



CHAPTER xxxiv.

An Act to confer further powers upon the Scarborough Gas Company and for other purposes. A.D. 1932.
[16th June 1932.]

WHEREAS the Scarborough Gas Company (hereinafter called "the Company") was established in the year 1834 and was incorporated by Act of Parliament in the year 1851 :

And whereas by the Scarborough Gas (Consolidation) Act 1927 (hereinafter called "the Act of 1927") the special Acts of the Company were consolidated and their limits of supply were extended and they were empowered inter alia to construct works as in the said Act mentioned and to raise additional capital :

And whereas there is by the Act of 1927 imposed upon the Company an obligation to promote not later than in the present session a Bill in Parliament proposing a revision of the basic price fixed by the Act of 1927 or giving an opportunity for such revision to be made :

And whereas it is expedient that the powers contained in this Act should be conferred upon the Company :

And whereas the objects aforesaid cannot be attained without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the

A.D. 1932. Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

Short title. 1. This Act may be cited as the Scarborough Gas Act 1932.

Incorporation of general Acts. 2. The following Acts and parts of Acts are (subject to the provisions of and so far as applicable to the purposes of this Act) hereby incorporated with and form part of this Act (namely) :—

The Companies Clauses Consolidation Act 1845 (except the provisions relating to the conversion of borrowed money into capital) and the Companies Clauses Act 1863 as amended by subsequent Acts ;

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

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

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

Interpretation. 3.—(1) In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated therewith have the same respective meanings unless there be something in the subject or context repugnant to such construction And in this Act—

" The Company " means the Scarborough Gas Company ;

" The corporation " means the mayor aldermen and burgesses of the borough of Scarborough ;

“The Act of 1927” means the Scarborough Gas A.D. 1932.
(Consolidation) Act 1927;

“The limits of supply” means the limits for the
time being for the supply of gas by the Company;

“The undertaking” means the undertaking of the
Company as for the time being authorised.

(2) In the Act of 1927 (except in sections 25 and 28
of that Act) and in this Act the expression “the borough”
shall notwithstanding anything contained in the Act of
1927 mean the borough of Scarborough as for the time
being constituted so far as the borough is within the limits
for the supply of gas as described in section 4 of that
Act.

4.—(1) Notwithstanding the provisions of section 16 Power to
(New stock to be sold by auction or tender) of the Act of offer stock
1927 the Company may with the approval of the Board for sub-
of Trade and subject to such conditions as the Board scription
may think fit to impose offer for subscription by the and to pay
public any stock issued under the powers of that Act commis-
and upon any such offer pay a commission not exceeding sion.
three per centum to any person in consideration of his
subscribing or agreeing to subscribe whether absolutely
or conditionally for any such stock or procuring or
agreeing to procure subscriptions whether absolute or
conditional for any such stock:

Provided that—

(a) Nothing in this section shall authorise the
payment of commission to any officer or
servant of the Company;

(b) The payment of any commission authorised
by this section to any director of the Company
shall first require the approval of the Board
of Trade;

(c) The payment of the commission and the
amount or rate per centum of the commission
paid or agreed to be paid shall be disclosed
in every prospectus advertisement or other
document of the Company relating to the
offer for sale of such stock.

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

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Amend-
ment of
s. 16 of
Act of
1927.

5. Section 16 (New stock to be sold by auction or tender) of the Act of 1927 shall be read and have effect as if paragraph (d) of subsection (2) of that section was omitted therefrom and the following paragraph was inserted therein:—

“(d) (i) In case of a sale by tender no preference shall be given to one of two or more persons tendering the same sum except that if any offer by tender of any holder or holders of stock of the Company be the same in amount as any offer made by any other person the offer of such holder or holders of stock shall be accepted in preference;

“(ii) In the case of a sale by auction a bid shall not be recognised unless it is in advance of the last preceding bid.”

As to
mortgages.

6. The Company may redeem out of revenue any mortgages of the undertaking granted by the Company to the extent of the discount allowed on the issue or the premium payable on the redemption thereof.

Promotion
by Com-
pany of
future Bill.

7.—(1) Subject as hereinafter provided the Company shall not later than in the session nineteen hundred and forty-one promote a Bill in Parliament giving an opportunity for the amount of the basic price prescribed by the Act of 1927 to be revised by such Bill:

Provided that the corporation may by notice in writing delivered to the Company not later than the thirtieth day of June nineteen hundred and thirty-four require the Company in the next ensuing session to promote (and in that event the Company shall in that session promote) a Bill in Parliament giving an opportunity for the amount of the said basic price to be revised as aforesaid and may by a like notice delivered not later than the thirtieth day of June immediately preceding the session in which the promotion is by such notice required to occur require the Company at the expiration of each succeeding period of three years from the date of the session in which any such Bill shall or (if the corporation had so delivered a notice in writing to the Company) would have been so promoted to promote (and in that event the Company shall promote) a Bill in Parliament for the purpose of giving an opportunity for

the amount of the basic price for the time being of gas supplied by the Company to be revised : A.D. 1932.

Provided also that if the corporation do so require the Company at any time before the session of 1941 to promote such a Bill in Parliament the Company shall not (except at the requirement of the corporation in accordance with the foregoing provisions of this section) be obliged to promote a Bill for the purpose of giving an opportunity for the amount of the basic price for the time being of gas supplied by the Company to be revised for nine years from the date of the session when such a Bill is last promoted in accordance with the requirement of the corporation.

(2) The corporation and the council of any urban or rural district within or partly within the limits of supply shall (subject to their complying with any relevant statutory requirements and standing orders of Parliament) be entitled to be heard before the committee to which any Bill promoted for the purpose aforesaid shall be referred as to whether the amount of the basic price prescribed by the said Act of 1927 should be revised by such Bill and if so to what extent.

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

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

9. 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 all premises in which there is any service pipe connected with the

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

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mains of the Company except where the occupier or (if there shall be no occupier) the owner of the premises shall have applied in writing to the Company for the disconnection of the service pipe from such mains and the Company fail to disconnect the service pipe within a reasonable time.

Inspection
and testing
of meters.

10. The Company's duly authorised inspectors or servants shall at all reasonable times have access to and be at liberty to inspect take off remove test repair and replace meters which are the property of the Company and meanwhile to fix a substituted meter on the premises such inspection taking off removal testing repairing and replacing to be done at the expense of the Company The expense of changing and testing meters which have been tested at the request of the consumer and found to be defective shall be borne by the Company but if the meter shall have been found not to be defective shall be borne by the consumer.

For pre-
vention of
improper
use of gas.

11.—(1) If any person supplied with gas by the Company improperly uses or deals with the same so as to interfere with the efficient supply of gas by the Company to any other person or if any person supplied with gas by the Company wilfully uses the same for a purpose other than that specified in the contract under which the same is supplied the Company may if they think fit cease to supply gas to such person.

(2) Any person aggrieved by anything done by the Company in pursuance of this section may appeal to a court of summary jurisdiction and that court shall have power to make such order in the matter as to them may seem just and to award costs.

Register of
share-
holders and
share-
holders'
address
book.

12. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 it shall not be obligatory upon the Company—

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

(b) to authenticate by the fixing of their common seal or otherwise the register of shareholders or any register which the Company may keep in lieu thereof under the powers of this section. A.D. 1932.
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13. In any case in which the Company are required to serve any notice upon or give notice to the consumers of gas supplied by them in the whole or any part of the limits of supply the Company shall not for any purpose be required to furnish proof of the service of such notice upon or the giving of such notice to any particular consumer or consumers if they shall have advertised such notice in the London Gazette and in such newspaper or newspapers published or circulating within the limits of supply or within that part of the limits of supply to which the said notice relates as will in the opinion of the directors best give publicity to the said notice. As to proof of service of notices upon consumers.

14. The first proviso to section 25 (Basic price of gas and basic rate of dividend on ordinary capital) and sub-paragraph (i) of paragraph (a) of subsection (4) of section 28 (Provisions relating to basic price) of the Act of 1927 shall be read and have effect as if the words "one mile" were inserted therein in substitution for the words "half-a-mile." Amend-ment of section 25 of Act of 1927.

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

(1) Subsection (2) of section 82 (For protection of corporation) of the Act of 1927 shall be read and have effect as if the words "or actual price of gas to ordinary consumers in the borough (whichever shall be the less)" were inserted after the words "basic price" in paragraph (i) (a) thereof and as if the words "twenty-seven shillings" were inserted in paragraph (ii) thereof in lieu of the words "twenty-eight shillings and sixpence":

(2) (i) The Company shall if and when required by the corporation so to do from time to time remove lamps and lamp-posts and any other necessary apparatus for public lighting provided by them in pursuance of subsection (2) (ii) of

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the said section 82 of the Act of 1927 when in the opinion of the corporation the same are no longer required and the reasonable expenses incurred by the Company in so doing shall be repaid to them by the corporation;

(ii) Any difference which may arise between the corporation and the company under this subsection shall be referred to and determined by an arbitrator to be agreed upon between the parties or failing agreement to be appointed on the application of either party after notice in writing to the other by the President of the Institution of Civil Engineers:

- (3) Except as is by this Act expressly provided nothing contained in this Act shall take away lessen alter or prejudice any of the rights powers privileges or authorities now exercised or enjoyed by the corporation as well in their municipal capacity as in their capacity as sanitary authority of the borough.

Costs of
Act.

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

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