



CHAPTER lxxvii.

An Act to extend the limits of supply of the Christchurch Gas Company and to confer further powers upon the Company. A.D. 1912.
[7th August 1912.]

WHEREAS the Christchurch Gas Company (in this Act called "the Company") were incorporated by the Christchurch Gas Act 1877 (in this Act called "the Act of 1877") and were by that Act empowered to supply gas within the limits therein mentioned:

And whereas it is expedient to extend the limits of the Company for the supply of gas and to empower them to erect gasworks on the lands referred to in this Act:

And whereas the following is a statement of the capital which the Company were authorised by the Act of 1877 to raise by the issue of shares or stock and by borrowing and of the amounts so raised and borrowed:—

1.	2.	3.	4.	5.
Description of Capital.	Amount authorised.	Maximum Dividend or Interest.	Amount raised.	Amount of Capital unissued.
Original ordinary -	£ 25,000	10 per cent. per annum	£ 18,080	£ 6,920
Additional ordinary -	} 10,000 {	7 per cent. per annum	5,000	
preference -		6 per cent. per annum	5,000	
Mortgage debentures -	8,750	- - - -	8,750	

And whereas it is expedient that the sum of six thousand nine hundred and twenty pounds which by the Act of 1877 the Company were empowered to issue as original ordinary capital should be raised by the issue of additional capital under the provisions of this Act and that the Company should be

A.D. 1912. empowered to raise additional capital and that the further powers contained in this Act should be conferred upon them :

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:—

PRELIMINARY.

Short and
collective
titles.

1. This Act may be cited as the Christchurch Gas Act 1912 and the Christchurch Gas Act 1877 and this Act may be jointly cited as the Christchurch Gas Acts 1877 and 1912.

Incorporation
of Acts.

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

(a) The Lands Clauses Acts (except the provisions thereof with respect to the purchase and taking of lands otherwise than by agreement):

(b) The Gasworks Clauses Act 1847:

(c) The Gasworks Clauses Act 1871:

(d) 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 general meetings of the Company and the exercise of the right of voting by the shareholders;

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

- (e) 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.

(2) In its application to the Company section 13 (Power of the undertakers to contract for lighting buildings streets &c.) of the Gasworks Clauses Act 1847 shall be read as if the words "or any premises" were inserted after the words "private building" and as if the words "Provided also that every such contract entered into by the Company shall be alike in terms and amount under like circumstances to all consumers" were added at the end of that section.

(3) 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.

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

Interpretation.

"The Company" means the Christchurch Gas Company;

"The Act of 1877" means the Christchurch Gas Act 1877.

EXTENSION OF LIMITS OF SUPPLY.

4.—(1) From and after the passing of this Act the limits within which the Company may supply gas (in this Act called "the limits of supply") shall be extended so as to include in addition to their limits under the Act of 1877 the area situate in the county of Southampton and comprising the parish of Milton the parishes of Hordle and Milford (except the parts of those parishes which are situate on the easterly side of the Avon Water) and that part of the parish of Highcliffe which is not

Extension of limits of supply.

A.D. 1912. included in the limits of the Company under the Act of 1877 and that area is in this Act called "the new limits of supply."

(2) The Company shall have and may exercise within the new limits of supply all and the like powers privileges and authorities and shall be subject to all and the like duties liabilities and obligations as they now have may exercise and are subject to within the limits of the Act of 1877.

(3) The limits of the Act of 1877 and the new limits of supply are shown on the Ordnance map signed in triplicate by the Most Honourable Frederic William Fane Hervey Marquis of Bristol the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred one of which maps has been deposited in the Parliament Office House of Lords and one in the Private Bill Office House of Commons and one at the principal office of the Company.

(4) Copies of the said map deposited at the principal office of the Company which are certified by the secretary of the Company to be true copies shall be received in all courts of justice and elsewhere as *prima facie* evidence of the contents of such map.

Power to local authority &c. to supply gas in case Company fail to supply.

5.—(1) If at any time after the expiration of four years from the passing of this Act the Company are not furnishing or prepared on demand to furnish a sufficient supply of gas in accordance with the provisions of this Act throughout the district of any urban district council that may be constituted for any part of the new limits of supply such council or any company body or person may apply for an Act of Parliament or Provisional Order for the purpose of supplying gas in any part of such district not sufficiently supplied by the Company as if this Act had not passed.

(2) If any difference shall arise between the Company and any such local authority company body or person as to the sufficiency of the supply of gas in any part of such district such difference shall be settled by an arbitrator to be appointed on the application of either party by the Board of Trade.

CAPITAL &C.

Balance of original capital may be issued as

6. The sum of six thousand nine hundred and twenty pounds being so much of the original capital authorised by the Act of 1877 as has not yet been raised shall not be raised as

original capital but the Company may raise the same as additional capital under and subject to the provisions of this Act by the issue of new ordinary shares or stock or of new preference shares or stock or wholly or partially by one or more of those modes respectively and the provisions of this Act shall apply to such sum as if it had been additional capital authorised by this Act Provided that the Company shall not create and issue under the powers of this section any greater nominal amount of additional capital than shall be sufficient to produce including any premium which may be obtained on the sale thereof the sum of six thousand nine hundred and twenty pounds.

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additional
capital.

7. The Company may from time to time raise additional capital not exceeding in the whole thirty thousand pounds by the creation and issue of new ordinary shares or stock or of new preference shares or stock or wholly or partially by one or more of those modes respectively but the Company shall not issue any share of less nominal value than ten pounds Provided that the Company shall not create and issue under the powers of this section any greater nominal amount of additional capital than shall be sufficient to produce including any premium which may be obtained on the sale thereof the sum of thirty thousand pounds.

Power to
raise addi-
tional capi-
tal.

8. The additional capital created by the Company under this Act and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the capital of the Company authorised to be raised by the Act of 1877 of the same class or description and the new shares or stock were shares or stock in that capital.

Incidents of
additional
capital.

9. The Company shall not in any year declare or make out of their profits any larger dividends on the additional capital authorised by this Act than seven pounds in respect of every one hundred pounds actually paid up of so much of such capital as shall be issued as ordinary capital and six pounds in respect of every one hundred pounds actually paid up of so much of such capital as shall be issued as preference capital.

Limits of
dividend on
new capital.

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

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

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(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 town clerk of the borough of Christchurch and to the clerk of every district council any part of whose district is 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 receipt of tenders as the case may be and shall also be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the limits of supply:
- (b) A reserve price shall be fixed and notice thereof shall be sent by the Company in a sealed letter to be received by the Board of Trade not less than twenty-four hours before but not to be opened till after the day of auction or last day for the receipt of tenders as the case may be:
- (c) No lot offered for sale shall comprise shares or stock of greater nominal value than one hundred pounds:
- (d) In the case of a sale by tender no preference shall be given to one of two or more persons tendering the same sum:
- (e) In the case of a sale by auction a bid shall not be recognised unless it is in advance of the last preceding bid:
- (f) It shall be one of the conditions of sale that the total sum payable by the purchaser shall be paid to the Company within three months after the date of the auction or of the acceptance of the tender as the case may be.

(3) Any shares or stock which have been so offered for sale and are not sold may be offered at the reserve price to the holders of ordinary and preference shares or stock of the Company in accordance with the provisions of sections 18 19 and 20 of the Companies Clauses Act 1863 and to the employees of the Company and to the consumers of gas supplied by the Company in such proportions as the directors of the Company may think fit or to one or more of those 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. A.D. 1912.

(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 may be again offered for sale by public auction or by tender in accordance with the provisions of this section and any such shares or stock then remaining unsold may be otherwise disposed of at such price and in such manner as the directors may determine for the purpose of realising the best price obtainable.

(5) As soon as possible after the conclusion of the sale or sales the Company shall send a report thereof to the Board of Trade stating the total amount of the 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.

11.—(1) The Company may at any time borrow on mortgage of their undertaking in respect of the capital authorised by the Act of 1877 any sum or sums not exceeding (inclusive of the sum of eight thousand seven hundred and fifty pounds borrowed under the Act of 1877 the borrowing of which is hereby sanctioned and confirmed) the sum of nine thousand three hundred and sixty pounds. Power to borrow.

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

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For ap-
pointment
of receiver.

12.—(1) Section 35 (Arrears may be enforced by appointment of a receiver) of the Act of 1877 is hereby repealed but without prejudice to any appointment heretofore made or to the continuance of any proceedings which may have been commenced under that section prior to the passing of this Act.

(2) 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.

(3) 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.

13. The Company may create and issue debenture stock subject to the provisions of section 37 (Debenture stock) of the Act of 1877.

Application
of money.

14. All money raised under this Act including premiums thereon 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 but all such sums shall be considered as part of the nominal or paid-up capital of the Company for the purpose of determining their powers to raise money by borrowing or the amount which they may carry to any reserve or other fund.

Power to
create a spe-
cial purposes
fund.

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

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

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

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

(3) The maximum amount standing to the credit of the special purposes fund shall not at any time exceed an amount equal to one-tenth part of the paid-up capital of the Company including premiums. A.D. 1912.

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

(5) Resort may from time to time be had to the special purposes fund notwithstanding that the sum standing to the credit of the fund is for the time being less than the maximum allowed by this section.

16. The directors may in any year without calling a meeting of shareholders or stockholders for the purpose declare an interim half-yearly dividend out of the then ascertained profits of the Company Provided that the amount of any interim half-yearly dividend so declared shall not exceed in any one half year one half of the amount of the authorised dividend. Interim dividend.

17. The directors may close the register of transfers for a period not exceeding fourteen days previous to the declaration of any interim dividend and they may fix a day for closing the same of which seven days' notice shall be given by advertisement in a newspaper published in the borough of Christchurch and any transfer made during the time when the transfer books are so closed shall as between the Company and the person claiming under the same but not otherwise be considered as made subsequently to the declaration of any such dividend. Closing of transfer books previous to declaring interim dividend.

18. If any money is payable to a shareholder stockholder mortgagee or debenture stockholder being a minor idiot or lunatic the receipt of his guardian or of the committee of his estate (as the case may be) shall be a sufficient discharge to the Company. Receipt in case of persons not sui juris.

MEETINGS DIRECTORS &C.

19. The quorum of every meeting of the Company shall be six shareholders or stockholders holding in the aggregate two hundred shares or two thousand pounds of stock in the undertaking. Quorum of general meetings.

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As to qualification of directors.

20.—(1) No person shall be disqualified for becoming or continuing a director of the Company by reason of his holding any office or place of trust or profit under the Company or by reason of his or any partner of his being or becoming interested in any contract with the Company either in his own behalf or as a member of any other company corporation local authority or partnership but no such person shall as a director vote in respect of any question as to any such contract or the remuneration attached to any such office or place of trust or profit.

(2) If any director shall be made bankrupt or shall go to reside abroad or shall become lunatic or of unsound mind or shall neglect to attend a meeting of directors for six months (unless such neglect to attend be occasioned by illness or by any other reasonable cause allowed by the directors) then in any of the cases aforesaid the office of such director shall become vacant.

Continuing directors.

21. The continuing directors may act notwithstanding any vacancy in their body but so that if at any time the number of directors of the Company holding office shall be less than three the directors shall not except for the purpose of filling vacancies and allotting shares to any proposed director or directors act so long as the number is below such minimum.

Notice of candidature for office of director.

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

As to appointment of managing director.

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

(2) A managing director shall not while holding that office be subject to retirement by rotation and shall not be taken into

account in determining the rotation of retirement of directors but if he ceases to hold the office of director from any other cause he shall ipso facto immediately cease to be a managing director. A.D. 1912.

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

(4) The directors may entrust to and confer upon any managing director such of the powers exerciseable by the directors and subject to such conditions as they may think fit and may from time to time revoke withdraw alter or vary all or some of such powers Provided that the directors shall be responsible for the acts of any managing director acting under the powers of this section.

24. 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 of the Company.

Power for directors to determine remuneration of secretary.

25. Notwithstanding anything contained in the Companies Clauses Consolidation Act 1845 as from the first day of January nineteen hundred and thirteen no person shall be appointed as auditor of the accounts of the Company who shall not be either a chartered accountant or an incorporated accountant and it shall not be necessary for such person to be a shareholder in the Company.

Qualification of auditors.

LANDS AND WORKS.

26. In addition to the lands which the Company are by the Act of 1877 authorised to take and hold the Company may purchase or take on lease (by agreement but not otherwise) and may hold the lands described in the schedule to this Act and may upon those lands erect construct lay down provide maintain alter improve enlarge extend and renew or discontinue additional or other gasworks and works for the manufacture and storage of gas and for the manufacture and conversion of residual products resulting from the manufacture of gas by them and the Company may also from time to time provide lay down maintain alter improve enlarge extend and renew all necessary retorts gasholders receivers drains sewers mains

Power to construct additional gasworks.

A.D. 1912. pipes meters machinery and other works and apparatus and conveniences and may make store and supply gas accordingly.

Power to purchase lands by agreement.

27. In addition to the lands now held by the Company and any other lands which they may acquire or hold under the powers of the Act of 1877 or of this Act they may purchase and take (by agreement but not otherwise) and hold any lands and hereditaments not exceeding in the whole ten 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 except the lands described in the schedules to the Act of 1877 and in the schedule to this Act.

Dwelling-houses for persons in Company's employment.

28. The Company may erect and maintain dwelling-houses for persons in their employment upon any lands for the time being belonging or leased to the Company.

Power to sell and lease lands.

29. Subject to the provisions of the Lands Clauses Consolidation Act 1845 the Company may sell or let on lease for such periods as they think fit any lands for the time being belonging to them and which may not at the time be required for the purposes of their undertaking and may retain and hold sell and dispose of any interest in or reversion to any lands so let and any such sale disposal or lease may be for such consideration and subject to such reservations stipulations restrictions and provisions and generally upon such terms and conditions as the Company think fit.

MISCELLANEOUS.

Price of gas.

30.—(1) Section 48 (Limiting the price of gas) of the Act of 1877 is hereby repealed.

(2) The price to be charged by the Company for gas supplied by them to persons who shall burn the same by meter shall not at any time exceed—

In the borough of Christchurch as constituted at the date of the passing of this Act five shillings per thousand cubic feet;

Elsewhere within the limits of supply five shillings and sixpence per thousand cubic feet.

(3) Provided that—

(a) The price charged for gas supplied as aforesaid outside the borough of Christchurch shall not exceed the price charged under similar circumstances within that borough by more than sixpence per thousand cubic feet:

(b) As from the date upon which the Company commence to make gas upon the lands described in the schedule to this Act the price to be charged by them for gas supplied to persons who shall burn the same by meter shall not exceed five shillings per thousand cubic feet throughout the limits of supply.

31.—(1) For the purposes of the Gasworks Clauses Act 1871 the prescribed testing place shall be the testing place provided in pursuance of the provisions of section 51 (Testing place) of the Act of 1877. Testing quality.

(2) The quality of the gas supplied by the Company shall with respect to its illuminating power be such as to produce at the prescribed testing place when burned at the rate of five cubic feet per hour a light equal in intensity to the light produced by fourteen sperm candles of six to the pound each consuming 120 grains of sperm per hour and shall be in all respects in accordance with the provisions of the Gasworks Clauses Act 1871.

(3) For testing the illuminating power of the gas the burner to be used shall be that known as the Metropolitan Argand No. 2 the photometer shall be the bar photometer or the table photometer the standard light shall be that supplied by Harcourt's ten-candle pentane lamp and in making the test the burner shall be so used as to obtain from the gas when burned at the rate aforesaid the greatest amount of light Provided that the Board of Trade may on the application of the Company or the local authority approve the use of any other burner photometer or standard light which may appear to the Board to be equally or more suitable for the testing.

(4) The Company shall before supplying or within three months after beginning to supply gas under this Act provide all the apparatus required by this Act for the testing of gas and shall at all times keep the same in proper order and repair.

(5) Section 52 (Burner) of the Act of 1877 is hereby repealed.

32.—(1) The Company may sell let for hire fix repair and remove but shall not manufacture engines stoves ranges pipes Power to supply gas fittings.

A.D. 1912. and other fittings (all of which are in this Act called "fittings") for lighting for motive power for the warming and ventilating of houses and buildings for the cooking of food and for all other purposes for which gas can or may be used and may provide all materials and do all work necessary or proper in that behalf and with respect thereto may demand and take such remuneration or rents and charges and make such terms and conditions as may be agreed upon.

(2) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under process of any court or proceedings in bankruptcy against the person in whose possession the same may be.

(3) All fittings let for hire as aforesaid shall notwithstanding that they be fixed or fastened to any part of any premises in which they may be situate or to the soil under any such premises at all times continue to be the property of and removable by the Company Provided that nothing in this subsection shall affect the amount of the assessment for rating of any premises upon which any such fittings are or shall be fixed.

(4) The Company shall only be entitled to the privileges and exemptions conferred by subsections (2) and (3) of this section in respect of such of the said fittings as shall have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Company as the actual owners thereof.

Power to enter premises and remove fittings.

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

Anti-fluctuators to be used with gas engines.

34.—(1) The Company may by notice in writing require a consumer of gas supplied by the Company and used for the working of an engine to fix and use an anti-fluctuator in a suitable position upon the premises to which the gas is supplied and whereon the engine is in use or to keep an anti-fluctuator

so fixed and used in proper order and repair at all times while in use or to repair renew or replace an anti-fluctuator which is not in proper order or repair. A.D. 1912.

(2) If the consumer after any such notice as aforesaid fails to fix and use an anti-fluctuator or to keep an anti-fluctuator in proper order and repair or to repair renew or replace an anti-fluctuator which is not in proper order and repair the Company may cease to supply him with gas.

(3) The Company may at all reasonable times demand and shall thereupon have access to any anti-fluctuator fixed upon any premises to which gas is supplied by the Company and for the purpose of ascertaining whether the anti-fluctuator is in proper order or repair may take off remove test and inspect the anti-fluctuator such taking off removing testing and inspecting to be done at the expense of the Company if the anti-fluctuator be found in proper order but otherwise at the expense of the consumer.

(4) For the purposes of this section an "anti-fluctuator" means any apparatus article or thing for the purpose of controlling and regulating the supply of gas to any engine and preventing any inconvenience or danger from the intermittent consumption of gas by the engine.

35. 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 Acts 1847 and 1871 shall apply as if the street were a street within the meaning of those Acts. Power to lay pipes in private streets.

36.—(1) The Company may lay down repair take up alter relay 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 the manufacture of gas or any residual products thereof or for any purpose connected with their business. Power to lay down pipes for ancillary purposes.

(2) The provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes so far as they are respectively applicable shall extend and apply mutatis mutandis to and for the purposes of this section.

37. Notwithstanding anything contained in the Gasworks Clauses Act 1871 or in any other Act a person shall not be Supply of gas where consumer

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has separate
supply.

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

Gas consumers to
give notice
to Company
before re-
moving.

38.—(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.

(2) Notice of the effect of this enactment shall be endorsed upon every demand note for gas charges payable to the Company.

Notice to
discontinue
supply of
gas.

39. 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 to
refuse sup-
ply to per-
sons in debt
for other
premises.

40. If a person requiring a supply of gas for any premises occupies or has occupied other premises at which gas is being or has been supplied to him by the Company and has not paid all money due from him to the Company for the supply of gas or for the rent of a meter they may refuse to furnish to him a supply of gas until he pays the same.

Period of
error in
defective
meters.

41.—(1) 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.

(2) 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. A.D. 1912.

42. No penalty shall be incurred by the Company for insufficiency of pressure defect of illuminating power or excess of impurity in the gas supplied by them in any case in respect of which 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. Saving as to penalties.

43. The Company may contract with any local authority company or persons authorised to supply gas under parliamentary powers in any district adjacent to the Company's 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 interfere with any street beyond their limits of supply. Company may contract with local authority &c. for supply in bulk.

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

45. Proceedings for the recovery of any demand made under the authority of this Act or of the Act of 1877 or of any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action. Recovery of demands.

46. Section 57 (Justices not disqualified by being creditors of Company) of the Act of 1877 is hereby repealed. Repeal of provisions as to disqualification of justices.

47. In executing the works and exercising the powers by this Act authorised so far as they affect main roads and county or main road bridges of the county of Southampton the following provisions for the protection of the county council of the For protection of Southampton County Council.

A.D. 1912. administrative county of Southampton (in this section called "the county council") shall unless otherwise agreed have effect (that is to say):—

- (1) All pipes and other works to be laid in or along any main road or in upon or across any county or main road bridge (which word shall in this section include bridge approaches) shall be laid in such position and if under the metalled portion thereof at such depth as the county council in writing under the hand of their clerk may reasonably require or as in case of difference may be determined by arbitration:
- (2) In the application of the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes the notice required by section 8 of that Act shall be not less than seven days instead of three days:
- (3) Except in cases of emergency and except when the works consist of service pipes the plan required by section 9 of the said Act shall 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 or main road bridge and shall be delivered to the county council or their surveyor by the Company not less than fourteen days before they commence to open or break up any main road or interfere with any county or main road bridge for the purpose of executing the works and any difference as to any such plan description or section or as to the temporary or other works referred to in the said section 9 shall be determined by arbitration under this section instead of in the manner prescribed by the said section 9:
- (4) Nothing in this Act shall authorise the Company to interfere with the structural part of any county or main road bridge without the consent in writing of the county council which consent shall not be unreasonably withheld and may be given upon such conditions as the county council may reasonably determine:
- (5) Any alteration repair or improvement of any main road or any county or main road bridge or any alteration of or in the position of the same may be made as if

this Act had not passed and if any such alteration repair or improvement necessitates any alteration either temporary or permanent in the level or position of any of the works by this Act authorised to be made or placed in over or through any of the roads or bridges aforesaid or necessitates any support either temporary or permanent to any such works the Company shall after fourteen days' notice in writing by the clerk to the county council forthwith make such alteration or afford such support and all expense incurred by the Company in pursuance of this subsection shall in the case of the alteration repair or improvement of a county or main road bridge be borne by the Company and in other cases by the county council or by the Company or by both parties jointly as may be agreed between them or as failing agreement shall be determined by arbitration :

- (6) All works of the Company so far as they affect any main roads and county or main road bridges 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 or main road bridge and the Company shall not open or break up at any one time a greater length than one hundred yards of any road :
- (7) The Company shall pay to the county council the reasonable costs which the county council may incur in the repair and reinstatement of so much of any main road or of the road over any county bridge in which the 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 pipes :
- (8) If any difference arise at any time between the county council 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 an engineer as arbitrator to be agreed on between the county council and the Company and failing agreement to be appointed by

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the President of the Institution of Civil Engineers on the application of either party and the provisions of the Arbitration Act 1889 shall apply to such arbitration.

For protection of Christchurch Corporation.

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

- (1) Whenever it shall be found necessary by the Company to break up any street within the borough of Christchurch not dedicated to public use in which is laid any pipe drain sewer tunnel or other work vested in the corporation the like notice and plan as are respectively required by sections 8 and 9 of the Gasworks Clauses Act 1847 to be sent to a road authority shall be given to the corporation and if the corporation notify in writing to the Company that any such pipe drain sewer tunnel or other work will or may be affected by the operations proposed to be carried out by the Company in such street the provisions of the said Act shall apply for the protection of such pipe drain sewer tunnel or other work and of the corporation in reference thereto as though the corporation were the person having the control and management of such street within the meaning of the said Act and in particular the Company shall cause danger lights to be placed at night at the end and by the side of any breaches which may be dug and temporarily left open in or across any such street so that all such lights are kept burning from one hour after sunset to one hour before sunrise whilst the said breaches remain open so as to effectually warn the traffic passing in the said street:
- (2) The Company shall not permit any trench made by them in any road street bridge or highway for the time being maintainable by the corporation to be open for more than fifty yards in length at any one place where only one cart can pass at the side of such trench or for more than one hundred yards in length where only two carts can pass at the same time:

(3) Where any pipe conduit or work of the Company is required to be laid or constructed beneath the surface of any such road street bridge or highway as aforesaid the same shall if possible be laid or constructed at such a depth that not less than two feet shall intervene between the surface of such road street bridge or highway and the upper surface of such pipe conduit or work Any difference as to the possibility of so laying or constructing any such pipe conduit or work shall be determined by arbitration as in this section provided :

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(4) Any difference by this section required to be determined by arbitration shall be determined by an engineer to be appointed by agreement between the Company and the corporation or failing such agreement by the President of the Institution of Civil Engineers on the application of either party and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

49. The Lymington Rural District Council shall not except in case of negligence be liable for any claim by the Company for damages in respect of any injury which may be caused to the Company's mains through the reasonable and proper use by the said council of a steam roller or other similar appliance.

For protection of Lymington Rural District Council.

50. For the protection of the London and South Western Railway Company (in this section called "the South Western Company") the following provisions shall unless otherwise agreed between the South Western Company and the Company apply and have effect:—

For protection of London and South Western Railway Company.

(1) In laying down altering improving enlarging extending maintaining repairing or renewing any mains pipes or other works in the exercise of the powers contained in this Act upon across over or under or in any way affecting the railways lands and property now or hereafter belonging to the South Western Company or the bridges approaches viaducts stations or other works or any level crossings over the railways of the South Western Company (herein-after referred to as "the railway works") the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the South

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Western Company and only according to such plans and in such manner as shall be submitted to and as shall be previously reasonably approved by him in writing or in case of difference as may be determined by arbitration in manner herein-after provided. Provided that if the said engineer shall not signify his approval or disapproval of any plans or proposals so submitted to him within twenty-eight days after the same are delivered to him he shall be deemed to have approved thereof and that if the said engineer shall refuse or neglect to superintend any operation the Company may execute the work without his superintendence. Provided also that where there is not sufficient space on any bridge to lay any mains or pipes between the road surface and the structure of any such bridge the Company may (if they think fit) and shall if so required by the South Western Company carry such mains or pipes below outside or independently of the structure of any such bridge and the South Western Company shall afford all reasonable facilities for the purpose:

(2) All such works shall be done by and at the expense of the Company who shall also restore and make good to the reasonable satisfaction of the said engineer the roads over or under any bridge or over any level crossing of the railways of the South Western 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:

(3) All such works and operations and all matters incidental thereto shall be constructed executed and done so as to cause as little injury as may be to the railway works and so as to cause no interruption to the passage or conduct of traffic over such railways 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 acts works operations and matters aforesaid or the bursting leakage or failure of any such mains pipes or works in under over or near to the railway works the Company shall make compensation to the South

Western Company in respect thereof the amount of such compensation unless agreed upon to be determined by arbitration in the manner herein-after provided: A.D. 1912.

- (5) Except in cases of emergency when notice shall be immediately given to the station-master of the South Western Company at the nearest railway station the Company shall give one month's notice in writing to the South Western Company before commencing any works affecting the railway works or within ten yards of the South Western Company's boundary:
- (6) All mains or pipes and other works of the Company upon across over under or in any way affecting the railway works shall be at all times maintained in good repair by the Company and in default of their being so maintained the South Western Company may by notice in writing signed by their said engineer and delivered at the principal office for the time being of the Company require the Company to forthwith put the same into good repair and if the Company for seven days after the receipt of such notice refuse or neglect to proceed with the repair of the same and do not dispute the necessity thereof the South Western Company may without any further notice to the Company repair the same and all costs and expenses properly incurred by them in or about such repair shall be repaid to them by the Company Provided that in case of accidents happening or immediate danger being apprehended to the railway works by reason of any such main pipe or other work as aforesaid being in want of repair the South Western Company may without giving such notice as aforesaid execute such repairs as may be immediately necessary and any costs and expenses of the same properly incurred shall be repaid to the South Western Company by the Company:
- (7) The Company shall bear and pay to the South Western Company all proper costs of the superintendence by them of the construction of the works and repairs thereof and all proper costs of watching lighting and protection of the railway works with reference to and during such construction and repair so far as such

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costs may be in case of difference determined by the arbitrator to have been necessary but such superintendence by the South Western Company shall not relieve the Company from liability for any accident which may be occasioned by or through the operations of the Company or by their contractors agents or workmen :

(8) If at any time it is found necessary in order to enable the railway company in the exercise of their existing powers to carry out any alterations renewals repairs or extensions of their railway or works to alter the position of the said mains pipes or works the Company shall on receiving notice in writing from the South Western Company so to do at their own cost and to the reasonable satisfaction of the engineer of the South Western Company alter the position of the said mains pipes or works or temporarily support the same so far as may be necessary to enable the South Western Company to carry out such alterations renewals repairs or extensions of their railway or works and the provisions of this section shall apply to the said mains pipes or works in their altered position :

(9) Any dispute or difference which may arise between the South Western 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 President of the Institution of Civil Engineers on the application of the South Western Company and the Company or either of them and the provisions of the Arbitration Act 1889 shall apply to such arbitration.

51. The following provisions for the protection and benefit of Frederick Richard Moser and Herbert Moser their heirs and assigns or other the owners or owner for the time being of the land adjoining on the east the lands described in the schedule to this Act (herein-after called "the said land") shall except so far as may be agreed in writing between the said owners or owner and the Company apply and have effect (that is to say) :—

(1) The Company shall not erect a retort house or purifiers on the lands described in the schedule to this Act

within a distance of three hundred feet from the building of the dwelling-house situate near to the south-westerly corner of the said land: A.D. 1912.

- (2) The Company shall before erecting any works for the manufacture of gas upon the lands described in the schedule to this Act plant and thereafter maintain two rows of suitable trees adjoining and alongside the western boundary of the said land and extending from the road from Highcliffe to New Milton for a length of two hundred and eighty feet.

52. The following provision for the protection and benefit of Tilney Barton or other the owner for the time being of the house and premises belonging or reputed to belong to him adjoining the lands described in the schedule to this Act shall except so far as may be agreed in writing between such owner and the Company apply and have effect (that is to say):—

For protection of Tilney Barton.

The Company shall before erecting any works for the manufacture of gas upon the lands described in the schedule to this Act plant and thereafter maintain two rows of suitable shrubs and trees upon such lands adjoining and alongside the northern and eastern boundaries of the said premises reputed to belong to the said Tilney Barton.

53. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Company to take use or in any manner interfere with any land or hereditaments or any rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Woods without the consent in writing of the Commissioners of Woods on behalf of His Majesty first had and obtained for that purpose (which consent the said Commissioners are hereby authorised to give).

Crown rights.

54. 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.

Costs of Act.

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The SCHEDULE referred to in the foregoing Act.GAS LANDS.

A piece or parcel of land in the parish of Milton being Plot 743 and part of Plot 742 on the $\frac{1}{2500}$ Ordnance Survey map (Hampshire sheet LXXXVII. 3 2nd edition 1898) containing eleven acres or thereabouts and bounded on the north by the London and South Western Railway (Bournemouth direct line) on the east by Plot 744 on the said map on the south partly by the road from Chewton Common to New Milton and partly by cottages and premises belonging or reputed to belong to Tilney Barton and others on the west partly by the cottages and premises before mentioned and partly by Stem Lane.

Printed by EYRE and SPOTTISWOODE, Ltd.,

FOR

ROWLAND BAILEY, Esq., C.B., M.V.O., the King's Printer of Acts of Parliament.

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