



CHAPTER xxxiv.

An Act to authorise the Harrow and Stanmore Gas Company A.D. 1903.
to acquire lands to construct gasworks to raise additional
capital and for other purposes. [30th June 1903.]

WHEREAS by the Harrow Gas Act 1873 (hereinafter referred to as “the Act of 1873”) the Harrow District Gas Company were incorporated for the purpose of supplying gas within the limits thereby defined :

And whereas by the Harrow and Stanmore Gas Act 1894 (hereinafter referred to as “the Act of 1894”) the undertaking gasworks and other property and effects of the Great Stanmore Gas Company Limited (which company were thereby dissolved) were transferred to and vested in the Harrow District Gas Company whose name was by the said Act changed to that of the Harrow and Stanmore Gas Company and by the said Act the limits of supply of the Harrow and Stanmore Gas Company (hereinafter called “the Company”) were extended and the Company were authorised to make and maintain additional gasworks :

And whereas by the Act of 1873 the capital of the Company was declared to be forty-five thousand pounds whereof thirty thousand pounds was therein called the “original capital” and fifteen thousand pounds was called the “additional capital” :

And whereas at the passing of the Act of 1894 the said capital consisted of thirty thousand pounds A capital divided into three thousand fully paid up shares of ten pounds each five thousand pounds B capital divided into five hundred fully paid up shares of ten pounds each and ten thousand pounds C capital divided into five hundred fully paid up shares of ten pounds each and five hundred shares of ten pounds each of which two pounds per share had been paid up :

[*Price 1s. 3d.*]

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And whereas by the Act of 1894 there was created additional share capital of the Company of the nominal amount of ten thousand pounds divided into one thousand shares of ten pounds each which were to be deemed to be fully paid up and were thereafter referred to as "guaranteed shares" and by the same Act the Company were authorised to raise by the creation and issue of new ordinary shares (to be of not less nominal value than ten pounds each) or stock additional capital therein referred to as "new C capital" not exceeding in the whole forty thousand pounds which amount was to include any premium (less expenses of issue) obtained on the sale thereof:

And whereas by the Act of 1894 it was further provided that the guaranteed shares should be entitled to a fixed perpetual cumulative guaranteed dividend at the rate of six per centum per annum and further that when and so long as the C capital and new C capital should be entitled to receive a dividend exceeding six per centum per annum on the amount thereof the guaranteed shares should be entitled to participate by way of dividend in the profits of the Company applicable to dividend up to an additional one per centum per annum beyond the six per centum guaranteed dividend thereon *pari passu* with the C capital and new C capital:

And whereas by the Act of 1894 it was further enacted that the shares representing the B capital should be entitled to a dividend not exceeding seven per centum per annum *pari passu* with the dividend from time to time paid on the A capital:

And whereas by the Act of 1894 it was further provided that the profits of the Company to be divided among the shareholders other than the holders of guaranteed shares and shares representing the B capital in any year should not exceed the standard rates of dividend following that was to say on the said thirty thousand pounds A capital ten pounds in respect of every one hundred pounds thereof and on the ten thousand pounds C capital and the said forty thousand pounds new C capital seven pounds in respect of every one hundred pounds of the respective capitals and that as between the holders of the respective classes of capital but for that purpose only the shares representing the C capital and new C capital should be entitled only to a dividend on the amount for the time being paid up on such shares rateably with and in proportion to the dividend from time to time paid on the A capital so that the dividend from time to time paid on the C capital and new C capital should bear the same ratio to seven per centum that the dividend from time to time paid on the A capital should bear to ten per centum:

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— And whereas by the Act of 1894 there was created additional share capital of the Company of the nominal amount of ten thousand pounds divided into one thousand shares of ten pounds each which were to be deemed to be fully paid up and were thereafter referred to as “guaranteed shares” and by the same Act the Company were authorised to raise by the creation and issue of new ordinary shares (to be of not less nominal value than ten pounds each) or stock additional capital therein referred to as “new C capital” not exceeding in the whole forty thousand pounds which amount was to include any premium (less expenses of issue) obtained on the sale thereof :

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Citation
of Acts.
Incorporation
of
general Acts.

2. The Act of 1873 the Act of 1894 and this Act may be cited together as the Harrow and Stanmore Gas Acts 1873 to 1903.

3. The following Acts and parts of Acts (viz.) :—

The Lands Clauses Acts ;

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

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

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

The forfeiture of shares for non-payment of calls ;

The remedies of creditors of the Company against the shareholders ;

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

The consolidation of the shares into stock ;

The general meetings of the Company and the exercise of the right of voting by the shareholders ;

The making of dividends ;

The giving of notices ; and

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

The following provisions of the Companies Clauses Act 1863 as amended by subsequent Acts (that is to say) :—

Part I. relating to cancellation and surrender of shares ;

Part II. relating to additional capital ; and

Part III. relating to debenture stock ;

The Gasworks Clauses Act 1847 except sections 31 to 34 ;
and

The Gasworks Clauses Act 1871 ;

are subject to the provisions of this Act (so far as the same are applicable for the purposes of and are not inconsistent with this Act) incorporated with and form part of this Act Provided that section 35 of the Gasworks Clauses Act 1847 shall in and for the purposes of the Act of 1873 the Act of 1894 and this Act and of its application to the Company be read and construed as if the words from “in case the whole” down to “have been paid” were omitted therefrom and as if the expression “the prescribed rate” included the standard rates of dividend or such rates as reduced or increased in accordance with the provisions of this Act together

with any sum which under the provisions of this Act may be carried to the insurance fund and the Act of 1873 the Act of 1894 and this Act shall be read and construed as if sections 31 to 34 of the Gasworks Clauses Act 1847 were not incorporated therewith. A.D. 1903.

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

5. For the purposes of this Act and other the general purposes of their undertaking the Company may enter upon take and use all or any of the lands described in the second part of the Schedule to this Act and which are delineated on the deposited plan and described in the deposited book of reference. Power to acquire lands.

6.---(1) The Company shall not under the powers of this Act purchase or acquire 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 have been or shall be subsequently so occupied. Restriction on taking houses of labouring class.

(2) If the Company acquire or appropriate 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 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.

(3) 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 artizans 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.

7. The Company may subject to the provisions of this Act upon the lands described in the Schedule to this Act from time to time erect construct lay down provide maintain alter improve enlarge extend and renew or discontinue gasworks and works for the manufacture and storage of gas and for the manufacture Power to construct gasworks.

A.D. 1903. — conversion utilisation storage and distribution of materials used in or residual products resulting from such manufacture and provide lay down maintain alter improve enlarge extend and renew or discontinue retorts gasholders receivers purifiers drains sewers mains pipes and other works apparatus appliances and conveniences and do all such acts as they may think proper for making and storing gas and for supplying gas within their limits for the time being for the supply of gas and make store and supply gas accordingly and manufacture sell provide supply and deal in lime chemicals coke tar pitch asphaltum sulphate of ammonia ammoniacal liquor and all other products or residuum of any materials employed in or resulting from the manufacture of gas as they may from time to time think fit.

Scheduled lands only to be used for gas-works.

8. No land shall be used by the Company for the purpose of manufacturing gas or residual products or as a site for a gasholder except the lands described in the Schedule to this Act and in the Schedules respectively annexed to the Act of 1873 and the Act of 1894.

Period for compulsory purchase of lands.

9. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Power to purchase other lands by agreement.

10. The Company may for the purposes of their undertaking purchase take and hold by agreement but not otherwise in addition to the lands described in the Schedules respectively annexed to the Act of 1873 the Act of 1894 and this Act and to any land they have acquired or are authorised to acquire under the Act of 1873 and the Act of 1894 or either of them any land and hereditaments not exceeding in the whole ten acres which the Company may from time to time require for the purposes of their works and undertaking but the Company shall not create or permit a nuisance upon any such lands.

Power to erect workmen's dwellings &c.

11. The Company may upon any lands for the time being belonging to or held by them erect provide fit up and maintain dwelling-houses and cottages with all suitable buildings and conveniences connected therewith for the residence and accommodation of their officers workmen and servants and their families and on such lands shall as soon as the lands described in the second part of the Schedule to this Act shall have been acquired and the five cottages now standing thereon shall have been demolished erect provide and fit up five cottages with all suitable buildings and conveniences connected therewith for the occupation of tenants of the labouring class and may let such dwelling-houses and cottages

for such periods and for upon and under such rents terms and conditions as the Company may think fit and the Company may also make and maintain such roads and approaches to such dwelling-houses and cottages as may be necessary for the convenient use and enjoyment of the same and as the Company may think fit. A.D. 1903.
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12. The Company may at any time and from time to time after the passing of this Act raise any additional capital (hereinafter referred to as “additional new C capital”) not exceeding in the whole ninety-three thousand pounds by the creation and issue of new ordinary shares or stock or (at the option of the Company) partly of new ordinary shares and partly of new ordinary stock but the Company shall not issue any share of less nominal value than ten pounds nor shall any such share or stock vest in the person or Corporation accepting the same unless and until the full price thereof 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 or issue under the powers of this Act any greater nominal amount of share capital than shall be sufficient to produce including any premium (less expenses of issue) which may be obtained on the sale thereof the sum of ninety-three thousand pounds. Power to
raise addi-
tional
capital.

13. The additional capital from time to time raised by the Company under this Act by shares or stock shall form part of the new C capital of the Company and the shares or stock therein and the holders thereof respectively shall be subject and entitled to the same provisions liabilities rights privileges and incidents (including the rights of voting) whatsoever in all respects as if such additional capital were part of the new C capital of the Company authorised by the Act of 1894 and as if the new shares or stock were shares or stock in that capital and in particular the provisions of section 34 of the Act of 1894 shall extend and apply to the additional capital authorised by this Act as if the same were new C capital therein mentioned. Incidents of
shares or
stock.

14. Section 38 of the Act of 1894 (the marginal note whereof is “Application of profits”) is hereby repealed and in lieu thereof the following enactment shall be substituted. Application
of profits.

The profits of the Company available for dividend shall be applied first in payment of the perpetual cumulative guaranteed dividend to which the guaranteed shares are entitled and the arrears of such guaranteed dividend (if any) and the balance of such profits shall be applied in payment of the respective dividends to which the A B and C capitals of the Company and the new C

A.D. 1903. capital of the Company (including the additional capital by this Act authorised to be raised) are for the time being entitled. When and so long as the C capital and new C capital (including the additional new C capital) shall be entitled to receive a dividend exceeding six per centum per annum on the amounts paid up thereon the guaranteed shares shall be entitled to participate by way of dividend in the profits of the Company applicable to dividend up to an additional one per centum per annum beyond the six per centum per annum guaranteed dividend thereon *pari passu* with the C capital and the new C capital (including the additional new C capital). Provided always that sections 29 and 34 of the Act of 1894 when referring to the subsequent section of that Act of which the marginal note was "Application of profits" shall respectively be deemed and construed as referring to this section in lieu of section 38 of the Act of 1894 so repealed as aforesaid.

New shares or stock in additional new C capital to be offered by auction or tender.

15. Notwithstanding anything in this Act contained the Company shall when any shares or stock created under the powers of this Act in the additional new C 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 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 the reserved price put upon such shares or stock shall not be less than the nominal amount thereof and notice of the amount of such 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 bid or 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 holder or holders of shares or stock in the Company be the same in amount as any bid or offer made by any other person the bid or offer of such holder or holders of shares or stock shall be accepted in preference.

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

16. 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.

17. The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the clerk of every district council of any district wholly or partly included in the limits of supply of the Company 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 said limits.

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

18. 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 may be disposed of by the directors 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 ordinary shares or ordinary stock of the Company in manner provided by the Companies Clauses Act 1863 Provided always 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 in the manner and subject to the provisions of this Act with respect to the sale of shares and stock created under the powers of this Act except that the reserved price put upon such shares or stock may upon such second sale (if the directors of the Company think fit) be less than the nominal amount thereof and any shares or stock not then sold shall be again disposed of by the Directors or offered to the holders of ordinary shares or ordinary stock of the Company at the last-mentioned reserved price and so from time to time.

Disposal of shares or stock not sold.

19. Any sum of money which shall arise from the issue of any such shares or stock by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Company but shall be expended in extending or improving the works of the Company or in paying off money borrowed or owing on mortgage by the Company 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 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 hereinbefore provided (less expenses of issue) shall for such purpose be reckoned as part of the paid up capital.

Application of premium arising on issue of shares or stock.

20. In addition to the sums which the Company are authorised to borrow by the Act of 1873 and the Act of 1894 they may from

Power to borrow in respect of

A.D. 1903. additional capital. time to time and at any time after the passing of this Act borrow on mortgage of the undertaking in respect of the additional new C capital of ninety-three thousand pounds by this Act authorised to be raised any further sum or sums not exceeding in the whole one-third part of the amount of the additional capital by this Act authorised to be raised by shares or stock and at the time actually issued 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 the 40th section of the Companies Clauses Consolidation Act 1845 before he so certifies that such shares and stock and premium (if any) have been 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.

Priority of principal moneys secured by existing mortgages. **21.** All mortgages granted by the Company in pursuance of the powers of any Act of Parliament relating to the Company before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages have priority over the principal moneys secured by any mortgages to be granted by virtue of this Act.

Repeal of provisions of Act of 1894. **22.** The provisions of the Act of 1894 authorising the appointment of a receiver are hereby repealed but subject and without prejudice to any appointment of a receiver or proceedings taken under or by virtue of such provisions and in force or pending at the time of the passing of this Act.

As to appointment of receiver. **23.** The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. 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 two thousand pounds.

Debenture stock. **24.** The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 and of section 52 of the Act of 1894.

Priority of mortgages over other debts. **25.** All money raised or to be raised by the Company on mortgage or by debenture stock under the provisions of this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of

any debts incurred or engagements entered into by them after the passing of this Act Provided always that this priority shall not affect any claim against the Company or their property in respect of any rent charge 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 on their mortgages or debenture stock.

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26. All moneys raised under this Act whether by shares or stock or borrowing or by debenture stock shall be applied only for the purposes of the Company to which capital is properly applicable.

Application of moneys.

27. The Company may apply for the purposes of this Act to which capital is properly applicable any money which they have raised or are authorised to raise and which money is not by the Act under which the same is authorised to be raised made applicable to any particular purpose or if so made applicable is not required for that purpose.

Power to apply corporate funds to purposes of Act.

28. Where any debenture stock of the Company whether issued before or after the passing of this Act is registered in the names of more than one person as holders of any such debenture stock the receipt of any one of the registered holders of such debenture stock shall in the event of no notice to the contrary being served upon the Company from the other or others of such registered holders be a sufficient discharge to the Company for any interest payable in respect of such debenture stock the receipt whereof is acknowledged by such receipt.

As to receipts for interest on debenture stock standing in more than one name.

29. If any money is payable by the Company to a shareholder stockholder 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 not *sui juris*.

30. Section 57 of the Act of 1894 the marginal note whereof is "Standard prices for gas dividends dependent on prices charged" is hereby repealed and in lieu thereof the following enactment shall be substituted :—

Standard prices for gas and dividends dependent on prices charged.

- (1) In this section the expression "the central area" means a radius of one mile from the King's Head Hotel in Harrow and so much of the urban districts of Harrow and Wealdstone as lie outside that radius and shall from and after the first day of July one thousand nine hundred and eight include also the urban district of Wembley :

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(2) The standard price to be charged by the Company for gas supplied by them to persons who shall burn the same by meter shall be as follows :—

(A) For gas supplied within the central area four shillings per thousand cubic feet ; and

(B) For gas supplied outside the central area a sum exceeding by three pence per one thousand cubic feet the price which the Company would but for the restrictions hereinafter contained be from time to time entitled to charge for gas supplied within the central area :

Provided that the Company may increase or reduce the price charged by them for gas above or below the standard price subject to a reduction or increase in the standard rates of dividend as defined by the Act of 1894 (hereinafter referred to as “the standard rates of dividend”) to be calculated as follows For every penny charged in excess or in diminution of such standard price in any year for gas supplied as aforesaid the standard rates of dividend shall for such year be reduced or increased by five shillings on every one hundred pounds of A capital and three shillings and sixpence on every one hundred pounds of C capital and new C capital including the additional new C capital and so in proportion for any fraction of one hundred pounds :

(3) Notwithstanding the foregoing enactment and until the Company shall have for the first time paid their full standard rates of dividend and unless the cost to the Company per ton of coals delivered at their works shall in the opinion of a competent and impartial referee having a practical knowledge and experience in the manufacture and supply of gas (who shall be appointed by the Board of Trade upon application by the Company) justify an advance beyond the prices hereinafter in this subsection mentioned and such advance and the date of its commencement and the period of its duration shall be determined by the said referee the following provisions shall have effect (that is to say) :—

The price to be charged by the Company for gas supplied as aforesaid—

(A) Within the radius of one mile from the King’s Head Hotel in Harrow and within so much of the urban districts of Harrow and Wealdstone as lie outside such radius shall not exceed from the first quarter day after

the passing of this Act four shillings and twopence per thousand cubic feet from the first day of July one thousand nine hundred and four four shillings and one penny per thousand cubic feet and from the first day of July one thousand nine hundred and five four shillings per thousand cubic feet ;

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- (B) Elsewhere within the limits of supply shall not exceed from the first quarter day after the passing of this Act four shillings and five pence per thousand cubic feet from the first day of July one thousand nine hundred and four four shillings and four pence per thousand cubic feet and from the first day of July one thousand nine hundred and five four shillings and three pence per thousand cubic feet :
- (4) The price to be charged by the Company for gas supplied as aforesaid within the urban district of Wembley after the first day of July one thousand nine hundred and six shall not exceed the price for the time being charged for gas supplied within the urban district of Harrow by more than two pence per thousand cubic feet between the said first day of July one thousand nine hundred and six and the first day of July one thousand nine hundred and seven and by more than one penny per thousand cubic feet between the said first day of July one thousand nine hundred and seven and the first day of July one thousand nine hundred and eight and shall after the first day of July one thousand nine hundred and eight be the same as that charged for gas supplied within the said urban district of Harrow :
- (5) Nothing in this section contained shall apply to the B capital of the Company.

31. Sections 35 36 and 37 of the Act of 1894 are hereby repealed and in lieu thereof the following provisions shall have effect (that is to say) :—

Provisions as to insurance and reserve fund.

- (A) If the clear profits of the undertaking of the Company in any year amount to a larger sum than is sufficient to pay the dividends authorised by the Act of 1894 on the guaranteed shares and the B capital of the Company and dividends at the rates authorised by the Act of 1894 as amended by this Act on the other share capital of the Company the excess beyond the sum necessary for that purpose may from time to time to the extent of one per centum per annum upon the paid-up capital of the Company be invested in Government or other securities and the

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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 of the paid-up capital of the Company which sum shall form an insurance fund to meet any extraordinary claim demand or charge which may at any time arise against or fall upon the Company from accident strikes or other circumstances which in the opinion of two justices 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 and so from time to time as often as such reduction shall happen. Provided that when and so often as the said fund shall reach one-twentieth part of the paid-up capital the interest thereon shall be carried to the credit of the fund available for dividend. Provided also that resort may from time to time be had to the insurance fund to meet any extraordinary claim or demand as aforesaid although such fund may not at the time have reached or may have been reduced below the full amount of one-twentieth as aforesaid :

- (B) If the clear profits of the undertaking of the Company in any year amount to a larger sum than is sufficient to pay the dividends mentioned in the preceding subsection (A) of this section 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 such undertaking for the next following year :
- (c) When in any year the dividends on the A and C capital and the new C capital (including the additional capital by this Act authorised) of the Company shall exceed the standard rates of dividend by reason of the price charged by the Company for gas in that year being below the standard price then out of the amount of the divisible profits of the Company applicable to the payment of such excess of dividend the Company may in such year set apart such sum as they shall think fit and all sums (if any) so set apart by the Company and any reserve or other fund of the Company existing at the passing of this Act 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 the 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 Company shall be insufficient to enable the Company in such year to pay the dividends at the authorised rates on the A and C capital and the new C capital (including the additional capital by this Act authorised) of the Company and save as in this Act provided no sum shall in any year be carried by the Company to any reserve fund :

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(D) Section 46 of the Act of 1894 when referring to the preceding section of that Act whereof the marginal note is "If profits exceed the amount limited excess may be invested and form an insurance fund" shall be deemed and construed as referring to subsection (A) of this section in lieu of section 35 of the Act of 1894 so repealed as aforesaid.

32. From and after the passing of this Act section 59 of the Act of 1894 shall be read and have effect as if a dividend of ten per centum per annum on the A capital had been mentioned therein as the dividend on payment of which the provisions of that section are to take effect and such provisions when so in operation shall apply to gas supplied within the urban district of Wembley and the urban district of Harrow and that section and section 61 of the Act of 1894 shall be read and have effect as if the district council for the urban district of Wembley had been mentioned therein as well as the Harrow Local Board.

Amendment
of sections
59 and 61 of
Act of 1894.

33. Section 60 of the Act of 1894 the marginal note whereof is "Price for supply to public lamps" is hereby repealed and in lieu thereof the following enactment shall be substituted :—

Price for
supply to
public lamps.

The price of gas supplied to the public lamps within the respective districts of the Harrow Urban District Council and the Wembley Urban District Council shall not exceed a sum which shall be fourpence per thousand cubic feet less than the price per thousand cubic feet from time to time generally charged by the Company to private consumers within the said districts respectively.

34. The Company may let for such periods as they may think fit any lands for the time being belonging to the Company together with the buildings (if any) erected thereon which may not for the time being be required for the purposes of their undertaking and may retain and hold sell and dispose of any interest in or reversion to any lands so let or in or to the cottages erected by the Company for the occupation of tenants of the labouring class and any such sale disposal or lease may be for such consideration [and

Power to
lease lands.

A.D. 1903. — subject to such reservations stipulations restrictions and provisions and generally upon such terms and conditions as the Company think fit and notwithstanding anything in the Gasworks Clauses Act 1871 contained the provisions of sections 128 to 132 of the Lands Clauses Consolidation Act 1845 shall not apply to any sale or disposal of such interest or reversion or to any sale under the powers of section 6 of the said Act of 1871.

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

35. 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 the 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 always that the Company shall not lay any such pipe in across or along any private street or road within the respective districts of the Harrow Urban District Council and the Wembley Urban District Council until after delivery by the Company to the Council of the district in which the said private street or road shall be situated of a notice and plan of the intended works If within twenty-one days after such delivery the said plan shall be approved or shall be neither approved nor objected to by the said Council the intended works shall be carried out by the Company according to the said plan but if the said plan shall be objected to then the intended works shall be carried out according to such other plan as shall be mutually agreed or in the event of difference as shall be determined by two justices who are hereby empowered to make such determination accordingly.

No penalty in case of unavoidable cause.

36. No penalty shall be incurred by the Company for neglect or refusal to give a supply of gas 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 cognisance 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.

37. Proceedings for the recovery of any demand not exceeding fifty pounds made under the authority of this Act or any former Act relating to the Company or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in the county court.

A.D. 1903.

Recovery of demands under fifty pounds.

38. 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 in default of his so using or keeping such anti-fluctuator in proper repair the Company may cease to supply gas to such consumer. The Company shall have access to and be at liberty to take off remove test inspect and replace any such anti-fluctuator 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.

Anti-fluctuators for gas engines.

39. It shall be lawful for the Company to lay down place repair alter remove and renew mains pipes and culverts within the limits of the Company for the purpose of procuring conducting or disposing of any oil or other materials used by them in or resulting from the manufacture of gas or any residual products thereof or for any purpose connected with or ancillary to their business and for such purposes to utilise any mains pipes or works for the time being of the Company whether laid or placed in any street or elsewhere within the said limits and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid shall so far as applicable extend and apply to the laying down and placing repairing altering or removing and protection of such mains pipes and culverts.

Power to utilise pipes for ancillary purposes.

40. From and after the first day of January one thousand nine hundred and four section 45 of the Act of 1873 shall be read and have effect as if the rate of four per centum per annum had been mentioned therein instead of the rate of five per centum per annum.

As to interest on money deposited as security for gas meters.

41. 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 his paying all gas or meter rent due from him in respect of the said premises the Company may refuse to furnish to him a supply of gas until he pays the same.

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

42. 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

Period of error in

A.D. 1903. being proved to register erroneously within the meaning of the said
defective meters. Act such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter. The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Company shall be paid by or to the Company to or by the consumer as the case may be and shall be recoverable in like manner as gas rents are recoverable by the Company.

Apparatus to be free from distress. **43.** Any stove range machinery apparatus article or thing which the Company may let for hire shall not be subject to distress or to the landlord's remedy for rent nor be liable to be taken in execution under any process of any court of law or equity or any proceeding in bankruptcy against the persons in whose possession the same may be provided that such stove range machinery apparatus article or thing shall have upon it 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.

Expenses of Act. **44.** All the costs charges and expenses of and incident to the preparation and applying for obtaining and passing of this Act and otherwise in relation thereto shall be paid by the Company.

The SCHEDULE referred to in the foregoing Act.

A.D. 1903.

PART I.

A piece of land adjoining the Company's existing gasworks and containing by admeasurement little more than one acre situate at Roxeth in the parish and urban district of Harrow in the county of Middlesex and bounded on the north in part by a lane or roadway (generally called Gasworks Lane) leading out of Northolt Road and in part by a strip of land adjoining and on the south side of the said lane or roadway belonging or reputed to belong to Anthony Hall and Arthur William Hall on the west by other land of the said Anthony Hall and Arthur William Hall (being the land firstly hereinafter described in Part II. of this Schedule) on the south by a strip of land belonging or reputed to belong to Morley Hill and adjoining the gardens of houses and vacant land situate on the north side of Stanley Road and on the east partly by land belonging or reputed to belong to Charles Atkins and partly by the said gasworks.

PART II.

A piece of land at Roxeth in the said parish and urban district of Harrow comprising the farmhouse buildings and cottages known as Easteroft Farm (adjoining the land hereinbefore described in Part I. of this Schedule) bounded on the north by the said lane called Gasworks Lane on the north-west by the public footpath leading from the said lane to the occupation lane communicating with Eastcote Lane on the south-west partly by the said occupation lane and partly by a strip of land belonging or reputed to belong to the said Morley Hill and adjoining the gardens of houses and vacant land situate on the north side of Stanley Road on the south by a further strip of land belonging or reputed to belong to the said Morley Hill and adjoining the gardens of other houses and vacant land on the north side of Stanley Road aforesaid and on the east by the piece of land described in Part I. of this Schedule.

A strip of land at Roxeth in the said parish and urban district of Harrow adjoining and on the south side of Gasworks Lane aforesaid being the strip of land hereinbefore referred to as bounding the piece of land described in Part I. of this Schedule on the north.

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