



## CHAPTER xxvii.

An Act to confer further powers upon the Lowestoft Water and Gas Company to extend their limits for the supply of gas to convert the preference stocks of the Company and for other purposes. A.D. 1931.  
[11th June 1931.]

**W**HEREAS by the Lowestoft Water Gas and Market Act 1853 the Lowestoft Water Gas and Market Company were incorporated and further powers were conferred upon such company by the following Acts (that is to say) :—

The Lowestoft Water Gas and Market Act 1857 ;  
The Lowestoft Water Gas and Market Act 1863 ;  
The Lowestoft Water Gas and Market Act 1877 ;  
The Lowestoft Water and Gas Act 1897 ;  
The Lowestoft Water and Gas Act 1899 ;  
The Great Yarmouth Waterworks and Lowestoft Water and Gas Act 1907 :

And whereas by the Lowestoft Water and Gas Act 1897 the name of that company was changed to that of the Lowestoft Water and Gas Company (in this Act referred to as “ the Company ”) :

And whereas it is expedient that the limits within which the Company are authorised to supply gas should be extended as provided by this Act :

And whereas a statement of the authorised share and loan capital of the Company is set forth in the Second Schedule to this Act and it is expedient that the first

A.D. 1931. — and second preference stocks of the Company should be converted into consolidated preference stock and that the Company should have the financial powers conferred upon them as provided by this Act :

And whereas it is expedient that such further provisions should be made with respect to the Company and their water and gas undertakings as are in this Act contained :

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 :—

Short and collective titles.

1.—(1) This Act may be cited as the Lowestoft Water and Gas Act 1931.

(2) The Lowestoft Water Gas and Market Act 1853 the Lowestoft Water Gas and Market Act 1857 the Lowestoft Water Gas and Market Act 1863 the Lowestoft Water Gas and Market Act 1877 the Lowestoft Water and Gas Act 1897 the Lowestoft Water and Gas Act 1899 so much of the Great Yarmouth Waterworks and Lowestoft Water and Gas Act 1907 as relates to the Company the Lowestoft Gas (Charges) Order 1923 and this Act may be cited together as the Lowestoft Water and Gas Acts and Order 1853 to 1931.

Incorporation of Acts.

2. 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 this Act) are hereby incorporated with this Act (namely) :—

(a) The Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) ;

(b) The Waterworks Clauses Acts 1847 and 1863 (except the words "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner" in section 44 of the Waterworks Clauses Act 1847) ;

- (c) The Gasworks Clauses Act 1847 and the Gasworks Clauses Act 1871 Provided that section 13 of the Gasworks Clauses Act 1847 shall be read and have effect as if the words "or any premises" were inserted after the words "private building" and as if the words "Provided also 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; A.D. 1931.
- (d) The Companies Clauses Consolidation Act 1845 (except the provisions relating to the conversion of borrowed money into capital) and Part I (relating to cancellation and surrender of shares) and Part III (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts.

3. 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— Interpretation.

"the Company" means the Lowestoft Water and Gas Company;

"the directors" means the directors of the Company;

"the Act of 1853" means the Lowestoft Water Gas and Market Act 1853;

"the Act of 1863" means the Lowestoft Water Gas and Market Act 1863;

"the Act of 1897" means the Lowestoft Water and Gas Act 1897;

"the Act of 1907" means the Great Yarmouth Waterworks and Lowestoft Water and Gas Act 1907;

"the Consent of 1922" means the Lowestoft Water and Gas (Capital Issues) Consent 1922;

"the Water Order of 1923" means the Lowestoft Water and Gas Company (Modification of Charges) Order 1923;

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“ the existing gas limits ” means the limits of the Company for the supply of gas under the Act of 1853 and the Act of 1863 ;

“ the added gas limits ” means the area added by this Act to the existing gas limits ;

“ the gas limits ” and “ the water limits ” respectively mean the limits within which the Company are from time to time authorised to supply gas and water respectively ;

“ the gas undertaking ” and “ the water undertaking ” respectively mean the gas undertaking and the water undertaking of the Company as from time to time authorised ;

“ the undertaking ” includes the gas undertaking and the water undertaking and when construing the provisions of the Gasworks Clauses Acts 1847 and 1871 and the Waterworks Clauses Acts 1847 and 1863 means the gas undertaking and the water undertaking respectively ;

“ the date of conversion ” means the first day of January or the first day of July next after the passing of this Act ;

“ telegraphic line ” has the same meaning as in the Telegraph Act 1878.

#### WORKS AND LANDS.

Defining  
existing  
gas lands;

4. The lands which the Company are authorised by the Act of 1853 to use for the purposes of their gasworks are described in the First Schedule to this Act and the Company may so long as they are possessed of the same maintain erect alter improve and renew gasworks thereon with all necessary machinery and apparatus and do all such acts as may be proper for making and storing gas and for supplying gas within the gas limits and may also upon the said lands work up and convert the residual products arising directly or indirectly from the manufacture of gas by them or purchased by them under the powers conferred by section 4 of the Gas Undertakings Act 1929 and for this purpose the Company may purchase from any source and use such material as is required to work up and convert any such residual products.

5. The construction by the Company of collecting ponds in the parishes of Belton Hopton and Lound in the rural district of Mutford and Lothingland in the county of Suffolk on lands acquired by the Company under the powers of section 7 (Power to acquire additional lands) of the Act of 1897 is hereby confirmed and the said ponds shall form part of the water undertaking as if they had been specially authorised by the Act of 1897.

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Confirma-  
tion of  
existing  
waterworks.

6. The Company may on all or any of the lands from time to time held by them execute for the purposes of or in connection with the water undertaking any of the works mentioned in section 12 of the Waterworks Clauses Act 1847 (other than wells and works for the taking and intercepting of water) Provided that the Company shall not under the powers of this section create or permit the creation or continuance of any nuisance on any such lands.

As to  
exercise  
of powers  
of section 12  
of Water-  
works  
Clauses  
Act 1847.

7.—(1) For the purpose of constructing enlarging extending altering repairing cleansing or examining any of their waterworks the Company may cause the water in any such works to be temporarily discharged into any available stream or watercourse and for that purpose the Company may lay down and maintain in any street all necessary discharge pipes and apparatus and the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets as incorporated with this Act shall with the necessary modifications apply thereto :

Temporary  
discharge  
of water  
into  
streams.

Provided that any water so discharged shall so far as may be reasonably practicable be free from mud solid or offensive matter and if discharged into waters containing fish from other matter injurious to fish or spawn or spawning beds or food of fish.

(2) In the exercise of the powers conferred by this section the Company shall do as little damage as may be and shall pay compensation to all persons for all damage sustained by them by the exercise of such powers the amount of compensation to be settled in default of agreement by arbitration.

(3) The powers of this section shall not be exercised so as to damage the railways or works of any railway company or committee of railway companies.

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Purchase  
of addi-  
tional  
lands by  
agreement.

8.—(1) In addition to any other lands acquired or held by the Company or which they are now authorised to acquire or hold the Company may by agreement purchase take on lease acquire and hold further lands for the purposes of the undertaking but the quantity of lands held by the Company in pursuance of this section shall not at any time exceed twenty acres of which not more than five acres shall be for the purposes of the gas undertaking.

(2) The Company shall not create or permit the creation or continuance of any nuisance on any lands acquired by them in pursuance of this section nor shall any of such lands be used by the Company for the purpose of manufacturing gas or residual products.

Power  
to hold  
lands and  
exercise  
powers for  
protection  
of waters.

9.—(1) For the purpose of protecting against pollution nuisance encroachment or injury any of the waters which the Company are from time to time empowered to take the Company may by agreement purchase take on lease or otherwise acquire any lands easements or rights and may hold such lands and any other lands which they may have acquired for the purposes of the water undertaking so long as they shall deem it necessary or expedient for those purposes :

Provided that the Company shall not create or permit the creation or continuance of any nuisance on any lands acquired under this section nor erect any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or connected with the water undertaking but the restrictions of this section shall not apply in respect of lands leased or sold by the Company.

(2) The Company may in and upon the lands referred to in subsection (1) of this section construct and lay down drains sewers watercourses catchpits and other works and conveniences necessary or proper for the purpose of intercepting or taking any foul waters arising or flowing upon such lands or necessary or proper for preventing the water which the Company are from time to time empowered to take from being polluted and the Company may for the purposes aforesaid carry any such drain sewer or watercourse under across or along any street or road subject and according to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes.

(3) The Company may make and carry into effect agreements with the owners lessees or occupiers of any lands with reference to the execution by the Company or such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of any waters which the Company are from time to time empowered to take. A.D. 1931.

10. Notwithstanding anything in this or any other Act or any Order to the contrary the Company may retain hold and use for such time and for such purpose as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under the Lowestoft Water and Gas Acts and Order 1853 to 1931 and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interests therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange. Retention and disposal of lands.

11. The Company may purchase or take on lease houses cottages and buildings for persons in their employ and offices showrooms and other buildings for the purposes of the undertaking and lands for the purpose of recreation of their employees and may erect fit up maintain and let any such buildings upon any lands for the time being belonging or leased to the Company. Dwelling-houses for Company's employees offices &c.

12. The Company shall not construct any works for taking or intercepting water from any lands acquired by them unless the works are authorised by and the lands upon which the same are to be constructed are specified in this or some other Act of Parliament or in an Order : Limiting powers to abstract water.

Provided that notwithstanding the provisions of this section the Company may deepen enlarge alter and improve the existing and construct new collecting ponds situate on the lands acquired by the Company under the powers of section 7 (Power to acquire additional lands) of the Act of 1897.

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Application  
of Water-  
works  
Clauses  
Act 1847 to  
telephones.

**13.** The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets shall apply with the necessary modifications to the construction laying down erection and maintenance in any street or road within the water limits of any discharge pipes telephone or telegraph posts wires conductors or apparatus which the Company may and which they are hereby authorised to lay down or erect for the purposes of the water undertaking Provided that any telephone or telegraph posts wires conductors or apparatus laid down or erected under the provisions of this section shall not be used in contravention of the exclusive privilege conferred upon the Postmaster-General by the telegraph Act 1869 and shall be so constructed maintained and used as to prevent interference with any telegraphic line belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line :

Provided also that nothing in this section shall authorise the breaking up of any street or road repairable by any railway company without the consent of such company which consent shall not be unreasonably withheld.

#### PROVISIONS RELATING TO WATER UNDERTAKING.

Rates for  
supply of  
water for  
domestic  
purposes.

**14.**—(1) As from the first quarter day after the passing of this Act section 32 (Water rates) of the Act of 1853 and section 36 (Lowestoft Company may supply water by measure) of the Act of 1907 as amended by the Water Order of 1923 shall be repealed except for the purpose of recovering rates then in arrear.

(2) From and after the said quarter day the Company shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of the Acts and Orders from time to time relating to the Company to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for such domestic purposes at a rate per annum not exceeding nine per centum of the gross value of the premises so supplied and so in proportion for any shorter period than a year Provided that the Company shall not be required to afford a supply of water for domestic purposes to any premises at a less rate than twelve shillings per annum.



(3) The gross value of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement of the quarter for which the rate accrues. Provided that where the water rate is chargeable on the gross value of a part only of any hereditament entered in the valuation list such gross value shall be a fairly apportioned part of the gross value of the whole tenement ascertained as aforesaid the apportionment in case of dispute to be ascertained by a court of summary jurisdiction.

(4) In addition to the foregoing charges the Company may charge in respect of every watercloset beyond the first (for which no additional charge shall be made) on any premises within the water limits a sum not exceeding seven shillings and sixpence per annum and for every fixed bath a sum not exceeding ten shillings per annum such additional sum to be paid quarterly in advance and to be recoverable in all respects with and as the water rate :

Provided that no charge shall be made in respect of any fixed bath in premises having a gross value not exceeding fifteen pounds per annum.

(5) In this section the expression "gross value" has the meaning given to that expression by section 68 of the Rating and Valuation Act 1925.

**15.**—(1) Where a person who takes a supply of water for domestic purposes desires to use the water for horses or washing carriages or motor cars or for other purposes in stables garages or premises where horses carriages or motor cars are kept the Company may if a hose-pipe or other similar apparatus be used charge (except where the water so used is taken by measure) such sum not exceeding twenty shillings per annum as they may prescribe and (where more motor cars than one are kept) a further sum not exceeding ten shillings per annum for each motor car beyond the first. Any sums chargeable under this subsection shall be paid quarterly in advance and be in addition to the rates for the time being authorised by or under the Acts and Orders relating to the Company for the supply of water for domestic purposes and shall be recoverable in all respects with and in the same manner as the said rates.

Charges for water where certain apparatus used.

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(2) Where water supplied by the Company to a person who takes a supply both for domestic purposes and by measure for trade or other purposes is used by him by means of a hose-pipe or other similar apparatus for horses or washing carriages or motor cars or for other purposes in stables garages or premises where horses carriages or motor cars are kept the Company may if they think fit require that all water so used by means of such hose-pipe or other similar apparatus shall be taken by measure and paid for accordingly.

(3) Where a person who takes a supply of water from the Company for domestic purposes desires to use the water so supplied for or in connection with a refrigerating apparatus or for or in connection with any apparatus depending while in use upon a supply of continuously running water the Company may if they think fit require that all water used for or in connection with the said apparatus shall—

- (a) be taken by measure and paid for accordingly and in that event the minimum quarterly charge for the water so taken shall be ten shillings; or
- (b) be paid for at such rates as may be agreed between the person and the Company.

Price of supply for building purposes.

**16.** The charge for water supplied for use in the erection of any building or part of a building shall not exceed seven shillings and sixpence per one hundred pounds of the contract price for the building or if there is no such contract price of the estimated total cost of the building and reasonable allowance shall be made by the Company for any unusual amount of decorative work or for any form of construction adopted not requiring the use of water.

Supply by measure.

**17.** The Company may supply water for other than domestic purposes at such rates as may be agreed between the consumer and the Company and may supply water by measure either for domestic or other purposes and the moneys payable for the supply of water under this section shall be recoverable in the same manner as water rates Provided always that no person shall be entitled to a supply of water for purposes other than domestic if such supply would interfere with the sufficiency of the supply of water for domestic purposes.

**18.**—(1) The price to be charged by the Company for a supply of water by measure for other than public purposes shall not exceed two shillings and sixpence per thousand gallons. A.D. 1931.  
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Price for supply of water by measure.

(2) The price to be charged by the Company for a supply of water by measure for public purposes shall not exceed two shillings per thousand gallons.

**19.**—(1) At any time during the period of three months before and three months after the coming into force within the water limits of any and every new valuation list under the Rating and Valuation Act 1925 the Company or the county council of the administrative county of East Suffolk or any local authority having jurisdiction within the water limits may apply to the Minister of Health for a revision of the rates and charges for the supply of water authorised by this Act or for the time being in force under any order of the said Minister made in pursuance of this section and if and whenever any such application is so made and the Minister is satisfied that the cost of labour and materials or other circumstances affecting the water undertaking have substantially altered he may by order (subject to the provisions of subsection (3) hereof) vary either by way of increase or decrease such rates and charges or any of them. Revision of rates and charges.

(2) The making of any new valuation list under the said Act of 1925 shall be deemed to be a circumstance affecting the water undertaking within the meaning and for the purpose of this section.

(3) The rates and charges prescribed by any order made under this section shall be of such respective amounts as to provide (after paying all proper expenses of and in connection with the working of the water undertaking and providing for any contribution which the Company may carry to any contingency or reserve fund of the water undertaking formed under the provisions of this Act or any other Act or Order them so enabling and paying all other costs charges and expenses (if any) properly chargeable to the revenue of the water undertaking) a reasonable return on the capital expended in respect of the water undertaking due regard being had to any capital which may be reasonably expected to be expended by the Company on the water undertaking during the five years immediately following the date of such order.

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Supplies to  
houses  
partly  
used for  
trade &c.

**20.**—(1) The Company shall not be bound to supply with water otherwise than by measure—

- (a) any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required; or
- (b) any poor law institution hospital or mental hospital (whether public or private) sanatorium school or similar institution club hotel restaurant public-house inn common lodging-house or public assembly hall; or
- (c) any boarding-house lodging house or nursing home capable of accommodating fifteen or more persons including the persons usually resident therein;
- (d) any public institution capable of accommodating twelve or more persons including the persons usually resident therein;

but shall if so required by the owner or occupier of any such premises as aforesaid furnish a supply of water by measure in accordance with the provisions of this section.

(2) The amount to be paid for a supply of water under the provisions of this section exclusive of meter rent shall not in any one quarter be less than the sum which would have been payable in respect of such premises had the supply thereto been furnished at the rate for the time being payable for water supplied for domestic purposes.

Supply for  
farming  
purposes.

**21.**—(1) Where water supplied by the Company to a farmhouse is used for farming purposes the Company may require that the supply for farming purposes shall be taken by measure but nothing in this section shall authorise the Company to refuse a supply of water for domestic purposes to a farmhouse at the rates authorised by the section of this Act of which the marginal note is “Rates for supply of water for domestic purposes.”

(2) If the owner or occupier of any farm premises within the water limits desires a supply of water for farming purposes and lays the necessary communication pipe from such premises to a main of the Company the Company shall if and so long as the arrangements for

taking and using such supply are reasonably approved by the Company supply to such owner or occupier by meter such quantity of water as the owner or occupier may from time to time reasonably require for such farming purposes Provided that the Company shall not be required to supply water under this section if and so long as such supply would interfere with the supply of water for domestic purposes within the water limits Any question as to whether such approval is unreasonably withheld shall be referred to and settled by an arbitrator.

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**22.** Notwithstanding anything in any Act or Order relating to the Company a person shall not be entitled to demand or continue to receive from the Company a supply of water to any caravan shack hut tent or other like structure unless he has agreed with the Company to take such supply by measure or on such terms as he and the Company shall agree and unless he has secured to the reasonable satisfaction of the Company by way of deposit or otherwise payment of such a sum as may be reasonable having regard to the possible maximum demand of such person for his caravan shack hut tent or structure.

Special terms for supplies to caravans &c.

**23.** Where the net annual value of any dwelling-house or of any part of a dwelling-house occupied as a separate tenement does not exceed the sum of fifteen pounds the owner instead of the occupier shall if the Company so determine pay the water rate but the rate may be recovered from the occupier and may if the occupier be not himself liable therefor under any lease or agreement be deducted by him from the rent from time to time due from him to the owner Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to the service upon him of a notice to pay the rate.

Rates payable by owners of small houses.

**24.**—(1) The Company shall not be bound to supply more than one house by means of the same communication pipe and they may if they think fit require that a separate pipe be laid from the main pipe into each house supplied by them with water.

Company not bound to supply several houses by one pipe.

(2) If the owner of any house supplied with water by the Company when so required fails within a period of three months after the receipt of such requirement

A.D. 1931. — to provide a separate pipe from the main into such house the Company may themselves do the work necessary in that behalf and may recover the cost incurred by them in so doing from such owner.

Application of section 35 of Waterworks Clauses Act 1847.

**25.** Section 35 of the Waterworks Clauses Act 1847 in its application to the Company shall be read and construed as if the words "one eighth part" were substituted therein for the words "one tenth part."

Power to lay pipes in private streets.

**26.** The Company may on the application of the owner or occupier of any premises within the water limits abutting on or being erected in any street laid out but not dedicated to public use supply those premises with water and for that purpose the Waterworks Clauses Act 1847 shall apply as if section 29 of that Act were excepted from incorporation in the Acts relating to the Company :

Provided that nothing in this section shall apply to any street belonging to a railway company or committee of railway companies except with the consent of such company or committee as the case may be which consent shall not be unreasonably withheld nor shall the Company in carrying out the works authorised by this section unreasonably obstruct or interfere with the convenient access to any such street.

Cisterns to be provided for high level supplies.

**27.** The Company may require that any dwelling-house erected after the passing of this Act and situate on land at a higher level than fifty feet below the service reservoir or tank from which a supply of water is furnished by them to such dwelling-house shall be provided with a cistern or cisterns capable of containing a total quantity of water sufficient to provide an adequate supply to such dwelling-house for a period of twenty-four hours and the Company shall not be bound to supply such dwelling-house until the same is provided with a cistern or cisterns in conformity with the requirements of this section.

Power to Company to repair communication pipes.

**28.**—(1) If it should appear to the Company that by reason of any injury to or defect in any communication pipe which the Company are not under obligation to maintain there is any waste or risk of waste of water or injury or risk of injury to any person or property it shall be lawful for the Company to execute such repairs as they may think necessary or expedient in the circumstances of the case without being requested so to do

and if any injury to or defect in the communication pipe shall have been ascertained the expenses incurred by the Company for the purposes of ascertaining the injury or defect and executing the repairs (including the expense of breaking up filling in reinstating and making good any road pavement or soil for those purposes) shall be recoverable as a civil debt by the Company from the owner of the premises supplied or in the cases where the communication pipe is repairable by the occupier of such premises from the occupier. A.D. 1931.

(2) Except in case of emergency the Company shall not under the powers of this section enter into any house or private premises unless they shall have given to the occupier of such house or premises and (in any case where the communication pipe is repairable by the owner of such house or premises) to such owner not less than twenty-four hours' previous notice of their intention so to enter.

**29.**—(1) For the purpose of complying with any obligation under the Waterworks Clauses Acts 1847 and 1863 to maintain any pipe or apparatus the person liable to maintain the same shall have the like power to open the ground as is conferred upon him by and subject to the conditions of sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes. Opening of ground by person liable to maintain pipes &c.

(2) The Company may by agreement with any owner or occupier entitled or required to lay maintain repair or remove any communication pipe and for that purpose to open or break up any street execute such works on behalf of such owner or occupier and any expenses incurred by the Company shall be repaid by the owner or occupier with whom the agreement is made.

**30.** Notwithstanding anything contained in any Act or Order relating to the Company the Company shall have the exclusive right of executing any works on any of the water mains of the Company for connecting any communication pipe therewith and the Company shall on the request of the owner or occupier of any premises who is entitled to be supplied with water by the Company execute on any such main any work which shall be necessary to connect the communication pipe of such owner or occupier therewith and any expenses incurred Company to connect communication pipes with mains.

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Main-  
tenance of  
common  
pipe.

**31.** When several houses or other premises or parts of houses or other premises in the occupation of several persons are supplied with water by one common pipe belonging to the several owners or occupiers of such houses or other premises or parts of houses or other premises the said several owners or occupiers shall be liable to contribute the amount of any expenses from time to time incurred by the Company in the maintenance and repair of such pipe and their respective proportions of contributions shall be settled by the engineer of the Company or other officer duly authorised in that behalf by the Company.

Detection  
of waste.

**32.** Subject to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes the Company may for the purpose of measuring the quantity of water supplied or of preventing and detecting waste affix and maintain meters and similar apparatus on the service pipes and mains of the Company and stop-cocks in the pipes supplying houses with water and may insert in the roads or footways the necessary covers or boxes for giving access and protection thereto and may for that purpose stop up break up and interfere temporarily with public and private streets roads lanes footways sewers courts passages tramways gas or water pipes electric lines wires and apparatus:

Provided that —

- (a) the Company shall not interfere with any telegraphic line belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878;
- (b) the Company shall not interfere with any works or apparatus of the Central Electricity Board except in accordance with section 15 of the Electric Lighting Act 1882;
- (c) the Company shall not under the powers of this section enter upon break up or interfere with any railway or work or electric lines wires or apparatus belonging to a railway



company or committee of railway companies or any street belonging to such company or committee without the consent of that company or committee as the case may be such consent not to be unreasonably withheld nor shall the Company unreasonably obstruct or interfere with the access to or exit from any station or depot of such company or committee. A.D. 1931.

**33.**—(1) The Company may make byelaws for the purpose of preventing the waste undue consumption misuse or contamination of water supplied by them and may by such byelaws prescribe the size nature materials workmanship and strength and the mode of arrangement connection disconnection alteration and repair of pipes meters cocks ferrules valves soil-pans waterclosets baths cisterns and other apparatus (in this section referred to as “water fittings”) to be used and forbid any arrangements and the use of any water fittings which may allow or tend to waste undue consumption misuse erroneous measurement or contamination. Byelaws for preventing waste of water.

(2) Such byelaws shall apply only in the case of premises to which the Company are bound to afford and do in fact afford or are prepared on demand to afford a constant supply and the provisions with respect to byelaws contained in sections 182 to 184 and 186 of the Public Health Act 1875 shall apply to all byelaws so made as if the Company were a local authority within the meaning of those sections and the secretary of the Company were the clerk to the local authority.

(3) In so far as any byelaws made by the Company prescribe the size nature materials workmanship and strength of water fittings the same shall not apply to any water fittings used on the premises of a railway company or committee of railway companies (other than premises to which the Company are bound under the Waterworks Clauses Act 1847 to afford a constant supply) so long as such fittings do not cause waste undue consumption misuse or contamination of water which is supplied by the Company.

(4) A copy of all such byelaws in force for the time being shall be kept at the office of the Company within the water limits and all persons may at all reasonable times inspect such copy without payment and the

A.D. 1931. Company shall cause to be delivered a printed copy of all such byelaws for the time being in force to every person applying for the same on payment of a sum not exceeding sixpence for each copy.

(5) In case of failure of any person to observe such byelaws as are for the time being in force the Company may if they think fit after twenty-four hours' notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any water fittings belonging to or used by such person and not being in accordance with the requirements of such byelaws and the expense of every such repair replacement or alteration shall be recoverable by the Company as the water rates in respect of the premises are recoverable.

Extension of powers for preventing waste &c. of water.

**34.**—(1) In addition to the powers conferred by the section of this Act whereof the marginal note is "Byelaws for preventing waste of water" the Company may make byelaws as to the testing and stamping of valves and other apparatus and prescribing the charge to be made for such testing and stamping.

(2) Nothing in the preceding subsection or in any byelaws made thereunder shall apply to any pipes or fittings used on any premises which form part of the railway of a railway company or committee of railway companies so long as such fittings do not cause waste undue consumption misuse or contamination of water which is supplied by the Company.

(3) Any person who shall forge or counterfeit any stamp or mark used by the Company or by the authority of the Company for any of the purposes of this section or who shall use or supply anything marked with any such stamp or mark knowing the same to be forged or counterfeited shall for every such offence be liable to a penalty not exceeding twenty pounds.

Power to remove meters and fittings.

**35.** The Company by their agents or workmen after forty-eight hours' notice in writing under the hand of the engineer or some other officer of the Company to the occupier or if there be no occupier then to the owner or lessee of any house building or land in which any pipe meter or fitting belonging to the Company is laid or fixed and through or in which the supply of water is from any cause other than the default of the Company discontinued for the space of forty-eight hours may enter such house

building or land between the hours of nine in the morning and four in the afternoon or with the authority in writing of a justice at any other time for the purpose of removing and may remove every such pipe meter and fitting repairing all damage caused by such entry or removal.

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**36.** In the case of all buildings erected after the passing of this Act within the water limits and connected by a communication pipe to the mains of the Company the Company may require the owner at the time when the pipes are laid to insert or to have inserted a stopcock in such communication pipe in a position as near as is reasonably possible to the main of the Company from which the supply is given to the said premises and if such owner make default the Company may insert a stopcock in such communication pipe and recover the expense from the owner as a civil debt.

Stopcocks to be fitted in communication pipes.

**37.** Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Company or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Company shall (without prejudice to any other right or remedy for the protection of the Company) be liable to a fine not exceeding five pounds and the Company may in addition thereto recover the amount of any damage sustained by them. In any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Company or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Company the Company may also enter upon the premises occupied by the offender and repair such in ury and do all such works matters and things as may be necessary for insuring the proper registration by such meter of the quantity of water supplied by means thereof and the expense of such repair and of all such works matters and things shall be paid to the Company by the person so offending and may be recovered by them as

Injuring meters &c.

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water rates are recoverable The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Company when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be prima facie evidence that such injury alteration prevention abstraction consumption or use as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

Power to sell meters.

**38.** The Company may sell meters and any fittings connected therewith upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit.

Notice to Company of connecting or disconnecting meters.

**39.** Before any person connects or disconnects any meter by means of which any of the water of the Company is intended to be or has been registered he shall give not less than twenty-four hours' notice in writing to the Company of his intention to do so and all alterations or repairs and the connecting and disconnecting of meters shall be done at his cost and under due superintendence of any officer of or person authorised by the Company and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Extension of power to inspect premises.

**40.** In addition to the powers conferred by section 57 of the Waterworks Clauses Act 1847 any duly authorised officer of the Company may at all reasonable times between the hour of nine o'clock in the forenoon and one hour after sunset enter into any house or premises supplied with water by the Company in order to examine if there be any waste or misuse of such water and if any person hinder any such officer from entering either under the said section 57 or under this section or making an examination under either of those sections he shall for every such offence be liable to a penalty not exceeding five pounds Provided that no person shall for the same offence have the water supplied to him turned off in pursuance of the said section 57 and be liable to a penalty under this section.

Penalty for interfering with valves &c.

**41.—(1)** Any person being the owner or occupier of any house or building or part of a house or building or premises to or in respect of which he is not for the time being entitled to a supply or the continuance of a supply of water by the Company who shall without the authority

of the Company turn on any valve cock or other work or apparatus attached to any service main or communication pipe connected with any main of the Company and provided or available for the purpose of affording such supply shall be deemed to commit an offence under section 60 of the Waterworks Clauses Act 1847 and the said section shall extend and apply accordingly. A.D. 1931.

(2) Every person who shall wilfully (without the consent of the Company) or negligently close or shut off any valve cock or other work or apparatus belonging to the Company whereby the supply of water shall be interfered with shall (without prejudice to any other right or remedy of the Company) be liable on conviction to a penalty not exceeding five pounds and the Company may in addition thereto recover the amount of any damage sustained by them. Provided that this section shall not apply to a consumer closing the valve fixed on his communication pipe which is not also used for the purposes of supply to any other consumer.

42. If a justice is satisfied on complaint by any collector of the Company that any person is quitting or about to quit any premises to which the Company supply water and has failed to pay on demand any water rate which may be due from him and intends to evade payment of the same by departing from the said premises the justice may in addition to issuing a summons for non-payment of the same issue a warrant under his hand authorising the said collector to seize forthwith and detain the goods and chattels of such person until the complaint is determined upon the return of the summons. Recovery of rates from persons removing.

43. The Company may enter into and carry into effect agreements with any local authority company body or person for the supply of water beyond the water limits to any such authority company body or persons respectively in bulk for any purpose and for such remuneration and on such terms and conditions and for such period as may be agreed upon. Provided that such supply shall not be given except with the consent of any company body or person supplying water under parliamentary authority within the area to be supplied and of the local authority of the district comprising that area nor if and so long as such supply Supply in bulk.

A.D. 1931. would interfere with the supply of water for domestic or other purposes within the water limits. Provided also that nothing in this section shall authorise the Company to lay any mains or other pipes or to interfere with any street beyond the water limits.

Purchase of water in bulk.

44. The Company may enter into and carry into effect agreements made with any local authority company body or person supplying water under parliamentary authority for the purchase of water in bulk by the Company for such price and on such terms and conditions and for such period as may be agreed upon and any water so purchased may be used by the Company for the purposes of the water undertaking.

Supply of water where consumer has separate supply.

45. Notwithstanding anything contained in the Waterworks Clauses Act 1847 or any other Act a person shall not be entitled to demand or continue to receive for the purposes of a stand-by supply only from the Company a supply of water for any premises having a separate supply of water unless he has agreed to pay to the Company such minimum annual sum as will give to them a reasonable return on the capital expenditure incurred by them in providing such stand-by supply and will cover other standing charges incurred by them in order to meet the possible maximum demand for those premises and the sum so to be paid shall be determined in default of agreement by arbitration.

#### PROVISIONS RELATING TO GAS UNDERTAKING.

Extension of gas limits.

46.—(1) From and after the passing of this Act the limits of the Company for the supply of gas shall extend to and include in addition to the existing gas limits the parishes of Corton (except so much thereof as lies to the north of Beach Road) Flixton and Blundeston in the rural district of Mutford and Lothingland in the county of East Suffolk.

(2) Subject to the provisions of this Act the Company shall have and may exercise within the added gas limits all and the like powers rights privileges and authorities and be subject to all and the like duties and obligations as they now have and are subject to within the existing gas limits.

47. The Company may charge for gas supplied to consumers by meter within the added gas limits a price exceeding by not more than two decimal four pence per therm the price for the time being charged by the Company to consumers within the existing gas limits.

A.D. 1931.  
—  
Price of gas  
in added gas  
limits.

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

Power to  
lay pipes  
in private  
streets.

Provided that nothing in this section shall apply to any street belonging to a railway company or committee of railway companies except with the consent of such company or committee as the case may be which consent shall not be unreasonably withheld nor shall the Company in carrying out the works authorised by this section unreasonably obstruct or interfere with the convenient access to any such street.

49. The Company may within the gas limits lay down and repair take up relay or renew pipes and culverts for the purpose of procuring conducting or disposing of any oil or other materials used by them in or resulting from the manufacture of gas or any residual products thereof or for any purpose connected with the gas undertaking but nothing in this section shall authorise the Company to break up any street.

Power to  
lay pipes  
for  
ancillary  
purposes.

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

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

- (1) The Company may if they think fit make a specification or specifications with regard to the minimum size and the material of the pipes with the fittings thereof which are to be laid by the owner or occupier of any premises on those premises either in the first instance or on the occasion of any renewal and different specifications may be made for different classes of premises or for particular premises having regard to the probable maximum consumption of gas thereon at any one time but a specification shall

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have no force or effect until it has been approved by the Board of Trade who before giving such approval shall refer the matter to an independent gas engineer and may if they think fit direct such engineer to hold a public inquiry into any proposed specification and to have regard to any representations made to the Board by any persons who appear to the Board to be affected by the specification and who attend such inquiry :

- (2) (a) The Company shall publish once in the London Gazette and once in a newspaper circulating within the gas limits a notice of any application made by them to the Board of Trade for approval of any specification together with a copy of the proposed specification and an intimation in a form to be approved by the Board that any person affected by such proposed specification may make representations in writing to the Board within a period to be specified in the notice ;

(b) As soon as practicable after the Board of Trade have approved any specification the Company shall comply with any directions given to them by the Board as to the publication or service of copies of the specification as approved or of notice of the giving of such approval ;

(c) A copy of every specification approved by the Board of Trade under this section shall be kept for public inspection at the office of the Company and copies of every such specification shall be purchaseable by any person at the said office at the price of sixpence for each copy :

- (3) When any such pipe or fittings as aforesaid is or are about to be laid or placed notice thereof shall be given to the Company accompanied by a description of the size and materials of the proposed pipe or fittings and of the purposes for which the gas to be supplied through the same is intended to be used :
- (4) The Company shall as soon as practicable after receiving such notice (after making such



inspection if any of the said pipe or fittings and of the premises in which the same is or are proposed to be laid or placed as they may deem necessary) intimate in writing to the person giving the notice their approval or disapproval of the pipe or fittings as complying or not complying with the appropriate specification :

- (5) No such pipe or fittings as aforesaid shall be laid or placed unless or until the same shall have been approved as aforesaid and when any such pipe or fittings has or have been laid or placed notice thereof shall be given to the Company and the pipe or fittings shall not be covered over until after the expiration of twenty-four hours from the service of such notice on the Company or until the pipe or fittings as laid or placed has or have been inspected and approved by the Company whichever shall first happen :
- (6) Any officer of the Company duly appointed may between nine o'clock in the morning and five o'clock in the afternoon attend for the purpose of any such inspection as aforesaid and if the officer is not permitted to make the inspection or if the pipes or fittings are not according to the appropriate specification of the Company they may refuse to supply gas to the premises until the provisions of this section have been complied with :
- (7) Every meter to be used in a new building or a building not previously supplied with gas or in connection with a new or substituted pipe laid between the main and the meter shall be placed as near as practicable to the Company's main but within the outside wall of the building and when any such meter has been placed the person placing the same shall give to the Company the like notice and the Company shall have the like rights of inspection as are respectively referred to in subsections (5) and (6) of this section and if the meter is not placed as required by this section the Company may refuse to supply

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gas to the premises until the provisions of this section have been complied with :

Provided that in the case of any building in connection with which there is provided outside the building accommodation reasonably approved by the Company for the meter or a separate meter-house such meter may be placed in such accommodation or meter-house instead of within the outside wall of the building :

- (8) The provisions of this section relating to pipes and the fittings thereof shall not apply to any pipes or fittings belonging to a railway company and laid or placed or intended to be laid or placed in any premises (not being a dwelling-house or premises appurtenant to a dwelling-house) of that company—

(a) elsewhere than between the main of the Company and the meter ; or

(b) between such main and the meter unless and except so far as such pipes or fittings are covered over or intended to be covered over :

- (9) For the purposes of this section the expression “ fittings ” includes only the joints angles and connections used in placing or laying pipes.

Power to enter premises to which a supply of gas is laid on.

**51.** 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.

Further powers to enter premises and to remove gas fittings.

**52.**—(1) The power to enter premises and remove pipes meters and 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 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 pipes meters fittings or apparatus belonging to the Company. A.D. 1931.

(2) Any person having control of the premises which the Company are authorised by the Gasworks Clauses Act 1871 or this Act to enter who does not permit such entry shall be liable to a penalty not exceeding five pounds.

(3) Where any premises which the Company are entitled to enter in pursuance of the said section 22 or this section are unoccupied the Company may after giving not less than forty-eight hours' notice to the owner thereof or if he is unknown to the Company and cannot be ascertained after diligent inquiry 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.

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

Anti-fluctuators to be used with gas engines.

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

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

A.D. 1931. — at the expense of the Company if the anti-fluctuator be found efficient and in proper order but otherwise at the expense of the consumer.

(4) For the purposes of this section an "anti-fluctuator" means an apparatus for the purpose of controlling and regulating the supply of gas to any such apparatus as aforesaid and preventing any inconvenience or danger from pressure fluctuation caused by such apparatus.

Provision of valve where high pressure air or other gas is used.

**54.**—(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 high-pressure air or other gas into the service pipe or any main through which gas is supplied by the Company and shall at all times at his own expense keep in proper order and repair any such valve or other appliance as aforesaid which shall have been provided and fixed whether upon such requirement or otherwise.

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

(4) If any consumer shall fail to comply with any requirement or 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. A.D. 1931.

(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 date of the passing of this Act are consumers of gas supplied by the Company on 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 passing of this Act a consumer of gas supplied by the Company on 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 in proper order but otherwise at the expense of the consumer.

**55.** 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 provided by this Act insufficient to meet (with a reasonable margin) the requirements (as existing immediately before that date) of the consumers in the portion of the gas limits 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—

Relief from obligation to supply.

(a) a new supply of gas for the premises of any person demanding such supply at any time after the passing of this Act; or

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(b) an increased supply of gas (other than an increased supply necessitated by any reduction of the declared calorific value of the gas);

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

(i) to receive and pay for a supply of gas of such minimum quantity and for such minimum period as the Company may reasonably require; or

(ii) to make such payment or payments to the Company (in addition to any payments to be made from time to time for gas supplied to the applicant) as the Company may reasonably require;

(according as the Company may in their discretion determine) in consideration of or by way of contribution towards the expenses to be incurred by the Company in laying such new main or making such enlargement alteration or addition as aforesaid and shall give such security for the payment of all moneys which may become due under the contract as the Company may reasonably demand. Provided also that if any question shall arise under the provisions of this section between the Company and the applicant as to the sufficiency of the distribution works of the Company or as to whether such new or increased supply would necessitate the laying of a new main or the making of any such enlargement alteration or addition as aforesaid or as to the reasonableness of the minimum quantity or period or of the payments (in addition to payments for gas supplied) required by the Company or as to the nature or amount of the security demanded by the Company such question shall be referred to and determined by an arbitrator to be appointed (failing agreement between the Company and the applicant) by the Board of Trade on the application of either party after notice in writing to the other of them and the decision of such arbitrator shall be final and binding. Provided also that in determining any such

question as aforesaid the arbitrator shall have regard to the following among other considerations (that is to say) :—

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

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

Supply of gas where consumer has a separate supply.

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

Refusal of supply to persons in debt for other premises.

**58.** At least twenty-four hours' notice shall be given to the Company by every consumer of gas either personally at the office of the Company or in writing before he shall quit any premises supplied with gas

Consumers to give notice before removing.

A.D. 1931. by meter by the Company and in default of such notice the consumer so quitting shall be liable to pay to the Company the money accruing due in respect of such supply up to the next usual date for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such premises shall require the Company to supply gas to such premises whichever shall first occur. Notice of the effect of this enactment shall be endorsed upon every demand note for gas charges payable to the Company.

As to mode  
of cutting  
off supplies.

**59.**—(1) In any case in which the Company are by virtue of any enactment relating to the gas undertaking 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 re-connect such service pipe with the meter without the consent of the Company shall be deemed to commit an offence within the meaning of section 18 of the Gasworks Clauses Act 1847 :

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

(2) For the purposes of this section the Company (subject to the conditions specified in section 22 of the Gasworks Clauses Act 1871) shall have and may exercise the like powers of entry as are exerciseable under that section.

Power to  
recover  
cost of  
cutting off  
supplies.

**60.** In any case in which the Company lawfully cut off a supply of gas by reason of any act omission or default of a consumer or any agent or employee of such person they may recover from the person to whom the supply was theretofore furnished or from any other person on account of whose act omission or default such supply was cut off as the case may be the reasonable expenses incurred by them in such cutting off in like manner as charges for gas are recoverable by the Company.



**61.** In any case in which in consequence of any default on the part of the occupier of any premises the Company have cut off the supply of gas to such premises and the occupier so in default shall desire to resume the supply so cut off he shall pay to the Company the reasonable expenses of re-connecting the supply and the Company shall not be under any obligation to supply gas to such occupier until he shall have made good the default and paid such expenses.

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Expenses  
of recon-  
necting dis-  
continued  
supply.

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

Charges for  
special  
reading  
of meters.

**63.** The Company may contract with any local authority company body or person for the supply by the Company to them or for the supply to the Company by them of gas in bulk upon such terms and conditions as may be agreed upon and for those purposes may exercise the powers by this Act conferred upon them with respect to the breaking up of streets for the purpose of laying gas pipes but nothing in this section shall authorise the Company to lay any mains or interfere with any street beyond the limits of supply :

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

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

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

Power to  
take licences  
for use of  
patents.

**65.** The following provisions for the protection of the London and North Eastern Railway Company and the Norfolk and Suffolk Joint Railways Committee (in this section respectively referred to as "the railway

For pro-  
tection of  
London and  
North

A.D. 1931.  
—  
Eastern  
Railway  
Company  
and Norfolk  
and Suffolk  
Joint Rail-  
ways Com-  
mittee.

company") shall unless otherwise agreed in writing between the Company and the railway company apply and have effect with respect to the exercise by the Company of the powers conferred on the Company by the section of this Act whereof the marginal note is "Extension of gas limits" and with respect to any works to be executed by the Company in exercise of such powers:—

- (1) In laying and also (except in cases of emergency) in effecting repairs or renewals of any mains pipes culverts or other works (hereinafter referred to as "the authorised works") over upon across or under any railway work or property of the railway company the Company shall execute such works in accordance with plans sections and specifications previously submitted to and reasonably approved by the engineer of the railway company :

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

- (2) The Company shall with all reasonable dispatch execute the authorised works and any repairs or renewals thereof and restore and make good to the reasonable satisfaction of the said engineer the railway and other property of the railway company and the roads of or maintainable by the railway company so far as the same may be disturbed or interfered with by or in connection with the authorised works :
- (3) If the railway company so elect they may themselves execute and maintain the authorised works over or under any railway or works of the railway company or any roads of or maintainable by the railway company other than the actual laying down and maintenance of mains and pipes and may recover from the Company the reasonable expenses incurred by the railway company in connection therewith :
- (4) The authorised works shall be constructed executed and maintained so as not to cause any

injury or damage to the railway or other property of the railway company or any interruption to the passage or conduct of traffic over such railway or at any station thereof and if any such injury damage or interruption arises from the acts or operations of the Company or by reason of the failure of the Company to maintain the authorised works or from the bursting leakage or failure of the authorised works not being due to the acts or defaults of the railway company its servants or agents all such injury or damage shall forthwith be made good by the Company or if the railway company so elect by the railway company at the expense of the Company and the Company shall indemnify the railway company from all claims in respect of such injury damage or interruption and shall make compensation to the railway company for or in respect thereof the amount of such compensation unless agreed upon to be determined by arbitration in manner hereinafter provided :

- (5) In the event of the Company failing to maintain the authorised works where they pass under or over or in any way affect the railway or other property of the railway company in substantial repair and good order to the reasonable satisfaction in all respects of the said engineer or in case of emergency the railway company may make good the same and make and do in and upon the lands of the Company or their own lands all such repairs and things as may be reasonably requisite and recover from the Company the reasonable expenses incurred by them in connection therewith :
- (6) If it should be necessary during or by reason of the construction of the authorised works or in effecting repairs or renewals thereof to alter any of the telegraph telephone or signal posts or wires or other works or apparatus belonging to or on the railway of the railway company the railway company may effect such alterations and the Company shall repay to them the reasonable expenses incurred by them in connection with such alterations :

A.D. 1931.  
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- (7) The Company shall bear and on demand pay to the railway company the reasonable expense incurred by the railway company of and in connection with the employment by them during the construction repair or renewal of the authorised works over under or across the railway or other property of the railway company of a sufficient number of inspectors signalmen or watchmen to be appointed by the railway company for watching and protecting the said railway and the conduct of the traffic thereon with reference to and during the construction repair or renewal of the authorised works and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Company or their contractors or any person or persons in the employ of the Company or their contractors :
- (8) If at any time it is found necessary in order to enable the railway company under powers existing at the date of the passing of this Act to carry out any alterations widenings or extensions of their existing railway or works that the position of the authorised works shall be altered the Company shall on receiving not less than one month's notice in writing from the said engineer so to do at the Company's own cost and with all reasonable dispatch alter the position of the same in accordance with plans sections and specifications previously submitted to and reasonably approved by the Company or their engineer so far as may be reasonably necessary to enable the railway company to carry out such alterations widenings or extensions and the provisions of this section shall apply to the authorised works in their altered position :
- (9) Any additional expense which the railway company may reasonably incur in widening altering re-constructing repairing or maintaining their railway or other works under powers existing at the date of the passing of this Act by reason

of the existence of the works of the Company upon across over or under the same shall be paid by the Company :

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

#### FINANCIAL PROVISIONS.

**66.** On the date of conversion the first preference stock of the Company and the second preference stock of the Company as set forth in the statement of the capital of the Company in the Second Schedule to this Act shall be by virtue of this Act converted into consolidated preference stock bearing a maximum dividend of four pounds per centum per annum according to the following scale :—

Conver-  
sion of  
preference  
stocks.

For each one hundred pounds of such first preference stock or such second preference stock one hundred pounds of such consolidated preference stock and so in proportion for each fraction of one hundred pounds of such first preference stock or such second preference stock.

On the said date there shall be created by virtue of this Act such nominal amount of consolidated preference stock as shall be necessary for carrying into effect the said conversion.

**67.** All stock created by virtue of this Act to which the holders of existing stock shall become entitled under this Act shall be deemed to be fully paid up and all stock so created 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

Substituted  
stock to  
be held on  
same trusts  
as existing  
stock.

A.D. 1931. — date of conversion affected or attached to the existing stock of the Company in respect of which the stock so created is substituted 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 stock 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 stock and trustees executors or administrators and all other holders in any representative or fiduciary capacity of any such existing stock are hereby expressly authorised and required to accept any stock allotted to and vested in them pursuant to 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 stock for which such stock created by this Act is substituted and are hereby indemnified in respect of all acts bona fide done by them in pursuance of the provisions of this Act.

Exchange of  
certificates.

**68.** The Company shall call in and cancel the certificates of the existing stock 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 stock are by this Act respectively entitled but no holder of any such existing stock 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 stock or shall have proved to the reasonable satisfaction of the directors the loss or destruction thereof but if any holder of any such existing stock 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 him at the address of such holder appearing in the stockholders address book or card or other index of the Company the Company may retain any dividend declared upon or in respect of the stock substituted under the provisions of this Act for the existing stock 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. A.D. 1931.

**69.** All transfers or other dispositions of any existing stock of the Company converted by virtue of this Act as existing up to the date of conversion shall after such date be valid and have due effect given to them respectively as transfers of the respective amounts of consolidated preference stock which the existing stock thereby expressed to be transferred or disposed of represents or which is or may be substituted for the same under the provisions of this Act although the instrument transferring or disposing thereof respectively shall describe such stock by the name or denomination which the stock transferred or disposed of had before the date of conversion and the bequest of or any covenant or provision of any deed or agreement relating to any specific amount of any such existing stock converted by virtue of this Act shall be held to relate to the nominal amount of consolidated preference stock which is substituted for such existing stock by virtue of this Act. Transfers of stock by present name to be valid.

**70.—(1)** Subject to the provisions of this Act all ordinary and preference shares or stock issued by the Company after the passing of this Act shall be issued in accordance with the provisions of this section. Sale of shares or stock by auction or tender.

(2) All shares or 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 each borough and to the clerk to the council of every urban and rural district wholly or partly within the water limits or the gas limits 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 said limits ;

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- (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) In the case of a sale by auction no lot offered for sale shall comprise shares or stock of greater nominal value than one hundred pounds and a bid shall not be recognised unless it is in advance of the last preceding bid;
- (d) In the case of a sale by tender no preference shall be given to one of two or more persons tendering the same price except that the offer by tender of any holder of ordinary or preference shares or stock of the Company or of any employee or of a consumer of water or gas supplied by the Company may be accepted in preference to the offer of the same price by any person not being such a holder employee or consumer as aforesaid;
- (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 shares or stock which have been so offered for sale and are not sold may be offered at the reserve price to the holders of ordinary and preference shares or 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 and to the consumers of water or gas supplied by the Company in such proportions as the directors may think fit or to one or more of those classes of persons only. Provided in the case of an offer to holders of shares or stock that if the aggregate amount of shares or stock applied for shall exceed the aggregate amount so offered as aforesaid the same shall be allotted to and distributed amongst the applicants as nearly as may be in proportion to the amounts applied for by them respectively.



(4) Any shares or stock which have been offered for sale in accordance with subsection (2) or with subsections (2) and (3) of this section and are not sold may be disposed of for the purpose of realising the best price obtainable at such price and in such manner as the directors may determine. A.D. 1931.

(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 respective shares or stock sold the total amount obtained as premium (if any) and the highest and lowest prices obtained for the respective shares or stock.

**71.**—(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 and without obtaining any certificate of a justice under the Companies Clauses Consolidation Act 1845 any sum or sums not exceeding (inclusive of the amount raised by any debenture stock issued by the Company prior to the passing of this Act and for the time being outstanding) the total sum of one hundred and sixty-five thousand six hundred and sixty-two pounds. Power to borrow.

(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) on any ordinary and preference shares or stock issued after the passing of this Act 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 section 40 of the Companies Clauses Consolidation Act 1845 that the whole amount payable on the issue of the shares or 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.

**72.** The Company may create and issue debenture stock subject to the provisions of section 53 (Debenture stock) of the Act of 1907. Debenture stock.

**73.** All moneys raised or to be raised by the Company on mortgage or by debenture stock under the provisions of the Lowestoft Water and Gas Acts and Orders 1853 to 1931 shall have priority against the Company and the property from time to time of the Company Priority of mortgages over other debts.

A.D. 1931. — over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act :

Provided that this priority shall not affect any claim against the Company or their property in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved by or payable under any lease granted or made to or vested in the Company which is entitled to rank in priority to or *pari passu* with the interest on their mortgages or debenture stock.

Priority of existing mortgages.

74. The principal moneys secured by all mortgages granted by the Company in pursuance of the powers of any Act of Parliament or Order before the passing of this Act and subsisting at the passing thereof shall during the continuance of such mortgages have priority over the principal moneys secured by any mortgages granted by virtue of this Act.

Appointment of receiver.

75. Section 51 (As to receiver) of the Act of 1907 is hereby repealed so far as it relates to the Company but without prejudice to any appointment made thereunder or to any proceedings pending at the passing of this Act. The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole.

Redeemable preference shares or stock and debenture stock.

76.—(1) In this section unless the context otherwise requires—

“ stock ” means and includes preference shares or stock and debenture stock ;

“ issue ” includes re-issue ;

“ redeemable stock ” means any stock issued under the powers of this section or under the Consent of 1922 so as to be redeemable ;

“ redeemed stock ” means any redeemable stock which has been redeemed and is available for issue under the provisions of this section.

(2) Subject to the provisions of this section the directors may from time to time by virtue of this Act and without further or other sanction issue so as to be redeemable any stock created by the Company after the passing of this Act : A.D. 1931.  
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Provided that no redeemed stock shall be issued except for the purpose of effecting the redemption of redeemable stock under the provisions of this section unless the issue is authorised by a resolution of the Company passed at a special meeting convened for the purpose.

(3) Redeemable stock may be redeemed either by paying off the stock or by issuing to the holder of the stock (subject to his consent) other stock in substitution therefor and for the purpose of raising money to pay off or of providing stock in substitution for any redeemable stock the Company may create new stock or the directors may issue any redeemed stock so as to be redeemable or irredeemable as they may think fit :

Provided that—

- (a) no new stock shall be created nor shall any redeemed stock be issued so as to make the total amount of any particular class of stock exceed the amount of stock of that class which the Company are for the time being authorised to create except during any necessary interval between the creation or (in the case of redeemed stock) the issue of the stock and completion of the redemption of the redeemable stock for the purpose of redeeming which the stock of such particular class is proposed to be so created or issued ; and
- (b) during such interval as aforesaid the amount raised by means of any preference shares or stock so created or issued shall not be deemed to be paid-up share capital for the purposes of any enactment regulating the borrowing powers of the Company.

(4) The nominal amount of any redeemed stock shall cease to be taken into account in calculating the extent to which the powers of the Company of raising money by the creation and issue of share capital or by borrowing on mortgage of the undertaking or by the

A.D. 1931. creation and issue of debenture stock have been or may be exercised but nothing contained in this subsection or done in pursuance thereof shall affect the validity of any mortgage or debenture stock of which the grant or issue by the Company was lawful in the circumstances existing at the date of such grant or issue.

(5) Redeemable stock shall bear such rate of dividend or interest (not exceeding any maximum rate prescribed in respect of the particular class of stock) and shall be redeemable at such time and in such manner and subject otherwise to such terms and conditions as the directors may before the issue thereof determine :

Provided that the terms and conditions of redemption upon which any redeemable stock is issued shall be stated in any offer by the Company of such stock for sale and in the certificate of such stock and no term or condition of redemption which is not so stated shall be binding upon the holder of the stock.

(6) The Company shall not redeem out of revenue any redeemable stock except to the extent of any discount allowed on the issue or any premium payable on the redemption thereof.

(7) Any preference shares or stock issued solely in substitution for redeemable stock shall not be subject to the provisions of the section of this Act of which the marginal note is "Sale of shares or stock by auction or tender."

Provisions  
as to sale  
of stock  
and pay-  
ment of  
commis-  
sions.

77.—(1) Notwithstanding anything contained in the section of this Act of which the marginal note is "Sale of shares or stock by auction or tender" the Company with the approval of the Board of Trade may when ordinary or preference shares or stock of the Company are or is to be issued (and whether or not the then existing ordinary or preference shares or stock are or is at a premium) before offering the shares or stock so to be issued for sale by auction or tender—

- (a) offer the shares or stock to the consumers of water or gas supplied by the Company and persons in the employ of the Company at not less than the then value thereof;
- (b) offer for subscription by the public free from the provisions of the said section of this Act any shares or stock to be so issued as aforesaid; and

(c) on the offer for sale or subscription by the public of any shares or stock to be so issued as aforesaid or any debenture stock to be issued by the Company after the passing of this Act pay a commission not exceeding two and a half per centum to any person in consideration of his subscribing or agreeing to subscribe whether absolutely or conditionally for any such shares or stock or procuring or agreeing to procure subscriptions whether absolute or conditional for such shares or 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 or inviting subscriptions for such shares or stock. A.D. 1931.

(2) For the purposes of paragraph (a) of subsection (1) of this section the value of any shares or stock at the date of the offer thereof to any consumer or employee shall be deemed to be the average price at which according to the Company's books sales of shares or stock of the same class were effected within the period of six months immediately preceding the date on which the value of the shares or stock is required to be determined or if there has been only one sale or no sale of such shares or stock during such period then the price at which the last sale of such shares or stock was effected making due allowance for any probable change in value since such date due to the accrual or payment of dividend or any other cause Provided that in no case shall the price at which such stock shall be offered be lower than five per centum below such average market price.

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

**78.**—(1) The directors may if they think fit in any year appropriate out of the revenue of the Company as part of the expenditure on revenue account any sum not exceeding one thousand pounds and shall carry the same to a fund to be called the capital redemption fund until such time as the said fund amounts to the sum of fifty thousand pounds. Provision for capital redemption and depreciation.

(2) The directors may from time to time in respect of capital not represented by available assets apply the sums credited to the said fund either in purchasing

A.D. 1931. — ordinary or preference shares or stock of the Company or in writing down in the books of the Company the amount of expenditure on capital account of the undertaking to an extent equivalent to the amount so appropriated.

(3) The Company shall carry to the credit of their capital account and show therein as a separate item all sums appropriated by them to the capital redemption fund under the provisions of this section and such sums shall not be considered as part of the capital of the Company entitled to dividend.

(4) All shares or stock purchased under the provisions of this section shall immediately after the purchase thereof be cancelled and shall thenceforth be taken to be extinguished in the books of the Company. Provided always that all stock so purchased otherwise than in the open market shall be purchased at as near as may be the average market price of the same class of stock during the six months immediately preceding such purchase.

(5) The directors shall not re-issue any shares or stock which shall have been cancelled under the provisions of this section.

Limit of contingency fund.

**79.**—(1) The amount which may be carried by the Company in any year to any contingency fund formed under section 122 of the Companies Clauses Consolidation Act 1845 shall not exceed a sum equal to one per centum of the paid up share capital of the Company for the time being.

(2) The amount standing to the credit of such contingency fund shall not at any time exceed a sum equal to ten per centum of the paid up share capital of the Company for the time being.

Reserve fund.

**80.**—(1) The directors may if they think fit in any year set apart out of the clear profits of the undertaking such sum as they may determine (subject to the provisions of subsections (2) and (3) of this section) and any sums so set apart may from time to time be invested in any securities in which trustees are authorised by law to invest money or in such other manner as shall be authorised by a resolution of the Company and the dividends and interest arising from such securities may also be invested in the same or like securities in order that the same may accumulate at compound interest. The fund so formed shall form a reserve fund to answer any

deficiency which may at any time happen in the amount of divisible profits or to meet any extraordinary claim or demand which may at any time arise against the Company and if such fund be at any time reduced it may thereafter be again restored within the limit prescribed by the said subsection (3) and so from time to time as often as such reduction shall happen. Provided that no sum of money shall be taken from the said fund for the purpose of meeting any extraordinary claim or demand unless it be first certified by two justices that the sum so proposed to be taken is required for the purpose of meeting an extraordinary claim or demand within the meaning of this section. A.D. 1931.

(2) The amount which may be carried by the Company in any year to the reserve fund shall not exceed a sum equal to one per centum of the paid up share capital of the Company for the time being.

(3) The amount standing to the credit of the reserve fund shall not at any time exceed a sum equal to ten per centum of the paid up share capital of the Company for the time being and whenever and so long as the reserve fund amounts to such sum the interest and dividends on the reserve fund shall no longer be invested but shall be applied to any of the general purposes of the undertaking to which the profits of the Company are applicable.

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

- (a) the amount required by the Company for paying any dividend which the Company may be entitled to declare in respect of that year at the next ordinary meeting held after the end of that year and which shall not have been paid by way of interim dividend ;
- (b) an amount equal to the total sum which the Company would be lawfully entitled to distribute as dividends 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 debentures or debenture stock.

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Separate  
accounts  
to be kept  
in respect  
of gas and  
water under-  
takings.

**82.**—(1) The Company shall keep separate annual accounts in respect of the gas undertaking showing the amounts from time to time expended on capital account in relation to that undertaking and such accounts shall in all other respects be in such form as may from time to time be required by the Board of Trade under section 15 of the Gas Regulation Act 1920.

(2) The Company shall keep separate annual accounts in respect of the water undertaking showing the amounts from time to time expended on capital account in relation to that undertaking and such accounts shall in all other respects be in accordance with the provisions of the Waterworks Clauses Act 1847.

#### ADMINISTRATIVE PROVISIONS.

Auditors.

**83.** The prescribed number of auditors shall be two or the Company may at any time and from time to time appoint any firm to be the auditors of the Company. The auditors or in the case of a firm being so appointed as auditors the members of such firm need not hold shares or stock of the Company. If and so long as a firm appointed under the provisions of this section are the auditors of the Company the provisions of this Act and of any Act incorporated herewith relating to the prescribed number of auditors shall not apply to the Company.

Ordinary  
meetings.

**84.** Notwithstanding anything contained in the Companies Clauses Consolidation Act 1845 or in any Act relating to the Company the ordinary general meeting of the Company shall be held in each year in the month of February or March or at such other time as the directors may appoint and it shall not be obligatory on the Company to hold half-yearly general meetings or to balance their accounts or to make up a balance sheet half-yearly.

As to  
appoint-  
ment of  
proxies.

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



**86.** Notwithstanding anything contained in the Companies Clauses Consolidation Act 1845 where several persons are jointly entitled to and registered as holders of any shares or stock any one of those persons may vote at any meeting either personally or by proxy in respect of the shares or 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 shares or stock shall alone be entitled to vote in respect thereof Several executors or administrators of a deceased member in whose name any shares or stock stands shall for the purposes of this section be deemed joint holders thereof.

A.D. 1931.

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Joint holders.

**87.** The directors may in any year without calling a meeting of the Company for the purpose declare and pay an interim half-yearly dividend out of the then ascertained profits of the Company Provided that the amount of any interim half-yearly dividend shall not as the case may be exceed in any half-year one-half of the amount of the prescribed rates of dividend on the ordinary capital or one-half of the annual dividend assigned to the preference capital of the Company in respect of which such interim dividend is declared.

Interim dividends.

**88.**—(1) The directors may close the register of transfers of any ordinary or preference shares or stock of the Company for a period not exceeding fourteen days previous to the payment of any interim dividend on any such ordinary or preference shares or stock and may close the register of transfers of debentures or debenture stock or mortgages of the Company for a period not exceeding fourteen days previous to the payment of any interest on any such debentures or debenture stock or mortgages and the directors may in any such case fix a day for the closing of any register which they are authorised to close under the provisions of this section Seven days' notice of the closing of any such register shall be given by advertisement in some newspaper published and circulating within the gas limits and the water limits.

Closing of transfer books.

(2) Any transfer of any ordinary or preference shares or stock or of any debentures or debenture stock or mortgages lodged for registration with the Company while the transfer books relating to such ordinary or preference

A.D. 1931. shares or stock or to such debentures or debenture stock or mortgages are so closed shall as between the Company and the person claiming under any such transfer but not otherwise be considered as made subsequently to the declaration of any such dividend or the payment of any such interest as the case may be.

As to  
share-  
holders'  
register.

**89.** Notwithstanding anything in the Companies Clauses Consolidation Act 1845 it shall not be necessary after the passing of this Act to authenticate the register of the shareholders of the Company by affixing the common seal of the Company to such register.

Substitu-  
tion of card  
index for  
share-  
holders'  
address  
book.

**90.** Notwithstanding anything contained in section 10 of the Companies Clauses Consolidation Act 1845 as from time to time applied to the Company the Company may substitute for the shareholders' address book provided under that section a card or other index containing the names and addresses of the several shareholders or stockholders of the Company and that section in its application to the Company shall be read and have effect accordingly.

Qualifica-  
tion of  
directors.

**91.** The qualification of a director shall be the possession in his own right of not less than fifteen ordinary shares of ten pounds each or two hundred pounds four per cent. preference stock.

Notice of  
candidature  
of or of  
opposition  
to re-  
election of  
director.

**92.** 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 unless notice in writing is given to the secretary of the Company or left at the principal office of the Company fourteen days at least before the date 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. No person shall be eligible to be elected a director at any general meeting of the Company unless he shall 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.

**93.**—(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.

A.D. 1931.

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As to appointment of managing director.

(2) A managing director shall not while holding that office be subject to retirement by rotation and shall not be taken into account in determining the rotation of 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 or vary all or some of such powers.

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

Directors holding office under or contracting with Company.

A.D. 1931.

Directors  
may deter-  
mine remu-  
neration of  
secretary.

Pensions  
&c.

**95.** In addition to the powers which the directors may exercise under the Companies Clauses Consolidation Act 1845 they may from time to time determine the remuneration of the secretary of the Company.

**96.**—(1) The directors may grant such gratuities pensions or allowances or make such other payments as they may think fit to any of the 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.

(2) The Company may if they think fit establish and maintain a fund to be called "the pensions fund" and pay out of the pensions fund gratuities of any sum or pensions or other allowances or benefits to any of the employees of the Company or to the widow family or dependants of any such employee and the pensions fund shall be applicable only to the payment of such gratuities pensions allowances and benefits as aforesaid and for no other purpose whatsoever.

(3) The Company may also prepare put in force and from time to time modify alter or rescind a scheme prescribing the terms and conditions upon which employees of the Company or any classes of such employees may become contributors to the pensions fund and the contributions to be made by such employees and the gratuities pensions allowances or benefits to which such contributors shall be entitled 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 or schemes prior to the date of such modification alteration or rescission.

(4) 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 such gratuities pensions allowances or benefits as are by this section authorised to be granted or made.

(5) The directors may for all or any of the purposes of this section including the purpose of maintaining the pensions fund at an adequate amount apply set aside and accumulate the revenues of the Company.

(6) No pensions fund established under this section to which the employees of the Company are required to contribute shall come into operation until it has been registered under the Superannuation and other Trust Funds (Validation) Act 1927. A.D. 1931.  
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(7) In this section the word "employees" includes all officers servants workmen and other employees of the Company.

MISCELLANEOUS PROVISIONS.

**97.** Where the water limits or the gas limits are bounded by or abut upon any street or road outside such limits the Company may for the purpose of supplying water or gas to the owner or occupier of any premises abutting upon such street or road and being within such limits exercise with respect to such street or road the like powers of breaking up the same for the purpose of laying maintaining inspecting repairing and renewing pipes as are exerciseable by them with respect to streets or roads within the said limits and subject to the like conditions and the owner or occupier of any such premises may for the purpose of laying any communication pipes or of complying with any obligation to maintain any pipe or apparatus which he is liable to maintain exercise the like power of opening the ground between any main or pipe of the Company and his premises and of opening and breaking up so much of the pavement of the street and any sewer or drain therein as shall be between such main or pipe and his premises as if such street or road were within the water limits or the gas limits as the case may be. As to streets and roads forming boundary of limits of supply.

**98.** All fittings apparatus and appliances (in this section referred to as "fittings") let by the Company on hire or under hire-purchase agreements under any statutory powers shall notwithstanding that they be fixed or fastened to any part of any premises in which they may be situate or to the soil under any such premises at all times continue to be the property of and removable by the Company provided that such fittings are marked Fittings on hire to remain property of Company.

A.D. 1931. — or impressed with a sufficient mark or brand indicating the Company as the actual owners thereof. Provided that nothing in this section shall affect the amount of the assessment for rating of any premises upon which any such fittings are or shall be fixed.

Period of error in defective meter.

**99.**—(1) In the event of any meter—

(a) used by a consumer of gas being tested in manner provided by the regulations made by the Board of Trade under the Gas Undertakings Acts 1920 and 1929 and being proved to register erroneously within the meaning of the said regulations; or

(b) used by a consumer of water 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 be proved to have first arisen during the then current quarter.

(2) The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Company shall be paid by or to the Company to or by the consumer as the case may be and shall in the case of a surcharge be recoverable in the like manner as water rates and gas charges respectively are recoverable by the Company.

Notice of discontinuance.

**100.** A notice to the Company from a consumer for the discontinuance of a supply of water or gas shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the Company or be given by the consumer personally at the office of the Company.

Guarantees by district councils.

**101.**—(1) Any urban or rural district council whose district is in whole or in part within the water limits or the gas limits may give and enter into a guarantee or contract for securing payment to the Company of such periodical or other sum or sums at such time or times in such manner and subject to such stipulations as may be agreed by and between such council and the Company for the purpose of or with respect to the providing or laying down by the Company of any main pipes or works for the supply of water or for the supply of gas for public lighting purposes within any part of such district.

(2) The giving of such guarantee and the performance of any contract in relation thereto shall be deemed to be a purpose for which under the provisions of any general Act relating to the powers of such council they may incur expenditure and any such council may raise in like manner as money may be raised under the provisions of any such general Act any money which may become payable to the Company under this section :

A.D. 1931.  
—

Provided that where such money is raised by a rural district council by means of a rate such rate shall be or shall be deemed to be a special rate but without prejudice to the powers of such council under section 56 of the Local Government Act 1929.

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

Authentica-  
tion and  
service of  
notices by  
Company.

**103.** A judge of any court or a justice shall not be disqualified from acting in the execution of any Act or Order from time to time relating to the Company by reason of his being liable to any rate.

Judges not  
disqualified.

**104.** Where the payment of more than one sum by any person is due under any Act or Order from time to time relating to the Company any summons or warrant issued for the purposes of any such Act or Order in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

Contents of  
summons  
&c.

A.D. 1931.

Penalties  
not  
cumulative.Recovery of  
penalties &c.

**105.** Penalties imposed under any Act or Order from time to time relating to the Company for one and the same offence shall not be cumulative.

**106.** Save as otherwise by this Act expressly provided all offences against any Act or Order from time to time relating to the Company and all penalties forfeitures costs and expenses imposed or recoverable under those Acts or Orders or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Recovery of  
demands.

**107.** Proceedings for the recovery of any demand made under the authority of any Act or Order from time to time relating to the Company whether provision is or is not made for 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.

Arbitration.

**108.** Where under this Act any question or dispute is to be referred to an arbitrator or to arbitration then unless other provision is made the reference shall be to a single arbitrator to be agreed upon between the parties or failing agreement appointed by the President of the Institution of Civil Engineers on the application of any party to the dispute (after notice in writing to the other or others of them) and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to the reference.

Works  
below high-  
water mark  
not to be  
constructed  
without  
consent of  
Board of  
Trade.

**109.** The Company shall not under the powers of this Act construct on under or over the shore or bed of the sea or of any creek bay arm of the sea or navigable river communicating therewith below high-water mark of ordinary spring tides any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of in writing under hand as last aforesaid and where any such work may have been constructed the Company shall not at any time



alter or extend the same without obtaining previously to making any alteration or extension the like consent or approval. If any work be commenced altered extended or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost and charge of the Company and the amount of such costs and charges shall be a debt due from the Company to the Crown and shall be recoverable either as a debt due to the Crown or summarily as a civil debt. A.D. 1931  
—.

**110.** Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Company to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Crown Lands or of the Board of Trade respectively without the consent in writing of the Commissioners of Crown Lands or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose. Crown rights.

**111.** The following enactments are hereby repealed:— Repeal.

The Act of 1853—

Section XXI (Power to take lands specified in Schedule (E) for gasworks and markets) so far as it relates to the gasworks;

Section XXXIV (For preventing fouling of water);

Section XXXVI (Penalty for using water for other than domestic purposes without agreement);

Section XXXIX (Power to make and supply gas);

Section XLII (Highest charge for gas);

Section XLIII (Consumption of gas by meter);

Section LVII (Recovery of rates not disputed by distress);

[Ch. xxvii.] *Lowestoft Water [21 & 22 GEO. 5.]  
and Gas Act, 1931.*

A.D. 1931.

- Section LVIII (Costs of distress);  
Section LIX (Recovery of rates &c. otherwise  
than by distress);  
Schedule (E) So far as it relates to the gasworks.

The Lowestoft Water Gas and Market Act 1857—

- Section XX (New shares to be offered to  
existing shareholders);  
Section XXI (Offer to be made by letter);  
Section XXII (New shares to vest in accepting  
shareholders);  
Section XXIII (Disposal of unaccepted new  
shares to others);  
Section XXIV (Power to enlarge time for  
accepting new shares);  
Section XXV (General power to dispose of new  
shares);  
Section XXVI (Power to cancel unissued new  
shares).

The Act of 1863—

- Section 11 (New shares to be offered to original  
shareholders);  
Section 12 (Offer to be made by letter);  
Section 13 (New shares to vest in accepting  
shareholders);  
Section 14 (Disposal of unaccepted new shares  
to others);  
Section 15 (Power to enlarge time for accepting  
new shares);  
Section 16 (General power to dispose of new  
shares);  
Section 17 (Power to cancel unissued new shares  
and issue new shares instead);  
Section 18 (Power to accept surrenders of shares  
and issue new shares instead).

The Lowestoft Water Gas and Market Act 1877—

- Section 26 (Sale of new shares or debenture  
stock by auction);  
Section 27 (Sale to be advertised).

The Act of 1897—

A.D. 1931.  
—

- Section 16 (Sale of superfluous lands);
- Section 18 (Regulations for preventing waste of water);
- Section 19 (Disputes to be determined by justices);
- Section 20 (Company's officers may enter buildings to inspect meters &c.);
- Section 25 (New shares or stock to be offered by auction or tender);
- Section 26 (Time for paying up shares or stock sold);
- Section 27 (Notice to be given as to sale &c. of shares or stock);
- Section 28 (Shares or stock not sold by auction or by tender to be offered to shareholders).

The Lowestoft Water and Gas Act 1899—

- Section 21 (Sale of superfluous lands);
- Section 30 (New shares or stock to be offered by auction or tender);
- Section 31 (Time for paying up shares or stock sold);
- Section 32 (Notice to be given as to sale of shares or stock);
- Section 33 (Shares or stock not sold by auction or by tender to be offered to shareholders).

The Act of 1907—

- Section 36 (Lowestoft Company may supply water by measure);
- Section 45 (New shares or stock to be offered by auction or tender) so far as it relates to the Company;
- Section 46 (Time for paying up shares or stock sold) so far as it relates to the Company;
- Section 47 (Notice to be given as to sale &c. of shares or stock) so far as it relates to the Company;

A.D. 1931.

Section 48 (Shares or stock not sold by auction or by tender to be offered to shareholders) so far as it relates to the Company.

The Water Order of 1923 is hereby annulled as from the first quarter day after the passing of this Act.

Costs of Act.

112. 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 be paid by the Company as part of their expenses on revenue account.

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The SCHEDULES referred to in the foregoing Act.

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#### FIRST SCHEDULE.

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Lands on which the Company's existing gasworks are situate—

First a piece of land situate at Lowestoft Ness in the borough of Lowestoft containing by admeasurement two acres and two roods or thereabouts and abutting on the south-west side thereof for a distance of 101 yards or thereabouts an extension of the road called Rant Score East. The boundaries of the said piece of land extend on the north-west side thereof for a distance of 111 yards or thereabouts from the said road in a north-easterly direction thence for a distance of 97 yards or thereabouts in a south-easterly direction thence for a distance of 146 yards or thereabouts in a south-westerly direction to the said road.

Secondly a piece of land situate at Lowestoft Ness aforesaid containing by admeasurement two acres or thereabouts and abutting on the north-east side thereof for a distance of 103 yards or thereabouts on the said extension of Rant Score East. The boundaries of the said piece of land extend on the south-east side thereof for a distance of 93 yards or thereabouts from the said road in a south-westerly direction thence for a distance of 100 yards or thereabouts in a north-westerly direction thence for a distance of 110 yards or thereabouts in a north-easterly direction to the said road.

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SECOND SCHEDULE.

A.D. 1931.

CAPITAL OF THE COMPANY AUTHORISED BY THEIR  
PREVIOUS ACTS.

Act.	Nature of capital.	Amount autho- rised.	Amount raised.	Premiums received.	Remaining to be issued.
		£	£	£ s. d.	£ s. d.
1853	Ordinary £10 shares 10 per cent. - -	25,000	25,000	—	—
1857	First preference stock 4 per cent. - -	34,375	34,375	—	—
1863	Second preference stock 4 per cent. - -	52,500	52,500	—	—
1877	Second preference stock 4 per cent. - -				
	New ordinary £10 shares 7 per cent. - -	60,000	60,000	—	—
1897	New ordinary £10 shares 7 per cent. - -	100,000	81,000	19,000 0 0	—
1899	Ordinary 7 per cent. or preference 6 per cent. -	80,000	56,000	3,449 4 8	20,550 15 4
1907	Ordinary 7 per cent. or preference 6 per cent. -	120,000	—	—	120,000 0 0
		£471,875	£308,875	£22,449 4 8	£140,550 15 4
				Rentcharge	
1853	Debenture stock 4 per cent. - - -	5,000	5,000		
1857	Do. - - -	6,500	6,500		
1863	Do. - - -	5,000	5,000		
1877	Do. - - -	20,000	20,000		
1897	Do. - - -	25,000	25,000		
1899	Do. - - -	20,000	7,700	580 0 0	5,138 0 0
Consent 1922	Redeemable debenture stock 6 per cent.	—	6,582		
1907	Debenture stock 4 per cent. - - -	40,000	—		40,000 0 0
Consent 1922	Redeemable debenture stock 6 per cent.	53,418	53,418		
		£174,918	£129,200	£580 0 0	£45,138 0 0

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