



CHAPTER xlii.

An Act to authorise the York Town and Blackwater Gas Company to consolidate and convert the existing capital of the Company and to raise additional capital to change the name of the Company and for other purposes.

A.D. 1928.

[2nd July 1928.]

WHEREAS the York Town and Blackwater Gas Company (in this Act called "the Company") were incorporated by the York Town and Blackwater Gas Act 1904 (hereinafter referred to as "the Act of 1904") and were by that Act authorised to supply gas within the limits of supply therein described and by the York Town and Blackwater Gas (Electric Lighting &c.) Act 1909 (hereinafter referred to as "the Act of 1909") the limits within which the Company were authorised to supply gas were extended and they were authorised to supply electricity within the area of supply described in that Act:

And whereas further powers were conferred on the Company by the York Town and Blackwater Gas (Charges) Order 1921 (hereinafter referred to as "the Order of 1921") and the York Town and Blackwater (Capital Issues) Consent 1922 (hereinafter referred to as "the Consent of 1922") and by an order dated the eleventh day of November one thousand nine hundred and twenty-one (hereinafter referred to as "the Electricity (Charges) Order 1921") the prices stated in section 1 of the Fourth Schedule to the Act of 1909 were varied:

[Price 1s. 6d. Net.]

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And whereas by the York Town and Blackwater Gas Order 1922 (hereinafter referred to as "the Order of 1922") and the York Town and Blackwater Gas Order 1924 (hereinafter referred to as "the Order of 1924") the limits of supply for gas were extended and further powers were conferred on the Company :

And whereas by the York Town and Blackwater Electricity (Wokingham Extension) Special Order 1925 (hereinafter referred to as "the Order of 1925") the area of supply for electricity was extended :

And whereas a statement of the capital and loan capital which the Company are authorised to issue and borrow and which the Company have issued and borrowed under the powers in that behalf contained in the before-mentioned Acts and Orders is given in the First Schedule to this Act :

And whereas previous to the incorporation of the Company by the Act of 1904 the Company then called the York Town and Blackwater Gas and Coke Company Limited being a company duly registered pursuant to the Joint Stock Companies' Act 1856 issued the preferred shares included in the statement of the capital with the dividend payable free of income tax and it is expedient that the position with regard to these shares should be regulated as provided by this Act :

And whereas the Company have raised and expended all their capital and all their loan capital except the sum of six thousand three hundred and forty-three pounds eight shillings and eightpence :

And whereas it is expedient that the existing ordinary and preference capital of the Company should be consolidated and converted as prescribed by this Act :

And whereas the population within the limits of supply for gas and the area of supply for electricity has increased and is increasing and it is expedient that the Company should be empowered to raise additional capital and to borrow further moneys in respect thereof and in respect of their existing capital :

And whereas it is expedient that powers should be conferred on the Board of Trade and the Electricity Commissioners respectively to make Special Orders empowering the Company to apply any capital authorised to be raised under the powers of such Special Orders for

the purposes of the whole undertaking of the Company and to borrow money on mortgage of the whole of such undertaking : A.D. 1928.

And whereas it is expedient to change the name of the Company :

And whereas it is expedient that further provision be made with reference to the conduct of the affairs of the Company and the management of their undertaking and that the other provisions in this Act should be made :

And whereas the objects of this Act 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 Parliament assembled and by the authority of the same as follows :—

PRELIMINARY.

1.—(1) This Act may be cited as the York Town and Blackwater Gas and Electricity Act 1928 and the Act of 1904 the Act of 1909 the Electricity (Charges) Order 1921 the Order of 1921 the Consent of 1922 the Order of 1922 the Order of 1924 the Order of 1925 and this Act may be cited together as the Yorktown (Camberley) and District Gas and Electricity Acts and Orders 1904 to 1928. Short and collective titles.

(2) The Act of 1904 the Act of 1909 the Order of 1921 the Consent of 1922 the Order of 1922 the Order of 1924 and so much of this Act as relates to the gas undertaking of the Company may be cited together as the Yorktown (Camberley) and District Gas Acts and Orders 1904 to 1928.

(3) The Act of 1909 the Electricity (Charges) Order 1921 the Order of 1925 and so much of this Act as relates to the electricity undertaking of the Company may be cited together as the Yorktown (Camberley) and District Electricity Acts and Orders 1909 to 1928.

2. This Act shall be deemed to be a special Act within the meaning of the Electricity (Supply) Acts 1882 to 1926 and the Electric Lighting (Clauses) Act 1899 so far as the provisions of those Acts are applicable to or incorporated with this Act. Application of Electric Lighting Acts.

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Incorporation of Acts.

3.—(1) The following Acts and parts of Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of the Yorktown (Camberley) and District Gas and Electricity Acts and Orders 1904 to 1928) are hereby incorporated with this Act (namely):—

The Companies Clauses Consolidation Act 1845 (except the provisions relating to the conversion of borrowed money into capital) Part I (relating to the cancellation and surrender of shares) Part II (relating to additional capital) Part III (relating to debenture stock) and Part IV (change of name) of the Companies Clauses Act 1863 as amended by subsequent Acts;

The Gasworks Clauses Act 1847 (except sections 30 to 34) and the Gasworks Clauses Act 1871;

The provisions of the schedule to the Electric Lighting (Clauses) Act 1899 (except sections 5 and 23 thereof).

(2) In the application to the Company of the Gasworks Clauses Act 1847 section 13 shall be read as if the words “or any premises” were inserted after the words “private building” and as if the words “Provided that every such contract entered into by the undertakers shall be alike in terms and amount to all consumers of gas supplied in like circumstances and for the same purposes” were added at the end of that section.

Interpretation.

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

“the Company” means the York Town and Blackwater Gas Company;

“the gas undertaking” means the gas undertaking of the Company as from time to time authorised;

“the electricity undertaking” means the electricity undertaking of the Company as from time to time authorised;

“the undertaking” means the gas undertaking and the electricity undertaking;

- “ the limits of supply ” means the limits within which the Company are from time to time authorised to supply gas; A.D. 1928.
- “ the area of supply ” means the limits within which the Company are from time to time authorised to supply electricity;
- “ the ordinary shares ” means the original the old and the new ordinary shares of the Company;
- “ the preference shares and stock ” means the preferred shares the (Twyford) preference shares and the new preference stock of the Company;
- “ the prescribed date ” means the first day of January one thousand nine hundred and twenty nine;
- “ the existing Acts and Orders ” means the Act of 1904 the Act of 1909 the Electricity (Charges) Order 1921 the Order of 1921 the Consent of 1922 the Order of 1922 the Order of 1924 and the Order of 1925;
- “ the directors ” means the directors of the Company;
- “ the authorised rate of dividend ” means the rate of dividend the Company are entitled to divide from time to time in accordance with the provisions of this Act.

FINANCIAL PROVISIONS.

5.—(1) On the prescribed date the three hundred original shares the seven hundred and thirty old shares and the five thousand three hundred new ordinary shares all of ten pounds each and all of which have been issued and are fully paid up shall be converted and consolidated into one class of stock to be called “ consolidated ordinary stock ” entitled to a standard rate of dividend at the rate of five pounds per centum per annum according to the following scales:—

Conversion of ordinary capital.

For each original share twenty pounds of consolidated ordinary stock;

For each old share fourteen pounds of consolidated ordinary stock;

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For each new ordinary share fourteen pounds of consolidated ordinary stock;

and so in proportion for every fraction of such existing ordinary shares.

(2) On the prescribed date there shall be created by virtue of this Act such nominal amount of consolidated ordinary stock as shall be necessary for the purpose of carrying into effect the conversion provided for by this section.

Conversion
of preference
capital.

6.—(1) On the prescribed date the one hundred and fifty preferred shares of ten pounds each the forty-nine thousand seven hundred and fifteen pounds new preference stock and the four hundred and forty (Twyford) preference shares of ten pounds each and all of which have been issued and are fully paid up shall be converted and consolidated into one class of preference stock to be called "consolidated preference stock" bearing a fixed preference dividend of five pounds per centum per annum according to the following scales:—

For each preferred share twelve pounds of consolidated preference stock;

For each ten pounds of new preference stock ten pounds of consolidated preference stock;

For each (Twyford) preference share twelve pounds of consolidated preference stock;

and so in proportion for every fraction of one hundred pounds of such existing preference shares or stock.

(2) On the prescribed date there shall be created by virtue of this Act such nominal amount of consolidated preference stock as shall be necessary for the purpose of carrying into effect the conversion provided for by this section.

As to
fractional
parts of
stock.

7. In every case where under the foregoing provisions of this Act a holder of existing capital of the Company would be entitled to be registered as the holder of any fractional part of ten pounds of consolidated ordinary stock or consolidated preference stock the company in lieu of registering such holder and issuing to him a certificate as holder of any fractional part of ten pounds of such stock shall pay to such holder in cash the then market value of such fractional part and shall register

such holder and issue to him a certificate of the amount of consolidated ordinary stock or consolidated preference stock to which he shall be entitled as aforesaid excluding such fractional part and the receipt of such holder or in the case of joint holders of that one of them whose name stands first in the register for the sum so paid in cash as aforesaid shall be a sufficient discharge to the Company in respect of such fractional part. The Company may either cancel all or any stock in lieu of which cash is so paid or issue the same to any willing purchaser thereof in amounts of not less than ten pounds and any loss or expense which may be incurred in connection with such issue shall be borne by the Company.

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8. All consolidated ordinary stock and consolidated preference stock so created and vested under or by virtue of this Act shall be deemed to be fully paid up and all such stock shall subject to the provisions of this Act be held in and with the same rights on the same trusts and be subject and liable to the same powers provisions declarations agreements charges liens incumbrances and liabilities as immediately before the date of conversion affected or attached to the existing capital of the Company in respect of which the stock so created is so vested and shall be dealt with applied and disposed of accordingly and so as to give effect to and not revoke any agreement deed or other instrument or any testamentary disposition disposing of or affecting any such existing capital and every such agreement deed or other instrument or testamentary disposition shall take effect with reference to the whole or a proportionate part as the case may be of the stock so created and substituted for such existing capital and trustees executors or administrators and all other holders in any representative or fiduciary capacity of any such existing capital of the Company are hereby expressly authorised and required to accept any consolidated ordinary or consolidated preference stock allotted to and vested in them pursuant to the provisions of this Act and any sum paid to them in cash under the provisions of this Act and to hold dispose of or otherwise deal with the same as they might have held disposed of or otherwise dealt with the existing capital for which such stock created by this Act is substituted and are hereby indemnified in respect of all acts bonâ fide done by them in pursuance of the provisions of this Act.

Allocation
of original
capital.

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Exchange
of certi-
ficates.

9. The Company shall call in and cancel the certificates of the existing capital of the Company for which stock created by this Act is substituted as aforesaid and issue in lieu thereof certificates of the stock to which the holders of such existing capital are by this Act respectively entitled but no holder of any such existing capital shall be entitled to any such certificate of proprietorship under this Act until he shall have delivered up to the Company to be cancelled the certificate of proprietorship of such existing capital or shall have proved to the reasonable satisfaction of the directors the loss or destruction thereof but if any holder of any such existing capital of the Company neglect or omit to send or deliver to the Company his certificate or certificates thereof for the period of one year after notice in writing sent by post to the address of such holder appearing in the stockholders' address book of the Company the Company may retain any dividend or interest declared or payable upon or in respect of the stock substituted under the provisions of this Act for the existing capital so held by him until such certificate or certificates is or are sent or delivered to the Company or is or are proved to the reasonable satisfaction of the directors to have been lost or destroyed and an indemnity is given against any claim in respect of such lost or destroyed certificate or certificates to the satisfaction of the directors.

Transfers of
existing
ordinary
shares and
existing
preference
shares and
stock to
operate as
transfers of
consolidated
ordinary
stock and
consolidated
preference
stock.

10. All transfers or other dispositions of any existing ordinary shares and preference shares and stock shall after the prescribed date and notwithstanding this Act be valid and have due effect given to them respectively as transfers or dispositions of—

- (a) the respective amounts (being in each case a multiple of ten pounds) of consolidated ordinary stock and consolidated preference stock which represent the ordinary shares and preference shares and stock thereby expressed to be transferred or disposed of and are substituted for the same under the provisions of this Act; or
- (b) consolidated ordinary stock and consolidated preference stock to the amount of the multiple of ten pounds next below the amount of consolidated ordinary stock and consolidated preference stock which but for the provisions of the section of this Act of which the marginal

note is "As to fractional parts of stock" would have represented the existing ordinary shares and preference shares and stock transferred or disposed of by such transfer or disposition as aforesaid and a sum in cash equal to the market value of any fractional part of ten pounds of consolidated ordinary stock and consolidated preference stock; A.D. 1928.

although the instrument transferring or disposing thereof shall describe the same by the name or denomination which the ordinary shares or preference shares and stock transferred or disposed of had before that date and the bequest of or any covenant or provision of any deed or agreement relating to any specific amount of any of the existing ordinary shares or preference shares and stock shall be held to apply to an amount of consolidated ordinary stock and consolidated preference stock equal to that into which such specific amount of stock shall have been converted or which shall be substituted for the same under the provisions of this Act.

11.—(1) The Company may from time to time raise by the creation and issue of consolidated ordinary stock and consolidated preference stock or of either such class of stock additional capital to such an amount as shall be sufficient to produce after taking into account premiums and discounts (if any) which may be obtained or allowed on the issue thereof the sum of one hundred thousand pounds and any sum so raised may be applied to the purposes of the gas undertaking or of the electricity undertaking (being purposes to which capital is properly applicable) as the Company may determine. Additional capital.

(2) The additional capital shall form part of the general capital of the Company and the holders thereof respectively in proportion to the amount of their stock shall be entitled and subject to the like rights of voting and any other rights qualifications privileges and liabilities as holders of stock of the Company of the same class or description.

12. Except as is provided by the next following section of this Act the profits of the Company to be divided among the holders of ordinary stock and Dividends.

[Ch. xlii.] *York Town and* [18 & 19 GEO. 5.]
Blackwater Gas and Electricity Act, 1928.

A.D. 1928. preference stock in respect of any half-year shall not
— exceed the following rates (namely):—

On the ordinary stock the rate of five pounds per centum per annum in respect of every one hundred pounds of ordinary stock or part thereof actually paid up or deemed to be paid up thereon (which rate is in this Act referred to as “the standard rate of dividend”);

On the preference stock and upon so much of the additional capital as shall be issued as preference capital the rate of five pounds per centum per annum in respect of every one hundred pounds of preference stock or part thereof actually paid up or deemed to be paid up thereon.

Price of
gas Sliding
scale.

13.—(1) As from the prescribed date the standard price for gas supplied by the Company within the limits of supply (other than that part to which section 34 of the Order of 1924 relates) to persons who consume the same by meter shall be fifteen decimal eight pence per therm or such other price as may from time to time be prescribed by an order of the Board of Trade made under section 1 of the Gas Regulation Act 1920 :

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

(a) In respect of any half-year during any part of which the price charged by the Company has been above the standard price the dividend payable by the Company on their ordinary stock shall not exceed a dividend at a rate per centum per annum less than the standard rate of dividend by two shillings and sixpence on every one hundred pounds of ordinary stock in respect of each one-fifth of a penny or part thereof by which the highest price charged by the Company in that half-year exceeds the standard price;

(b) In respect of any half-year during the whole of which the price charged by the Company has been below the standard price the dividend payable by the Company on their ordinary

stock may be a dividend at a rate per centum per annum exceeding the standard rate of dividend by two shillings and sixpence on every one hundred pounds of ordinary stock in respect of each one-fifth of a penny by which the highest price charged by the Company in that half-year is below the standard price : A.D. 1928.

Provided also that if in respect of any half-year the dividend so payable on any ordinary stock comprises an amount of less than five shillings on every one hundred pounds the directors may in their discretion either add the same to the reserve fund or defer payment of that amount and pay the same with the next or some succeeding dividend.

(2) Section 72 of the Act of 1904 is hereby repealed.

14. If the clear profits of the undertaking in any year after the prescribed date amount to a larger sum than is sufficient to pay dividends at the authorised rates on the ordinary and preference capital of the Company for that year the excess shall be left at the credit of the profit and loss account (net revenue) of the undertaking and be carried forward to the next following year : Application of excess of profits over authorised rates of dividend.

Provided that it shall not be lawful for the Company to carry forward at the end of any year after the prescribed date to the credit of the said 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 which the Company are entitled or required to pay but have not paid in respect of that year;
- (b) an amount equal to the total sum which the Company will require for payment of dividends at the authorised rates on their preference and ordinary capital in respect of the next following year; and
- (c) 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.

15.—(1) All ordinary and preference stock created by the Company after the passing of this Act shall be issued in accordance with the provisions of this section. New stock to be sold by auction or tender.

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(2) All such 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 directors 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 every borough and the clerk to the council of every urban and rural district wholly or partly included within the limits of supply or the area 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 each of two consecutive weeks in one or more local newspapers circulating within the limits of supply and the area 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. 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 ordinary and preference stock of the Company in accordance with the provisions of sections 18 19 and 20 of the Companies Clauses Act 1863 and to the employees of the Company and to the consumers of gas or electricity supplied by the Company in such proportions as the directors may think fit or to one or more of these classes

of persons only Provided in the case of an offer to holders of stock that 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.

A.D. 1928.

(4) Any stock which has been offered for sale in accordance with subsection (2) or with subsections (2) and (3) and is not sold may be otherwise disposed of for the purpose of realising the best price obtainable 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 the stock sold the total amount obtained as premium (if any) and the highest and lowest prices obtained for the stock.

16.—(1) Notwithstanding anything contained in the section of this Act of which the marginal note is “New stock to be sold by auction or tender” the Company (with the approval of the Board of Trade to be signified in writing under the hand of an assistant secretary of that Board) may when ordinary or preference stock of the Company is to be offered for sale pay a commission not exceeding five per centum to any person in consideration of his subscribing or agreeing to subscribe whether absolutely or conditionally for any stock or procuring or agreeing to procure subscriptions whether absolute or conditional for any stock Provided that the payment of the commission and the amount or rate per centum of the commission paid or agreed to be paid shall be disclosed in every prospectus advertisement or other document of the Company relating to the offer for sale of such stock.

Provisions
as to pay-
ment of
commissions
on sale of
capital.

(2) Nothing in this section shall affect any power of the Company to pay brokerage.

17.—(1) The Company may at any time borrow on mortgage of the undertaking in respect of the capital of the Company issued prior to the passing of this Act (inclusive of the substituted stock into which under the foregoing provisions of this Act the existing ordinary shares and the existing preference shares and stock

Power to
borrow.

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shall become converted) and without obtaining any certificate of a justice under the Companies Clauses Consolidation Act 1845 any sum or sums not exceeding (inclusive of any sums borrowed by the Company prior to the passing of this Act and for the time being outstanding) the total sum of sixty-seven thousand pounds. The powers of borrowing conferred by this subsection shall supersede any powers conferred by the existing Acts and Orders of borrowing in respect of the capital of the Company so issued as aforesaid so far as those powers have not already been exercised.

(2) The Company may also borrow on mortgage of the undertaking any sum or sums not exceeding in the whole one-half of the amount which at the time of borrowing has been actually paid up (including premiums and allowing for any discounts) on any ordinary and preference stock issued after the passing of this Act under the powers of this Act and has not been repaid but no sum shall be borrowed in respect of any capital so issued 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 amount payable on the issue of the stock with respect to which the borrowing powers are exercised and of the premium (if any) realised on the sale thereof have been fully paid up.

Appoint-
ment of
receiver.

18. The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver and in order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one-tenth of the amount for the time being borrowed by the Company.

Debenture
stock.

19. The Company may create and issue debenture stock subject to the provisions of Part III of the Companies Clauses Act 1863 and of section 36 of the Act of 1904.

Priority of
mortgages
over other
debts.

20. All money to be raised by the Company under the provisions of this Act on mortgage or by the issue of debenture stock shall have priority against the Company and the property from time to time of the

Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act Provided always that this priority shall not affect any claim against the Company or their property in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company in pursuance of any Act relating to the Company which is entitled to rank in priority to or pari passu with the interest on their mortgages or debenture stock. A.D. 1928.
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21. The principal moneys secured by all mortgages granted by the Company before the passing of this Act and subsisting at the passing thereof shall during the continuance of such mortgages and subject to the provisions of the Act or Order under which such mortgages were respectively granted have priority over all mortgages granted by virtue of this Act but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company. Priority of existing mortgages.

22.—(1) If the Company desire to raise by the issue of preference stock any capital which they are by this Act authorised to raise or to issue any debenture stock under the powers of this Act they may create and issue such preference stock or debenture stock as redeemable stock on such terms and conditions as may be specified in a resolution of the Company passed at a special meeting convened for the purpose. Issue of redeemable preference capital and debenture stock.

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

- (i) call in and pay off such preference or debenture stock or any part thereof at one hundred pounds for every one hundred pounds stock at any time before the date fixed for redemption;
- (ii) redeem such stock or any part thereof either by paying off such stock or by issuing to any stockholder subject to his consent other stock in substitution therefor.

(3) For the purpose of providing money for paying off such stock or providing substituted stock the Company may create and issue new stock (redeemable or irredeemable) or re-issue stock originally created and

A.D. 1928. — issued as aforesaid so however that the creation and issue for that 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 (a) during the necessary interval between the creation and issue of the new stock and the redemption of the old stock and (b) when the new stock is issued in substitution for stock which was itself lawfully issued.

(4) The Company shall not redeem out of revenue any redeemable stock so created and issued as aforesaid.

(5) The provisions of the section of this Act of which the marginal note is "New stock to be sold by auction or tender" shall not apply to any stock created and issued in substitution for any redeemable stock issued under the powers of this section.

Minimum amounts of holdings and transfers of stock.

23.—(1) Any ordinary stock preference stock or debenture stock of the Company may be issued and be held in amounts of ten pounds or of any multiple thereof exceeding ten and not otherwise and the Company shall not be under any obligation to register a transfer of any such stock which would make the holding of the transferor or transferee of stock of that class less than ten pounds.

(2) Notice of this enactment so far as applicable shall be stated in all certificates of ordinary stock preference stock or debenture stock to be issued by the Company after the passing of this Act.

Receipt in case of persons not sui juris.

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

Application of money.

25.—(1) 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.

(2) The Company may apply to any of the purposes of this Act to which capital is properly applicable any moneys which they have raised or are authorised to raise under their existing Acts and Orders. A.D. 1928.

26. For the purposes of section 41 (Power to create a special purposes fund) of the Act of 1909 the paid up capital of the Company including premiums shall be deemed to consist of— Provisions as to special purposes fund.

(a) the sum of one hundred and thirty-four thousand four hundred pounds in respect of the sums raised by the Company by the issue of shares and stock prior to the passing of this Act; and

(b) all sums which for the time being shall have been raised by the Company after the passing of this Act by the issue of consolidated preference stock or consolidated ordinary stock including any premiums received on any such issue.

27.—(1) The Board of Trade may by Special Order under section 10 of the Gas Regulation Act 1920 subject (after consultation with the Electricity Commissioners) to such conditions limitations and provisions as they see fit to impose or insert empower the Company to apply for the purposes of the whole undertaking of the Company any capital authorised to be raised under the powers of such Special Order and to borrow money on mortgage of the whole of such undertaking provided that in connection with any application for a Special Order under the provisions of this subsection to authorise the raising of additional capital for the purposes of the whole undertaking the Company shall comply with such of the requirements of the rules of the Electricity Commissioners relating to applications for Special Orders as the Electricity Commissioners may direct. Power to Board of Trade and Electricity Commissioners to authorise Company to raise capital and to borrow.

(2) The Electricity Commissioners may by Special Order under the Electricity (Supply) Acts 1882 to 1926 subject (after consultation with the Board of Trade) to such conditions limitations and provisions as they see fit to impose or insert empower the Company to apply for the purposes of the whole undertaking of the Company any capital authorised to be raised under the powers of such Special Order.

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ADMINISTRATIVE PROVISIONS.

Interim
dividends.

28. It shall be lawful for the directors to declare and pay in any year an interim half-yearly dividend out of the profits of the Company without the sanction or direction of a general meeting Provided that the amount of any interim half-yearly dividend shall not exceed the authorised rate of dividend for that half-year on the ordinary capital or one-half of the yearly rate of dividend assigned to preference capital in respect of which such interim dividend is declared.

Voting
rights.

29. At all general meetings of the Company after the prescribed date every holder of ordinary stock and preference stock shall have one vote in respect of each complete ten pounds in the nominal value of such stock held by him up to one hundred pounds and an additional vote for every complete fifty pounds beyond the first one hundred pounds in such nominal value up to one thousand pounds and an additional vote for every complete one hundred pounds in such nominal value beyond the first one thousand pounds.

Appoint-
ment of
proxies.

30. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 the attorney of any stockholder of the Company 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 at the same time as the instrument appointing the proxy.

Joint
holders.

31. Notwithstanding anything contained in the Companies Clauses Consolidation Act 1845 where several persons are jointly entitled to and registered as holders of any stock in the capital of the Company any one of those persons may vote at any meeting (at which holders of stock of the same class are entitled to vote) 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 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. A.D. 1928. —

32. Notwithstanding anything contained in the Companies Clauses Consolidation Act 1845 it shall not be obligatory upon the Company— Register of shareholders and shareholders' address book.

(a) to keep separately a register of shareholders and a shareholders' address book but in lieu thereof the Company may if they think fit keep one register only containing such particulars as are required by the said Act to be entered in the register of shareholders and the shareholders' address book respectively; or

(b) to authenticate by the affixing of their common seal or otherwise the register of shareholders or any register which the Company may keep in lieu thereof under the powers of this section.

33. As from the prescribed date the qualification of a director of the Company shall be the possession in his own right of consolidated ordinary stock and consolidated preference stock or either of them of the nominal value of not less than five hundred pounds. Qualification of directors.

34. From and after the passing of this Act no person not being a retiring director of the Company shall be eligible to be elected a director of the Company at any general meeting of the Company unless notice in writing is given to the secretary or left at the principal office of the Company fourteen days at least before the day of election that such person will be proposed for election as a director of the Company and the secretary of the Company shall during such fourteen days and on the day of election fix a copy of every such notice so delivered in some conspicuous place in such office Any such person must have been the holder of the qualifying amount of shares or stock for at least three months prior to his election In the case of a retiring director or directors notice of opposition to his or their re-election shall be given in like manner. Notice of candidature of or opposition to re-election of director.

35. 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. Determination of remuneration of secretary.

A.D. 1928.

As to
appoint-
ment of
managing
director.

36.—(1) The directors may appoint any one of their body to be a 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.

(2) A managing director shall not while holding that office be subject to retirement by rotation and shall not be taken into account in determining the rotation of retirement of directors but if he ceases to hold the office of director from any other cause he shall ipso facto immediately cease to be a managing director.

(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 all or any 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.

Profit
sharing.

37.—(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 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 or of any person from time to time appointed in that behalf by resolution of the directors. A.D. 1928.

(3) Notwithstanding anything in any Act or Order relating to the Company 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 ordinary stock (not being less than ten pounds nor including a fraction of one pound) as the trustees may specify (being within the limit of the amount of 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 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 Company's auditors (being accountants who shall be members of the Institute of Chartered Accountants or the Society of Incorporated Accountants and Auditors or accountants approved by the Board of Trade) 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.

38.—(1) At any time after the total investments of the employees of the Company in the ordinary stock of the Company shall exceed the nominal amount of twenty thousand pounds of such stock the directors of the Company may as and when they deem expedient prepare a scheme for the purpose of enabling employees holding ordinary stock of the Company to elect one or more of their number but not exceeding two to be a director or directors of the Company. The number of directors elected under the provisions of this section shall be in addition to the number of directors of the Company referred to in section 48 of the Act of 1904 and a quorum of a meeting of the directors shall continue to be three directors other than any employees' directors appointed qualified as provided by the section of this Act of which the marginal note is "Qualification of directors."

Scheme may be made for representation of employees in management of Company.

A.D. 1928.

(2) The scheme shall be submitted to an extraordinary meeting of the Company duly called with notice of the business to be considered thereat and the meeting may adopt the scheme either without alteration or with such alterations (not being inconsistent with the provisions of this Act) as the directors may assent to.

(3) The scheme so adopted shall be submitted for the approval of the Board of Trade and that Board may consider the same and may either approve the same without alteration or may suggest any alterations therein or may disapprove the same and if the directors assent to the alterations (if any) so suggested the Board of Trade may approve the scheme as altered.

(4) The scheme when approved shall be published in the London Gazette and (subject as hereinafter provided) shall for the period of three years and no longer from the date of such publication have effect. Provided that if at any time during that period the amount of the investment of the employees in the stock of the Company should fall below the nominal amount of twenty thousand pounds the scheme shall cease to be in force.

(5) On the cesser of such scheme and subject to the provisions of this Act and to the like submission adoption and approval a new scheme may at any time be adopted for any period that may be in that scheme prescribed and so from time to time.

(6) The qualification of an employees' director shall be fixed by the scheme for the time being subject to the following limitations. The employees' director shall have been not less than seven years in the constant employ of the Company and shall have held for not less than twelve months prior to the date of election and shall continue to hold not less than one hundred pounds nominal value of the ordinary stock of the Company.

(7) The fees to be paid to an employees' director for his attendance at the board shall be fixed by the scheme. The fees shall bear some proportion (to be fixed by the scheme) to the amount of the qualification not being less than his ordinary day's pay nor more than four times that amount.

(8) The scale and method of voting for and the mode of election of employees' directors shall be settled

by the scheme and may be varied by successive schemes from time to time. A.D. 1928.

(9) For the purpose of this section—

The expressions “employees of the Company” and “employees” respectively mean persons in the employ and holding stock in the capital of the Company;

The expression “employees’ director” means a director elected by the employees.

39.—(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 as part of 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 date of the passing 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 efficient working of any such scheme for the time being established or in other respects convenient.

40.—(1) The directors may grant such gratuities pensions or allowances or make such other payments as they may think fit to any employees 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. Power to make superannuation and other allowances.

(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

A.D. 1928. — 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.

Power to make donations subscriptions &c.

41. The directors may subscribe or make donations to any fund raised in any case of national emergency or to infirmaries hospitals and convalescent homes and other institutions and objects or to the benevolent and sick funds of the employees of the Company and may for any of those purposes apply the revenues of the Company.

CHANGE OF NAME.

Change of name of Company.

42. The name of the Company shall be changed as on and from the passing of this Act to "The Yorktown (Camberley) and District Gas and Electricity Company" and by that name the Company shall have a common seal.

PROVISIONS RELATING TO SUPPLY OF GAS.

Stand-by supplies of gas.

43. Notwithstanding anything in the Gasworks Clauses Act 1871 or in any Act or Order relating to the Company a person shall not be entitled to demand or continue to receive for the purpose 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 with the Company to pay to them such minimum annual sum as will give 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. The sum to be so paid shall be determined in default of agreement by arbitration in manner provided by the Arbitration Act 1889.

Power to enter premises to which a supply of

44. The power to enter premises in order to inspect meters fittings and works for the supply of gas and for the purpose of ascertaining the quantity of gas consumed or supplied conferred upon the Company by section 21. of the Gasworks Clauses Act 1871 shall extend to premises

in which there is any service pipe connected with the gas mains of the Company except where the occupier of the premises shall have applied in writing to the Company for the disconnection of the service pipe from the mains of the Company. A.D. 1928.
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gas is
laid on.

45. 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 with the existing Acts and Orders and this Act : Power to
lay pipes in
private
streets.

Provided that a local authority shall for the purposes of this section be deemed to be (in addition to any other person) persons having the control or management of any street to which this section applies and which is situate within the area of that authority :

Provided further that the powers of this section shall not be exercised in regard to any street or road belonging to a railway company except with the consent of that company but such consent shall not be unreasonably withheld nor shall the Company in carrying out any works authorised by this section unreasonably obstruct or interfere with the access to any such street or road.

46. 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. Power to
supply
fittings &c.

47. 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 landlord's 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. Fittings not
to be subject
to distress.

A.D. 1928. — 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 where supply discontinued.

48. 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.

Anti-fluctuators to be used with gas engines.

49.—(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.

(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 an anti-fluctuator be found efficient and in proper order but otherwise at the expense of the consumer.

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(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.

50.—(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 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 high-pressure 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.

Provision
of valve
where high-
pressure air
is used.

(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 or other gas 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.

[Ch. xlii.] *York Town and* [18 & 19 GEO. 5.]
Blackwater Gas and Electricity Act, 1928.

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(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.

(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.

Relief from
obligation
to supply.

51. 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 actually supplied with gas for which such works have been provided (so far as such requirements could

reasonably have been 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—

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- (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

A.D. 1928. — 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):—

- (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.

As to mode
of cutting
off supplies.

52.—(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. A.D. 1928.

(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.

PROVISIONS RELATING TO SUPPLY OF ELECTRICITY.

53.—(1) The Company may subject to the provisions of the Yorktown (Camberley) and District Electricity Acts and Orders 1909 to 1928 and of the Electricity (Supply) Acts 1882 to 1926 construct and maintain in or under any street repairable by the inhabitants at large or dedicated to public use within the area of supply sub-stations transforming stations transformer kiosks and other works in connection with the electricity undertaking and may in any such street provide and maintain all such means of access and approach to such sub-stations transforming stations transformer kiosks and other works as may be necessary or convenient. Power to construct electrical sub-stations in or under streets.

(2) No sub-station transforming station transformer kiosk or other work shall be constructed so as to interfere with or render less convenient the access to or exit from any station or depôt of a railway company or upon or under any bridge of such company or the approaches thereto except with the consent in writing of that company such consent not to be unreasonably withheld.

(3) No sub-station transforming station transformer kiosk or other work shall be constructed—

(a) so as permanently to project above the level of the surface of the carriageway or footway of any main road vested in or repairable by the Surrey County Council or of any road repairable by the mayor aldermen and burgesses of the borough of Wokingham or the Frimley Urban District Council (hereinafter in this section called “the corporation” and “the district council” respectively); or

(b) so as to interfere with or render less convenient the access to or exit from any school courthouse police court or other building of any character

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belonging to or maintained by the county council or the standing joint committee for the county of Surrey or to or by the corporation or the district council; or

(c) upon or under any county or main road bridge vested in or repairable by the county council or any road bridge repairable by the corporation or the district council; or

(d) under the carriageway or footway of any such main road or road as aforesaid or with any means of access or approach leading through any such carriageway or footway;

except with the consent in writing of the county council or the corporation or the district council as the case may be. Provided that as regards paragraph (d) aforesaid such consent shall not be unreasonably withheld and if there is any dispute between the Company and the county council or the corporation or the district council as to whether any such consent under the said paragraph (d) has been unreasonably withheld the dispute shall be determined by the Minister of Transport.

(4) In respect of the determination of any such dispute by the Minister of Transport the provisions of Part I of the Board of Trade Arbitrations &c. Act 1874 shall apply as if the Minister of Transport were referred to therein in lieu of the Board of Trade and as if in section 4 of that Act the words "under the seal of the Minister of Transport" were substituted for the words "by writing under the hand of the President or of one of the secretaries of the Board."

Provisions
as to supply
of electricity
by agree-
ment.

54.—(1) If any consumer of electricity supplied by the Company under the terms of any agreement uses the electricity supplied to him by the Company in any manner contrary to the terms of such agreement the Company may if they think fit discontinue to supply electricity to such consumer until they are satisfied that any electricity so supplied will be consumed in accordance with the terms of such agreement. Provided that before discontinuing any such supply the Company shall give to the consumer taking the same seven days' notice in writing of their intention so to do and shall in such notice specify the manner in which the electricity is used contrary to the terms of such agreement.

(2) A consumer supplied with electricity by the Company under the terms of any agreement shall be deemed to be a person to whom the Company may be and are required to supply energy within the meaning of section 30 (Penalty for failure to supply) of the schedule to the Electric Lighting (Clauses) Act 1899 and the provisions of that section shall apply to the supply afforded by the Company under such agreement unless the provisions of that section are expressly excluded from application in any such agreement and if the Company fail to supply energy to such consumer they shall not be liable for any damages occasioned to such consumer by reason of such failure unless the same is caused by or in consequence of the wilful neglect or default of the Company Provided that the provisions of this subsection shall not operate to deprive any consumer of electricity supplied by the Company under the terms of any agreement existing at the passing of this Act of any right to which he would be entitled but for the said provisions.

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55. In the event of a meter of a construction and pattern approved by the Board of Trade or Minister of Transport used by any consumer of electricity being proved to register erroneously such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it is proved to have first arisen during the then current quarter The amount of the allowance to be paid to or 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 charges for electricity are recoverable by the Company.

Period of error in defective electricity meter.

56. The Company may upon the application of the owner or occupier of any premises within the area of supply abutting on or being erected in any street laid out or made and whether dedicated to the public use or not supply such premises with electrical energy and may lay down or place take up alter relay or remove and renew in across or along such street such mains wires lines and apparatus as may be requisite or proper for furnishing such supply and the provisions of the Electricity (Supply) Acts 1882 to 1926 and of the schedule to the Electric Lighting (Clauses) Act 1899 with respect to the

Power to lay electric mains in private streets.

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A.D. 1928. breaking up of streets for the purpose of laying mains so far as they are applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof and to any works constructed or executed by the Company under the provisions of this section:

Provided that a local authority shall for the purposes of this section be deemed to be (in addition to any other person) persons having the control or management of any street to which this section applies and which is situate within the area of that authority:

Provided further that the powers of this section shall not be exercised in regard to any street or road belonging to a railway company except with the consent of that company but such consent shall not be unreasonably withheld nor shall the Company in carrying out any works authorised by this section unreasonably obstruct or interfere with the access to any such street or road.

Provisions
as to entry
upon
premises
supplied
with
electricity.

57.—(1) Any person who shall hinder an officer appointed by the Company from entering any premises in pursuance of section 24 of the Electric Lighting Act 1882 or of that section as extended by section 16 of the Electric Lighting Act 1909 or from exercising the powers contained in those sections shall be liable to a penalty not exceeding five pounds.

(2) Where any premises which the Company are entitled to enter in pursuance of the said sections or either of them are unoccupied the Company may after giving not less than three days' notice to the owner thereof or (if he is unknown to the Company and if he cannot after diligent inquiry be ascertained by them) after affixing such notice upon a conspicuous part of the premises forcibly enter the same doing no unnecessary damage and repairing all damage caused by such entry and shall on quitting the premises leave the same secure.

PROVISIONS COMMON TO GAS AND ELECTRICITY.

Power to
recover cost
of cutting
off supplies
and ex-
penses of re-
connecting

58. In any case in which the Company lawfully cut off a supply of gas or electricity by reason of any act omission or default of any body or person supplied with gas or electricity they may recover from such body or person on account of whose act omission or default such supply was cut off the reasonable expenses incurred

by them in such cutting off in like manner as charges for gas or electricity as the case may be are recoverable by the Company.

A.D. 1928.

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discon-
tinued
supply.

In any case in which the Company have cut off the supply of gas or electricity to premises as aforesaid and the body or person 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 or electricity to such body or person until he shall have made good the default and paid such expenses.

59. The Company may contract with the War Department or any other public department or any local authority company or persons for the supply to the Company by them of gas or electricity 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 purposes of laying gas pipes and electric lines respectively :

Company may contract for purchase of supply in bulk.

Provided that the Company shall not under the provisions of this section enter into any contract for the supply of electricity with any local authority company or person who is not authorised to supply electricity within an area of supply nor without the approval of the Electricity Commissioners first had and obtained.

60. 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 taken within the urban district of Frimley and two shillings and sixpence for each such special reading taken elsewhere than in the said urban district.

Charges for special reading of meters.

61. If any person is required by the Company to give to them security for any supply of gas or electricity 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 after the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

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

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MISCELLANEOUS.

Judges not
disqualified.

62. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate or charge for the supply of gas or electricity.

Contents of
summons
&c.

63. Where the payment of more than one sum by any person is due under this Act or any other Act or Order relating to the Company any summons or warrant issued for the purposes of such Acts or any of them in respect of that person may contain in the body thereof all the sums payable by him.

Recovery of
penalties &c.

64. Save as otherwise by the existing Acts and Orders or this Act expressly provided all offences against the existing Acts and Orders or this Act and all penalties forfeitures costs and expenses imposed or recoverable under the existing Acts and Orders or this Act 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.

Recovery of
demands.

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

Repeal &c.

66.—(1) The following provisions of the existing Acts and Orders are hereby repealed:—

The Act of 1904—

Section 49 (Qualification of directors);

Section 53 (Interim dividend);

Section 74 (Discounts);

Section 80 (Company to pay interest on money deposited as security for gas meter);

Section 81 (Power to supply gas fittings &c. for heating motive and other purposes and fittings not to be subject to distress);

Section 82 (Anti-fluctuators for gas engines); A.D. 1928.

The following words in section 92 (Power to apply for a Provisional Order to supply electrical energy) “ Provided that no such
“ application shall be made by the Company
“ without the previous consent in writing
“ under seal of the urban district council for
“ the urban district of Frimley.”

The Act of 1909—

Section 34 (For appointment of receiver).

The Order of 1924—

Section 25 (Appointment of receiver).

(2) The following provisions of the existing Acts and Orders shall become and be by virtue of this Act repealed as from the prescribed date :—

The Act of 1904—

Section 40 (Profits of Company limited);

Section 41 (Dividends on different classes of stock or shares to be paid proportionately);

Section 44 (Application of excess of profits over authorised rates of dividend).

The Act of 1909—

Section 31 (As to dividends on additional capital).

The Order of 1924—

Section 31 (As to dividends on additional capital).

(3) The Consent of 1922 is hereby revoked.

67. 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. Costs o
Act.

A.D. 1928.

SCHEDULES referred to in the
 foregoing Act.

THE FIRST SCHEDULE.

STATEMENT OF CAPITAL OF THE COMPANY.

STATEMENT OF SHARE CAPITAL.

Act of Parliament &c. authorising the raising of Capital.	Description of Capital.	Standard Dividend authorised.	Nominal Amount of Shares.	Total paid up.	Amount unissued or unpaid.	Total Amount authorised.
		%	£	£ s. d.	s. d.	£ s. d.
The Act of 1904	Original shares	-	10	3,000 0 0	-	3,000 0 0
	Old shares	7	10	7,300 0 0	-	7,300 0 0
	Preferred shares	5 max.	10	1,500 0 0	-	1,500 0 0
	New ordinary shares	7	10	33,000 0 0	-	38,200 0 0
The Act of 1909	New preference stock	5 max.	-	20,000 0 0	-	-
	New ordinary shares	7	10	20,000 0 0	8 0	50,000 0 0
The Order of 1924	(Twyford) preference shares	6 max.	10	4,400 0 0	-	4,400 0 0
	New preference stock	5 max.	-	29,715 0 0	-	30,000 0 0
	Premium capital received		-	15,484 12 0	-	-
				134,399 12 0	8 0	134,400 0 0

STATEMENT OF LOAN CAPITAL.

Act of Parliament &c. authorising the raising of Loans.	Description of Loan.	Interest Rate per cent.	Total Amount borrowed.	Amount remaining to be borrowed.	Total Amount authorised.
		%	£ s. d.	£ s. d.	£ s. d.
The Act of 1904 the Act of 1909 and the Consent of 1922.	Mortgage debenture	6	10,000 0 0	-	-
	Bonds	5½	13,750 0 0	-	-
	Perpetual debenture stock	5½	20,000 0 0	4,143 8 8	47,893 8 8
	Perpetual debenture stock	5½	15,000 0 0	2,200 0 0	17,200 0 0
The Order of 1924			58,750 0 0	6,343 8 8	65,093 8 8

THE SECOND SCHEDULE.

A.D. 1928.

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 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. Definitions.

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 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. Disposal of stock and deposits by nomination.

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. Revocation of nominations.

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

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(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.

Legality of
acts done in
ignorance of
marriage of
appointor.

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.

Nominations
to take effect
as regards
stock in
priority to
deposits.

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.

Disposal in
case of no
nomination.

7.—(1) 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—

- (a) The widow (if any) of the deceased appointor;
- (b) If there be no widow the person or persons entitled in distribution to the residuary estate of the appointor in

accordance with the provisions of section 46 (1) (i) to (v) inclusive of the Administration of Estates Act 1925 and in default of any such person to the solicitor for the affairs of His Majesty's Treasury; or

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- (c) In any event if the directors think fit to any person who has paid the funeral expenses of the appointor such amount not exceeding the total amount of such expenses as the directors shall deem it reasonable to allow:

Provided that in every case where the deceased appointor has left no widow and the persons entitled under the said Act 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 Act 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:

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.

(2) 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.

(3) 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 bonâ 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

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paid but nothing in this proviso shall confer upon any person any such remedy against a bonâ 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 ten pounds or of any amount of stock exceeding ten 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 ten 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.

Provisions
as to
beneficiaries
under
sixteen.

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.

Directors
may appoint
trustee for
beneficiary
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.

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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 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.

Estate duty payable in certain cases.

(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.

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 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.

As to stock and deposits exceeding one hundred pounds.

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.

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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.

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