



CHAPTER xxi.

An Act for incorporating and conferring powers on the Burgess Hill and St. John's Common Gas Company and for other purposes. A.D. 1903.
[30th June 1903.]

WHEREAS in the year one thousand eight hundred and sixty-seven certain persons formed themselves into a gas company under the name of the "Burgess Hill and St. John's Common Gas Company Limited" (in this Act referred to as "the Limited Company") for the purpose of manufacturing and supplying gas to the inhabitants of Burgess Hill and St. John's Common in the parishes of Keymer and Clayton in the county of Sussex and the neighbourhood and generally for carrying on the business usually carried on by gas companies and such Company was duly registered under the Companies Act 1862:

And whereas the original share capital of the Limited Company consisted of five thousand pounds divided into one thousand shares of five pounds each:

And whereas the capital of the Limited Company has from time to time been increased by special resolution of that company and now amounts to seven thousand eight hundred pounds divided into one thousand five hundred and sixty shares of five pounds each which have been issued and are fully paid up:

And whereas the Limited Company has borrowed three thousand five hundred pounds on the security of its undertaking:

And whereas the gasworks of the Limited Company are situate on the lands described in the Second Schedule to this Act and the Limited Company has from time to time improved and enlarged its works and is now supplying gas within the parishes of Keymer Urban and Clayton Urban in the urban district of Burgess Hill:

And whereas the demand for gas in the district supplied by the Limited Company has increased and is increasing and it is
[Price 1s. 6d.] A 1

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A.D. 1903. — expedient that the works of the Limited Company should be improved and its mains extended and that additional capital should be provided for such improvement and extension :

And whereas it is expedient that the Limited Company should be dissolved and re-incorporated with further powers :

And whereas the purposes of this Act cannot be effected without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

Short title. **1.** This Act may be cited as the Burgess Hill and St. John's Common Gas Act 1903.

Incorporation of Acts. **2.** The following 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 and form part of this Act (namely) :—

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

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 :

The Gasworks Clauses Act 1847 and the Gasworks Clauses Act 1871.

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

And—

The expression "the Company" shall mean the Company incorporated by this Act ;

The expressions "the works" "the gasworks" and "the undertaking" shall respectively mean and include the gasworks and works connected therewith by this Act vested in or authorised to be made or maintained by the Company and any improvement thereof which they may construct under the powers of this Act and the lands buildings estate right title property privileges and effects and the undertaking of the Company and every part thereof respectively.

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4.—(1) The limits of this Act shall be an area comprising the whole of the parishes of Keymer and Clayton in the urban district of Burgess Hill and parts of the adjoining parishes of Wivelsfield and Ditchling in the rural district of Chailey and the parishes of Keymer Clayton and Hurstpierpoint in the rural district of Cuckfield all in the county of Sussex such area being more particularly described in the First Schedule to this Act and being shown in red colour on a map signed in triplicate by the Right Honourable Arthur Frederick Jeffreys the Chairman of the Select Committee of the House of Commons to whom the Bill for this Act was referred Provided always that nothing contained in this Act shall vary or diminish the Parliamentary powers and rights of the Brighton and Hove General Gas Company to supply gas in the parish of Clayton.

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Limits of
Act.

(2) Such maps shall be deposited in the Parliament Office of the House of Lords in the Private Bill Office of the House of Commons and in the principal office of the Company.

(3) If there is any discrepancy between the descriptions of the limits of this Act contained in the said First Schedule and the maps signed as aforesaid the latter shall prevail.

(4) Copies of the map deposited in the principal office of the Company in pursuance of this section and certified by the engineer of the Company at the time of such certificate to be true copies shall be received in all courts of justice and elsewhere as *prima facie* evidence of the limits of this Act.

5. From and after the passing of this Act the Limited Company shall be dissolved and the several persons who immediately before the passing of this Act were members of that company and all other persons who have subscribed to or who shall hereafter become proprietors in the undertaking of the Company and their executors administrators successors and assigns respectively shall be and they are hereby united into a company for the purposes hereinafter mentioned and shall be incorporated by the name of "the Burgess Hill and St. John's Common Gas Company" and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

Incorporation of Company.

6. The Company shall be established for the purposes of maintaining altering improving enlarging extending and renewing the existing gasworks of the Limited Company on the lands

General purposes of Company.

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A.D. 1903. described in the Second Schedule to this Act and of manufacturing storing and supplying gas for lighting heating motive power and other purposes to which gas may be applicable within the limits of this Act and may provide produce purchase store sell dispose of and deal in gas coke tar pitch asphaltum ammoniacal liquor oil sulphate of ammonia and all other products refuse or residuals arising remaining produced by or resulting or obtained from the manufacture of gas or the materials used therein and may (but only for the purposes of the Company within the limits of this Act) acquire or take hold and use any leave licence or authority (not being exclusive) to work use exercise or put in practice any invention or inventions under any letters patent made or to be made granting any right or privilege of working using exercising or vending any invention in relation to the production utilisation and distribution of gas the production of coke tar pitch asphaltum ammoniacal liquor and other products from coal and other substances employed in or resulting from the manufacture of gas or otherwise in relation thereto (but not so as to acquire any exclusive right to the working use exercising or putting in practice of any such invention or inventions) and generally may carry on any business usually carried on by gas companies or which is or may become incidental thereto and may carry the powers of this Act into execution.

Present
property of
Limited
Company
vested in
Company
incorporated
by this Act.

7. Subject to the provisions of this Act all the lands gasworks erections buildings machinery property effects interests rights easements powers privileges leases licences chattels and choses in action which immediately before the passing of this Act were vested in the Limited Company or any person in trust for them or to which the Limited Company were in anywise entitled and all mains and pipes plant plugs lamps irons retorts gauges meters gas stoves fires cookers gas fittings lamp-posts syphons apparatus stock effects matters and things which have been by them purchased provided laid down erected or placed in any place or house within the limits of this Act or which immediately before the passing of this Act were the property of the Limited Company and all moneys securities credits effects and other property whatsoever which immediately before the passing of this Act were vested in or belonged to the Limited Company or to any trustee on their behalf and the benefit of all contracts and engagements entered into by or on behalf of the Limited Company and immediately before the passing of this Act in force shall be and the same are hereby vested in the Company to the same

extent and for the same estate and interest as the same were previously to the passing of this Act vested in the Limited Company or any trustee on their behalf and may according to the provisions of this Act be held and enjoyed sued for and recovered maintained altered discontinued removed dealt with and disposed of by the Company as they think fit. A.D. 1903.

8. Subject to the provisions of this Act the memorandum and articles of association of the Limited Company shall as to any prospective operation thereof be wholly void and the Company and the shareholders shall be exempted from all the provisions restrictions and requirements of any Act which applied to the Limited Company and the members thereof as such but nothing in this Act contained shall release or discharge any person from any liability or obligation in respect of any breach of the provisions of the said memorandum and articles of association incurred before the commencement of this Act and such liability or obligation in respect of any such breach shall continue and save as in this Act otherwise provided may be enforced by or on behalf of the Company as nearly as may be in like manner as the same might have been enforced by or on behalf of the Limited Company if this Act had not been passed. Memo-
randum and
articles of
association
of Limited
Company
to be void.

9. Except as is by this Act otherwise expressly provided everything before the passing of this Act done or suffered by or with reference to the Limited Company or the members thereof as such shall be as valid as if the Company had not been incorporated and the said memorandum and articles of association had not been avoided by this Act and such re-incorporation and avoidance and this Act respectively shall accordingly be subject and without prejudice to everything so done or suffered and to all rights liabilities claims and demands both present and future which if the Company were not re-incorporated and the said memorandum and articles of association were not avoided by this Act and this Act were not passed would be incident to or consequent on any and every thing so done or suffered and with respect to all such rights liabilities claims and demands the Company and its shareholders and property shall to all intents and purposes represent the Limited Company and the members thereof as such and the property of the Limited Company as the case may be and the generality of this enactment shall not be restricted by any of the other clauses and provisions of this Act. Nothing
to affect
previous
rights and
liabilities.

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Contracts
prior to Act
to be bind-
ing.

10. Except as is by this Act otherwise specially provided all purchases sales conveyances grants assurances deeds contracts bonds and agreements entered into or made before the passing of this Act by to or with the Limited Company or any trustees or persons lawfully acting on behalf of the Limited Company or by to or with any other person to whose rights and liabilities they have succeeded and now in force shall be as binding and of as full force and effect in every respect against or in favour of the Company and may be enforced as fully and effectually as if instead of the Limited Company or any such trustees or persons acting on behalf of the Limited Company the Company had been a party thereto.

Actions &c.
not to abate.

11. Nothing in this Act contained shall release discharge or suspend any action or other proceeding which was pending by or against the Limited Company or any member thereof in relation to the affairs of the Limited Company or to which the Limited Company or any member thereof in relation to such affairs were parties immediately before the passing of this Act but such action or other proceeding may be maintained prosecuted or continued by or in favour of or against the Company (as the case may be) in the same manner and as effectually and as advantageously as the same might have been maintained prosecuted or continued by or in favour of or against the Limited Company or any member thereof if this Act had not been passed the Company and the shareholders therein being in reference to the matters aforesaid in all respects substituted for the Limited Company and its members respectively.

Trustees of
Limited Com-
pany to be
indemnified.

12. Every trustee or other person in whom or in whose name any lands works buildings easements rights property or effects belonging to the Limited Company were vested immediately before the passing of this Act and who (being authorised so to do) entered into any bond covenant contract or engagement in respect of the same or otherwise on behalf of the Limited Company shall be indemnified out of the funds and property of the Company against all liability (including costs charges and expenses) which he may sustain or incur or be put to by reason of his having entered into such bond covenant contract or engagement.

Company to
satisfy
liabilities of
Limited
Company.

13. From and after the passing of this Act and except as is by this Act otherwise expressly provided the Company shall in all respects be subject to and shall discharge all obligations and liabilities to which the Limited Company immediately before the passing of this Act were subject and shall indemnify the members

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directors officers and servants of the Limited Company and their respective representatives from all such obligations and liabilities and from all expenses and costs in that behalf. A.D. 1903.

14. All gas rents and sums of money which immediately before the passing of this Act were due or accruing to the Limited Company shall be payable to and may be collected and recovered by the Company in like manner as if they had become payable for the like matters supplied or done under this Act. Recovery of gas rents &c.

15. All persons who immediately before the passing of this Act owed any money to the Limited Company or to any person on their behalf shall pay the same with all interest (if any) due or accruing upon the same to the Company and all debts and moneys which immediately before the passing of this Act were due or recoverable from the Limited Company or for the payment of which the Limited Company were or but for this Act would be liable shall be paid with all interest (if any) due or accruing upon the same by or be recoverable from the Company. As to payment of debts owing before passing of Act.

16. Notwithstanding the avoidance of the said memorandum and articles of association all certificates (until cancelled under the powers of this Act) sales transfers and dispositions heretofore made or executed under them for and with respect to any shares in the Limited Company shall remain in full force and continue and be available in all respects as if they had not been avoided. Certificates &c. to remain in force.

17. All documents books and writings which if the said dissolution and avoidance had not taken place would have been receivable in evidence shall be admitted as evidence in all courts and elsewhere notwithstanding such dissolution and avoidance. Books &c. continued evidence.

18. All officers and servants of the Limited Company who were in office immediately before the passing of this Act shall hold and enjoy their respective offices and employments together with the salaries and emoluments thereunto annexed until they shall resign the same or be removed therefrom by the directors of the Company and shall be subject and liable to the like conditions obligations pains and penalties and to the like powers of removal and to the like rules restrictions and regulations in all respects whatsoever as if they had been appointed under this Act. Officers to continue until removed.

19. The books kept by the Limited Company for entering the names and designations of the members thereof with the numbers of their shares and the proper distinguishing number of each share shall until some other register of shareholders shall be provided by the Company continue to be kept for a similar purpose by the Present registers of members to be continued.

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A.D. 1903. — Company and be taken and considered as the register of shareholders required to be kept by the Companies Clauses Consolidation Act 1845.

Capital. **20.** The capital of the Company shall be eighteen thousand pounds divided as follows:—

Seven thousand eight hundred pounds in this Act called “the original capital” which shall be deemed to be fully paid up:

Ten thousand two hundred pounds in this Act called “the additional capital” to be raised in manner hereinafter mentioned.

The original capital shall be divided into shares of five pounds each which shares are in this Act respectively called “the original shares” and the Company may convert into stock the whole or part of the original capital and when fully paid up the whole or part of the additional capital.

Vesting of original shares in present shareholders.

21.—(1) The original shares shall be vested in the several persons and corporations who immediately before the passing of this Act were the registered members of the Limited Company one share of five pounds being substituted for one share of five pounds of the Limited Company.

(2) Every share so vested shall be subject and liable to the same trusts powers provisions declarations agreements charges liens and incumbrances as at the time of vesting affected the shares or share in respect of which the same is allotted and so as to give effect to and not revoke any agreement deed or other instrument or any testamentary disposition of or affecting such shares or share and every agreement deed or other instrument or testamentary disposition made before the passing of this Act and affecting shares in the Limited Company shall take effect with reference to the whole or a proportionate part as the case may be of the shares allotted in respect thereof.

Company shall call in and cancel existing share certificates and issue new certificates in lieu thereof.

22. The Company shall call in and cancel the existing certificates of shares in the Limited Company and issue in lieu thereof certificates in the form and under the conditions prescribed by the Companies Clauses Consolidation Act 1845 but the holders of such existing certificates of shares shall not be entitled to any certificates of proprietorship under this Act until they shall have delivered up to the Company to be cancelled the certificates of proprietorship issued to them before the passing of this Act or shall

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have proved to the reasonable satisfaction of the Company the loss or destruction thereof. A.D. 1903.

23. The Company may from time to time raise additional capital not exceeding in the whole ten thousand two hundred pounds by the creation and issue of new ordinary shares or stock or new preference shares or stock or wholly or partially by one or more of those modes respectively but the Company shall not issue any share of less nominal value than five pounds nor shall any such share or stock vest in the person or corporation accepting the same unless and until the full price of such share or stock including any premium obtained upon the sale thereof shall have been paid in respect thereof Provided that it shall not be lawful for the Company to create and issue under the powers of this Act any greater nominal amount of shares or stock than shall be sufficient to produce including any premium which may be obtained on the sale thereof the sum of ten thousand two hundred pounds Provided further that of the said sum of ten thousand two hundred pounds no more than five thousand pounds in the whole shall be raised by the creation and issue of preference shares or stock.

Power to
Company to
raise addi-
tional
capital.

24. The profits of the Company to be divided amongst the shareholders in any year shall not exceed the following rates that is to say on the original capital the rate of ten pounds in respect of every one hundred pounds of such capital and on the additional capital to be raised under the powers of this Act the rate of seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital and the rate of five pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as preference capital.

Profits of
Company
limited.

25. In case in any half-year the funds of the Company applicable to dividend shall be insufficient to pay the full amount of the authorised rates of dividend on each class of ordinary shares or stock in the capital of the Company a proportionate reduction shall be made in the dividend of each class other than preference shares or stock.

Dividends on
original and
additional
capital liable
to abate-
ment.

26. Notwithstanding anything in this Act contained the Company shall when any shares or stock created under the powers of this Act and forming part of the additional capital are to be issued and before offering the same to the holder of any other shares or stock in the Company and whether the ordinary shares or ordinary stock of the Company are or is at a premium or not offer

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

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A.D. 1903. — 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 Company shall from time to time 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 notice of the amount of the reserved price put upon such shares or stock shall be sent by the Company 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 in the Company except that if any bid or offer by tender of any such holder be the same in amount as any bid or offer made by any other person the bid or offer of such holder may be accepted in preference and preference may in like manner be given to any employee of the Company or any consumer of gas supplied by the Company whose bid or offer is the same in amount as any bid or offer made by any other person not being a holder of shares or stock in the Company.

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

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

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

28. The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the clerk of the urban district council of Burgess Hill and the clerk of every district council whose district or any part of whose district is within the limits of the Company for the supply of gas 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 once in each of two consecutive weeks in one or more local newspapers circulating within the limits of this Act.

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

29. When any shares or stock created under the powers of this Act have been offered for sale by auction or tender 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 or stock of the Company in manner provided by the Companies Clauses Act 1863. Provided always that any shares or stock so offered and not accepted within the time

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prescribed by the said Act shall again be offered for sale by public auction or by tender in the manner and subject to the provisions of this Act with respect to the sale of shares or stock created under the powers of this Act and any shares or stock not then sold shall be again offered to the holders of shares or stock at the last-mentioned reserved price and so from time to time until the whole of such shares or stock are sold. A.D. 1903.

30. Any sum of money which shall arise from the issue of any shares or stock by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Company but shall be expended in extending or improving the works of the Company or in paying off money borrowed or owing on mortgage by the Company and shall not be considered as part of the capital of the Company entitled to dividend. Provided that in any case where a power to raise money by borrowing or to create a reserve fund is made proportionate to the paid-up capital the premium received from the sale of shares or stock by auction or tender as hereinbefore provided shall for such purpose be reckoned as part of the paid-up capital. Application of premium arising on issue of shares or stock.

31. If any money is payable to a shareholder mortgagee or debenture stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company. Receipt in case of persons non sui juris.

32. The Company may subject to the provisions of this Act borrow on mortgage of the undertaking any sum or sums not exceeding in the whole including the sum of three thousand five hundred pounds already borrowed before the passing of this Act one third part of the amount of the capital of the Company 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 Company have proved to the justice who is to certify under section 40 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 Company 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. Power to borrow.

33. All mortgages bonds and debentures granted or issued by the Limited Company and subsisting at the date of the passing of Saving for existing

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A.D. 1903. this Act shall during the continuance of such mortgages bonds and
mortgages debentures have priority over all mortgages and debenture stock
and bonds. granted or created and issued by virtue of this Act.

For appoint- 34. The mortgagees of the Company may enforce payment
ment of a of arrears of interest or principal or principal and interest due on
receiver. 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 five
hundred pounds in the whole.

Debenture 35. The Company may create and issue debenture stock
stock. subject to the provisions of Part III. of the Companies Clauses
Act 1863 but notwithstanding anything therein contained the
interest of all debenture stock and of all mortgages at any time
after the passing of this Act created and issued or granted by the
Company under this or any subsequent Act shall subject to the
provisions of any subsequent Act rank *pari passu* (without respect
to the dates of the securities or of the Acts of Parliament or
resolutions by which the stock and mortgages were authorised)
and shall have priority over all principal moneys secured by such
mortgages Notice of the effect of this enactment shall be stated in
all mortgages and certificates of debenture stock.

Priority of 36. All money to be raised by the Company on mortgage or
mortgages by the issue of debenture stock shall have priority against the
and debent- Company and the property from time to time of the Company
ure stock over other over all other claims on account of any debts incurred or engage-
debts. ments entered into by them after the passing of this Act Provided
always that this priority shall not affect any claim against the
Company or their property in respect of any rentcharge granted or
to be granted by them in pursuance of the Lands Clauses Acts or
in respect of any rent or sum reserved by or payable under any
lease granted or made to the Company in pursuance of any Act
relating to the Company which is entitled to rank in priority to
or *pari passu* with the interest or dividends on their mortgages or
debenture stock.

Application 37. All moneys raised under this Act whether by shares stock
of moneys. debenture stock or borrowing shall be applied only for the purposes
of this Act and for the general purposes of the Company being in
all cases purposes to which capital is properly applicable.

First and 38. The first ordinary meeting of the Company shall be held
subsequent within six months next after the passing of this Act and the

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subsequent ordinary meetings of the Company shall be held in the month of March in every year or at such other time as shall be appointed for that purpose by an order of a general meeting of the Company.

A.D. 1903.
—
ordinary
meetings.

39. The quorum of general meetings (whether ordinary or extraordinary) of the Company shall be five present in person or by proxy holding in the aggregate not less than seven hundred and fifty pounds of the subscribed capital of the Company.

Quorum of
general
meetings.

40. The number of directors shall be five but the Company may vary the number provided that the number be not at any time less than three nor more than seven.

Number of
directors.

41. At all general meetings of the Company every holder of ordinary or preference stock shall have one vote for every five pounds (nominal value) of the capital of the Company up to one hundred pounds and an additional vote for every twenty-five pounds (nominal value) of the capital of the Company beyond the first one hundred pounds held by him.

Voting.

42. The qualification of a director shall be the possession in his own right of shares or stock of the Company to the nominal amount of not less than one hundred pounds.

Qualification
of directors.

43. The quorum of a meeting of directors shall be three.

Quorum of
directors.

44. William Wood Samuel Tomkins Maynard Thomas Smith William Wood the younger and Henry Burt being the directors of the Limited Company shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act being if they are then qualified eligible for re-election and at the ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power hereinbefore contained for varying the number of directors) elect persons to supply the place of the directors then retiring from office agreeably to the provisions in the Companies Clauses Consolidation Act 1845 contained and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be

First
directors.

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Contracts not to disqualify for office of director.

45. Any contract to be made with any board corporation company or public body under this Act shall not disqualify any of the members of any such board corporation company or public body for the office of director of the Company but no director being a member of any such board corporation company or public body shall vote on any question as to any contract with such board corporation company or public body.

Interim dividend.

46. The directors may in any year without calling a meeting of shareholders for the purpose declare an interim half-yearly dividend out of the profits of the Company Provided that the amount of any interim half-yearly dividend so declared shall not exceed in any one half-year one half of the amount of the maximum dividend.

Closing of transfer books previous to declaring interim dividend.

47. The directors may close the register of transfers for a period not exceeding fourteen days previous to a 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 some newspaper published or circulating in the district within which the Company's principal place of business is situate 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.

Books to be balanced to 31st December.

48. The period to which the books of the Company shall be balanced shall be the thirty-first day of December in each year.

Number and qualification of auditors.

49.—(1) The prescribed number of auditors shall be two or any greater number that may be ordered by resolution of a general meeting Provided that if the Company think fit they may appoint one or more chartered accountants to act in place of such prescribed number of auditors.

(2) It shall not be necessary for the auditors to hold shares or stock in the capital of the Company.

Powers as to construction and maintenance of gasworks.

50.—(1) Subject to the provisions of this Act the Company may maintain alter improve enlarge extend and renew or discontinue the gasworks of the Company existing at the passing of this Act upon the lands described in the Second Schedule to this Act and may also upon those lands erect lay down provide maintain alter improve enlarge extend and renew or discontinue with all necessary

roads approaches sidings and conveniences additional and other
gasworks retorts gasometers receivers drains sewers mains pipes
meters lamps lamp-posts burners stop cocks machinery and other
works and apparatus and conveniences and may do all such acts as
they may think proper for making and storing gas and for supplying
such gas within the limits of this Act and may make store and
supply gas accordingly and may manufacture sell provide supply
and deal in coke tar pitch lime and all other products or residuum
of any materials employed in or resulting from the manufacture
of gas. A.D. 1903.

(2) The Company may also construct a tramway and maintain
use and run over and acquire by agreement all rights of way user
or other easements over across or under any lands near or adjoining
the lands of the Company and which are or may be necessary or
convenient to the Company for the transport of coal coke and other
products and all materials and things to and from the lands of the
Company and the London Brighton and South Coast Railway and
other railways accessible therefrom or thereby.

51. The Company may for the purposes of their undertaking
purchase take on lease and hold (by agreement but not otherwise)
in addition to the lands described in the Second Schedule to this
Act any lands and hereditaments not exceeding in the whole three
acres which the Company may require for the purposes of their
works and undertaking but the Company shall not create or permit
a nuisance on any such lands and no lands shall be used by the
Company for the purpose of manufacturing gas or residual products
or for the purpose of storing gas except the lands described in the
Second Schedule to this Act. Power to
purchase
lands by
agreement.
Gas not to
be manufac-
tured except
on lands
scheduled.

52. The Company shall not under the powers of this Act
purchase or acquire in any city borough or other urban district ten
or more houses which on the fifteenth day of December last were
occupied wholly or partially by persons belonging to the labouring
class as tenants or lodgers nor except with the consent of the Local
Government Board ten or more houses in any city borough or
urban district in any parish or part of a parish not being within
an urban district which were not so occupied on the said fifteenth
day of December but have been or shall be subsequently so
occupied. Restriction
on taking
houses of
labouring
class.

If the Company purchase or acquire any house or houses for
the purposes of this Act in contravention of the foregoing provision
they shall be liable to a penalty of five hundred pounds in respect

A.D. 1903. — 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 purposes of this section the expression "house" means any house or part of a house occupied as a separate dwelling and 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 such persons who may be residing with them.

Sale or lease of lands not required.

53. Subject to the Lands Clauses Acts the Company may sell lease or otherwise dispose of any lands vested in or acquired by them under the powers of this Act and not for the time being required for the purposes thereof.

Power to supply gas fittings &c. for heating and other purposes.

54.—(1) The Company may purchase provide or hire and may supply sell let for hire or otherwise deal in fix repair and remove but shall not manufacture meters engines motors dynamos stoves ranges pipes and other 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 between the Company and the persons to or for whom the fittings are sold let fixed up repaired or removed.

(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 Company as the actual owners thereof.

Company may acquire patent rights.

55. The Company may acquire hold and use patent rights or licences not being exclusive for the use of inventions in relation to

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Act, 1903.

the manufacture of gas or in relation to the distribution or supply of gas and also in relation to the manufacture conversion or utilisation of residual products and materials arising in or resulting from the manufacture of gas. A.D. 1903.
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56. The Company may upon the application of the owner or occupier of any premises abutting on or being erected in any street or road laid out or made but not dedicated to public use supply such premises with gas and may lay and from time to time take up alter relay or renew in across or along such street or road such pipes as may be requisite or proper for furnishing such supply and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid so far as they are applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof Provided that no such street or road if situate within the urban district of Burgess Hill shall except in cases of emergency arising from defects in any of the pipes or other works be opened or broken up except according to such plan as shall be approved by the council of the said district but such approval shall not be unreasonably withheld or delayed or in case of any difference respecting the said plan then according to such plan as shall be determined by two justices and for this purpose the said street or road shall be deemed to be a street within the meaning of section 9 of the Gasworks Clauses Act 1847. Power to lay
pipes in
streets not
dedicated to
public use.

57. 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 five shillings and sixpence per one thousand cubic feet. Limits of
price.

58. The Company may if they think fit allow discounts or rebates to consumers of gas or other customers of the Company in consideration of prompt payment of gas rents or other debts or large consumption not exceeding in any case fifteen per centum upon such scale and subject to such conditions and regulations as may be prescribed by special contract in writing between the Company and any of such customers Provided that all discounts or rebates shall be of equal amount under like circumstances to all consumers Provided also that notice of the effect of this section shall be endorsed on all demand notes for gas rent issued by the Company. Discounts.

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Company
may contract
with local
authority
for supply
in bulk.

59. The Company may contract with any local authority company or persons beyond the Company's 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.

Anti-fluc-
tuators for
gas engines.

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

Power to
Company to
lay pipes &c.
with consent
of local
authority
for purposes
ancillary to
its business.

61. It shall be lawful for the Company for the purpose of their undertaking to lay down place repair alter remove and renew subways mains pipes culverts wires and other apparatus with the consent of the local authority in or under any street or place dedicated to public use within the limits of the Company for the purpose of procuring conducting or disposing of any oil or other material or for any other purpose ancillary to its business and for such purposes to enter into and carry into effect agreements with any local authority.

Testing
place.

62. Within six months from the passing of this Act if the same shall not already have been done a testing place shall be provided at the gasworks belonging to the Company.

Pressure of
gas.

63. All gas supplied by the Company for illuminating purposes to any consumer of gas shall be supplied at such pressure as to balance a column of water from midnight to sunset not less than six-tenths of an inch and from sunset to midnight not less than eight-tenths of an inch in height at the main or as near as may be to the junction therewith of the service pipe supplying such consumer and any gas examiner appointed under the Gasworks Clauses Act 1871 may subject to the terms of his appointment test

the pressure at which the said gas is supplied and may for that purpose open any street road passage or place vested in or under the control of any local or road authority and the provisions of the Gasworks Clauses Act 1871 with reference to testing of gas and to penalties shall mutatis mutandis apply to such testing of pressure and two hours' previous notice shall be given to the Company of the time and place at which such testing shall be conducted. A.D. 1903.

64. No penalty shall be incurred by the Company for neglect or refusal to give a supply of gas in accordance with the provisions of this Act or 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 the court having cognizance of the case are of opinion that such neglect refusal insufficiency defect or excess was caused by circumstances beyond the control of the Company or was of so slight or unimportant a character as not materially to affect the value of the supply Provided that the want of sufficient funds shall not be held to be a circumstance beyond the control of the Company. No penalty in case of unavoidable cause.

65. The quality of coal gas for illuminating purposes shall be fourteen candles. Quality of gas.

66. The prescribed burner shall be Sugg's London argand burner number one with a six-inch by one-and-three-quarter-inch glass chimney but if at any time and so long as the gas flame rises above the top of that glass a six-inch by two-inch chimney shall be used or any other burner or chimney approved for this purpose by the Board of Trade. Burner.

67. In order to enable the Company to ensure a satisfactory supply of gas to their consumers the following provisions shall have effect :— As to construction and placing of pipes between mains and meters.

- (1) The Company may specify the size and material of the pipes with the fittings thereof which are to be laid by the consumer between the Company's mains and the meter and (so far as the same are intended to be covered over) on the consumer's premises :
- (2) The Company may if they think fit make different specifications for different classes of premises having regard to the probable maximum consumption of gas thereon at any one time :
- (3) The specifications shall be published twice in some newspaper circulating within the limits of this Act and a

A.D. 1903.

copy thereof shall be kept exhibited in the office of the Company :

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

Company to pay interest on money deposited as security for gas meter &c.

68. If any person is required by the Company to give to them security for the payment of the price or rent of a meter the Company shall pay interest after 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.

Power to refuse supply to persons in debt for other premises.

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

70. Twenty-four hours' notice in writing shall be given to the Company by every gas consumer 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 shall require the Company to supply gas to such premises whichever shall first occur. Notice of the effect of this enactment shall be endorsed upon every demand note for gas rent payable to the Company.

A.D. 1903.

Gas consumers to give notice to Company before leaving.

71. 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 for the time being of the Company.

Notice to discontinue supply of gas.

72.—(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.

Period of error in defective meters.

(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 rents are recoverable by the Company.

73. The Company may upon any lands for the time being belonging or leased to them erect fit up maintain and let houses cottages and buildings for the officers workmen and servants employed by the Company for the purposes of their undertaking.

Dwelling-houses for workmen.

74. Proceedings for the recovery of any demand not exceeding fifty pounds made under the authority of this Act whether provision is or is not made for the recovery in any specified court or manner may be taken in the county court.

Recovery of demands under fifty pounds.

75.—(1) The Company shall deliver to the Registrar of Joint Stock Companies a printed copy of this Act and he shall retain and register the same and if such copy is not so delivered within three months from the passing of this Act the Company shall incur a penalty not exceeding two pounds for every day after the expiration of those three months during which the default continues and any

Copy of Act to be registered.

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A.D. 1903. — director or manager of the Company who knowingly and wilfully authorises such default shall incur the like penalty Every penalty under this section shall be recoverable summarily.

(2) There shall be paid to the registrar by the Company on such copy being registered the like fee as is for the time being payable under the Companies Act 1862 on registration of any document other than a memorandum of association.

Costs of Act. **76.** All costs charges and expenses of and incident to the applying for preparing obtaining and passing of this Act and otherwise in relation thereto shall be paid by the Company.

The SCHEDULES referred to in the foregoing Act. A.D. 1903.

FIRST SCHEDULE.

LIMITS OF SUPPLY.

The parishes of Keymer Urban and Clayton Urban in the urban district of Burgess Hill and such parts of the adjoining parishes of Wivelsfield and Ditchling in the rural district of Chailey and the parishes of Keymer Clayton and Hurstpierpoint in the rural district of Cuckfield all in the county of Sussex as are within a $1\frac{1}{2}$ miles radius of the north-west corner of St. John's Church Burgess Hill in the parish of Keymer Urban in the urban district of Burgess Hill except such portion of the parish of Keymer in such radius as is within the limits of supply of the Haywards Heath Gas Company.

SECOND SCHEDULE.

LANDS ON WHICH THE COMPANY MAY ERECT AND MAINTAIN WORKS AND MANUFACTURE GAS AND RESIDUAL PRODUCTS AND STORE GAS.

Lands in the parish of Keymer Urban in the urban district of Burgess Hill in the county of Sussex now belonging or reputed to belong to the Limited Company and on which the existing gasworks and buildings of the Limited Company are situated and which contain by admeasurement 1 acre 0 roods 32 poles or thereabouts such lands being the whole of plot numbered 80 on the $\frac{1}{2500}$ Ordnance map second edition 1897 Sussex (East) sheet XXXIX. 6 and having a frontage to Leylands Road Burgess Hill aforesaid.

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