If any injury or interruption as aforesaid shall arise from or in any way be owing to any of the works and matters aforesaid or the leakage or failure of any such mains pipes or works as aforesaid on under or near to any railway canal bridge level crossing works or property of the railway company the Company shall make compensation to the railway company in respect thereof the amount of such compensation unless agreed upon to be determined by arbitration:

(5) Any additional expense which the railway company may reasonably and properly incur in maintaining their bridges and works by reason of the existence of any mains or pipes of the Company laid under the powers of this Act across over or under such bridges or works shall be paid by the Company:

(6) The Company shall bear and on demand pay to the railway company all reasonable costs of the superintendence by them of the construction or repair of any works of the Company executed under the

powers of this Act and affecting the property of the railway company including all reasonable costs of watching lighting signalling and protecting the property of the railway company with reference to and during such construction or repair but such superintendence by the railway company or their neglect to superintend shall not alter or affect any liability to which the Company may be subject for any accident which may be occasioned by the works or operations or by the act or default of the Company or of their contractors servants or workmen or any of them:

(7) If at any time it is found necessary in order to enable the railway company to carry out any alterations or extensions of their railway or works that the position of any mains pipes or works of the Company shall be altered the Company shall on receiving notice in writing from the railway company so to do at the cost of the Company with all reasonable despatch alter the position of the same so far as may be necessary to enable the railway company to carry out such alterations or extensions and the provisions of this section shall apply to the said mains pipes or works of the Company in their altered position Provided that if the railway company give to the Company notice that they themselves desire to carry out so much of the alterations of such mains pipes or works of the Company as will affect any railway or work belonging to the railway company they may themselves execute such alterations under the superintendence and to the reasonable satisfaction of the Company's engineer and recover the reasonable cost thereof from the Company Provided that the actual laying in the trenches and the jointing of any mains pipes or works of the Company shall be executed by the Company if the Company's engineer so desires:

(8) Any question referred to arbitration under this section and 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

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(in default of agreement) by the President of the Institution of Civil Engineers 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.

For protection of Yorkshire Electric Power Company.

58. Nothing in the section of this Act of which the marginal note is "Supply of coke oven gas" shall extend to or authorise any interference with any works of the Yorkshire Electric Power Company to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section and the provisions of that section shall be deemed to extend to and include any electric lines or works of that company constructed or placed upon or above the level of the ground.

Costs of Act.

Costs of Act.

59. 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.

The SCHEDULE referred to in the foregoing Act.

ENACTMENTS REPEALED.

Name of Act.	Extent of Repeal.	Date of Repeal taking Effect.
Sheffield Gas Act 1855:		
Section 40 - -	The whole section - -	Date of conversion.
Section 42 - -	The whole section - -	Date of conversion.
Section 43 - -	The whole section - -	Date of conversion.
Section 49 - -	The whole section - -	Passing of this Act.
Section 54 - -	The whole section - -	Date of conversion.
Section 57 - -	The whole section - -	Passing of this Act.
Section 58 - -	The whole section - -	Date of conversion.
Section 95 - -	The whole section - -	Passing of this Act.
Section 97 - -	The whole section - -	Passing of this Act.
Sheffield Gas Act 1866:		
Section 10 - -	The whole section - -	Date of conversion.
Section 13 - -	The whole section - -	Passing of this Act.
Sheffield Gas Order 1893:		
Section 6 - -	The whole section - -	Passing of this Act.
Section 7 - -	The whole section - -	Passing of this Act.
Sheffield Gas Order 1910:		
Section 14 - -	The whole section - -	Passing of this Act.

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