



CHAPTER cxxxiii.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act 1870 relating to Brading Harbour District Gas Crossgates Halton and Seacroft Gas Herne Bay Gas Pembroke Docks and Town Gas and Riddings District Gas. [11th August 1903.]

A.D. 1903.

WHEREAS under the authority of the Gas and Water Works Facilities Act 1870 the Board of Trade have made the Provisional Orders set out in the schedule to this Act annexed:

33 & 34 Vict.
c. 70.

And whereas a Provisional Order made by the Board of Trade under the authority of the said Act is not of any validity or force whatever until the confirmation thereof by Act of Parliament:

And whereas it is expedient that the Provisional Orders made by the Board of Trade as aforesaid and set out in the schedule to this Act be confirmed by Act of Parliament:

Be it therefore 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:—

1. This Act may be cited as the Gas Orders Confirmation (No. 2) Act 1903. Short title.

2. The Orders as amended and set out in the schedule to this Act shall be and the same are hereby confirmed and all the provisions thereof in manner and form as they are set out in the said schedule shall from and after the passing of this Act have full validity and effect. Confirmation of Orders in schedule.

3. The Undertakers mentioned in the said Orders shall not under the powers of this Act or of the said Orders purchase or acquire in any city borough or urban district or in any parish or part Special provisions as to houses of labouring class.

A.D. 1903. of a parish not being an urban district ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but which have been or shall be subsequently so occupied. If any Undertakers purchase or acquire any houses under the powers of this Act or of the said Orders in contravention of the foregoing provisions they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom. Provided that the Court may if it think fit reduce such penalty.

For the purpose of this section the expression "labouring class" means mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them. The expression "house" means any tenement separately occupied by any person or persons.

SCHEDULE.

LIST OF ORDERS.

BRADING HARBOUR DISTRICT GAS.—Order authorising the maintenance and continuance of gasworks in the parish and urban district of St. Helens in the Isle of Wight and for other purposes.

CROSSGATES HALTON AND SEACROFT GAS.—Order empowering the Crossgates Halton and Seacroft Gas Company (Limited) to purchase additional lands to construct additional works to raise additional capital and for other purposes.

HERNE BAY GAS.—Order empowering the Herne Bay Gas and Coke Company Limited to extend their limits of supply and to raise additional capital.

PEMBROKE DOCKS AND TOWN GAS.—Order empowering the Pembroke Docks and Town Gas Company Limited to construct additional gasworks and to raise additional capital and for other purposes.

RIDDINGS DISTRICT GAS.—Order to empower the Riddings District Gas Company to extend their limits of supply to raise additional capital and for other purposes.

BRADING HARBOUR DISTRICT GAS.

A. D. 1903.

*Order authorising the maintenance and continuance of gasworks
in the parish and urban district of St. Helens in the Isle of
Wight and for other purposes.*

Brading
Harbour
District Gas.

1. This Order may be cited as the Brading Harbour District Gas Order 1903. Short title.

2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is herein-after referred to as "the commencement of this Order." Commence-
ment of Order.

3. The Brading Harbour District Gas Act 1878 (in this Order referred to as "the Act of 1878") as amended by this Order and this Order shall be construed together except so far as such construction would be inconsistent with or repugnant to the provisions of this Order. Construction
of Order.

4. The Brading Harbour District Gas Company incorporated by the Brading Harbour District Gas Act 1878 shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers." Undertakers.

5. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) of the Gasworks Clauses Act 1847 and of the Gasworks Clauses Act 1871 are hereby incorporated with this Order (except where the same are expressly varied by this Order) and the said provisions of the said Gasworks Clauses Acts shall apply as well to the mains pipes and works of the Undertakers laid down or constructed before the commencement of this Order and situate within the limits of supply as defined by this Order as to any mains pipes or works which may be laid down or constructed under the authority of this Order. Incorporation
of Acts.

6. In this Order the expression "the prescribed rates" means the rates of dividend authorised by this Order on the capital of the Undertakers or such rates as reduced or increased in accordance with the provisions of this Order and the several words terms and expressions to which by any Act in whole or in part incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have in this Order the same respective meanings and in the construction of this Order or of any such Act for the purposes of this Order the expression "the undertaking" shall include the gasworks and works connected therewith by this Order authorised to be maintained and continued. Interpretation.

7. The Undertakers on the lands shown on the map deposited for the purposes of this Order and described in the schedule annexed to this Order Maintenance
and con-
tinuance of

A.D. 1903.

*Brading
Harbour
District Gas.*
gasworks
manufacture
and sale of
gas coke and
residual
products.

while they are possessed of the same may maintain and continue alter improve enlarge extend and renew or discontinue their existing gasworks and works connected therewith and may construct erect make and maintain alter and enlarge retorts retort houses gasholders receivers purifiers meters apparatus and works for the manufacture and storage of gas and of coke and other residual products obtained in the manufacture of gas and matters producible therefrom and they may subject to the provisions of this Order upon the said lands make and store gas and supply and sell the same within the limits of supply and may manufacture store sell and deal in lime tar coke pitch asphaltum and ammoniacal liquor oil and all other residual products obtained in the manufacture of gas and matters producible therefrom and they may construct and maintain alter extend enlarge and renew or discontinue houses offices buildings and other works connected with the undertaking.

Price of gas.

8. As from the first quarter day after the commencement of this Order section 25 of the Act of 1878 shall be repealed and the price to be charged by the Undertakers for gas supplied by them shall not exceed five shillings and sixpence per thousand cubic feet and so in proportion for any less quantity supplied.

Supply of gas
in bulk.

9. The Undertakers may contract with any local authority company or persons beyond the said limits of supply (but only with the consent in writing of the local authority of and of any company or person supplying gas under Parliamentary powers within the district within which the supply is to be given) for the supply to them respectively of gas in bulk upon such terms and conditions and for such periods not exceeding in any case seven years from the making of the contract as shall be agreed upon.

Power to
purchase and
supply gas
fittings and
apparatus.

10.—(1) The Undertakers may purchase or hire and supply sell or let on hire or otherwise deal in fix repair and remove but shall not manufacture gas engines motors dynamos meters pipes and other fittings stoves ranges and other apparatus for lighting for motive power for the cooking of food for the warming and ventilating of buildings and for all other purposes for which gas could or may be used and may also provide purchase hire sell let or deal in and contract for doing work in connexion with but shall not manufacture fittings tubes meters pipes engines motors dynamos apparatus stoves ranges and apparatus for motive power for heating for domestic and other purposes by means of gas and all articles and things in any way connected with gasworks or with the supply use or consumption of gas and may take remuneration or rents and charges and make such terms and conditions in respect thereof as they may think fit.

(2) Any fittings let by the Undertakers 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 upon any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be. Provided that such fittings have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a

distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating that the Undertakers are the actual owners thereof.

Brading
Harbour
District Gas.
Costs of Order.

11. All the costs charges and expenses of and incidental to the applying for preparing obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Undertakers.

SCHEDULE.

GAS LANDS.

All that piece or parcel of ground containing by admeasurement half an acre or thereabouts situated in the parish and urban district of St. Helens in the Isle of Wight bounded on the south by a road leading from St. Helens Railway Station to St. Helens Quays and on the north east and west by lands of the Isle of Wight Railway Company.

CROSSGATES HALTON AND SEACROFT GAS.

Order empowering the Crossgates Halton and Seacroft Gas Company (Limited) to purchase additional lands to construct additional works to raise additional capital and for other purposes.

Crossgates
Halton and
Seacroft Gas.

1. This Order may be cited as the Crossgates Halton and Seacroft Gas Order 1903. Short title.

2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order." Commence-
ment of Order.

3. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) and of the Gasworks Clauses Act 1847 and of the Gasworks Clauses Act 1871 are (except where the same are expressly varied by the provisions of this Order) incorporated with and form part of this Order. For the purposes of such incorporation the term "special Act" in the said Acts shall be construed to mean this Order and the term "company" shall mean the Undertakers. Incorporation
of Acts.

4. The Crossgates Halton and Seacroft Gas Order 1898 (in this Order referred to as "the Order of 1898") and this Order shall be construed together except so far as such construction would be inconsistent with or repugnant to the provisions of this Order. Construction
of Order.

A.D. 1903.

*Crossgates
Halton and
Seacroft Gas.*
Interpretation.

5. The several words terms and expressions to which by any Act in whole or in part incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have in this Order the same respective meanings and in the construction of this Order or of any such Act for the purposes of this Order the expression "the undertaking" shall mean the undertaking of the Crossgates Halton and Seacroft Gas Company (Limited) as extended by this Order.

Undertakers.

Undertakers.

6. The Crossgates Halton and Seacroft Gas Company (Limited) shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Additional Capital.

Additional
capital.

7. Notwithstanding the limitation prescribed by the Order of 1898 with respect to the amount of share capital of the Undertakers for the purposes of their gas undertaking the Undertakers may for such purposes raise additional capital by shares or stock (in this Order referred to as "the additional capital") not exceeding twelve thousand pounds including any premium that may be obtained on the sale of any such shares or stock under the provisions of this Order. Provided also that the share capital of the Undertakers in respect of their gas undertaking shall not exceed in the whole twenty-one thousand four hundred and ten pounds unless the Undertakers are hereafter authorised to raise further share capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

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

8. The Undertakers shall when any shares or stock created under the powers of this Order are to be issued and before offering the same to the holder of any other shares or stock of the Undertakers and whether the ordinary shares or ordinary stock of the Undertakers are or is at a premium or not offer the same for sale by public auction or by tender in such manner at such times and subject to such conditions of sale as the Undertakers may by special resolution determine. Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock and that the reserved price put upon such shares or stock shall not be less than the nominal value thereof and notice of the amount of such reserved price shall be sent by the Undertakers in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall subject as herein-after provided be allowed to any holder of shares or stock of the Undertakers except that if the bidding or offer by tender of any holder of shares or stock be the same in amount as the bidding or offer by tender of any other person the bidding or offer of such holder shall be accepted in preference.

A.D. 1903.

9. It shall be one of the conditions of any sale of shares or stock under this Order that the full price thereof including the premium given by any purchaser at such sale in respect thereof shall be paid to the Undertakers within three months after such sale.

*Crossgates
Halton and
Seacroft Gas.*
Purchase money
of capital sold to
be paid within
three months.

10. The intention to sell any shares or stock by auction or by tender under the provisions of this Order shall be communicated by the Undertakers in writing to the clerk of every local authority having jurisdiction within the limits of supply and to the Secretary of the Committee 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 notice of such intention shall be duly advertised by the Undertakers once in each of two consecutive weeks in one or more newspapers circulating within the limits of supply.

Notice to be
given of sale of
shares or stock.

11. When any shares or stock have been offered for sale by auction or by tender under the provisions of this Order and not sold the same shall be offered at the reserved price put upon the same respectively for the purpose of sale by auction or tender to the holders of the ordinary shares or ordinary stock of the Undertakers in such manner as may be prescribed by a special resolution passed by the Undertakers. Provided always that any shares or stock so offered and not accepted within the time prescribed by such resolution shall again be offered for sale by public auction or by tender in the manner and subject to the provisions of this Order with respect to the sale of shares and stock created under the powers of this Order and the reserve put upon such shares or stock may upon such second or any subsequent auction or tender if the directors of the Undertakers think fit be less than the nominal value thereof and any shares or stock not then sold shall be again offered to the holders of ordinary shares or ordinary stock at the last-mentioned reserved price and so on until the whole of such shares or stock are or is sold.

Shares or stock
not sold by
auction or by
tender to be
offered to
holders of ordi-
nary shares or
stock.

12. Any sum of money which may arise from the issue of any shares or stock under the provisions of this Order by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Undertakers but shall be expended in extending or improving their undertaking or in paying off money borrowed or owing on mortgage by the Undertakers and shall not be considered as part of the capital of the Undertakers entitled to dividend. Provided that in any case where a power to create an insurance fund is made proportionate to the paid-up capital the premium received from the sale of shares or stock by auction or tender as herein-before provided shall for such purpose be reckoned as part of the paid-up capital.

Application
of premium
arising on issue
of shares or
stock.

13. Except as is by the Order of 1898 and this Order expressly provided the Undertakers shall not in any year declare or make out of their profits any larger dividend on the additional capital authorised by this Order than the standard rates of dividend herein-after mentioned (namely) seven pounds in respect of every one hundred pounds actually paid up of such of the additional capital as may be issued as ordinary capital or five pounds in

Limits of
dividend on
capital.

A.D. 1903.

*Crossgates
Halton and
Seacroft Gas.*
Limit of
borrowing
powers.

respect of every one hundred pounds actually paid up of such of the additional capital as may be issued as preference capital.

14. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the undertaking shall not at any time exceed in the whole one-fourth of the amount of the capital of the Undertakers actually raised by the issue of shares or stock including any premium that may be obtained on the sale of any shares or stock under the provisions of this Order and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers and secured as aforesaid after the commencement of this Order.

Receipt in case
of persons not
sui juris.

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

Application of
money.

16. All moneys raised under this Order shall be applied to the purposes of the Order of 1898 and this Order to which capital is properly applicable.

Lands.

Power to
purchase addi-
tional lands
for works.

17. The Undertakers may subject to the provisions herein-after contained for the purpose of their undertaking purchase or take on lease for a term of years and hold and use the lands described in the schedule to this Order.

*Construction and Maintenance of Additional Gasworks Manufacture
and Sale of Gas Coke and Residual Products.*

Undertakers
may construct
and maintain
additional gas-
works on land
described in
schedule and
may make store
and sell gas &c.

18. The Undertakers may upon such of the lands described in the schedule to this Order annexed as lie immediately to the west of the existing gas site construct erect and maintain alter enlarge and improve retorts gasholders receivers purifiers meters apparatus and works or buildings for the manufacture and storing of gas and of coke and (subject to the provisions of section 20 of this Order) other residual products obtained in the manufacture of gas and matter producible therefrom and they may subject to the provisions of this Order make and store gas on such lands and supply and sell the same within the limits of supply and may sell and supply coal-tar coke pitch lime asphaltum and ammoniacal liquor oil and all other residual products obtained by them in the manufacture of gas and matter producible therefrom.

For protection
of Hunslet
Rural District
Council.

19. The Undertakers shall when requested by the Hunslet Rural District Council extend their mains and lay additional main pipes in the parish of Temple Newsom provided that for every fifty yards of such additional mains the said council shall erect one additional street lamp.

Coal tar and
ammoniacal
liquor not to
be distilled or
treated.

20. Notwithstanding anything in the Order of 1898 or this Order the Undertakers shall not distil coal-tar or ammoniacal liquor or treat any residual products on any part of the lands described in the schedule to this Order or upon any part of their existing gas site.

Power to use
additional
lands.

21. The Undertakers may for the purpose of their undertaking purchase or take on lease and hold and use any additional lands not exceeding in the

[3 EDW. 7.] *Gas Orders Confirmation (No. 2)* [Ch. cxxxiii.]
Act, 1903.

whole three acres Provided always that they shall not create or permit a nuisance on any such lands and that the Undertakers shall not use such lands for the manufacture or storage of gas or the conversion of residual products obtained in the manufacture of gas.

A.D. 1903.

*Crossgates
Halton and
Seacroft Gas.*

Miscellaneous.

22. All the costs charges and expenses of and incidental to the applying for preparing obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Undertakers.

Costs of Order.

S C H E D U L E.

GAS LANDS.

A piece of land containing by admeasurement four thousand eight hundred and thirty-three square yards or thereabouts situate in the parish or township of Barwick-in-Elmet in the West Riding of the county of York bounded on or toward the north by an occupation road on or toward the south partly by the site of the existing works of the Undertakers and partly by land and property of the North Eastern Railway Company on or toward the west by land and property belonging or reputed to belong to Darcy Bruce Wilson and on or toward the east partly by a back street known as Back Marshall Street and partly by the site of the existing works of the Undertakers.

HERNE BAY GAS.

Order empowering the Herne Bay Gas and Coke Company Limited to extend their limits of supply and to raise additional capital.

*Herne Bay
Gas.*

1. This Order may be cited as the Herne Bay Gas Order 1903.

Short title.

2. The Herne Bay Gas Order 1899 (in this Order referred to as "the Order of 1899") and this Order shall be construed together except so far as such construction would be inconsistent with or repugnant to the provisions of this Order.

Construction
of Order.

3. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order."

Commence-
ment of Order.

4. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the Promoters of the undertaking) of the Gasworks Clauses Act 1847 and of the Gasworks Clauses Act 1871 are (except where expressly varied by this Order) incorporated with and form part of this Order.

Incorporation
of Acts.

A.D. 1903.

Herne Bay Gas Undertakers.

Undertakers.

5. The Herne Bay Gas and Coke Company Limited shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Limits of Supply.

Extension of limits of supply.

6. The Undertakers shall have and may exercise subject to the provisions of this Order within the following new limits all the like powers privileges and authorities for or in relation to the supply of gas and be subject to all the like duties and obligations in respect thereof as they now have and are subject to within the limits of the Order of 1899 and the expression "the limits of supply" in the said Order shall from and after the commencement of this Order be deemed to include such new limits. The said new limits are as follows:--

The parish of Reculver in the rural district of Blean in the county of Kent.

For protection of South Eastern and Chatham Railway Companies Managing Committee.

7. The provisions of section 23 (For the protection of the London Chatham and Dover Railway Company) of the Order of 1899 shall extend and apply for the protection of the said company and of the South Eastern and Chatham Railway Companies Managing Committee in the execution by the Undertakers of any works within the limits of supply as extended by this Order.

Additional Capital.

Additional capital.

8. The limitation prescribed by the Order of 1899 with respect to the share capital of the Undertakers for the purposes of the Undertakers shall not prevent the Undertakers from raising further share capital not exceeding thirty-three thousand pounds (in this Order referred to as "the new capital") for the purposes of the undertaking authorised by the Order of 1899 and this Order to which capital is properly applicable. Provided that the share capital of the Undertakers for the said purposes shall not exceed in the whole the sum of sixty-nine thousand pounds unless any increase thereto be hereafter authorised by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament. Provided also that it shall not be lawful for the Undertakers to create and issue under the powers of this Order any greater nominal amount of capital than will be sufficient to produce including any premiums which may be obtained on the sale thereof the sum of thirty-three thousand pounds or to raise by the issue of preference shares any greater amount of the new capital than sixteen thousand five hundred pounds.

New shares to be offered by auction or tender.

9. The Undertakers shall when any shares forming part of the new capital by this Order authorised are to be issued and before offering the same to the holder of any other shares of the Undertakers and whether the ordinary shares of the Undertakers are at a premium or not offer the same for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Undertakers may by special resolution determine

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Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares and that the reserved price put upon such shares shall not be less than the nominal value thereof and notice of the amount of the reserved price shall be sent by the Undertakers in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders as the case may be and not sooner and provided that no priority of tender shall be allowed to any holder of shares of the Undertakers except that if the bidding or offer by tender of any holder of shares shall be the same in amount as the bidding or offer by tender of any other person for the same lot the bidding or offer by tender of such holder shall be accepted in preference.

10. It shall be one of the conditions of any sale of shares under the provisions of this Order that the full price thereof including any premium given by any purchaser at such sale shall be paid to the Undertakers within three months after such sale.

11. The intention to sell any shares by auction or tender under the provisions of this Order shall be communicated by the Undertakers in writing to the clerk of every local authority having jurisdiction within the limits of supply and to the Secretary of the Committee 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 notice of such intention shall be duly advertised by the Undertakers once in each of two consecutive weeks in one or more newspapers circulating within the limits of supply.

12. When any shares have been offered for sale by auction or tender under the provisions of this Order and not sold the same shall be offered at the reserved price put upon the same respectively for the purpose of sale by auction or tender to the holders of shares of the Undertakers or to the employees of the undertaking or to the consumers of gas supplied by the Undertakers or partly to one and partly to another or others of them in such manner as may be prescribed by a special resolution passed by the Undertakers. Provided that any shares so offered and not accepted within the time prescribed by such resolution shall again be offered for sale by public auction or tender in the manner and subject to the provisions of this Order with respect to the sale of shares forming part of the new capital and the reserve put upon such shares may upon such second auction or tender if the directors of the Undertakers think fit be less than the nominal value thereof and any shares not then sold shall be again offered to the holders of shares or such employees or consumers at the reserved price put upon the same at such second auction or sale and so on until the whole of such shares is sold.

13. Any sum of money which may arise from the issue of any shares under the provisions of this Order by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Undertakers but shall be expended in extending or improving the

A.D. 1903.

*Herne Bay
Gas.*

Purchase
money of
capital sold to
be paid within
three months.

Notice to be
given as to sale
of shares.

Shares not sold
by auction or
by tender to be
offered to
shareholders
employees and
consumers.

Application
of premium
arising on
issue of shares.

A.D. 1903.

Herne Bay
Gas.

Limits of
dividend on
new capital.

works of the Undertakers or in paying off money borrowed or owing on mortgage by the Undertakers and shall not be considered as part of the capital of the Undertakers entitled to dividend.

14. Except as by this Order expressly provided the Undertakers shall not in any year make out of their profits any larger dividends on the new capital than seven pounds in respect of every one hundred pounds actually paid up of so much of such new capital as may be issued as ordinary capital or five pounds in respect of every one hundred pounds actually paid up of so much of such new capital as may be issued as preference capital.

Dividends on
different classes
of ordinary
shares to be
paid propor-
tionately.

15. In case in any year or in any half year if the Undertakers declare a dividend half yearly the net revenues of the Undertakers applicable to dividend are insufficient to pay the full amount of the prescribed rates on each class of ordinary shares in the capital of the Undertakers a proportionate reduction shall be made in the dividends payable on each class.

Limiting
borrowing
powers.

16. The amount of all money borrowed by the Undertakers and secured by mortgage of the undertaking shall not at any time exceed in the whole one third of the amount of capital of the Undertakers actually raised by the issue of shares including any premiums which may be obtained on the sale of any shares under the provisions of the Order of 1899 and this Order and no higher rate of interest than four pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any money borrowed by the Undertakers after the commencement of this Order and secured as aforesaid.

Costs of Order.

17. All the costs charges and expenses of and incidental to the applying for preparing obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Undertakers.

PEMBROKE DOCKS AND TOWN GAS.

Pembroke
Docks and
Town Gas.

Order empowering the Pembroke Docks and Town Gas Company Limited to construct additional gasworks and to raise additional capital and for other purposes.

Short and col-
lective titles.

1. This Order may be cited as the Pembroke Docks and Town Gas Order 1903 and the Pembroke Docks and Town Gas Order 1871 (in this Order referred to as "the Order of 1871") and this Order may be jointly cited as the Pembroke Docks and Town Gas Orders 1871 and 1903.

Commence-
ment of Order.

2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order."

Incorporation
of Acts.

3. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the Promoters of the undertaking) and of the Gasworks Clauses Act 1847 and of the Gasworks Clauses Act 1871, are

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Act, 1903.

(except where the same are expressly varied by the provisions of this Order or the Order of 1871 as varied by this Order) incorporated with and form part of this Order For the purposes of such incorporation the term "special Act" in the said Acts shall be construed to mean this Order and (unless the subject or context otherwise requires) the Order of 1871 and the term "Company" shall mean the Undertakers.

A.D. 1903.

*Pembroke
Docks and
Town Gas.*

4. In this Order the expression "prescribed rates" means the rates of dividend authorised by this Order or the Order of 1871 on the capital of the Undertakers or such rates as reduced or increased in accordance with the provisions of this Order and the several words terms and expressions to which by any Act in whole or in part incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have in this Order the same respective meanings and in the construction of this Order or of any such Act for the purposes of this Order the expression "the undertaking" shall mean the undertaking of the Pembroke Docks and Town Gas Company Limited as extended by this Order.

Interpretation.

Undertakers.

5. The Pembroke Docks and Town Gas Company Limited shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Undertakers.

Capital.

6. Notwithstanding the limitation prescribed by the Order of 1871 with respect to the share capital of the Undertakers—

Additional
capital.

(1) The Undertakers shall be deemed to have been authorised to raise in the year nineteen hundred and one for the purposes of their gas undertaking further share capital not exceeding two thousand pounds (in this Order referred to as "the additional capital");

(2) The Undertakers may for the purposes of their gas undertaking raise further share capital (in this Order referred to as "the new capital") not exceeding twenty-five thousand pounds including any premium that may be obtained on the sale of any shares or stock under the provisions of this Order:

Provided that the share capital of the Undertakers in respect of their gas undertaking shall not exceed in the whole thirty-seven thousand pounds unless the Undertakers are hereafter authorised to raise further share capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

7. The Undertakers shall when any shares or stock forming part of the new capital are or is to be issued and before offering the same to the holder of any other shares or stock of the Undertakers and whether the ordinary shares or ordinary stock of the Undertakers are or is at a premium or not offer the same for sale by public auction or by tender in such manner at such times and subject to such conditions of sale as the Undertakers may by special resolution determine Provided that at any such sale no single lot shall

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

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comprise more than one hundred pounds nominal value of shares or stock and that the reserved price put upon such shares or stock shall not be less than the nominal value thereof and notice of the amount of such reserved price shall be sent by the Undertakers in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall subject as hereinafter provided be allowed to any holder of shares or stock of the Undertakers except that if the bidding or offer by tender of any holder of shares or stock be the same in amount as the bidding or offer by tender of any other person the bidding or offer of such holder shall be accepted in preference.

Purchase money of capital sold to be paid within three months.

8. It shall be one of the conditions of any sale of shares or stock under this Order that the full price thereof including the premium given by any purchaser at such sale in respect thereof shall be paid to the Undertakers within three months after such sale.

Notice to be given of sale of shares or stock.

9. The intention to sell any shares or stock by auction or by tender under the provisions of this Order shall be communicated by the Undertakers in writing to the clerk of every local authority having jurisdiction within the limits of supply and to the Secretary of the Committee 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 notice of such intention shall be duly advertised by the Undertakers once in each of two consecutive weeks in one or more newspapers circulating within the limits of supply.

Shares or stock not sold by auction or by tender to be offered to holders of ordinary shares or stock employees and consumers.

10. When any shares or stock have been offered for sale by auction or by tender under the provisions of this Order and not sold the same shall be offered at the reserved price put upon the same respectively for the purpose of sale by auction or tender to the holders of the ordinary shares or ordinary stock of the Undertakers or to the employees of the Undertakers or to the consumers of gas supplied by the Undertakers or partly to one and partly to another or others in such manner as may be prescribed by a special resolution passed by the Undertakers Provided always that any shares or stock so offered and not accepted within the time prescribed by such resolution shall again be offered for sale by public auction or by tender in the manner and subject to the provisions of this Order with respect to the sale of shares and stock forming part of the new capital and the reserve put upon such shares or stock may upon such second or any subsequent auction or tender if the directors of the Undertakers think fit be less than the nominal value thereof and any shares or stock not then sold shall be again offered to the holders of ordinary shares or ordinary stock or to such employees or consumers at the last-mentioned reserved price and so on until the whole of such shares or stock are or is sold.

Application of premium arising on issue of shares or stock.

11. Any sum of money which may arise from the issue of any shares or stock under the provisions of this Order by way of premium after deducting therefrom the expenses of and incident to such issue shall not be

considered as profits of the Undertakers but shall be expended in extending or improving the works of the Undertakers or in paying off money borrowed or owing on mortgage and shall not be considered as part of the capital of the Undertakers entitled to dividend. Provided that all such sums shall be deemed to be part of the paid-up or nominal capital of the Undertakers for the purpose of determining the amount which the Undertakers may borrow under this Order and the amount which the Undertakers may invest to form a reserve fund.

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12. The Undertakers shall not in any year declare or make out of their profits any larger dividend on the additional capital or the new capital than seven pounds in respect of every one hundred pounds actually paid up of so much of the additional capital or the new capital as may be issued as ordinary capital or five pounds in respect of every one hundred pounds actually paid up of so much of the new capital as may be issued as preference capital unless a larger dividend be at any time necessary to make up the deficiency of any previous dividend which shall have fallen short of the said yearly rate.

Limits of
dividend on
new capital.

13. In case in any year or in any half year if the Undertakers declare a dividend half yearly the net revenues of the Undertakers applicable to dividend are insufficient to pay the full amount of the prescribed rate of dividend on each class of ordinary shares or stock of the Undertakers a proportionate reduction shall be made in the dividends payable on each class.

Prescribed
rates to be
paid propor-
tionately.

14. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the undertaking shall not at any time exceed in the whole one third of the amount of the capital of the Undertakers actually raised by the issue of shares or stock including any premium that may be obtained on the sale of any shares or stock under the provisions of this Order and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers and secured as aforesaid after the commencement of this Order.

Limit of
borrowing
powers.

15. All moneys raised under this Order shall be applied to the purposes of the undertaking to which capital is properly applicable.

Application of
money.*Purchase of Land.*

16. The Undertakers may for the purposes of the undertaking purchase or take on lease (by agreement but not otherwise) and hold in addition to the lands described in the Order of 1871 or in Schedule A to this Order annexed any lands which they may require. Provided that they shall not at any time hold for such purposes more than three acres of land in the whole in addition to the lands described in the said Order and schedule and that they shall not create or permit a nuisance on any such lands and that no lands shall be used by the Undertakers for the purpose of manufacturing gas or residual products except the lands described in the Order of 1871.

Power to
purchase addi-
tional land.

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Undertakers
may construct
and maintain
additional
works for
storage of gas
on land de-
scribed in
schedule and
may make
store and sell
gas &c.

*Construction and Maintenance of Additional Gasworks Manufacture and
Sale of Gas Coke and Residual Products.*

17. The Undertakers may upon the lands described in Schedule A to this Order annexed maintain continue alter or improve renew or discontinue the works which at the commencement of this Order are in use upon the said lands or other works of the same character and for the same purpose and may construct erect and maintain alter enlarge and improve gasholders receivers meters apparatus and works or buildings for the storing of gas and of coke and other residual products obtained in the manufacture of gas and matters producible therefrom and they may subject to the provisions of this Order store gas on such lands and supply and sell the same within the limits of supply and may sell and supply coal-tar coke pitch lime asphaltum and ammoniacal liquor oil and all other residual products obtained by them in the manufacture of gas and matters producible therefrom Provided always that save as in this section specifically provided the Undertakers shall not manufacture or treat gas or residual products obtained in the manufacture of gas on any lands except the lands described in the Order of 1871.

Quality of Gas.

Quality of gas.

18. The quality of the gas supplied by the Undertakers shall with respect to its illuminating power be such as to produce a light equal in intensity to the light produced by not less than fourteen sperm candles and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act 1871.

Pressure of Gas.

Pressure of
gas.

19. All gas supplied by the Undertakers to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than six-tenths of an inch in height and to balance from sunset to midnight a column of water not less than eight-tenths of an inch in height at the main as near as may be to the junction therewith of the service pipe supplying such consumer.

Testing Gas.

Testing gas.

20. The testing place provided by the Undertakers at their works shall be the prescribed testing-place for the purposes of the Gasworks Clauses Act 1871 and the burner to be used for testing gas shall be a Sugg's London Argand No. 1 with a six-inch by one-and-three-quarter-inch glass chimney and if at any time the gas flame tails over the top of the glass a six-inch by two-inch chimney shall be used Provided that any other description of burner may be used which may for the time being be approved for the purpose by the Board of Trade and any gas examiner appointed under the Gasworks Clauses Act 1871 for the purposes of this Order may subject to the terms of his appointment at such testing place or elsewhere as and

[3 EDW. 7.] *Gas Orders Confirmation (No. 2)* [Ch. cxxxiii.]
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when he thinks fit test the pressure at which the gas is supplied and for that purpose may open any street road passage or place not being the immediate approach to any railway or canal bridge or railway station vested in or under the control of any local or road authority.

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Price of Gas.

21. As from the commencement of this Order section fifteen of the Order of 1871 is hereby repealed and the price to be charged by the Undertakers for gas supplied by them shall not exceed four shillings and sixpence per thousand cubic feet and so in proportion for any less quantity supplied. Provided that at any time after the expiration of three years from the commencement of this Order the Board of Trade may if they think fit by order in writing signed by a secretary or an assistant secretary of the said Board alter the said maximum price either by substituting any other sum for the said sum of four shillings and sixpence or by fixing a standard price with sliding scale as to profits and as from the date specified in such order (hereinafter referred to as "the specified date") the price to be charged by the Undertakers for gas supplied by them shall be in accordance with such order. Provided further that in case such order shall prescribe a standard price with sliding scale as to profits then as from the specified date the provisions set forth in Schedule B. to this Order annexed shall be in force and have effect and this Order shall be read and construed accordingly. A copy of any such order made by the Board of Trade shall be published in the London Gazette and a copy of the said Gazette containing such order shall be conclusive evidence of the due making and validity of the same and of the contents thereof.

Price of gas.

Miscellaneous.

22. Where any money is deposited by any person by way of security with the Undertakers for the payment to them of any moneys which may become due to them by such person in respect of any supply of gas or of the purchase or hire of any meter the Undertakers shall pay interest at the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

Undertakers to
pay interest
on deposit.

23. In order to enable the Undertakers to ensure a satisfactory supply of gas to their consumers the following provisions shall have effect.—

As to con-
struction and
placing of
pipes &c.
between mains
and meters.

(1) The Undertakers may specify the size and material of the pipes with the fittings thereof which are to be laid by the consumer between the Undertakers' mains and the meter and (so far as the same are intended to be covered over) on the consumer's premises:

(2) The Undertakers may if they think fit make different specifications for different classes of premises having regard to the probable maximum consumption of gas thereon at any one time:

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- (3) The specification shall be published once in each of two newspapers circulating within the limits of supply and a copy thereof shall be kept exhibited in the office of the Undertakers :
- (4) Every meter to be used in a new building or a building not previously supplied with gas or in connexion with a new or substituted pipe laid by the consumer between the main and the consumer's meter shall be placed as near as reasonably practicable to the Undertakers' main but within the outside wall of the building :
- (5) When any such pipe or meter as aforesaid has been laid or placed notice thereof shall be given to the Undertakers and the pipe shall not be covered over until after the expiration of twenty-four hours from the service of such notice on the Undertakers Any officer of the Undertakers duly appointed may between nine o'clock in the morning and five o'clock in the afternoon attend and inspect such pipes (with their fittings) and meter and if the officer is not permitted to make the inspection or if the pipes or fittings are not according to the Undertakers' specification or if the meter is not placed as required by this section the Undertakers may refuse to supply gas to the premises until the provisions of this section have been complied with :
- (6) Any person to whom the Undertakers refuse a supply of gas under the provisions of this section may appeal to a petty sessional court against such refusal and the court may after hearing the parties and considering any questions as to the reasonableness of the Undertakers' specification make such order as seems to them proper in the circumstances and may order by which of the parties the costs of and incident to the appeal shall be paid.

Power to supply gas fittings.

24.—(1) The Undertakers may make sell let for hire and otherwise deal in fix repair and remove but shall not manufacture engines stoves ranges pipes fittings and other apparatus appliances and things 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 in money or such rents and charges and make such terms and conditions as may be agreed upon between the Undertakers and the persons to or for whom the same are sold let fixed repaired or removed and such remuneration rents and charges shall be recoverable in the same manner as rents or sums due to the Undertakers for gas.

(2) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be Provided that such fittings have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Undertakers as the actual owners thereof.

[3 Edw. 7.] *Gas Orders Confirmation (No. 2)* [Ch. cxxxiii.]
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25. Every consumer of gas supplied by the Undertakers who uses a gas engine shall if required to do so by the Undertakers use an anti-fluctuator and shall at all times at his own expense keep such anti-fluctuator in proper order and if any consumer shall make default in complying with the provisions of this section the Undertakers may cease to supply him with gas. The Undertakers shall have access to and be at liberty to take off remove test inspect and replace any such anti-fluctuator at all reasonable times such taking off removal testing inspecting and replacing to be done at the expense of the Undertakers if the anti-fluctuator be found in proper order but otherwise at the expense of such consumer.

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Anti-fluctua-
tors for gas
engines.

26.—(1) Twenty-four hours' notice in writing shall be given to the Undertakers by every gas consumer before he shall quit any premises supplied with gas by meter by the Undertakers and in default of such notice the consumer so quitting shall be liable to pay to the Undertakers 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 Undertakers to supply gas to such premises whichever shall first occur.

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

(2) Notice of the effect of this enactment shall be contained in or endorsed on every demand note for gas rent.

27. A notice to the Undertakers 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 for the time being of the Undertakers.

Notice of
discontinuance.

28. If a person requiring a supply of gas from the Undertakers for any premises occupies or has occupied other premises at which gas was supplied to him by the Undertakers and has not paid all gas or meter rent or other moneys due from him to the Undertakers they may refuse to furnish to him a supply of gas until he pays the same.

Power to re-
fuse to supply
persons in debt
for other pre-
mises.

29. 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 Undertakers shall be paid by or to the Undertakers to or by the consumer as the case may be and shall be recoverable in the like manner as gas rents are recoverable by the Undertakers.

Period of error
in defective
meters.

30. No penalty shall be incurred by the Undertakers for insufficiency of pressure defect of illuminating power or excess of impurity in the gas supplied by them in any case in which it is proved that such insufficiency defect or excess was produced by an unavoidable cause or accident.

No penalty in
case of un-
avoidable
cause.

31. The Undertakers may enter into and carry into effect contracts with any local authority company or persons beyond the Undertakers' limit of supply (but only with the consent in writing of any local authority of and of any company or person supplying gas under Parliamentary powers within

Undertakers
may contract
with local
authority and
others for
supply in bulk.

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Dwelling-
houses for
persons in
Undertakers'
employ.

8 Vict. c. 16.
s. 140 incor-
porated.

Repeal of cer-
tain sections of
Order of 1871.

Purchase by
Neyland Urban
District Council
of works in
their district.

Costs of Order.

the district within which the supply is to be given) for the supply to them respectively of gas in bulk upon such terms and conditions and for such periods not exceeding seven years as shall be agreed upon.

32. The Undertakers may erect and maintain dwelling-houses for persons in their employ upon the lands for the time being belonging to or leased by the Undertakers.

33. Section 140 of the Companies Clauses Consolidation Act 1845 shall be and is hereby incorporated with this Order. Provided that for the purpose of such incorporation the expression "the Company" in the said section shall be construed to mean the Undertakers.

34. Sections 12 and 14 and sections 16 to 40 inclusive of the Order of 1871 and the schedule annexed to that Order are hereby repealed.

35.—(1) If before the expiration of the period of three years after the passing of the Act confirming this Order the Neyland Urban District Council (in this section called "the council") shall obtain power to purchase the works mains and plant of the Undertakers situate within the Urban District of Neyland (in this section called "the said works") and shall within the same period give notice to the Undertakers requiring them to sell the said works the Undertakers shall thereupon sell and the council shall purchase the same upon the terms of the council paying to the Undertakers the total amount which the Undertakers shall have expended in the provision laying down and construction of or otherwise in connexion with the said works such amount to be determined in case of difference by arbitration in accordance with the provisions of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement.

(2) The council shall pay the said amount on such day as may be agreed between the council and the Undertakers or failing agreement on the first day of January or the first day of July next after the expiration of two months from the date of the determination thereof and if the said amount shall not then be paid the council shall pay to the Undertakers interest thereon as from that date to the date of actual payment of the said amount at the rate of five per centum per annum.

(3) Upon the completion of the purchase the Urban District of Neyland shall cease to be within the Undertakers' limits of supply and the council shall indemnify the Undertakers against all obligations and liabilities in relation to their undertaking in such area.

(4) The Undertakers may apply the proceeds of the sale under this section to any of the purposes of their undertaking to which capital is properly applicable.

36. All the costs charges and expenses of and incidental to the applying for preparing obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Undertakers.

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SCHEDULE A.

A piece of land situate at Pembroke Dock in the parish of Saint Mary Pembroke in the county of Pembroke bounded on the north by King William Street on the east by land reputed to belong to and occupied by the Undertakers on the south by land reputed to belong to the Great Western Railway Company and on the west by land reputed to belong to Sir Thomas Meyrick Baronet.

SCHEDULE B.

The foregoing Order shall after the making by the Board of Trade of an order in pursuance of the provisions in that behalf therein contained prescribing a standard price for gas supplied by the Undertakers with sliding scale as to profits and as from the specified date be read and construed subject to the modifications following:—

(1) Sections 30 to 34 (both inclusive) of the Gasworks Clauses Act 1847 shall not continue to be incorporated with or to form part of the Order of 1871 or of the foregoing Order and in construing the said Act for the purposes of the Order of 1871 or of the foregoing Order section 35 of the said Act shall be read and construed as though the words from "in case the whole" down to "have been paid" all inclusive had been omitted therefrom and as though the expression "the prescribed rate" included the prescribed rates as defined by the foregoing Order together with any sum which under the provisions of this schedule might lawfully be carried to the insurance fund:

(2) Notwithstanding anything contained in the foregoing Order the standard price to be charged by the Undertakers for gas supplied by them to private consumers by meter shall be the price prescribed by such Order of the Board of Trade as aforesaid per thousand cubic feet:

Provided that the Undertakers may increase or reduce the price so charged by them for gas above or below the standard price subject to a reduction or increase in the dividend payable by the Undertakers on the ordinary share capital as follows:—

In respect of any year during any part of which the price charged by the Undertakers shall have been one penny or part of a penny above the standard price the dividend payable by the Undertakers shall in respect of each penny or part of a penny by which the price shall have been increased be reduced below the standard rate of dividend

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by five shillings on every one hundred pounds of ordinary paid-up capital with a ten per centum standard rate of dividend and by three shillings and sixpence on every one hundred pounds of ordinary paid-up capital with a seven per centum standard rate of dividend and so in proportion for any fraction of one hundred pounds ;

And in respect of any year during the whole of which the price charged by the Undertakers shall have been one penny or more below the standard price the dividend payable by the Undertakers may in respect of each penny by which the standard price has been reduced be increased above the standard rate by five shillings on every one hundred pounds of ordinary paid-up capital with a ten per centum standard rate of dividend and by three shillings and sixpence on every one hundred pounds of capital with a seven per centum standard rate of dividend and so in proportion for any fraction of one hundred pounds :

(3) If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates the excess beyond the sum necessary for that purpose may to the extent of one per centum per annum upon such capital of the Undertakers as is actually paid up be invested in Government or other securities and the dividends and interest arising from such securities shall also be invested in the same or like securities in order that the same may accumulate at compound interest until the fund so formed amounts to a sum equal to one-twentieth part of such capital as aforesaid which fund shall form an insurance fund to meet any extraordinary claim demand or charge which may at any time arise against or fall upon the Undertakers from accident strike or other circumstance which in the opinion of a court of summary jurisdiction due care and management could not have prevented and if such fund be at any time reduced it may thereafter be again made up to the said sum as often as such reduction happens Provided that when and so often as the said fund reaches the said limit of one-twentieth part of such capital as aforesaid the interest thereon shall be carried to the credit of the fund available for dividend Provided also that resort may be had to the insurance fund to meet any such extraordinary claim demand or charge as aforesaid although such fund may not at the time have reached or may have been reduced below the full amount of one-twentieth part of such capital as aforesaid :

(4) If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates the excess or such portion of it as is not carried to the insurance fund shall be carried to the credit of the divisible profits of the undertaking for the following year :

(5) When in any year the prescribed rates exceed the standard rates by reason of the price charged by the Undertakers for gas in such year being below the standard price then out of the amount of the profits which the Undertakers may make in excess of the standard rates they may in such year set apart such sums as they think fit by way of a reserve fund and all sums

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(if any) so set apart by the Undertakers and any reserve or other fund of a similar character of the Undertakers existing at the specified date in relation to the undertaking may be invested in Government or other securities and the dividends and interest arising from such securities may also be invested in the same or like securities in order that the same may accumulate at compound interest and the fund so formed shall be called "the reserve fund" and shall be applicable to the payment of dividend in any year in which the clear profits of the Undertakers are insufficient to enable the Undertakers in such year to pay the prescribed rates and save as by this schedule specially provided no sum shall in respect of the undertaking in any year be carried by the Undertakers to any reserve fund:

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(6) Nothing in this schedule contained shall alter vary or affect any contract or agreement duly made or any liability incurred or notice given before the specified date with respect to the gasworks of or the supply of gas by the Undertakers.

RIDDINGS DISTRICT GAS.

Order to empower the Riddings District Gas Company to extend their limits of supply to raise additional capital and for other purposes.

*Riddings
District Gas.*

1. This Order may be cited as the Riddings District Gas Order 1903.

Short title.

2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order."

Commence-
ment of Order.

3. The Riddings District Gas Act 1888 (herein-after referred to as "the Act of 1888") and this Order shall be construed together except so far as such construction would be inconsistent with or repugnant to the provisions of this Order.

Construction
of Order.

4. So far as the same relate to the powers conferred by this Order the provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say):—

Incorporation
of Acts.

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;

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District Gas.*

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 ;

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 the Companies Clauses Act 1869 ;

and the provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) of the Gasworks Clauses Act 1847 and of the Gasworks Clauses Act 1871 are hereby incorporated with this Order (except where the same are expressly varied by this Order) and form part of this Order For the purposes of such incorporation the term "special Act" in the said Acts shall be construed to mean this Order and "the Company" shall mean the Undertakers.

Interpretation.

5. The several words terms and expressions to which by any Act in whole or in part incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have in this Order the same respective meanings and in the construction of this Order or of any of such Acts as aforesaid for the purposes of this Order the expression "the undertaking" shall mean the undertaking of the Riddings District Gas Company as extended by this Order.

Undertakers.

Undertakers:

6. The Riddings District Gas Company shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Extension of Limits.

Limits of supply.

7. The Undertakers shall have and may exercise subject to the provisions of this Order within the extended district herein-after defined (in this Order called "the extended limits of supply") all and the like powers privileges and authorities for and in relation to the supply of gas and shall be subject to all and the like duties liabilities and obligations in respect thereof as they now have and are subject to within the limits of supply as defined by the Act of 1888 (herein-after called "the original limits") and the provisions of that Act as amended by this Order shall extend and apply throughout the original limits as well as the extended limits of supply and both the original limits and the extended limits of supply are herein-after referred to as "the limits of supply" The extended limits of supply shall be so much of the parishes of Codnor Park Alfreton Heanor and Ripley all in the county of Derby and

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capital by this Order authorised to be raised and at the time actually issued by shares or stock but no part thereof shall be borrowed until the whole of the shares or stock at the time issued together with the premium (if any) realised on the sale thereof shall have been fully paid up and the Undertakers have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that such shares and stock and premium (if any) have been issued and fully paid up and upon production to such justice of the books of the Undertakers and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

As to conversion of borrowed money into capital.

9. The Undertakers shall not have power to raise the money by this Order authorised to be borrowed on mortgage or by the issue of debenture stock or any part thereof by the creation of shares or stock instead of borrowing or to convert into capital the amount borrowed under the provisions of this Order.

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

10. Except as by this Order otherwise provided the additional capital created by the Undertakers under this Order and the shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents (including the right of voting) whatsoever in all respects as if that capital were part of the existing capital of the Undertakers of the same class or description and the shares or stock in the additional capital were shares or stock in the existing capital.

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

11. The Undertakers shall when any shares or stock created under the powers of this Order are to be issued and before offering the same to the holder of any other shares or stock of the Undertakers and whether the ordinary shares or ordinary stock of the Undertakers are or is at a premium or not offer the same for sale by public auction or by tender in such manner at such times and subject to such conditions of sale as the Undertakers may determine Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock and that the reserved price put upon such shares or stock shall not be less than the nominal value thereof and notice of the amount of such reserved price shall be sent by the Undertakers in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares or stock of the Undertakers except that if the bidding or offer by tender of any holder of shares or stock be the same in amount as the bidding or offer made by any other person for the same lot the bidding or offer of such holder shall be accepted in preference.

[3 EDW. 7.] *Gas Orders Confirmation (No. 2)* [Ch. cxxxiii.]
Act, 1903.

A.D. 1903.

12. It shall be one of the conditions of any sale of shares or stock under the provisions of this Order that the full price thereof including any premium given by any purchaser at such sale shall be paid to the Undertakers within three months after such sale.

—
Riddings
District Gas.
Purchase money
of capital sold to
be paid within
three months.

13. The intention to sell any shares or stock by auction or tender under the provisions of this Order shall be communicated by the Undertakers in writing to the clerk of the district council of every urban district wholly or partially included in the limits of supply and to the Secretary of the Committee 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 notice of such intention shall be duly advertised by the Undertakers once in each of two consecutive weeks in one or more newspapers circulating within the limits of supply.

Notice to be
given as to sale
of shares or
stock.

14. When any shares or stock created under the provisions of this Order or under the Act of 1888 have or has been offered for sale by auction or tender and not sold the same may be disposed of by the directors of the Undertakers at a price not less than the reserved price put upon the same for the purpose of sale by auction or tender or may be offered at such reserved price to the holders of the ordinary shares or stock of the Undertakers in the manner provided by the Companies Clauses Act 1863 Provided that any shares or stock not so disposed of or so offered and not accepted within the time prescribed by the said Act shall again be offered for sale by public auction or by tender subject to the provisions of this Order with respect to the sale of shares and stock and the reserved price put upon such shares or stock may upon such second or any subsequent auction or tender if the directors of the Undertakers think fit be less than the nominal value thereof and any shares or stock not then sold shall be disposed of by the directors or offered to the holders of ordinary shares or ordinary stock at the last-mentioned reserved price and so from time to time until the whole of such shares or stock is sold.

Shares or stock
not sold by
auction or
tender to be
offered to
holders of
ordinary shares
or stock.

15. Any sum of money which may arise from the issue of any shares or stock under the provisions of this Order by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Undertakers but shall be expended in extending or improving the works of the Undertakers or in paying off money borrowed or owing on mortgage by the Undertakers and shall not be considered as part of the capital of the Undertakers entitled to dividend Provided that in case where a power to raise money by borrowing is made proportionate to the paid-up capital the premium received from the sale of shares or stock as herein-before provided shall for such purposes be reckoned as part of the paid-up capital.

Application
of premium
arising on
issue of shares
or stock.

16. The Undertakers shall not in any year declare or make out of their profits any larger dividend on the additional capital by this Order authorised to be raised than seven pounds in respect of every one hundred pounds actually paid up of so much of the additional capital as may be issued as ordinary capital or five pounds in respect of every one hundred pounds

Limits of
dividends on
new capital.

A.D. 1903.

Riddings
District Gas.
Dividends on
different
classes of
shares or stock
to be paid pro-
portionately.

Restriction as
to votes in
respect of pre-
ference shares
or stock.

Priority of
principal
moneys
secured.

For appoint-
ment of
receiver.

Debenture
stock.

Receipt in
case of persons
not sui juris.

Priority of
moneys raised
on mortgage
or debenture
stock over
other claims.

actually paid up of so much of the additional capital as may be issued as preference capital.

17. In case in any year the net revenues of the Undertakers applicable to dividend are insufficient to pay the full amount of the prescribed rates on each class of ordinary shares or stock in the existing and the additional capital a proportionate reduction shall be made in the dividends payable on each class.

18. 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 in the additional capital to which a preferential dividend shall be assigned.

19. The principal moneys secured by all mortgages granted by the Undertakers in pursuance of the powers of any Act of Parliament before the commencement of this Order and then subsisting shall during the continuance of such mortgages have priority over the principal moneys secured by any mortgages granted by virtue of this Order.

20. As from the commencement of this Order section 17 of the Act of 1888 is hereby repealed but without prejudice to any appointment heretofore made or to the continuance of any proceedings which may have been commenced under such section prior to the commencement of this Order and the mortgagees of the undertaking may enforce payment of arrears of principal or interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one-twentieth part of the whole amount for the time being owing by the Undertakers upon mortgage of the undertaking.

21. The Undertakers may create and issue debenture stock subject to the conditions of Part III. of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869.

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

23. All moneys to be raised by the Undertakers on mortgage or debenture stock under the provisions of this Order shall have priority against the Undertakers and the property from time to time of the Undertakers over all other claims on account of any debts incurred or engagements entered into by them after the commencement of this Order. Provided always that this priority shall not affect any claim against the Undertakers 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 Undertakers which is entitled to rank in priority to or *pari passu* with the interest on their mortgages or debenture stock nor shall anything in this section

[3 EDW. 7.] *Gas Orders Confirmation (No. 2)* [Ch. cxxxiii.]
Act, 1903.

contained affect any claim for land taken used or occupied by the Undertakers for the purposes of the undertaking and works or injuriously affected by the construction thereof or by the exercise of any power conferred on the Undertakers.

A.D. 1903.

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*Riddings
District Gas.*

24. All moneys raised under this Order whether by shares or stock or borrowing or debenture stock shall be applied only to the purposes of the Undertaking authorised by the Act of 1888 and this Order and for the general purposes of the Undertakers being in all cases purposes to which capital is properly applicable.

Application of
moneys.

Miscellaneous.

25. In executing the works by this Order authorised where the same will or will be likely to injuriously affect any railway or canal or any part of the works or property of the Midland Railway Company (herein-after called "the Midland Company") the Undertakers shall (except so far as it may be otherwise agreed between the Midland Company and the Undertakers) be subject to the following conditions:—

For protection
of Midland
Railway Com-
pany.

- (1) All works to be done by the Undertakers shall be executed 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 according to plans and drawings to be previously submitted to and reasonably approved by him or in case of difference by an arbitrator to be 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 Undertakers of his objections thereto he shall be deemed to have approved thereof:
- (2) If within fourteen days after the receipt of any such plans and drawings the Midland Company give to the Undertakers notice that they desire themselves to construct so much of the works as will be likely to interfere with the passage or conduct of traffic over any railway or canal belonging to them the Midland Company may themselves execute such works and recover the reasonable costs thereof (to be fixed in the event of dispute by arbitration) from the Undertakers and the Midland Company shall to the exoneration of the Undertakers accept responsibility for and in respect of the works to be so executed by the Midland Company:
- (3) Any works which the Undertakers may execute under this section shall be so constructed as to cause as little injury as may be to the railways works property or canals of the Midland Company or interruption to the passage or conduct of traffic over the same and if in consequence of the execution of such works any injury be caused to the said railways or canals or any interruption be caused to the traffic the Undertakers 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:

A.D. 1903.

Riddings
District Gas.

(4) If in laying down repairing or removing any mains or pipes or executing any other works upon over or across any railway level crossing belonging to or repairable or used by the Midland Company or under or over any canal belonging to the Midland Company the conduct of traffic upon or over such level crossing or canal is likely to be interrupted the Undertakers shall bear and on demand pay to the Midland Company the reasonable expense of the employment by that company during the execution of any work likely to occasion any such interruption of a reasonable number of inspectors watchmen and signalmen to be appointed by that company for watching and signalling the same with reference to and during the execution of any such work of the Undertakers 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 Undertakers or their contractors :

(5) The Undertakers shall acquire only such an easement across over or under any railway or canal (elsewhere than at a level crossing or over or under a bridge) of the Midland Company as may be necessary for constructing and maintaining the works of the Undertakers by this Order authorised and shall pay to the Midland Company for any such easement to be acquired by them such sum as may be agreed upon or failing agreement as shall be settled by arbitration in manner provided by the Lands Clauses Consolidation Act 1845 :

(6) Any dispute or difference which may arise between the Midland Company and the Undertakers 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 to be agreed on between the Undertakers and the Midland Company or failing agreement to be appointed by the Board of Trade on the application of the Midland Company or the Undertakers and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

Exemption of fittings &c. let for hire from distress for rent.

26. Any fittings engines stoves ranges pipes or other apparatus or appliances let for hire under the provisions of the Act of 1888 and this Order shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be provided that such fittings have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Undertakers as the actual owners thereof.

Exemption from penalty in certain cases.

27. No penalty shall be incurred by the Undertakers for insufficiency of pressure defect of illuminating power or for excess of impurity in the gas supplied by them in any case in which it is proved that such insufficiency defect or excess was produced by an unavoidable cause or accident.

[3 EDW. 7.] *Gas Orders Confirmation (No. 2)* [Ch. cxxxiii.]
Act, 1903.

28. Every consumer of gas supplied by the Undertakers who uses a gas engine shall if required so to do by the Undertakers use an anti-fluctuator and shall at all times at his own expense keep such anti-fluctuator in proper order and in default of his so using or keeping such anti-fluctuator in proper repair the Undertakers may cease to supply gas to such consumer. The Undertakers shall have access to and be at liberty to take off remove test inspect and replace any such anti-fluctuator at all reasonable times such taking off removal testing inspecting and replacing to be done at the expense of the Undertakers if the anti-fluctuator be found in proper order but otherwise at the expense of the consumer.

A.D. 1903.

*Riddings
District Gas.*

Anti-fluctua-
tors for gas
engines.

29. The Undertakers may erect and maintain dwelling-houses for persons in their employ upon the lands for the time being belonging to or leased by the Undertakers.

Power to erect
dwelling-houses
for persons in
Undertakers'
employ.

30. All costs charges and expenses of and incident and preliminary to the applying for preparing obtaining and confirming of this Order and otherwise in relation thereto shall be paid by the Undertakers.

Costs of Order.

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