



CHAPTER xcv.

An Act to consolidate the Scarborough Gas Company's special Acts to extend their limits of supply to authorise the Company to acquire additional lands to construct additional works and to raise further capital and for other purposes.

A.D. 1927.

[29th July 1927.]

WHEREAS by the Scarborough Gas Company's Act 1851 (hereinafter referred to as "the Act of 1851") the Scarborough Gas Company (hereinafter referred to as "the Company") which had been established in the year 1834 and were at the time of the passing of the said Act regulated by a deed of settlement therein recited were incorporated and were authorised in addition to their then existing share capital of ten thousand pounds to raise a further share capital of ten thousand pounds for the purpose of better supplying with gas the borough of Scarborough and for other the purposes of the Company and to borrow money to the extent of one-third of such additional capital:

And whereas the limits of the Company for the supply of gas have been extended and the amount of capital which they may raise for the purposes of their undertaking has been increased and other their powers have been amended and enlarged from time to time by the Acts and Orders (other than the Act of 1851) specified in the First Schedule to this Act and the Company are now authorised to supply and are supplying gas under

A.D. 1927. the unrepealed provisions of the said Acts and Orders all of which are hereinafter collectively referred to as "the recited Acts":

And whereas the capital of the Company as authorised by the recited Acts consists of:—

One hundred and eighty-six thousand seven hundred and nineteen pounds and sixteen shillings consolidated ordinary stock entitled to a maximum rate of dividend of five pounds per centum per annum;

Forty-nine thousand four hundred and seventy-one pounds and seventeen shillings new ordinary stock entitled to a maximum rate of dividend of five pounds per centum per annum;

Ten thousand five hundred and twenty-eight pounds and three shillings representing premiums obtained on the sale of the last-mentioned stock;

Twenty-seven thousand three hundred and forty-three pounds preference stock entitled to a uniform rate of dividend of five pounds per centum per annum;

Forty-six thousand four hundred and twenty pounds preference stock entitled to a uniform rate of dividend of five pounds per centum per annum and redeemable at par on the first day of October 1943;

Seventy-two pounds fourteen shillings and nine pence representing premiums obtained on the sale of the last-mentioned stock;

Twenty-eight thousand five hundred and seven pounds five shillings and threepence created under the Scarborough Gas Act 1903 and authorised by special resolution of the Company to be issued as ordinary stock or as redeemable or irredeemable preference stock and in such manner in such sums and at such time or times as the directors of the Company shall deem advisable but no part whereof has yet been issued;

And whereas in pursuance of the recited Acts the Company have borrowed on mortgage of their undertaking

sums amounting together to one hundred thousand pounds being the whole of the amount which they are now authorised to borrow under those Acts : A.D. 1927.

And whereas in further pursuance of the provisions of the recited Acts or some of them the Company have acquired the lands specified in Parts I III and IV of the Third Schedule to this Act and are using the same for the purposes of their undertaking :

And whereas the population and the demand for the supply of gas in the limits of supply by the Company have increased and are increasing and it is expedient that the Company be empowered to acquire the lands adjoining some of their existing gasworks and specified in Part II of the said Third Schedule and to construct thereon and on the said lands specified in Parts I and III of that schedule further works for the manufacture and storage of gas and residual products as by this Act authorised :

And whereas it is expedient that the Company be authorised to raise further capital and to borrow further money for the purposes of their undertaking in the manner prescribed by this Act :

And whereas it is expedient that provision be made for entitling the employees and proprietors of the Company to derive benefit from the efficient and economical working of the undertaking of the Company and that the provisions in this Act contained with reference to the prices to be charged and the allocation of the profits of the Company be enacted :

And whereas many of the provisions of the recited Acts are obsolete or have been superseded and the areas of local government within which the Company are by those Acts authorised to supply gas have changed and it is expedient to repeal the recited Acts and to consolidate such of the provisions thereof as are still in force into one Act with such amendments and additions as are in this Act contained :

And whereas the objects aforesaid cannot be attained 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

[Ch. xcv.] *Scarborough Gas* [17 & 18 GEO. 5.]
(Consolidation) Act, 1927.

A.D. 1927. Parliament assembled and by the authority of the same as follows (that is to say) :—

PRELIMINARY.

Short title.

1. This Act may be cited as the Scarborough Gas (Consolidation) Act 1927.

Incorporation of general Acts.

2. The following Acts and parts of Acts are (subject to the provisions of and so far as applicable to the purposes of this Act) 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) and the Companies Clauses Act 1863 as amended by subsequent Acts;

The Lands Clauses Acts;

The Gasworks Clauses Act 1847 except the provisions with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for their benefit :

Provided that section 13 of that Act shall be read as if the words " or any premises " were inserted therein after the words " private building " and as if the words " Provided also that " every such contract entered into by the " Company shall be alike in terms and amount " under like circumstances for like purposes to " all consumers " were added at the end of that section ;

The Gasworks Clauses Act 1871 except sections 8 and 35 thereof ;

and the provisions of those Acts as so amended shall continue to apply to the existing undertaking of the Company as if the same had been authorised by this Act.

Interpretation.

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

" The Company " means the Scarborough Gas Company ;

- “ Existing ” means existing at the time of the passing of this Act; A.D. 1927.
- “ Recited Acts ” means the Acts and Orders set forth in the First Schedule to this Act;
- “ The limits of supply ” means the limits for the time being for the supply of gas by the Company;
- “ The borough ” means the borough of Scarborough as constituted at the passing of this Act;
- “ The corporation ” means the mayor aldermen and burgesses of the borough;
- “ The undertaking ” means the undertaking of the Company as for the time being authorised;
- “ Ordinary capital ” includes the consolidated ordinary stock and the 1895 ordinary stock in the capital of the Company;
- “ Statutory security ” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery;
- “ The calorific value of gas ” means the number of British thermal units (gross) produced by the combustion of one cubic foot of the gas measured at sixty degrees Fahrenheit under a pressure of thirty inches of mercury and saturated with water vapour.

LIMITS OF SUPPLY.

4. The limits within which the Company may supply gas shall be and include the borough of Scarborough the urban district of Scalby and the rural district of Scarborough in the north riding of the county of York. Limits for supply of gas.

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On failure of
Company
other under-
takers may
apply for
powers.

5. If after the expiration of five years from the passing of this Act the Company have not laid down mains for the supply of gas in any parish or part of a parish in the rural district of Scarborough nothing in this Act shall prevent the local authority of that parish or portion of parish or any company or person applying for an Act of Parliament or Special Order for the purpose of providing such a supply and for the repeal of the powers of the Company in that behalf.

REPEAL OF RECITED ACTS AND SAVINGS.

Commence-
ment of Act
and repeal
of recited
Acts.

6.—(1) This Act shall come into operation on the first day of January one thousand nine hundred and twenty-eight which date is in this Act referred to as “the commencement of this Act.”

(2) Subject to the provisions of this Act the recited Acts are hereby repealed as from the commencement of this Act.

Continuance
of incorpo-
ration of
Company.

7. Notwithstanding the repeal effected by this Act the Company shall continue incorporated by the name of the Scarborough Gas Company with perpetual succession and a common seal and with power to purchase take hold and dispose of lands for the purposes of this Act.

Under-
taking to
continue
vested in
Company.

8. The undertaking of the Company as the same exists at the commencement of this Act shall continue vested in the Company and be held exercised and enjoyed by them subject to the provisions of this Act.

Saving for
securities
&c.

9.—(i) All acts works matters and things before the commencement of this Act done or commenced under the powers of the recited Acts or any of them and which were at the commencement of this Act valid and available or in progress and all existing awards agreements contracts conveyances covenants deeds leases obligations rights and remedies shall subject to the provisions of this Act be and continue valid and available for all purposes and for and against all parties and may be continued enforced and completed as if this Act had not been passed.

(ii) All existing mortgages or other securities granted or created by the Company shall be and continue as valid and available against the Company and the

property comprised in any such security as if this Act had not been passed and the holders of all such securities shall be in the like position in all respects and entitled to the like priorities powers rights and remedies as if this Act had not been passed and the Company shall have exercise and be subject to the like powers duties liabilities and obligations in respect of all such securities and the re-borrowing and repayment of any principal moneys and otherwise as if this Act had not been passed.

(iii) All actions arbitrations prosecutions or other proceedings or causes of action arbitration prosecution or other proceedings pending or existing by with against or in favour of the Company at the commencement of this Act may be continued commenced or prosecuted by with against or in favour of the Company as if this Act had not been passed.

(iv) All gas rents and other sums at the commencement of this Act due or accruing due to the Company may be collected and recovered by the Company as if this Act had not been passed.

(v) All plans sections and books of reference and all corrections and certificates of corrections thereof respectively deposited for the purposes of any of the recited Acts with the clerk of the peace for the north riding of the county of York shall remain in his custody as if they had been deposited for the purposes of this Act and the clerk of the peace shall accordingly permit the same to be inspected and copies thereof and extracts therefrom to be taken and all such plans sections books of reference corrections and certificates shall be receivable in evidence as they would have been if this Act had not been passed.

(vi) All other books and documents which under any of the recited Acts or otherwise would have been receivable in evidence shall be receivable in evidence as if this Act had not been passed.

(vii) All officers and servants of the Company shall continue in office in accordance with and subject to the terms and conditions of their respective engagements.

(viii) The accounts for the year ending the thirty-first day of December nineteen hundred and twenty-seven

A.D. 1927. — and the balance-sheet of the Company as at that date shall be prepared and audited and a dividend or final dividend for that year may be declared and paid after the commencement of this Act as if this Act had not been passed.

General
purposes of
Company.

10. The Company shall continue and be established for the purposes of manufacturing and supplying gas for lighting heating motive power and other purposes within the limits of supply and generally may carry on the business usually carried on by a gas company.

CAPITAL BORROWING POWERS &C.

Capital.

11. The capital of the Company shall be the sum of four hundred thousand pounds consisting of—

- (1) One hundred and eighty-six thousand seven hundred and nineteen pounds and sixteen shillings consolidated ordinary stock consolidated created and issued under the Act of 1895;
- (2) Forty-nine thousand four hundred and seventy-one pounds and seventeen shillings new ordinary stock and in this Act referred to as "the 1895 ordinary stock";
- (3) Twenty-seven thousand three hundred and forty-three pounds preference stock created and issued under the Scarborough Gas Act 1867 and in this Act referred to as "the 1867 preference stock";
- (4) Forty-six thousand four hundred and twenty pounds redeemable preference stock created and issued under the Scarborough Gas Act 1903 and the Scarborough Gas (Capital Issues) Consent 1923 and in this Act referred to as "the 1923 redeemable preference stock";
- (5) Ten thousand six hundred pounds seventeen shillings and ninepence being ten thousand five hundred and twenty-eight pounds and three shillings and seventy-two pounds fourteen shillings and ninepence representing premiums obtained on the sale of the 1895 ordinary stock and the 1923 redeemable preference stock respectively which sum of ten thousand six

hundred pounds seventeen shillings and nine-
pence shall not be considered part of the
capital of the Company entitled to dividend; A.D. 1927.

- (6) Twenty-eight thousand five hundred and seven pounds five shillings and threepence capital created under the Scarborough Gas Act 1903 but not yet issued by the Company and in this Act referred to as "the 1923 unissued capital"; and
- (7) Fifty thousand nine hundred and thirty-seven pounds and four shillings in this Act called "the additional capital."

12.—(1) The holders of the 1895 ordinary stock shall be entitled to the like rights qualifications and privileges as the holders of consolidated ordinary stock in the capital of the Company except that in the event of the undertaking being purchased by the mayor aldermen and burgesses of the borough of Scarborough every holder of any of the 1895 ordinary stock shall be entitled to receive the price at which the amount of that stock held by him was issued by the Company Every certificate of any of the 1895 ordinary stock issued by the Company shall be endorsed with notice of this enactment.

Defining
rights
attaching
to certain
stocks.

(2) The 1867 preference stock shall except as otherwise provided by this Act be subject to the same provisions in all respects as if it were part of the ordinary capital of the Company.

(3) The 1923 redeemable preference stock shall be redeemed by the Company at par on the first day of October one thousand nine hundred and forty-three and shall except as otherwise provided by this Act be subject to the same provisions in all respects as if it were part of the ordinary capital of the Company.

(4) The 1923 unissued capital shall be offered for sale in conformity with the provisions of this Act and shall be issued either as further amounts of consolidated ordinary stock or as redeemable or irredeemable preference stock at such times and in such amounts and if issued as redeemable preference stock subject to redemption on such terms and at such times as the directors shall from time to time determine.

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Existing stocks to remain vested in same persons and held on same trusts as heretofore.

13.—(1) The consolidated ordinary stock the 1895 ordinary stock the 1867 preference stock and the 1923 redeemable preference stock shall remain vested in the several persons who immediately before the commencement of this Act were respectively the registered proprietors thereof and be subject and liable to the same trusts powers provisions declarations agreements charges liens and incumbrances as affected the same and every deed or other instrument relating to and every testamentary disposition of or affecting those stocks made before the commencement of this Act shall take effect as if this Act had not been passed.

(2) All certificates sales transfers and dispositions heretofore made or executed for and with respect to the consolidated ordinary stock the 1895 ordinary stock the 1867 preference stock and the 1923 redeemable preference stock respectively shall remain in full force and continue and be available in respect of the same as if this Act had not been passed.

Present registers of proprietors and transfers of stocks &c. to be continued.

14. The registers of stockholders and of mortgagees of the Company and the registers of transfers of stocks and of mortgages shall continue to be the registers required to be kept for those purposes by the Companies Clauses Consolidation Act 1845 and be accessible as heretofore to the several holders of stocks and mortgages.

Further power to raise capital.

15. The Company may from time to time raise the 1923 unissued capital and the additional capital by the issue or by the creation and issue (as the case may require) of further amounts of consolidated ordinary stock or of new preference stock or wholly or partially by one or more of those modes respectively Provided that it shall not be lawful for the Company to issue or to create and issue under the powers of this Act any greater total nominal amount of capital than shall be sufficient to produce including any premium which may be obtained on the sale thereof the sum of seventy-nine thousand four hundred and forty-four pounds nine shillings and threepence.

New stock to be sold by auction or tender.

16.—(1) Except as provided by the section of this Act of which the marginal note is "Profit sharing" all stock issued under the powers of the section of this Act of which the marginal note is "Further power

to raise capital" shall be issued in accordance with A.D. 1927.
the provisions of this section.

(2) All stock so to be issued shall be offered for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Company shall from time to time determine Provided as follows :—

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

(3) Any stock which has been so offered for sale and is not sold may be offered at the reserve price to the holders of stock of the Company in accordance with the provisions of sections 18, 19 and 20 of the

A.D. 1927. Companies Clauses Act 1863 and to the employees of the Company and to the consumers of gas supplied by the Company in such proportions as the Company may think fit or to one or more of these classes of persons only Provided that in the case of an offer to holders of stock if the aggregate amount of stock applied for shall exceed the aggregate amount so offered as aforesaid the same shall be allotted to and distributed amongst the applicants as nearly as may be in proportion to the amounts applied for by them respectively.

(4) Any stock which has been offered for sale in accordance with subsection (2) or with subsections (2) and (3) of this section and is not sold may for the purpose of realising the best price obtainable be otherwise disposed of at such price and in such manner as the directors may determine.

(5) As soon as possible after the conclusion of the sale or sales the Company shall send a report thereof to the Board of Trade stating the total amount of each class of stock sold the total amount obtained as premium (if any) and the highest and lowest prices obtained for each class of stock.

Stock in further capital to be part of general capital.

17. All stock in the 1923 unissued capital or in the additional capital issued or created and issued (as the case may be) by the Company under this Act shall be part of the general capital of the Company and save as is otherwise provided by this Act the holders thereof respectively shall be entitled to the like rights of voting and any other rights qualifications and privileges in proportion to the amount of their stock and be subject to the like provisions and liabilities as the holders of other stock of the Company of the same class and description.

Power to borrow.

18.—(1) The Company may without further or other authority raise by borrowing on mortgage of the undertaking in respect of the capital raised by the Company before the commencement of this Act any sum or sums (inclusive of the sum of one hundred thousand pounds already borrowed) not exceeding in the whole the sum of one hundred and sixty thousand two hundred and seventy-seven pounds.

(2) The Company may also raise by borrowing on mortgage of the undertaking any sum or sums not exceeding in the whole one-half of the 1923 unissued capital and the additional capital which at the time of borrowing has been raised under the powers of this Act but no sum shall be borrowed in respect of any capital so raised until the Company have proved to a justice of the peace before he gives his certificate under the fortieth section of the Companies Clauses Consolidation Act 1845 that the whole of the stock in respect of which it is proposed to borrow together with the premium (if any) realised or after allowing for the discount (if any) given on the sale thereof has been fully paid up.

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19. All mortgages granted by the Company under the powers of the recited Acts and subsisting at the commencement of this Act shall during the continuance of such mortgages have priority over any mortgages granted by virtue of this Act and as between themselves shall have the same rights priorities privileges and incidents as attached or were incident to the same mortgages respectively immediately before the commencement of this Act.

Existing mortgages to have priority.

20. The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their debentures or 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 thousand pounds in the whole.

Arrears to be enforced by appointment of a receiver.

21. The Company may create and issue debenture stock subject to the provisions of Part III of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time after the commencement 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 subject as is mentioned in the section of this Act of which the marginal note is "Priority of mortgages over other debts" have priority

Debenture stock.

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over all principal moneys secured by such mortgages
Notice of the effect of this enactment shall be endorsed
on all mortgages and certificates of debenture stock.

Priority of
mortgages
over other
debts.

22. All moneys raised by the Company on mortgage or debenture stock under the provisions of this Act shall have priority against the Company and the property from time to time forming part of the undertaking over all other claims on account of any debts incurred or engagements entered into by the Company after the commencement 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 or vested in the Company which is entitled to rank in priority to or *pari passu* with the interest on their mortgages or debenture stock.

Application
of moneys.

23. All moneys raised under this Act including premiums shall be applied only to purposes to which capital is properly applicable and any sum of money which may arise by way of premium from the issue of stock under the provisions of this Act shall not be considered as part of the capital of the Company entitled to dividend.

Redeemable
preference
or debenture
stock.

24.—(1) The Company may issue all or any of the preference stock or debenture stock authorised to be issued or created and issued under the powers of this Act so as to be redeemable on such terms and conditions as may be specified in a resolution of the Company passed at a special meeting convened for the purpose.

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

- (a) call in and pay off the stock or any part thereof at any time before the fixed date of redemption; or
- (b) redeem the stock or any part thereof either by paying off the stock or by issuing to any stockholder subject to his consent other stock in substitution therefor.

(3) The Company may for the purpose of providing money for paying off the stock or of providing substituted

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stock issue or create and issue (subject as regards preference stock to the provisions of the section of this Act of which the marginal note is "New stock to be sold by auction or tender") new stock (either redeemable or irredeemable) or re-issue stock originally created and issued under this section. Provided that the creation and re-issue for the purpose of any particular class of stock does not make the total nominal amount of such stock exceed the amount of that class of stock which the Company are for the time being authorised to create except during the necessary interval between the creation and issue of the new stock and the redemption of the old stock.

(4) The Company shall not redeem out of revenue any debenture stock or preference stock created under this Act except to the extent of any discount allowed on the issue or the premium payable on the redemption of any such stock.

PRICE PROFITS ACCOUNTS.

25.—(1) The basic price of gas supplied by the Company shall be nine decimal two pence per therm:

Basic price of gas and basic rate of dividend on ordinary capital.

Provided that the charge to be made by the Company for gas supplied by them to persons who consume the same by meter within that part of the rural district of Scarborough which is situate at a greater distance than half a mile from the boundary of the borough shall exceed by two decimal four pence the price for the time being charged by the Company to consumers in like circumstances within the remainder of the limits of supply:

Provided also that this subsection shall have effect as respects the charges to any particular consumer as from the reading by the Company of that consumer's meter for the quarter ending on the thirty-first day of December nineteen hundred and twenty-seven.

(2) The basic rate of dividend on the ordinary capital of the Company shall be the rate of five per centum per annum.

(3) The Company may (subject to the provisions of the section of this Act of which the marginal note is "Division of surplus profits if price of gas less than basic price.") charge for gas more or less than the basic

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price but except as by this Act otherwise provided the Company shall not in respect of any one year pay any dividends on the ordinary capital in excess of the basic rate.

Dividend on preference capital.

26. The profits of the Company to be divided amongst the holders of the preference stocks in the capital of the Company in any year shall not exceed the rates hereinafter set forth (that is to say) :—

- (1) On the 1867 preference stock and on the 1923 redeemable preference stock the rate of five pounds per annum in respect of every one hundred pounds of each of such classes of stock :
- (2) On so much of the 1923 unissued capital and on so much of the additional capital as shall consist of new preference stock such rate not exceeding five pounds per annum as shall be determined by the Company at the time and as a condition of the issue thereof in respect of every one hundred pounds of such stock :

Provided that in case in any half-year the funds of the Company applicable to dividend shall be insufficient to pay the full amount of such dividend on each class of preference stock a proportionate reduction shall be made in the dividend of each such class.

Division of surplus profits if price of gas less than basic price.

27.—(1) At the end of each year after the commencement of this Act a calculation shall be made of the amount (if any) by which the total sum paid and payable by consumers for the gas supplied throughout the limits of supply during the year is less than the total sum which would have been payable for such gas if the price charged therefor had been the basic price with (where applicable) the addition thereto required to be made by the section of this Act of which the marginal note is “ Basic price of gas and basic rate of dividend on ordinary capital ” The amount so calculated is in this section referred to as “ the consumer’s benefit.”

(2) If and so far as the balance standing to the credit of the net revenue account (after providing for dividend on the preference capital and dividends at the basic rate on the ordinary capital) in the opinion of the directors permits a sum not exceeding one-sixth of the consumer’s benefit may be applied in the increase of the dividends

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on the ordinary capital above the basic rate and if and so far as not so applied shall be carried to the reserve fund to be established under this Act. Provided that no money shall be so applied unless the Company shall also out of such balance appropriate (which they are hereby authorised to do) an equal sum to the credit of any profit-sharing scheme established under this Act for the benefit of the employees of the Company.

(3) Any balance of the profits of the Company not applied as aforesaid shall be left at the credit of the net revenue account and carried forward to the next following year subject to the provisions of the section of this Act of which the marginal note is "Limitation on carry forward."

28.—(1) The Company shall from time to time file for public inspection with the local authority and with the Board of Trade statements of the conditions under which they are prepared to grant discounts on prices charged for gas supplied by them. Subject to the provisions of this Act any such discounts granted by the Company shall be alike under like circumstances.

Provisions relating to basic price.

(2) No sum shall be—

- (i) divided in excess of the basic rate or carried to the reserve fund; or
- (ii) appropriated to any profit-sharing scheme established under this Act

in respect of any year ending on the thirty-first day of December in which the price charged for gas supplied to ordinary consumers is equal to or more than the basic price with (where applicable) the addition thereto required to be made by the section of this Act of which the marginal note is "Basic price of gas and basic rate of dividend on ordinary capital." Provided that if in any year in which the Company could have paid a dividend at not less than the basic rate the rate of dividend paid on the ordinary capital of the Company is less than the basic rate the difference between the total amount so paid by way of dividend and the total amount which would have been so paid if the Company had declared a dividend on their ordinary capital at the basic rate may be carried by the Company to the reserve fund.

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(3) The Company shall in each year send to the Board of Trade with the accounts required under section 15 of the Gas Regulation Act 1920 a statement showing the number of therms sold at each of the several nett prices during the year to which the accounts relate (including gas supplied to public lamps) and if thereafter requested by the Board shall also furnish to the Board all such other information relevant to the said matters as the Board may require.

(4) In the accounts furnished to the Board of Trade in pursuance of the said section 15 for the year ending the thirty-first day of December nineteen hundred and twenty-eight and for each subsequent year the Company shall show—

(a) Separate particulars of the gas supplied by the Company—

(i) Within the borough the urban district of Scalby and so much of the rural district of Scarborough as is situate within half a mile of the borough; and

(ii) Within the remainder of the said rural district; and

(b) Such particulars as will enable the local authority to calculate the amount which for such year may be (i) paid as dividend or carried to the reserve fund and (ii) appropriated to any profit-sharing scheme established under this Act.

Reserve
fund.

29.—(1) Any moneys which are carried by the Company to the reserve fund under the foregoing provisions of this Act may be invested in any statutory securities or in such other manner as shall be authorised by a resolution of the Company or may be placed on deposit at interest with the Company's bankers and the dividends and interest arising from such securities or moneys on deposit may be also invested or placed on deposit in like manner so that the same shall accumulate at compound interest. The fund so formed shall be called "the reserve fund."

(2) One half of the moneys and securities standing to the credit of the reserve fund of the Company at the commencement of this Act shall be carried to the reserve fund to be formed under this section.

(3) The reserve fund formed under this section shall be applicable in or towards increasing above the basic rate the dividends on the ordinary capital of the Company for any year or in or towards the payment of dividends on the ordinary capital at the basic rate for any year in which the profits of the Company shall be insufficient for the payment of dividends at the basic rate or to such other purpose or purposes as the directors may determine. A.D. 1927.

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

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

- (a) Expenses incurred by reason of accidents strikes or circumstances which due care and management could not have prevented; or
- (b) Expenses incurred in the replacement or removal of plant or works other than expenses requisite for maintenance and renewal of plant and works.

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

(4) The moneys forming the special purposes fund or any portion thereof may be invested in statutory securities or may be placed on deposit at interest with the Company's bankers or may be applied to the general purposes of the Company to which capital is properly applicable or may be used partly in the one way and partly in the other.

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

(6) One half of the moneys and securities standing to the credit of the reserve fund of the Company at the

A.D. 1927. commencement of this Act shall be carried to the special purposes fund to be formed under this section.

Limitation
on carry
forward.

31. It shall not be lawful for the Company to carry forward at the end of any year to the credit of the net revenue account any sum exceeding the total of the following amounts (that is to say):—

- (a) The amount required by the Company for paying any dividend or interest on moneys borrowed for the purposes of the undertaking which the Company are entitled or required to pay but have not paid in respect of that year;
- (b) The amount required to be applied for the benefit of the employees as aforesaid but which the Company have not paid in respect of that year;
- (c) An amount equal to the total sum which will be required for paying one year's dividend on the preference capital and one year's dividend at the basic rate on the ordinary capital of the Company; and
- (d) An amount equal to the total sum which the Company will be required to pay during the next following year as interest on any mortgages or debenture stock.

Profit
sharing.

32.—(1) The directors may with the sanction of a majority of the proprietors of the Company present personally or by proxy and entitled to vote and voting at a general meeting of the Company prepare put in force and from time to time modify alter or rescind a scheme or schemes enabling the employees or any class or classes of the employees as may be defined in the scheme or schemes to participate in the profits of the Company or of any part of those profits as part of the terms of remuneration for the services of any such employee:

Provided that no such modification alteration or rescission of any such scheme or schemes shall have any retrospective effect so as to deprive any employee without his consent of any benefit accrued due to him under such scheme prior to the date of such modification alteration or rescission.

(2) Any agreement as to service with any employee in pursuance of any such scheme may be entered into with any employee above the age of sixteen years and

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shall be in writing and may be made on the part of the Company under the hands of any two directors or under the hand of the secretary of the Company or of any person from time to time appointed in that behalf by resolution of the directors.

(3) The directors may if and whenever requested by any persons being the trustees under any such scheme so to do issue to any employee such amount of consolidated ordinary stock as the trustees may specify (being within the limit of the amount of consolidated ordinary stock which the Company may for the time being be authorised to issue) without first offering such stock for sale by public auction or tender. Provided that any consolidated ordinary stock issued under the provisions of this section shall be issued at the market price of the same class of stock at the date of issue or if there be no such market price at such price as shall be determined by the auditors of the Company to be a fair price.

(4) The directors may also as part of any such scheme accept on deposit on behalf of any employee any savings or other sums of money belonging to such employee and pay interest thereon out of the revenues of the Company.

33.—(1) The regulations respectively set forth in Parts I and II of the Second Schedule to this Act shall apply and have effect in relation to (a) any stock or money belonging to any person or to which any person may be entitled under the terms of any scheme which may be established enabling the employees or any of them to participate in the profits of the Company and (b) to any money deposited with the Company by any employee otherwise than under any such scheme. The said regulations shall come into force as respects any such stock or money as is referred to under the foregoing head (a) on the date on which any such scheme as aforesaid comes into operation and as respects any such money as is referred to under the foregoing head (b) on the commencement of this Act.

Regulations affecting profit-sharing scheme.

(2) The Board of Trade if they think fit may at the request of the Company by order under the hand of an assistant secretary of the Board revoke alter or add to any of the said regulations or make any new regulations which in the view of the Board would be conducive to the

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efficient working of any such scheme for the time being established or in other respects convenient.

Power to grant pensions &c.

34.—(1) The directors may grant such gratuities pensions or allowances or make such other payments as they may think fit to any employee of the Company or where in their opinion adequate provision is not otherwise made to the widow or family or any dependant of any such employee.

(2) The directors may enter into and carry into effect agreements with any insurance company or other association or company for securing to any such employee widow family or dependant as aforesaid such gratuities pensions allowances or payments as are by this section authorised to be granted or made and may for all or any of the purposes of this section apply the revenues of the Company.

(3) In this section the word "employee" includes any officer or servant of the Company.

Power to directors to make donations subscriptions &c.

35. The directors may subscribe or make donations to infirmaries or hospitals and to convalescent homes and similar institutions and to any industrial exhibitions relating to any of the objects of the Company and to benevolent and sick funds of the employees of the Company and may for any of these purposes apply the revenues of the Company.

As to promotion by Company of future Bill.

36. The Company shall not later than in the session 1932 promote a Bill in Parliament proposing a revision of the basic price fixed by this Act or giving an opportunity for such revision to be made. The corporation and the council of any urban or rural district within the limits of supply shall (subject to their complying with any relevant statutory requirements and standing orders of Parliament) be entitled to be heard on such Bill.

Removal of obligation to prepare half-yearly accounts and hold half-yearly meetings.

37. Notwithstanding anything contained in the Acts incorporated with this Act the Company shall not be under any obligation to prepare or to submit to their stockholders or auditors statements of accounts or balance sheets or to hold ordinary general meetings more than once a year and anything which under the Acts incorporated with this Act is authorised to be required to be done at a general meeting of the Company

to be held at any specified time may be done at the annual general meeting of the Company at whatever time held. A.D. 1927.

38. The directors may close any register of transfers for a period not exceeding fourteen days previous to the declaration of any interim dividend or to the date on which interest on the stock to which the register relates shall be payable 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 within the limits of supply and any transfer made during the time when the transfer book in which the same is to be registered is so closed shall as between the Company and the person claiming under the same but not otherwise be considered as made subsequently to the declaration of any such dividend or to the date on which the interest is payable. Closing of transfer books previous to declaring interim dividend or paying interest.

39. Where any mortgage or debenture stock of the Company is registered in the names of more than one person as holders thereof the receipt of any of the registered holders of such mortgage or 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 mortgage or debenture stock the receipt whereof is acknowledged by such receipt. As to receipts for interest on mortgages and debenture stocks standing in more than one name.

40. The directors may in any year declare and pay an interim half-yearly dividend on any class or classes of stock in the capital of the Company out of the profits of the undertaking without the sanction or direction of a general meeting but no such half-yearly dividend shall exceed one half of the amount of the basic rate of dividend payable on any ordinary stock or of the prescribed rate of dividend on any preference stock in the capital of the Company. Interim dividends.

MEETINGS.

41. All ordinary meetings of the Company shall be held in the month of February in every year at the principal office of the Company or at such other place as shall be from time to time appointed for that purpose by an order of the directors. Ordinary meetings.

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Quorum of
general
meetings.

42. The quorum of general meetings (whether ordinary or extraordinary) of the Company shall be thirteen stockholders present in person and holding in the aggregate not less than one thousand pounds of stock to which voting rights are attached or not less than seven stockholders personally present and representing by proxy such other members of the Company as with those personally present will amount to not less than thirteen in the whole and holding in the aggregate not less than one thousand pounds of stock to which voting rights are attached.

Number of
stockholders
who may
convene
extra-
ordinary
meetings.

43. The number of stockholders on whose requisition an extraordinary meeting may be required to be convened shall be seven or more stockholders holding in the aggregate not less than one thousand pounds of stock to which voting rights are attached.

Votes of
stock-
holders.

44.—(1) (i) At all general meetings of the Company every holder of consolidated ordinary stock in the capital of the Company and every holder of any of the 1895 ordinary stock or of the 1867 preference stock shall have—

one vote and in addition thereto—

one vote for every ten pounds of such stocks beyond the first ten pounds held by him up to one hundred pounds; and

one vote for every fifty pounds of such stocks beyond the first one hundred pounds held by him up to one thousand pounds; and

one vote for every one hundred pounds of such stocks beyond the first one thousand pounds held by him;

but no such holder shall be entitled to more than forty votes.

(ii) Except for the purpose of determining any question which may require to be submitted for separate determination by the holders of any of the said classes of stock the number of votes to which each stockholder shall be entitled under the provisions of this subsection shall be determined by reference to the total amount of consolidated ordinary stock 1895 ordinary stock and 1867 preference stock held by him.

(2) No person shall be entitled to vote in respect of the 1923 redeemable preference stock except at a separate meeting of the holders of that stock held for the purpose of determining any question which may require to be submitted for separate determination by them and at such separate meetings every holder of 1923 redeemable preference stock shall be entitled to the same number of votes in respect of his holding of that stock as those to which every holder of the 1867 preference stock is entitled at separate meetings of the holders of that stock under subsection (1) of this section.

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(3) Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any of the 1923 unissued capital or of the additional capital to which a preferential dividend shall be assigned.

45. At least seven days and not more than twenty-one days' notice of all meetings of the Company whether ordinary or extraordinary shall be given by advertisement or by a circular letter directed to each stockholder at his place of residence or business as entered in the stockholders' address book and every letter so directed and put into any Post Office or receiving office for letters shall be deemed to have reached the stockholder to whom the same shall be addressed.

Notice of meetings.

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

As to appointment of proxies.

47. Notwithstanding anything contained in the Companies Clauses Consolidation Act 1845 where several persons are jointly entitled to and registered as holders of any stock to which voting rights are attached any one of those persons may vote at any meeting either personally or by proxy in respect of the stock as if he were solely entitled thereto but if more than one of the joint holders be present at any meeting personally or by proxy that

Joint holders.

A.D. 1927. one of the said persons so present whose name stands first on the register in respect of the stock shall alone be entitled to vote in respect thereof. Several executors or administrators of a deceased member in whose name any stock stands shall for the purposes of this section be deemed joint holders thereof.

DIRECTORS SECRETARY AND AUDITORS.

Number and
quorum of
directors.

48.—(1) The number of directors shall be twelve but the Company may vary the number provided that the number be not at any time more than twelve nor less than seven.

(2) The quorum of a meeting of directors shall be three.

Qualifica-
tion of
directors.

49.—(1) The qualification of a director shall be the possession in his own right or in the joint right of himself and another of consolidated ordinary stock of the Company 1895 ordinary stock or 1867 preference stock to the nominal amount of not less than five hundred pounds.

(2) Notwithstanding anything in the Companies Clauses Consolidation Act 1845 no person shall be disqualified from being a director of the Company by reason of his holding any office or place of trust or profit under the Company or by reason of his being interested in any contract with the Company nor shall any director be required to cease from voting or acting as a director by reason of his accepting any such office or place of trust or profit or becoming interested in any such contract. Provided that in the case of his being interested in any contract with the Company whether such interest shall arise before or after his appointment as a director the nature of his interest in the contract shall be disclosed by him at the meeting of the directors at which the contract is determined on if his interest then exists or in any other case at the first meeting of the directors after the acquisition of his interest or after his appointment and also in the next annual report of the Company and that no director shall as a director vote in respect of any such contract and if he does so vote his vote shall not be counted but this prohibition shall not apply to any contract by or on behalf of the Company to give to the directors or any of them any security by way of indemnity.

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(3) No director shall be disqualified from acting by reason of the fact that he has entered into a contract with the Company for the supply and consumption of gas.

(4) If any of the directors shall be made bankrupt or shall go to reside abroad for a longer period than six months or shall become lunatic or of unsound mind or shall neglect to attend the meetings of directors for twelve months (unless such neglect to attend be occasioned by illness or by any other reasonable cause allowed by the directors) then in any of the cases aforesaid the office of such director shall become vacant and thenceforth he shall cease from voting or acting as a director.

50. The present directors of the Company shall continue in office until the next ordinary meeting of the Company held after the commencement of this Act. At that meeting the stockholders present in person or by proxy and entitled to vote may either continue the present directors or any of them in office or may elect new directors to supply the place of those not continued in office the present directors being (if they continue qualified) eligible for election and at the ordinary meeting to be held in every year after the first ordinary meeting the stockholders present in person or by proxy and entitled to vote shall (subject to the power hereinbefore contained for varying the number of directors) elect persons to supply the places of directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are duly elected in their stead.

Directors
and election
of directors.

51. The number of directors of which committees appointed by the directors shall consist shall be not less than three nor more than nine.

Committees
of directors.

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

As to
appoint-
ment of
managing
director.

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

A.D. 1927. retirement of directors but if he ceases to hold the office of director from any other cause he shall ipso facto immediately cease to be a managing director.

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

(4) The directors may entrust to and confer upon any managing director such of the powers exercisable by the directors and subject to such conditions as they may think fit and may from time to time revoke withdraw alter or vary all or some of such powers.

Directors
may deter-
mine remun-
eration of
secretary.

53. In addition to the powers which the directors may exercise under the Companies Clauses Acts 1845 to 1889 they may determine the remuneration of the secretary of the company.

Auditors.

54.—(1) The prescribed number of auditors shall be one unless the number be increased by a resolution of a general meeting of the Company.

(2) The present auditors of the Company shall continue in office until the next ordinary meeting of the Company held after the commencement of this Act At that meeting and at every subsequent ordinary meeting the Company shall appoint the prescribed number of auditors in like manner as is provided for the election of directors.

(3) Every auditor of the Company shall be a member of the Institute of Chartered Accountants or of the Society of Incorporated Accountants and Auditors but shall not be required to be a stockholder in the Company and he shall not hold any office in the Company nor be in any other manner interested in the concerns of the Company unless as a stockholder or mortgagee.

(4) Every such auditor being neither removed nor having resigned shall continue in office until the next ordinary meeting and shall then retire but shall be immediately eligible for re-election.

(5) If any vacancy in the office of auditor takes place in the course of the current year the directors shall appoint an auditor to supply the vacancy and the auditor so appointed shall continue in office until the next ordinary meeting after his appointment.

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(6) In the event of the failure of an ordinary meeting the existing auditor or auditors shall continue to act and retain his or their powers until a new auditor or auditors be appointed at the ordinary meeting in the following year.

LANDS AND BUILDINGS.

55. Subject to the provisions of this Act the Company may enter upon take and use such of the lands shown on the deposited plans and described in the deposited book of reference as are described in Part II of the Third Schedule to this Act and as they may require for the purposes of this Act Provided that the Company shall not purchase or take any property of the London and North Eastern Railway Company without their consent in writing.

Power to take lands.

56. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the thirty-first day of October one thousand nine hundred and thirty.

Limit of time for compulsory purchase of lands.

57. The Company may also purchase or take on lease and hold by agreement but not otherwise in addition to the lands described in the Third Schedule to this Act and in the section of this Act of which the marginal note is "For protection of corporation" any lands buildings and hereditaments not exceeding in the whole ten acres which the Company may from time to time require for dwelling-houses for any of their employees or for offices or showrooms or for other the purposes of their undertaking and may erect fit up maintain and let any such buildings upon any lands for the time being belonging to or leased to the Company provided that the Company shall not create or permit a nuisance on any lands acquired under the provisions of this section and no lands shall be used by the Company for the purpose of manufacturing gas or manufacturing or converting residual products except the lands described in Parts I and II of the Third Schedule to this Act:

Purchase of lands by agreement for undertaking.

Provided also that for the purposes of section 5 of the Gasworks Clauses Act 1871 the Corporation shall be deemed to be owners lessees and occupiers of dwelling-houses situate within three hundred yards of any lands acquired under this section.

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Persons
under
disability
may grant
easements
&c.

58. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Power to
sell and
lease lands.

59. Subject to the provisions of the Lands Clauses Consolidation Act 1845 with respect to the sale of superfluous lands (so far as such provisions are applicable) the Company may sell or let on lease for such period as they think fit or otherwise dispose of any lands or property for the time being belonging to them and which may not at the time be required for the purposes of their undertaking or any easements or rights in or under any lands for the time being belonging to them and may retain and hold or sell and dispose of any interests in or reversion to any lands or property so let and any such sale disposal or lease may be for such consideration and subject to such reservations restrictions and provisions and generally upon such terms and conditions as the Company think fit.

GASWORKS.

Powers as to
mainten-
ance and
construction
of gasworks.

60.—(1) Subject to the provisions of this Act the Company may upon the lands described in Parts I and III of the Third Schedule to this Act maintain and continue their existing gasworks and may upon those lands and upon the lands described in Part II of the same schedule erect maintain alter improve and renew gasworks with all necessary machinery and apparatus and do all such acts as may be proper for making and storing gas and for supplying gas within the limits of supply and may also upon the said lands work up and convert the residual products arising directly or indirectly from the manufacture of gas by them :

Provided that the Company shall not manufacture gas or convert or manufacture any residual products except upon the lands described in Parts I and II of the said schedule

Provided also that the Company shall not store tar or ammoniacal liquor upon the lands described in Part III of the said schedule.

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(2) The Company may also—

(a) purchase the residual products arising from the manufacture of gas by other gas undertakers and therewith manufacture other products of the same kind as the Company are manufacturing from their own residual products

Provided that the quantity of any residual products so purchased by the Company in any year shall not exceed one-third of the quantity of the like residual product which shall in that year arise directly or indirectly from the manufacture of gas by them; and

(b) purchase from other gas undertakers and elsewhere and use the materials required to work up and convert the residual products so arising from their own manufacture of gas or purchased as aforesaid;

but the Company shall not manufacture chemicals exclusively from raw materials purchased from sources other than gas undertakings or in the manufacture of which the use of residual products produced by the Company or purchased from other gas undertakings is merely subsidiary.

61. The Company may on the application of the owner or occupier of any premises within the limits of supply abutting on any street laid out but not dedicated to public use supply those premises with gas and for that purpose the Gasworks Clauses Act 1847 shall apply as if section 7 of that Act were excepted from incorporation in this Act:

Power to lay pipes in private streets.

Provided that with respect to any such street as is situate within the borough the corporation shall for the purposes of the said Act be deemed in addition to any other person to be the person having the control or management of such street:

Provided also that nothing in this section contained shall apply to any street or road belonging to the London and North Eastern Railway Company nor shall the Company in carrying out any works authorised by this section obstruct or interfere with the convenient

A.D. 1927. — access to any such street or road or to any station or property of the London and North Eastern Railway Company.

Power to lay pipes for ancillary purposes.

62. The Company may within the limits of supply lay down and repair take up relay or renew pipes and culverts 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 the undertaking 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 as incorporated with this Act and so far as they are applicable for the purposes of this section shall apply mutatis mutandis to and for the purposes thereof :

Provided that except so far as may be necessary for conducting any such oil or other material between any of the lands described in Parts I II and III of the Third Schedule to this Act no such pipes or culvert shall be laid down in any street without the consent in writing of the corporation.

QUALITY AND PRESSURE OF GAS.

Quality of gas.

63. Subject as hereinafter provided the gas supplied by the Company shall when tested in accordance with the provisions of the Gas Regulation Act 1920 be of a calorific value of not less than four hundred and fifty British thermal units and such value unless and until altered in accordance with the provisions of the next following section of this Act and thereafter such altered value shall for the purposes of the Gas Regulation Act 1920 be deemed to be and is hereinafter referred to as "the declared calorific value."

Variation of declared calorific value.

64. If at any time the Company intend to alter the declared calorific value they shall give notice of their intention to supply as from a date to be therein specified and being not less than three months from the date of such notice gas of such calorific value as may be declared in the notice and the calorific value so declared shall as from the date so specified and until again altered in accordance with the provisions of this section be the declared calorific value for the purposes

of this Act and of the Gas Regulation Act 1920 Any A.D. 1927.
notice given under this section shall be published by
advertisement in the London Gazette and a copy thereof
shall be sent to the Board of Trade and to each of the
local authorities whose respective districts are within
the limits of supply and to every consumer.

65. If and so often as the Company shall alter Consumers' burners.
the declared calorific value they shall at their own
expense effect such alteration adjustment or replacement
of the burners in the appliances of the consumers as
may be necessary to secure that the gas can be burned
with safety and efficiency except in the case of any
consumer who objects to such alteration adjustment or
replacement as aforesaid.

66.—(1) The minimum permissible pressure at which Pressure of gas.
the gas may be supplied by the Company shall be
such pressure in any main or in any pipe laid between
the main and the meter having an internal diameter
of two inches and upwards as to balance a column of
water not less than two inches in height.

(2) If the Company shall at any time declare a
calorific value less than three hundred and fifty British
thermal units the minimum permissible pressure at
which the gas may be supplied shall be as follows :—

Where the declared calorific value is below three
hundred and fifty British thermal units and
not below three hundred British thermal units
the minimum permissible pressure shall be
two and a half inches; and

Where the declared calorific value is below three
hundred British thermal units the minimum
permissible pressure shall be such pressure
(not being less than three inches) as shall be
prescribed by the gas referees appointed under
section 4 of the Gas Regulation Act 1920.

67. The number of therms supplied to any consumer Measure of
shall be ascertained by multiplying the number of therms
cubic feet of gas registered by the consumer's meter supplied.
by the number of British thermal units comprised in
the declared calorific value and dividing the product
by one hundred thousand.

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Application
of Gas
Regulation
Act.

68. The following sections or parts of sections of the Gas Regulation Act 1920 shall apply to the Company and the undertaking as if the provisions of this Act with respect to quality and pressure of the gas supplied by the Company were an Order made under section 1 of that Act in relation to the Company in respect of the gas undertaking (namely):—

Subsections (1) and (4) of section 2 (Composition and pressure of gas to be supplied);

Section 4 (Appointment of gas referees and examiners);

Section 5 (Power to prescribe tests);

Section 6 (Appeals to chief gas examiner);

Subsections (3) and (4) of section 7 (Remuneration and expenses* of gas referees);

Section 8 (Penalties for failure to comply with prescription of gas referees);

Section 9 (Forfeiture for deficient calorific value &c.);

Section 11 (Fees for examination of meters);

Section 12 (Application of ss. 5 & 6 of 4 Edw. 7. c. 28);

Section 13 (Meters to be stamped);

Section 15 (Accounts and returns);

Section 16 (Power to make rules);

Section 18 (Definitions);

Section 20 (Expenses of local authorities).

Save as aforesaid the provisions of the Gas Regulation Act 1920 shall not apply to the Company.

PROVISIONS RELATING TO SUPPLY OF GAS.

Pipes &c.
between
mains and
meters.

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

- (1) The Company may specify the minimum size and material of the pipes with the fittings thereof which are to be laid by the consumer on his own premises either in the first instance or on the occasion of any renewal between the

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Company's pipes and the meter so far as such pipes and fittings are intended to be covered over :

- (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 specification shall be published twice in some newspaper or once in each of two newspapers circulating within the limits of supply and a copy thereof shall be kept exhibited in the office of the 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 court of summary jurisdiction against such refusal and the court may after hearing the parties and considering

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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.

Power to
supply
fittings &c.

70. The Company may purchase sell let for hire fix repair and remove engines stoves ranges pipes and other gas fittings for lighting motive heating ventilating cooking or any other purposes and may provide all materials and 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.

Fittings
not to be
subject to
distress.

71. All gas engines stoves ranges pipes and other fittings let by the Company on hire or belonging to them but being upon premises of which the Company are not in possession shall whether they be or be not fixed or fastened to any part of any premises in or upon which they may be situate or to the soil under any such premises at all times continue to be the property of and be removable by the Company and shall not be subject to distress or to the landlords' remedy for rent of the premises where the same may be nor to be taken in execution under any process of a court of law or equity or any proceedings in bankruptcy against the person in whose possession the same may be. Provided that such fittings have upon them 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.

For the purposes of this section gas engines stoves ranges pipes and other fittings disposed of by the Company on the terms of payment by instalments shall until the whole of the instalments have been paid be deemed to be fittings let on hire by the Company.

Nothing in this section shall affect the amount of the assessment for rating of any premises upon which any gas engines stoves ranges pipes or other fittings are or shall be fixed.

Removal of
fittings

72. The power to enter premises and remove pipes meters fittings or apparatus conferred upon the

Company by section 22 of the Gasworks Clauses Act 1871 shall extend to all cases in which any person entering into or being in occupation of any premises previously supplied with gas by the Company shall not require to take a supply of gas from the Company or to hire all or any of the engines stoves ranges pipes meters fittings or apparatus belonging to the Company.

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—
where
supply dis-
continued.

73.—(1) The Company may by notice in writing require a consumer of gas supplied by the Company and used for the working of an engine to fix and use an efficient anti-fluctuator in a suitable position upon the premises upon which the engine is in use or to keep any anti-fluctuator fixed and used by the consumer in proper order and repair at all times while in use or to repair renew or replace an anti-fluctuator which is not in proper order or repair.

Anti-
fluctuators
to be used
with gas
engines.

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

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

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

74.—(1) Every consumer of gas supplied by the Company who uses for or in connection with the consumption of such gas air at high pressure or any gas not supplied by the Company (in this section referred

Provision
of valve
where high
pressure air
is used.

A.D. 1927.

to as "high-pressure air or other gas") shall if required to do so by the Company provide and fix in a suitable position and use an efficient valve or other appliance for preventing the admission of such air or other gas into the service pipe or any pipe through which such gas is supplied and shall at all times at his own expense keep in proper order and repair any such valve or other appliance as aforesaid which shall have been provided and fixed whether upon such requirement or otherwise.

(2) It shall not be lawful for any person at any time after the commencement of this Act to commence to use high-pressure air unless and until he shall have given to the Company not less than fourteen days' previous notice in writing of his intention so to do.

(3) Every person who at the date of the receipt by him of any such demand note as is referred to in paragraph (a) of subsection (5) of this section is using high-pressure air or other gas shall within one month after that date give to the Company notice in writing of such use and if within one month after the giving of such notice the Company require the consumer giving the same to provide and fix such a valve or other appliance as aforesaid it shall not be lawful for him after the expiration of fourteen days from the receipt of the requirement to continue to use high-pressure air or other gas unless before such expiration he shall have complied with the requirement.

(4) If any consumer shall fail to comply with any requirement of the Company or any obligation under this section the Company may cease to supply gas to him and shall not be under any obligation to resume such supply until the default shall have been remedied to their satisfaction.

(5) The Company shall give notice of the effect of the foregoing provisions of this section:—

(a) (In the case of all persons who at the commencement of this Act are consumers of gas supplied by the Company) on or with the demand notes for gas charges payable to the Company issued next after that date; and

(b) (In the case of any person becoming after the commencement of this Act a consumer of gas

supplied by the Company) on or with the first of such demand notes delivered to such person after he shall have become a consumer. A.D. 1927.

(6) The Company shall have access at all reasonable times to all premises supplied by them with gas in or upon which high-pressure air or other gas is used or the Company have reason to believe that high-pressure air or other gas is or may at the time be used in order to ascertain whether any such valve or appliance as aforesaid is efficient or is in proper order and repair or whether such a valve or appliance is provided and fixed where necessary.

(7) The Company shall be at liberty to take off remove test inspect and replace any such valve or other appliance as aforesaid such taking off removing testing inspecting and replacing to be done at the expense of the Company if the valve or other appliance be found efficient and in proper order but otherwise at the expense of the consumer.

75. In the event of any meter used by a consumer of gas being tested in manner provided by the regulations made by the Board of Trade under the Gas Regulation Act 1920 and being proved to register erroneously within the meaning of the said regulations such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter. The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Company shall be paid by or to the Company to or by the consumer as the case may be and shall be recoverable in the like manner as gas charges are recoverable by the Company. Period of error in defective meters.

76. Unless at the date of the demand for any such new or increased supply of gas as is hereinafter referred to the capacity of the distribution works of the Company is in the opinion of an arbitrator appointed as hereinafter provided insufficient to meet (with a reasonable margin) the requirements (as existing immediately before that date) of the consumers in the portion of the limits of supply for which such works have been provided (so far as such requirements could reasonably have been Relief from obligation to supply.

A.D. 1927. foreseen) the Company notwithstanding anything contained in any other enactment shall not be obliged to give for any purpose other than lighting or domestic use—

- (1) a new supply of gas for the premises of any person demanding such supply at any time after the commencement of this Act; or
- (2) an increased supply of gas (other than an increased supply necessitated by any reduction of the declared calorific value of the gas)

where the giving of such new or increased supply would render necessary the laying of a new main or the making (as an alternative to the laying of a new main) of any enlargement or alteration of or addition to the distribution works of the Company. Provided that the foregoing provisions of this section shall not apply in any case in which the person demanding the new or increased supply (in this section referred to as "the applicant") shall enter into a written contract with the Company—

- (i) to receive and pay for a supply of gas of such minimum quantity and for such minimum period as the Company may reasonably require; or
- (ii) to make such payment or payments to the Company (in addition to any payments to be made from time to time for gas supplied to the applicant) as the Company may reasonably require

(according as the Company may in their discretion determine) in consideration of or by way of contribution towards the expenses to be incurred by the Company in laying such new main or making such enlargement alteration or addition as aforesaid and shall give such security for the payment of all moneys which may become due under the contract as the Company may reasonably demand. Provided also that if any question shall arise under the provisions of this section between the Company and the applicant as to the sufficiency of the distribution works of the Company or as to whether such new or increased supply would necessitate the laying of a new main or the making of any such enlargement alteration or addition as aforesaid or as to the reasonableness of the minimum quantity or period

or of the payments (in addition to payments for gas supplied) required by the Company or as to the nature or amount of the security demanded by the Company such question shall be referred to and determined by an arbitrator to be appointed (failing agreement between the Company and the applicant) by the Board of Trade on the application of either party after notice in writing to the other of them and the decision of such arbitrator shall be final and binding. Provided also that in determining any such question as aforesaid the arbitrator shall have regard to the following among other considerations (that is to say):—

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- (a) the total annual quantity of gas required by the applicant the maximum quantity required per hour and the hours of the day during which the Company may be called upon to supply gas to the applicant;
- (b) the capital expenditure which the Company would have to incur in the laying of a new main or the making of any enlargement or alteration of or addition to their distribution works as aforesaid in connection with the giving of such new or increased supply and how far such capital expenditure may become unproductive to the Company in the event of the cesser of the new or increased supply.

Subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any arbitration under this section.

77. Notwithstanding anything contained in the Gasworks Clauses Act 1871 or any other Act a person shall not be entitled to demand or continue to receive for the purposes of a stand-by supply only from the Company a supply of gas for any premises having a separate supply of gas or a supply (in use or ready for use for the purposes for which the stand-by supply of gas is required) of electricity steam or other form of energy unless he has agreed to pay to the Company such minimum annual sum as will give to them a reasonable return on the capital expenditure incurred by them in providing such stand-by supply and will cover other standing charges incurred by them in order to meet the possible maximum demand for those premises and the sum so to

Supply of gas where consumer has a separate supply.

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be paid shall be determined in default of agreement by arbitration in manner provided by the Arbitration Act 1889.

Refusal of supply to persons in debt for other premises.

78. 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 charges and meter rent due from him to the Company they may refuse to furnish to him a supply of gas until he pays the same.

Consumers to give notice before removing.

79. At least twenty-four hours' notice shall be given to the Company by every consumer either personally at the office of the Company or in writing before he shall quit any premises supplied with gas by meter by the Company and in default of such notice the consumer so quitting shall be liable to pay to the Company the money accruing due in respect of such supply up to the next usual date for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such premises shall require the Company to supply gas to such premises whichever shall first occur. Notice of the effect of this enactment shall be endorsed upon every demand note for gas charges payable to the Company.

As to mode of cutting off supplies.

80.—(1) In any case in which the Company are by virtue of this Act or any Act partially incorporated therewith authorised to cut off and discontinue the supply of gas to any premises in consequence of any default on the part of the occupier of the premises it shall be lawful for the Company without prejudice to any other remedy which may be lawfully available to them to disconnect at the meter the service pipe (whether belonging to the consumer or to the Company) and any person who shall reconnect such service pipe with the meter without the consent of the Company shall be deemed to commit an offence within the meaning of section 18 of the Gasworks Clauses Act 1847 :

Provided that if and so soon as the matter complained of shall have been remedied nothing in this section shall prejudice or interfere with any rights vested in any person by virtue of section 11 of the Gasworks Clauses Act 1871.

(2) For the purposes of this section the Company (subject to the conditions specified in section 22 of the

Gasworks Clauses Act 1871) shall have and may exercise the like powers of entry as are exerciseable under that section. A.D. 1927.
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81. In any case in which in consequence of any default on the part of the occupier of any premises the Company have cut off the supply of gas to such premises and the occupier so in default shall desire to resume the supply so cut off he shall pay to the Company the expenses of reconnecting the supply and the Company shall not be under any obligation to supply gas to such occupier until he shall have made good the default and paid such expenses. Expenses of reconnecting discontinued supply.

PROTECTIVE PROVISIONS.

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

(1) (i) If and when the Company acquire the lands described in Part II of the Third Schedule to this Act they shall at the same time purchase from the corporation and the corporation shall sell to the Company the lands coloured blue on the plan (hereinafter referred to as "the signed plan") which has been signed in duplicate by Andrew Philip Allan on behalf of the Company and by Harry William Smith on behalf of the corporation and of which one copy has been deposited with the Company and the other with the town clerk of the borough. The price to be paid by the Company to the corporation shall failing agreement be settled by arbitration in accordance with the provisions of the Lands Clauses Acts;

(ii) The Company shall be at liberty to erect dwelling-houses and other buildings under and to exercise upon the said lands coloured blue upon the signed plan the powers conferred upon them by the section of this Act of which the marginal note is "Purchase of lands by agreement for undertaking" Provided that until such dwelling-houses or other buildings

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—

are erected thereon the Company shall to the reasonable satisfaction of the corporation plant with trees and shrubs the portion of the said lands which is cross-hatched in black upon the signed plan and the Company shall maintain and (when necessary) renew such trees and shrubs;

(iii) The Company shall not construct any buildings or works on the lands coloured blue upon the signed plan over or within six feet of the sewer of the corporation which is constructed in or under those lands in the position indicated by a red line on the signed plan;

(iv) The corporation shall at all times have without payment to the Company a right of access to the said sewer for the purpose of maintaining repairing renewing or cleansing the same or of carrying out any works in connection therewith;

(v) No building shall be erected by the Company on the said lands coloured blue upon the signed plan except in accordance with plans and elevations to be submitted to and reasonably approved by the corporation:

(2) (i) The Company shall supply gas to public lamps within the borough at a price which shall comply with the following conditions:—

(a) the said price shall not exceed the basic price less a discount of twenty-five per centum; and

(b) the said price shall not be greater than the price which is charged by the Company to any other consumer supplied with gas by them for any purpose and the discount allowed by the Company to the corporation shall not be less than the discount allowed by the Company to any consumer;

(ii) The Company shall if and when required by the corporation so to do from time to time provide within the borough lamps and lamp-posts and any other necessary apparatus for public lighting within a distance of fifty yards

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from any main of the Company and shall clean light for such number of hours as the corporation may reasonably require extinguish renew and keep such lamps lamp-posts and apparatus in good condition and repair and shall also renew and repair the several service pipes burners and stopcocks connected therewith at a rate not exceeding twenty-eight shillings and sixpence per lamp per annum which amount shall unless agreed between the corporation and the Company be paid by the corporation to the Company by four equal quarterly instalments in each year;

(iii) The quantity of gas consumed by the public lamps within the borough in each quarter of the year shall be ascertained by such method of computation as shall be agreed between the Company and the corporation or as failing agreement shall be determined by arbitration as hereinafter provided;

(iv) If at any time the cost to the Company of supplying gas to public lamps within the borough or of complying with the provisions of subsection (ii) of this subsection shall alter the provisions of paragraphs (i) (a) and (ii) of this subsection may be varied to such extent or in such manner as may be agreed between the Company and the corporation or as failing agreement shall be determined by arbitration as hereinafter provided;

(v) The provisions of sections 24 to 27 inclusive of the Gasworks Clauses Act 1871 shall not apply within the borough :

- (3) Except as is otherwise expressly provided by the foregoing provisions of this section any difference which may arise between the corporation and the Company thereunder or as to anything to be done or not to be done thereunder shall be referred to and determined by a single arbitrator to be appointed by the President of the Institution of Civil Engineers on the application of either party after reasonable notice in writing to the other and subject as

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aforesaid the provisions of the Arbitration Act 1889 shall apply :

- (4) Section 8 of the Gasworks Clauses Act 1847 incorporated with this Act shall be read and have effect in its application within the borough as if in respect of any street bridge sewer drain or tunnel under the control or management of the corporation the period of seven clear days were inserted therein instead of the period of three clear days in the said section mentioned and the notice therein mentioned shall be given to the surveyor of the corporation Provided that this provision shall not apply in the case of any opening or breaking up for the purpose of laying connecting or repairing consumers' service pipes :
- (5) Except as is by this Act expressly provided nothing contained in this Act shall take away lessen alter or prejudice any of the rights powers privileges or authorities now exercised or enjoyed by the corporation as well in their municipal capacity as in their capacity as sanitary authority of the borough.

For protec-
tion of
North
Riding of
Yorkshire
County
Council.

83. For the protection of the county council of the administrative county of the north riding of Yorkshire (in this section called "the county council") the following provisions unless otherwise agreed in writing between the Company and the county council shall apply and have effect with respect to the laying and also (except in cases of emergency) to the renewal of any pipe culvert or other work laid under the powers of this Act (that is to say) :—

In this section the expressions "main road" and "county bridge" mean respectively any main road or county bridge (including the road over such bridge and the approaches thereto) repairable by the county council:

(1) In relation to any main road or county bridge section 8 of the Gasworks Clauses Act 1847 as incorporated with this Act shall (except in cases of leakage bursting or other emergency) have effect as if the word "seven" were substituted for the word "three" in that section :

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(2) The Company shall not permit any trench made by them in any main road to be opened for a greater consecutive distance than two hundred yards if in such length of two hundred yards there is not room for two carts to pass one another :

(3) In the case of any pipe which it is necessary to lay otherwise than in the roadway over any county bridge the same shall be carried either on or attached to such bridge in such manner as the county council may in writing under the hand of their surveyor reasonably direct and except as aforesaid the Company shall not interfere with the structural part of any such bridge :

(4) If the Company shall in the execution or repair of any of the works of the Company to which this section applies make any trench or excavation in the roadway or footpath of any main road or over any county bridge then the Company shall fill in and properly ram to the satisfaction of the county surveyor such trench or excavation and after they have done so and satisfactorily maintained the same until the natural settlement has taken place the county council shall reinstate and make good the surface coat of the roadway or footpath and for the work so carried out by the county council the Company shall pay to them the cost thereof which cost shall be based upon a schedule of prices to be agreed upon between the Company and the county council or failing agreement settled by arbitration as hereinafter provided :

(5) If for the purpose of repairing altering diverting or widening any main road or county bridge or of rebuilding any such bridge it is necessary for the county council to make any alteration either temporary or permanent in the position of or in the depth of ground over or to support any pipe or other work of the Company the Company shall at the expense of the county council with all due expedition on receiving not less

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than one month's notice in writing under the hand of the clerk or surveyor of the county council so to do alter the position of or support any such pipe or work in such manner and to such extent as may be reasonably provided by such notice: Provided that the county council shall not require the Company to alter any pipe or other work as to make the access thereto less convenient and shall afford any reasonable facilities required by the Company to enable them temporarily to carry their pipes across or under any stream or brook or along such road so as not to interrupt the continuous supply of gas:

(6) If the Company after notice from the county council under the hand of their surveyor shall neglect to do or complete any work or act required by subsections (4) or (5) of this section to be done by the Company then and in any such case the county council after notice to the Company may do such work or act themselves causing as little damage or inconvenience to the Company as the circumstances may admit and so as not to interrupt the continuous supply of gas and the Company shall repay to the county council all expenses reasonably incurred by the county council in doing any such work or act as is required by subsection (4) of this section to be done by the Company:

(7) The surplus paving metalling or materials removed during the laying renewal or repair of any pipe or work of the Company shall not be placed on the metalled portion of any main road or in or upon any county bridge without the written consent of the county surveyor or subject to such conditions and directions as he may require or give:

(8) All surplus paving metalling or materials removed during the laying of any pipe or work by the Company on any main road or in or upon or across any county bridge not required by the Company for the purpose of reinstating and making good the said road

or bridge may be used by the county council for the maintenance and repair of any main or other road and may be removed by the county council for that purpose :

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(9) Any difference arising between the county council and the Company respecting any of the matters referred to in this section shall be referred to and determined by an arbitrator to be agreed upon between them or failing agreement to be appointed on the application of either party after notice in writing to the other by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference.

84. For the protection of the London and North Eastern Railway Company (in this section referred to as "the railway company") the following provisions shall unless otherwise agreed in writing between the Company and the railway company apply and have effect :—

For protection of London and North Eastern Railway Company.

(1) In laying any pipe culvert or other works under the powers of this Act and also (except in cases of emergency) in effecting the renewal of any such pipe culvert or other works (hereinafter referred to as "the authorised works" which expression does not include a renewal or repair of works of the Company existing at the commencement of this Act) over upon across or under any work or property of the railway company the company shall execute such works in accordance with plans sections and specifications previously submitted to and reasonably approved by the engineer of the railway company :

Provided that if the said engineer does not express his approval or disapproval of the said plans sections and specifications within twenty-eight days after the same shall have been submitted to him he shall be deemed to have approved thereof :

(2) The Company shall with all reasonable dispatch execute the authorised works and any repairs or renewals thereof and restore and make good

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to the reasonable satisfaction of the said engineer the railway and other property of the railway company and the roads over or under any bridge or level crossing of such railway or over the approaches to any such bridge so far as the same may be disturbed or interfered with by or in connection with the authorised works :

- (3) If the railway company so elect they may themselves execute and maintain the authorised works over or under any railway or works of the railway company (other than the actual laying down and maintenance of pipes and works of the Company) and may recover from the Company the reasonable expenses incurred by the railway company in connection therewith :
- (4) The authorised works shall be constructed executed and maintained so as not to cause any injury or damage to the railway or other property of the railway company or any interruption to the passage or conduct of traffic over such railway or at any station thereon and if any such injury damage or interruption arises from the acts or operations of the Company or by reason of the failure of the Company to maintain the authorised works or from the bursting leakage or failure of the authorised works not being due to the acts or defaults of the railway company their servants or agents all such injury or damage shall forthwith be made good by the Company or if the railway company so elect by the railway company at the expense of the Company and the Company shall indemnify the railway company from all claims in respect of such injury damage or interruption and shall make compensation to the railway company for and in respect thereof the amount of such compensation unless agreed upon to be determined by arbitration in manner hereinafter provided :
- (5) In the event of the Company failing to maintain the authorised works where they pass under over or in any way affect the railway or other property of the railway company in substantial repair and good order to the reasonable satisfac-

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tion in all respects of the said engineer or in case of emergency the railway company may make good the same and make and do in and upon their own lands all such repairs and things as may be reasonably requisite and recover from the Company the reasonable expenses incurred by them in connection therewith :

- (6) If it should be necessary during or by reason of the construction of the authorised works or in effecting repairs or renewals thereof to alter any of the telegraph telephone or signal posts or wires or other works or apparatus belonging to or on the railway of the railway company the railway company may effect such alterations and the company shall repay to them the reasonable expenses incurred by them in connection with such alterations :
- (7) The Company shall bear and on demand pay to the railway company the reasonable expenses incurred by the railway company of and in connection with the employment by them during the construction repair or renewal of the authorised works over under or across the railway or other property of the railway company of a sufficient number of inspectors signalmen or watchmen to be appointed by the railway company for watching and protecting the said railway and the conduct of the traffic thereon with reference to and during the construction repair or renewal of the authorised works and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Company or their contractors or any person or persons in the employ of the Company or their contractors :
- (8) If at any time it is found necessary in order to enable the railway company under powers existing at the date of this Act to carry out any alterations widenings or extensions of their existing railway or works that the position of the authorised works shall be altered the Company shall on receiving not less than one month's notice in writing from the said engineer

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so to do at the Company's own cost and with all reasonable dispatch alter the position of the same in accordance with plans sections and specifications previously submitted to and reasonably approved by the Company or their engineer so far as may be reasonably necessary (but so as not to interrupt or interfere with the continuous supply of gas) to enable the railway company to carry out such alterations widenings or extensions and the provisions of this section shall apply to the authorised works in their altered position :

- (9) Any additional expense which the railway company may reasonably incur in widening altering reconstructing repairing or maintaining their railway or other works under powers existing at the commencement of this Act by reason of the existence of the authorised works upon across over or under the same shall be paid by the Company :
- (10) Any difference arising between the Company and the railway company respecting any of the matters referred to in this section shall be referred to and determined by an arbitrator to be agreed upon between them or failing agreement to be appointed on the application of either party after notice in writing to the other by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference.

MISCELLANEOUS.

Power to
take licences
for use of
patents.

85. The Company may subject to the provisions of this Act but only for the purposes of the undertaking and not so as to acquire any exclusive right therein contract for take and use any licence or authority granting any right or privilege of working using or vending any invention subject to letters patent in relation to the manufacture supply or distribution of gas or the conversion manufacture or utilisation of residual products obtainable in or arising from such manufacture or from the materials used therein.

86. Any person having or requesting to have a supply of gas from the Company shall if and when so required by the Company and before he is entitled to have any service pipes and meter provided and fixed or to have or continue to have a supply of gas give to the Company such security for the payment to them of all moneys which may from time to time become due to them in respect of such supply as he and the Company agree upon or as in default of agreement shall be determined in the same manner as by the Gasworks Clauses Act 1871 provided for determining the amount of security to be given for the use of meters supplied by the Company and the Company shall be liable to a penalty not exceeding five pounds if they shall discontinue the supply of gas to any person then having a supply unless such person shall have failed to give to them such security for seven days after the same shall have been demanded by the Company.

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Security for
payment of
rates.

87. If any person is required by the Company to give to them security for any supply of gas or for the payment of the price or rent of a meter and such security is made by way of deposit the Company shall pay interest at the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

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

88. When at the request of and for the convenience of any consumer the reading of any meter fixed in any premises takes place at a time other than that of the usual periodical reading the Company may levy and recover such charges as they think fit not exceeding the sum of one shilling for each such special reading.

Charges for
special
reading of
meters.

89. The Company may contract with any local authority company or persons for the supply by the Company to them or for the supply to the Company by them of gas in bulk upon such terms and conditions as may be agreed upon and for those purposes may exercise the powers by this Act conferred upon them with respect to the breaking up of streets for the purpose of laying gas pipes:

Company
may con-
tract for
supply and
purchase in
bulk.

Provided that the Company shall not supply gas under any such contract beyond the limits of supply if and so long as such supply would interfere with the supply of gas within those limits.

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Authentica-
tion and
service of
notices &c.

90. Any notice to be served by the Company on a person supplied with gas shall be sufficiently authenticated by the signature of the secretary of the Company or other officer of the Company for the time being authorised in writing by the directors being affixed thereto in writing or by a stamp or if it be a notice to pay any charge in respect of a supply of gas or gas fittings by the name either of the secretary or such other officer as aforesaid being affixed thereto in writing or in print or by a stamp and any such notice may be served on such person either personally or by sending the same through the post by a pre-paid letter addressed to him by name at his last known or usual place of abode or business or if the place of abode or business of the person to be served is after proper inquiry unknown it shall in the case of any notice (not being a notice to pay any charge) be sufficient to deliver the notice to some resident of the premises supplied or if the premises be unoccupied to affix the notice or a copy thereof upon some conspicuous part of the premises.

Recovery of
demands.

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

Recovery of
penalties
&c.

92. Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner. Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Costs of Act.

93. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company and may in whole or in part be charged against revenue.

The SCHEDULES referred to in the
foregoing Act.

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FIRST SCHEDULE.

LIST OF ACTS AND ORDERS REPEALED.

- The Scarborough Gas Company's Act 1851.
- The Scarborough Gas Act 1859.
- The Scarborough Gas Act 1867.
- The Scarborough Gas Act 1873.
- The Scarborough Gas Act 1895.
- The Scarborough Gas Act 1903.
- The Scarborough Gas (Standard of Calorific Power) Order
1917.
- The Scarborough Gas Company (Capital Issues) Consent
1920.
- The Scarborough Gas Company (Capital Issues) Consent
1923.

SECOND SCHEDULE.

REGULATIONS AFFECTING PROFIT-SHARING SCHEME.

PART I.

REGULATIONS AS TO DISPOSAL OF STOCK & C. ON DEATH OF CO-PARTNER.

1. In this schedule "the directors" means the directors of the Company "the trustees" and "the secretary" respectively mean the trustees appointed under and the secretary of any scheme for the time being in force enabling the employees of the Company or any of them to participate in the profits of the Company "appointor" means any person entitled to make a nomination under clause 2 of this Part of this schedule "stock" means stock of the Company "deposits" means and includes any bonus accumulation of dividends and interest savings and other sums of money of an appointor credited to his account or due to him under any such scheme or in the books of the Company "nominee" means any person or persons named in a nomination made under

Definitions.

A.D. 1927.

this schedule "beneficiary" means and includes any nominee entitled under a nomination made under this schedule and any person entitled under clause 7 of this Part of this schedule to be registered as holder of any stock or to be paid any deposits and any references to the "value" of stock shall be deemed to refer to the market price of stock of the same class at the date on which the value of the stock is required to be determined or if there is no such market price then the fair value of such stock at that date to be determined by the Company's auditors.

Disposal of
stock and
deposits by
nomination.

2. Subject to and in accordance with the regulations set forth in Part II of this schedule any person holding in his own right any stock under any such scheme as aforesaid or having any bonus accumulation of dividends and interest savings or other sums of money left in the hands of or deposited with the Company under any such scheme or having any money deposited with the Company otherwise than under any such scheme may if he be of the age of sixteen years or upwards nominate any person or persons who on the death of the appointor shall subject to the provisions of this schedule be entitled to be registered as holder of any stock and to be paid any deposits to which the appointor shall be entitled at his death to the extent of a total value of not exceeding one hundred pounds.

Revocation
of nomina-
tions.

3.—(1) Any nomination made under the provisions of this schedule may be revoked in manner mentioned in Part II of this schedule but shall not be revokable or variable by the will of the appointor or any codicil thereto.

(2) The marriage of an appointor shall operate as a revocation of any nomination made by him before such marriage.

(3) The death of a nominee in the lifetime of the appointor by whom he has been nominated shall operate as a revocation of the nomination to the extent to which the same relates to the deceased nominee.

Proceedings
on death of
appointor.

4. After the expiration of one month from the death of an appointor who has made a nomination in force at his death the directors or the trustees (as the case may require) shall subject to the provisions of this schedule give effect to such nomination and shall in accordance with the directions of the nomination but subject to the extent mentioned in clause 2 of this Part of this schedule register the nominee as holder of the stock and pay to the nominee the deposits to which the appointor was entitled at his death or as the case may be the portion of the stock and deposits comprised in the nomination. Provided that if the directors or trustees receive notice of any claim of a creditor of the deceased appointor before the expiration of one month from his death they shall retain the whole amount of the stock or deposits comprised in the nomination or a sufficient amount

thereof to satisfy the claim (whichever amount shall be the lesser) until the said claim has been satisfied disproved or withdrawn. A.D. 1927.

5. Where the directors or trustees have registered stock in the name of or paid deposits to a nominee in ignorance of a marriage of the deceased appointor contracted subsequent to the nomination the registration shall be deemed to have been lawfully made and the receipt of the nominee shall be a valid discharge for any sum so paid and neither the directors nor the trustees shall be under any liability to any other person claiming such stock or deposits. Legality of acts done in ignorance of marriage of appointor.

6. In the event of the directors or trustees being restricted under the provisions of this schedule from giving effect to any nomination made by a deceased appointor and in force at his death relating to both stock and deposits to the whole extent thereof they shall primarily give effect thereto to the extent to which it relates to stock. Nominations to take effect as regards stock in priority to deposits.

7.—(i) If any appointor shall die without having made any nomination under this schedule in force at his death and the total value of the stock and deposits to which he is entitled at his death does not exceed one hundred pounds and probate of the will of the appointor or letters of administration to his estate are not produced within such time (not being less than one month after his death) as the directors think reasonable then at the expiration of such time the directors or the trustees (as the case may require) shall subject to the provisions of this Part of this schedule register the stock in the names of and pay the deposits to— Disposal in case of no nomination.

- (a) The widow (if any) of the deceased appointor;
- (b) If there be no widow the person or persons entitled to his effects according to the statutes for the distribution of the effects of intestates in the respective shares in which they are entitled under those statutes; or
- (c) In any event if the directors think fit to any person who has paid the funeral expenses of the appointor up to an amount not exceeding the total amount of such expenses :

Provided that in every case where the deceased appointor has left no widow and the persons entitled under the said statutes are more than two the directors may if they think fit sell the stock and distribute the proceeds (after deducting the proper expenses of such sale and distribution) among such persons in the shares in which they are entitled under the said statutes and for the purposes of such sale the directors may by a resolution authorise the secretary to execute the transfer of the stock to the purchaser or the purchasers thereof :

A.D. 1927.

Provided also that if the directors or trustees receive notice of any claim of a creditor of the deceased appointor before the expiration of one month from the death of the appointor they shall retain the whole amount of the stock or deposits of the deceased appointor in their hands or a sufficient amount thereof to satisfy the claim (whichever amount shall be the lesser) until the said claim has been satisfied disproved or withdrawn.

(ii) The provisions of this clause shall also apply in the case of the death of any appointor being entitled at his death to stock or deposits of a total value not exceeding one hundred pounds who has made a nomination in force at his death where such nomination relates to a portion only of the stock and deposits to which he is entitled at his death but in such case the provisions of this clause shall extend only to the portion of the stock or deposits to which the nomination does not relate.

(iii) Any registration of stock or payment of deposits or the proceeds of any sale made either (a) under the foregoing provisions of this clause in the name of or to any person who at the time appears to the directors to be entitled to such stock deposits or proceeds under such provisions or (b) under the provisions of clause 9 or clause 10 of this Part of this schedule in the name of or to any person on behalf of or for the benefit of or as trustee for any person who at the time appears to the directors to be so entitled as aforesaid and any sale of stock to a bona fide purchaser made by the directors under the provisions of this clause shall be valid and effectual against any demand made upon the Company or the directors or the trustees by any other person. Provided nevertheless that the legal personal representative of the deceased appointor shall have remedy for the recovery of such stock deposits or proceeds against the person in whose name the same shall have been registered or to whom the same shall have been paid but nothing in this proviso shall confer upon any person any such remedy against a bona fide purchaser of such stock or against the widow of a deceased appointor or shall confer upon any person on behalf of or for the benefit of or in trust for whom the stock deposits or proceeds have been so registered or paid any such remedy against the person in whose name or to whom the same have been registered or paid.

Provisions
as to small
amounts of
stock.

8. In any case where under the provisions of this schedule any beneficiary would be entitled to be registered as the holder of any amount of stock of less than five pounds or of any amount of stock exceeding five pounds but including a fractional part of one pound it shall be lawful for the directors in lieu of registering such beneficiary as holder of such amount of stock of less than five pounds or (as the case may be) such fractional part of one pound of stock to pay to him a sum in cash equal to the value of such amount or fractional part on the date of the death of the appointor in whose name the stock was previously registered and

the trustees shall if so required by the directors forthwith repay such sum to the directors out of any moneys in their hands and such amount of stock or fractional part of one pound of stock shall forthwith be registered in the names of the trustees.

A.D. 1927.

9. Where any beneficiary is under the age of sixteen years and it is proved to the satisfaction of the directors that funds are needed for the maintenance education or benefit of such infant the directors or the trustees (as the case may require) may notwithstanding any other provisions of this Part of this schedule register the stock and pay the deposits to which the beneficiary is entitled or any part thereof in the name of or to any person who may satisfy the directors that he will apply any money so paid to him or received by him from the sale of or as dividend bonus or otherwise on such stock for the maintenance education or benefit of such beneficiary and the receipt of such person shall be a good discharge to the directors and trustees for any sums so paid.

Provision as to beneficiaries under sixteen.

10. Where any beneficiary is under the age of sixteen years it shall be lawful for the directors by resolution to appoint any person whom they think fit to act as a trustee for such beneficiary and thereupon the directors or the trustees (as the case may require) shall notwithstanding any other provisions of this Part of this schedule register the stock and pay the deposits to which the infant beneficiary is entitled or any part thereof in the name of or to such person and such person shall so far as is necessary apply the deposits and any dividends bonuses or interest on the stock or deposits or shall sell the stock or any part thereof and apply the proceeds of such sale for the maintenance education or benefit of the beneficiary and the receipt of such person shall be a good discharge to the directors and trustees for any sums so paid. Provided always that if and when the beneficiary attains the age of sixteen years the person so appointed shall transfer or pay to the beneficiary any stock deposits dividends bonuses interest or proceeds of sale then held by such person on behalf of the beneficiary.

Directors may appoint trustee for beneficiary under sixteen.

11.—(1) When any beneficiary is an infant but over the age of sixteen years it shall be lawful for the infant to sell and transfer any stock registered in his name to the Company or the trustees at the value thereof.

Power to infant beneficiaries over sixteen.

(2) The receipt of any beneficiary who has attained the age of sixteen years shall be a good discharge for any sum paid to him under any of the provisions of this schedule notwithstanding such beneficiary has not attained the age of twenty-one years.

12.—(1) If the principal value of the estate in respect of which estate duty is payable of any deceased appointor exceeds one hundred pounds any stock or deposits to which he is entitled

Estate duty payable in certain cases.

A.D. 1927. at his death shall be liable to estate duty as part of the property on which that duty is charged and the directors before dealing with or disposing of the same under the provisions of this schedule may require a statutory declaration by a beneficiary that such principal value does not exceed one hundred pounds.

(2) Nothing in this clause shall render the directors or the trustees accountable for the payment of the estate duty in respect of any stock deposits or other moneys which they have registered paid over distributed or otherwise disposed of in accordance with the provisions of this schedule.

As to stock and deposits exceeding one hundred pounds.

13. Notwithstanding anything in this schedule if the total value of the stock and deposits to which the appointor was entitled at his death exceeds one hundred pounds the directors and/or the trustees shall before registering stock in the name of or making any payment to any person other than the legal personal representative or representatives of the deceased appointor to an extent greater than three-fourths of the total value of such stock and deposits require production of a certificate from the Commissioners of Inland Revenue of the payment of the estate duty and a duly stamped receipt for the succession or legacy duty payable in respect of the stock and deposits or a certificate from the said Commissioners stating that no such duty is payable thereon and the Commissioners shall give such certificate on receipt of payment of the duty or satisfactory proof that such duty has been paid or that no such duty is payable as the case may be.

PART II.

REGULATIONS AS TO NOMINATIONS.

1. A nomination shall be in writing in the form prescribed by the directors and shall be signed by the appointor in the presence of a witness.

2. A nomination may be revoked by the appointor by a subsequent nomination made and registered in accordance with these regulations or by writing under his hand signed in the presence of a witness.

3. A nomination or a revocation shall be sent by post to or left at the office of the secretary during the lifetime of the appointor.

4. A nomination or a revocation when received by the secretary shall be registered by him forthwith and the receipt thereof shall be acknowledged but the secretary may refuse to register a nomination or a revocation which does not comply with these regulations.

5. A nomination or a revocation which does not comply with these regulations or has not been received by the secretary shall not have any validity or effect.

6. A nomination may relate to the whole of the stock and deposits to which the appointor may be entitled or to part only thereof.

7. Except where otherwise stated a nomination shall be deemed to extend to all stock and deposits to which the appointor is entitled at the time of his decease up to a total value not exceeding one hundred pounds but an appointor may in a nomination expressly exclude any part of such stock or deposits from the operation of such nomination.

8. A nomination may be in favour of one person or of several persons and in the latter case may subject as hereinafter mentioned direct that on the death of the appointor the stock shall be registered in the name of and the deposits shall be paid to one or more of the nominees or that the nominees shall be registered as owners of the stock and shall take the deposits respectively in specified shares or may give directions to both effects Provided that it shall not be lawful for a nomination to direct that stock shall be registered in the names of more than two persons as joint holders.

9. No person who witnesses the signature of an appointor to a nomination shall take any benefit under such nomination.

THIRD SCHEDULE.

PARTS I AND II.

LANDS FOR MANUFACTURE AND STORAGE OF GAS AND RESIDUALS.

PART I.

The lands situate on the east side of and adjoining the York and Scarborough Railway of the London and North Eastern Railway Company and belonging to the Company and which or some part of which the Company are now authorised to use and are using for those purposes and being the enclosures num-

[Ch. xciv.] *Scarborough Gas* [17 & 18 GEO. 5.]
(Consolidation) Act, 1927.

A.D. 1927. bered 199 200 202 and 250 in the borough of Scarborough on the
— $\frac{1}{2500}$ Ordnance map Yorkshire (North Riding) sheet No. XCIII—4
(edition of 1912).

PART II.

Those portions of the enclosures numbered 193 and 204 in the said borough on the same Ordnance sheet which are bounded on the north by the said enclosure numbered 199 on the west partly by the said enclosures numbered 199 and 200 and partly by the existing fence of the said railway on the south by an imaginary straight line drawn parallel to and at a distance of ninety yards southwards from the southern boundary of the said enclosure numbered 199 and extending eastwards to a point eighty-two yards or thereabouts eastwards of the said existing railway fence and on the east by an imaginary straight line drawn from the said point to a point on the eastern boundary of the said enclosure numbered 200 forty-four yards or thereabouts measured in a northerly direction from the south-eastern corner of that enclosure.

PART III.

LANDS FOR STORAGE OF GAS AND RESIDUALS.

The lands situate to the west of Seamer Road in the said borough and belonging to the Company and which or some part of which they are now authorised to use for those purposes and bounded on the north partly by the back road adjoining the south side of the premises in Asquith Avenue partly by premises known as 30 Quarry Mount and partly by a road called Quarry Mount and partly by land of the Scarborough United Brickworks Limited on the east by the back road running in a southerly direction from Asquith Avenue along the back of premises fronting Seamer Road to and into a road leading from Seamer Road aforesaid to the Scarborough United Brickworks on the south by the said road leading to the Scarborough United Brickworks and on the west by land belonging to the Scarborough United Brickworks Limited.

PART IV.

LANDS AND BUILDINGS FOR OTHER PURPOSES.

Thirteen cottages known as 1 to 13 Mount Cottages Seamer Road Scarborough.

Offices and showrooms known as 30 Westborough Scarborough.

Dwelling-house and premises known as Waterford Lodge
Brunswick Terrace Scarborough with lock-up shop and premises
adjoining.

A.D. 1927.
—

Dwelling-house and premises known as No. 1 Brunswick
Terrace Scarborough with workshops at the side thereof.

A strip of land containing 28 perches or thereabouts situate
in the borough of Scarborough and forming the access road from
Seamer Road to the piece of land described in Part I of this
schedule.

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