



CHAPTER cli.

An Act to extend the limits of supply of the Riddings District Gas Company and to empower them to acquire the undertaking of the Pinxton Gas Light and Coke Company Limited and for other purposes. A.D. 1914.

[7th August 1914.]

WHEREAS by the Riddings District Gas Act 1888 (hereinafter called "the Act of 1888") the Riddings District Gas Company (hereinafter called "the Company") were incorporated and authorised to supply gas within portions of the parishes of Alferton South Normanton Pinxton and Codnor Park in the county of Derby and Pinxton and Selston in the county of Nottingham as defined in section 4 of the Act of 1888 :

And whereas by the Riddings District Gas Order 1903 (hereinafter referred to as "the Order of 1903") the limits of supply of the Company were extended so as to include further portions of the said parishes of Codnor Park and Alferton and portions of the parishes of Heanor and Ripley in the county of Derby and a further portion of the parish of Selston in the county of Nottingham as defined in section 7 of the Order of 1903 and further powers were conferred upon the Company :

And whereas by the Kirkby-in-Ashfield Urban District Council (Gas) Act 1904 the powers of the Company of supplying gas in a part of the parish of Selston were repealed :

And whereas by the Act of 1888 the original capital of the Company was fixed at thirty thousand pounds divided into three thousand shares of ten pounds each subject to a maximum dividend at the rate of ten per centum per annum and the whole of such shares have been issued and fully paid up and have been converted into thirty thousand pounds ordinary stock :

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And whereas by the Order of 1903 the Company were authorised to raise additional capital to an amount of twenty thousand pounds by the creation and issue of new ordinary shares or stock or new preference shares or stock and in exercise of such powers the Company have issued eight hundred and ninety-four preference shares of ten pounds each entitled to dividends at the rate of five per centum per annum and the whole of such shares have been fully paid up and have been converted into eight thousand nine hundred and forty pounds preference stock and the Company have received sixty pounds by way of premiums on the issue of such preference shares :

And whereas the Company were by the Act of 1888 authorised to borrow and have borrowed in respect of the capital authorised by that Act the sum of seven thousand five hundred pounds partly on mortgage of their undertaking and partly by the issue of consolidated debenture stock :

And whereas the Company were by the Order of 1903 authorised to borrow in respect of the capital authorised by that Order one-fourth part of the amount of such capital and in exercise of such power the Company have borrowed a further sum of two thousand two hundred and fifty pounds by the creation and issue of consolidated debenture stock :

And whereas the demand for gas within the Company's existing limits of supply under the Act of 1888 and the Order of 1903 and in other portions of the said parishes of Pinxton Alfreton and Selston adjoining such existing limits of supply has increased and is increasing and it is expedient that the Company's limits for the supply of gas be extended and the Company be authorised to raise additional capital as by this Act provided :

And whereas it is expedient that further provision be made with reference to the dividends payable on the capital of the Company as in this Act contained :

And whereas the Pinxton Gas Light and Coke Company Limited (hereinafter called "the Pinxton Company") are at present supplying gas without statutory powers in the portion of the said parishes of Pinxton Alfreton and Selston by this Act added to the limits of the Company for the supply of gas and by agreement with the Company in a portion of the parish of Pinxton within the limits of supply of the Company under the Act of 1888 and the capital of the Pinxton Company consists

of one thousand five hundred fully paid-up shares of five pounds each and the Pinxton Company have not raised any loan capital: A.D. 1914.

And whereas it is expedient that the Company be empowered to purchase the property and business of the Pinxton Company upon the terms in this Act contained and that the shareholders of the Pinxton Company become proprietors of the Company as by this Act provided:

And whereas it is expedient that new provisions be made with reference to the testing of gas supplied by the Company as in this Act contained:

And whereas it is expedient that further powers be conferred upon the Company and further provision be made with reference to their undertaking as in this Act contained:

And whereas the purposes of this Act cannot be effected 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:—

1. This Act may be cited as the Riddings District Gas Act 1914 and the Riddings District Gas Act 1888 the Riddings District Gas Order 1903 and this Act may be cited together as the Riddings District Gas Acts and Order 1888 to 1914. Short and collective titles.

2. The following Acts and parts of Acts so far as the same are applicable for the purposes of and are not inconsistent with the provisions of the Act of 1888 the Order of 1903 and this Act are subject to the provisions of this Act hereby incorporated with this Act (namely):— Application of general Acts.

The Lands Clauses Acts (except the provisions thereof with respect to the purchase and taking of lands otherwise than by agreement);

The Companies Clauses Consolidation Act 1845 except the provisions thereof with respect to the conversion of borrowed money into capital and the provisions of that Act so incorporated shall so far as the same are applicable apply to any ordinary stock and preference stock to be issued or created by virtue of or under the powers of this Act;

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—

Part I. (relating to cancellation and surrender of shares)
Part II. (relating to additional capital) and Part III.
(relating to debenture stock) of the Companies Clauses
Act 1863 as amended by subsequent Acts ;
The Gasworks Clauses Act 1847 ; and
The Gasworks Clauses Act 1871.

Interpreta-
tion.

3. In this Act—

The several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective meanings unless there be something in the subject or context repugnant to such construction ;

The expression “the Act of 1888” means the Riddings District Gas Act 1888 ;

The expression “the Order of 1903” means the Riddings District Gas Order 1903 ;

The expression “the Pinxton Company” means the Pinxton Gas Light and Coke Company Limited ;

The expression “the undertaking” means the undertaking of the Company authorised by the Act of 1888 the Order of 1903 and this Act ;

The expression “the existing limits” means the limits within which the Company are authorised to supply gas by the Act of 1888 as extended by the Order of 1903 and amended by the Kirkby-in-Ashfield Urban District Council (Gas) Act 1904 ;

The expression “the new limits” means the limits within which the Company are authorised to supply gas by the section of this Act of which the marginal note is “Extension of limits of supply” ;

The expression “the limits of supply” means and includes the existing limits and the new limits ;

The expression “the Pinxton undertaking” means the business and property of the Pinxton Company including the goodwill of such business and all lands houses premises hereditaments easements and appurtenances plant works mains pipes meters stoves machinery goods chattels rights authorities privileges and the benefit of all contracts for the supply of gas or residual products and of all securities of that company and all other

property of whatsoever kind (including all stock in hand) of or belonging or in any way attaching to or vested in the Pinxton Company at the date of transfer but excepting money and securities for money and book debts office furniture fittings and fixtures; A.D. 1914.

The expression "stock in hand" includes all coke coal tar ammoniacal liquor new meters new stoves new tools and new pipes of the Pinxton Company;

The expression "ten per cent. ordinary stock" means ordinary stock in the capital of the Company entitled to a maximum dividend of ten per centum per annum until the first day of January one thousand nine hundred and fifteen and a standard rate of dividend of ten per centum per annum on and after that date.

4. In the application to the Company of the provisions of the Gasworks Clauses Act 1847 and the Gasworks Clauses Act 1871 as incorporated with the Act of 1888 the Order of 1903 and this Act such provisions shall be modified as follows (that is to say):— Application of Gasworks Clauses Acts to Company.

(1) Section 13 of the Gasworks Clauses Act 1847 shall be read and construed 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 Company shall be alike in terms and amount under like circumstances to all consumers" were added at the end of that section:

(2) Sections 30 to 34 both inclusive of the Gasworks Clauses Act 1847 shall from and after the first day of January one thousand nine hundred and fifteen cease to have effect:

(3) Section 35 of the Gasworks Clauses Act 1847 shall from and after the first day of January one thousand nine hundred and fifteen be read and construed as if the words from "in case the whole" down to the words "have been paid" were omitted therefrom and as though the expression "the prescribed rate" meant the standard rates of dividend or such rates reduced or increased in accordance with the provisions of this Act:

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- (4) The provisions of the Gasworks Clauses Act 1871 shall from and after the first day of January one thousand nine hundred and fifteen have effect as if all references to illuminating power and the testing thereof were omitted from that Act.

EXTENSION OF GAS LIMITS.

Extension of
limits of
supply.

5.—(1) The limits within which the Company may supply gas and exercise the powers of the Act of 1888 the Order of 1903 and this Act are hereby extended so as to include (in addition to the existing limits) the respective portions of the parish of Pinxton in the rural district of Blackwell in the administrative county of Derby of the parish and urban district of Alferton in the said county and of the parish of Selston in the rural district of Basford in the county of Nottingham which are respectively comprised within the following limits or boundary (that is to say):—

An imaginary line commencing at the point where the boundary between the said parish of Pinxton and the parish of South Normanton in the said rural district of Blackwell intersects the boundary of the existing limits of supply of the Company under the Act of 1888 which point is situate at a distance of 297 yards or thereabouts measured in a north-easterly direction along the said parish boundary from Birchwood Lane and drawn thence in a straight line and a south-south-easterly direction (along the said boundary of the existing limits of supply) to the Ordnance bench mark 360·4 (formerly 363·9) in the said parish of Pinxton cut on the stone pillar at the gateway on the north-eastern side of the path leading from Longwood Hall to Birchwood Lane and at a distance of 450 yards or thereabouts measured in a north-westerly direction from Longwood Hall thence in a straight line and a south-easterly direction to the point of junction (at Palmerston Junction) in the said parish of Selston between the rails of the Pinxton Collieries branch and the Pinxton branch railways of the Great Northern Railway Company thence in a straight line in an easterly direction to a point 100 yards east of the said point of junction thence in a north-easterly and easterly direction parallel to and at a distance of 80 yards south-eastwards of the said Pinxton branch railway to its junction with the

Midland Railway (Mansfield and Pinxton branch) at Langton Junction and thence parallel to and at a distance of 80 yards southwards of the last-named railway to the boundary between the said parish of Selston and the urban district of Kirkby-in-Ashfield thence in a northerly direction along that boundary to the boundary of the parish of Pinxton and thence along the boundary between the said parish of Pinxton on the one hand and the urban district of Kirkby-in-Ashfield the parish of Fulwood in the rural district of Skegby and the parish of South Normanton in the rural district of Blackwell on the other hand to the point of commencement of the said imaginary line hereinbefore described. A.D. 1914.

(2) Within the new limits the Company shall have and may exercise all and the like powers rights privileges and authorities for and in relation to the supply of gas and be subject to all and the like duties and obligations in respect thereof as they for the time being have and are subject to within the existing limits.

ACQUISITION OF UNDERTAKING OF PINXTON COMPANY.

6.—(1) On and from the passing of this Act the Pinxton undertaking shall be transferred to and vested in the Company upon and subject to the terms and conditions in this Act contained. Transfer to
Company of
Pinxton
undertaking.

(2) In consideration of such transfer and vesting as aforesaid the Company shall—

(A) Issue to the holders of shares in the Pinxton Company ten per cent. ordinary stock as hereafter in this Act provided :

(B) Pay to the Pinxton Company the sum of five hundred pounds in cash which sum shall be applied by the Pinxton Company in the winding up and dissolution of that company and in compensation to directors and officers :

(c) Pay to the Pinxton Company the fair market value of the stock in hand of the Pinxton Company as existing on the thirtieth day of June one thousand nine hundred and fourteen which value shall be agreed between Benjamin Ely on behalf of the Company and William Hunter Newton on behalf

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of the Pinxton Company or failing agreement shall be determined by an independent engineer to be appointed (unless otherwise agreed by the Company and the Pinxton Company) by the President of the Institution of Civil Engineers.

(3) The Company may continue maintain and use any mains pipes and other works of the Pinxton Company transferred to and vested in the Company by this Act and the provisions of the Act of 1888 the Order of 1903 and this Act and the Acts incorporated therewith respectively shall apply to such mains pipes and works in all respects as if the same had been laid down or constructed under the authority of those Acts or any of them.

Issue of stock to shareholders of Pinxton Company.

7.—(1) As soon as reasonably practicable after the date of the passing of this Act the Company shall subject to and in accordance with the provisions of this Act issue to those persons who at that date are holders of fully paid-up shares in the capital of the Pinxton Company a nominal amount of five pounds of ten per cent. ordinary stock for each such share held by such persons.

(2) On the passing of this Act there shall be created by virtue of this Act and without any other requisite such nominal amount of ten per cent. ordinary stock as shall be required to give effect to the provisions of this section and such stock shall rank *pari passu* in all respects with ten per cent. ordinary stock into which the original shares in the capital of the Company issued under the Act of 1888 have been converted.

(3) The amounts of ten per cent. ordinary stock to which the holders of shares in the capital of the Pinxton Company respectively become entitled by virtue of this section shall be vested in such holders as from the passing of this Act but shall rank for dividend as from the thirtieth day of June one thousand nine hundred and fourteen and such holders shall be registered in the books of the Company forthwith after the passing of this Act as the holders of the amounts of ten per cent. ordinary stock in the capital of the Company vested in them respectively under the provisions of this section.

Stock to be held on same trusts &c. as shares for which it is substituted.

8. All ten per cent. ordinary stock so created and vested by virtue of this Act in the holders of shares of the Pinxton Company shall be held in the same rights upon the same trusts and subject to the same powers provisions charges and liabilities

as those in upon or to which the shares of the Pinxton Company for which the ten per cent. ordinary stock is substituted were held or were subject to immediately before the passing of this Act and shall be dealt with applied and disposed of accordingly and so as to give effect to and not to revoke any deed will or other instrument disposing of or affecting any such shares and trustees executors or administrators and all other holders in any representative or fiduciary capacity and persons under disability may and shall accept ten per cent. ordinary stock in substitution for the shares of the Pinxton Company held by them and may subject to the provisions of this Act retain dispose of or otherwise deal with the same as fully and freely in all respects as they might have retained disposed of or otherwise dealt with such shares.

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9. The Company shall call in the certificates of the shares of the Pinxton Company for which ten per cent. ordinary stock shall be substituted by virtue of this Act and shall issue in exchange for those certificates to the respective proprietors thereof free of charge certificates of ten per cent. ordinary stock of the respective amounts to which those proprietors are by this Act respectively entitled but no shareholder shall be entitled to a new certificate until he shall have delivered up to the Company to be cancelled the existing certificate for which such certificate is to be substituted or shall have proved to the reasonable satisfaction of the directors the loss or destruction thereof and shall have given such guarantee or indemnity in respect thereof as the directors may require Provided always that until the issue of such new certificates the existing certificates shall (according to the amounts of ten per cent. ordinary stock to be substituted by virtue of this Act for the shares of the Pinxton Company which such certificates respectively represent) have and possess the same rights and advantages as if they were certificates for those respective amounts of ten per cent. ordinary stock created by virtue of this Act but if any holder of any of the shares of the Pinxton Company neglect or omit to send or deliver to the Company his existing certificate or certificates for the period of one year after notice in writing sent by post to the address appearing in the shareholders' address book of the Pinxton Company the Company may suspend the payment of any dividend declared or made payable upon or in respect of the ten per cent. ordinary stock so held by him until such existing certificate or certificates is or are sent or delivered

Certificates of existing shares to be called in and others issued.

A.D. 1914. — to the Company or is or are proved to the reasonable satisfaction of the directors to have been lost or destroyed and such guarantee or indemnity is given in respect of such lost or destroyed certificate as the directors may require.

Transfers of
Pinxton
shares
although by
present name
to be valid.

10. All transfers or other dispositions of any shares of the Pinxton Company as existing up to the conversion thereof into ten per cent. ordinary stock by virtue of this Act shall after such conversion and notwithstanding this Act be valid and have due effect given to them respectively as transfers or dispositions of the respective amounts of ten per cent. ordinary stock which the shares thereby expressed to be transferred or disposed of represent or which are or may be substituted for the same under the provisions of this Act although the instrument transferring or disposing thereof shall describe the same by the name or denomination which the shares transferred or disposed of had before such conversion and the bequest of or any covenant or provision of any deed or agreement relating to any specific number or nominal amount of any such shares of the Pinxton Company shall be held to apply to a nominal amount of ten per cent. ordinary stock equal to that into which such specific number or nominal amount of shares shall have been converted under the provisions of this Act.

Pending
actions &c.

11. If at the passing of this Act any action, arbitration or proceeding or any cause of action arbitration or proceeding is pending or existing by or against or in favour of the Pinxton Company the same shall not abate or be discontinued or be in anywise prejudicially affected by reason of the transfer to the Company of the Pinxton undertaking or of anything in this Act but the same may be continued prosecuted and enforced by against or in favour of the Company as and when it might have been continued prosecuted and enforced by against or in favour of the Pinxton Company if this Act had not been passed but not further or otherwise.

Contracts to
be binding.

12. All contracts of the Pinxton Company for the supply of gas or residual products in force at the passing of this Act (except as hereinafter provided) and the lease dated the thirtieth day of November one thousand eight hundred and seventy-six to the Pinxton Company of the lands described in Part I. of the schedule to this Act and the obligation of the Pinxton Company to pay one pound six shillings per annum to the Midland Railway Company shall as from the passing of this Act

be as binding and of as full force and effect against or in favour of the Company (as the case may be) and may be enforced as fully and effectually as if instead of the Pinxton Company the Company had been a party thereto or bound thereby or entitled to the benefit thereof: A.D. 1914.

Provided that no contract made or entered into by the Pinxton Company after the first day of December one thousand nine hundred and thirteen and extending beyond the date of the passing of this Act or involving the Company in any liability shall be binding on or of any force or effect against or in favour of the Company unless made or entered into with the consent in writing of the Company.

13. The Pinxton Company shall pay and discharge all outgoings and liabilities and shall be entitled to all rents charges and sums of money which shall have become payable or accrued due in respect of the Pinxton undertaking prior to or on the thirtieth day of June one thousand nine hundred and fourteen and the Company shall pay and discharge all outgoings and liabilities and shall be entitled to all rents charges and sums of money which shall have become payable or accrued due or shall become payable or accrue due in respect of the Pinxton undertaking after the thirtieth day of June one thousand nine hundred and fourteen and for the purpose of giving effect to this enactment any such outgoings liabilities rents charges and sums of money shall when necessary be apportioned between the Pinxton Company and the Company and any other necessary adjustments shall be made. Provisions as to outgoings and receipts.

14. All rents and charges in connexion with the Pinxton undertaking which at the passing of this Act have accrued due shall continue in force and be due and payable and may be collected and recovered (a) by the Pinxton Company if the same shall have accrued due prior to or on the thirtieth day of June one thousand nine hundred and fourteen and (b) by the Company if the same shall have accrued due after that date. Rents and charges to continue.

15. All books and documents which if this Act had not been passed would have been evidence in respect of any matter for or against the Pinxton Company shall be admitted in evidence in respect of the same or the like matter for or against the Company. Books &c. to remain evidence.

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Officers of
Pinxton
Company to
be account-
able for
books &c.

16. All officers and persons who at the passing of this Act have in their possession or under their control any books documents papers moneys or effects forming part of the Pinxton undertaking shall be liable to account for and deliver up the same to the Company or to such persons as the Company may appoint to receive the same and subject to the same consequences on refusal or neglect as if such officers and persons had been appointed by and become possessed of such books documents papers moneys and effects for the Company.

Winding up
of Pinxton
Company.

17.—(1) From and after the passing of this Act the Pinxton Company shall subsist only for the purpose of distributing their assets and winding up their affairs and carrying into effect the purposes of this Act so far as they relate to the Pinxton Company and the directors of the Pinxton Company who are in office at the passing of this Act and the survivor or survivors of such directors shall continue without re-election to hold office and such directors or the majority of them or in the event of a liquidator of the Pinxton Company being duly appointed such liquidator shall have full power and authority to take with respect to the Pinxton Company all proceedings necessary for carrying into effect the purposes of this section.

(2) If the number of directors of the Pinxton Company be reduced by death resignation or otherwise below three before the completion of the winding up of the Pinxton Company or the appointment of a liquidator thereof the continuing directors shall from time to time appoint a person or persons who immediately prior to the passing of this Act was or were a shareholder or shareholders of the Pinxton Company to fill the vacancy or vacancies so caused.

(3) Forthwith after the passing of this Act the directors of the Pinxton Company or any such liquidator as aforesaid shall proceed to wind up the affairs of the Company in accordance with the provisions of the Companies (Consolidation) Act 1908 as amended by subsequent Acts.

Copy of Act
to be regis-
tered.

18. The Pinxton Company shall deliver to the Registrar of Joint Stock Companies a printed copy of this Act and he shall retain and register the same and if such copy is not so delivered within three months from the passing of this Act the Pinxton Company shall incur a penalty not exceeding two pounds for every day after the expiration of those three months

during which the default continues and any director or manager of the Pinxton Company who knowingly and wilfully authorises such default shall incur the like penalty Every penalty under this section shall be recoverable summarily. A.D. 1914.

There shall be paid to the Registrar by the Pinxton Company on such copy being registered the like fee as is for the time being payable under the Companies (Consolidation) Act 1908 on registration of any document other than the memorandum or the abstract required to be filed with the Registrar by a receiver or manager or the statement required to be sent to the Registrar by the liquidator in a winding up in England.

GASWORKS AND LANDS.

19. The Company may upon the lands described in Part I. of the schedule to this Act maintain alter improve extend renew and use or discontinue the gasworks and other works of the Pinxton Company now existing upon such lands and may on such lands do all such acts as may be proper for making and storing and supplying gas within the new limits and may on the said lands convert and manufacture residual products resulting from the manufacture of gas. Maintenance of gasworks.

20. The Company may upon the lands described in Part II. of the schedule to this Act construct make maintain alter enlarge and use or discontinue gasholders and other works for the storage of gas and may store gas upon such lands accordingly. Power to store gas.

21. The Company may for the purposes of their undertaking purchase or take on lease by agreement but not otherwise and may hold (in addition to the lands described in the schedule to this Act and any lands which they are authorised to acquire and hold by the Act of 1888) any lands and hereditaments within the limits of supply not exceeding in the whole five acres which the Company may from time to time require for the purposes of their works and undertaking but the Company shall not create or permit a nuisance on any such lands and no lands shall be used by the Company for the purpose of manufacturing gas or residual products except the lands described in the Second Schedule to the Act of 1888 and the lands described in Part I. of the schedule to this Act. Power to acquire additional lands by agreement.

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FINANCIAL PROVISIONS.

Power to
Company to
raise addi-
tional
capital.

22. The Company may from time to time after the first day of January one thousand nine hundred and fifteen raise (in addition to any other capital created or authorised to be created by virtue of the Act of 1888 the Order of 1903 and this Act) additional capital not exceeding in the whole ten thousand pounds by the creation and issue of new ordinary shares or stock and of new preference shares or stock or wholly or partially by any one or more of those modes respectively but the Company shall not issue any share of less nominal value than ten pounds Provided that it shall not be lawful for the Company to create and issue under the powers of this section any greater nominal amount of capital than shall be sufficient to produce including any premium which may be obtained on the sale thereof the sum of ten thousand pounds.

New shares
or stock to
be sold by
auction or
tender.

23.—(1) All shares or stock created as additional capital under the powers of this Act shall be issued in accordance with the provisions of this section.

(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 Company shall from time to time determine Provided as follows:—

(A) Notice of the intended sale shall be given in writing to the clerk of the district council of every urban or rural district wholly or partly situate in the limits of supply and to the secretary of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and shall also be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the limits of supply:

(B) A reserve price shall be fixed and notice thereof shall be sent by the Company in a sealed letter to be received by the Board of Trade not less than twenty-four hours before but not to be opened till after the day of auction or last day for the receipt of tenders as the case may be:

(c) No lot offered for sale shall comprise shares or stock of greater nominal value than one hundred pounds:

(D) In the case of a sale by tender no preference shall be given to one of two or more persons tendering the same sum and in the case of a sale by auction a bid shall not be recognised unless it is in advance of the last preceding bid : A.D. 1914.

(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 of the Company and to the consumers of gas supplied by the Company in such proportions as the Company may think fit or to one or more of these classes of persons only Provided 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) and are not sold may be again offered for sale by public auction or by tender in accordance with the provisions of this section and any such shares or stock then remaining unsold may be otherwise disposed of at such price and in such manner as the directors may determine for the purpose of realising the best price obtainable.

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

24. The additional capital created by the Company under the powers of this Act shall be part of the general capital of the Company and the new shares or stock therein and the holders thereof respectively shall in proportion to the amount of their shares or stock be entitled to the like rights of voting (except as Privileges
&c. of
holders of
additional
capital.

A.D. 1914. hereinafter provided) and any other rights qualifications and privileges and be subject to the like provisions and liabilities as the other holders of shares or stock of the same class or description.

Restriction as to votes in respect of preference capital.

25. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any shares or stock in the additional capital created under the powers of this Act to which a preferential dividend shall be assigned.

Dividends of Company limited.

26.—(1) After the thirty-first day of December one thousand nine hundred and fourteen the profits of the Company which may be divided in respect of any half year among the holders of the ordinary and preference capital of the Company shall not (except as mentioned in subsection (2) of this section) exceed the following rates (namely):—

On any preference capital issued or to be issued under the Order of 1903 the rate of five per centum per annum:

On any preference capital to be issued as additional capital under the provisions of this Act such rate (not exceeding the rate of six per centum per annum) as shall be specified in the resolution creating such stock:

On the ordinary capital issued under the Act of 1888 and on the ordinary capital issued under the provisions of this Act to the holders of shares in the Pinxton Company the rate of ten per centum per annum:

On any ordinary capital issued or to be issued under the provisions of the Order of 1903 or as additional capital under this Act the rate of seven per centum per annum.

(2) Notwithstanding the foregoing provisions of this section the respective rates of dividend of ten per centum per annum and seven per centum per annum (in this Act referred to as “the standard rates of dividend”) payable on the aforesaid classes of ordinary capital of the Company shall after the date aforesaid be subject to alteration in accordance with the provisions of the section of this Act of which the marginal note is “Price of gas Sliding scale.”

Dividends on different classes of ordinary

27. In case in any half year after the thirty-first day of December one thousand nine hundred and fourteen the net revenues of the Company applicable to dividend are insufficient

to pay the full amount of dividends at the authorised rates on each class of ordinary shares or stock in the capital of the Company a proportionate reduction shall be made in the dividends payable on each class.

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capital to be paid proportionately.

28.--(1) The Company may from time to time borrow on mortgage of the undertaking in respect of the thirty thousand pounds original capital of the Company authorised by the Act of 1888 and in respect of the seven thousand five hundred pounds ten per cent. ordinary stock created and vested by virtue of this Act in the holders of shares of the Pinxton Company any further sum or sums (in addition to the sum of seven thousand five hundred pounds already borrowed by them under the provisions of the Act of 1888) not exceeding in the whole five thousand pounds.

Power to borrow in respect of existing authorised capital.

(2) Section 8 (Additional capital) of the Order of 1903 shall be read and have effect as if the words "one-third" were inserted in subsection (2) of that section in lieu of the words "one-fourth."

29. The Company may (in addition to any moneys which they are authorised to borrow as aforesaid) from time to time subject to the provisions of this Act borrow on mortgage of the undertaking in respect of the additional capital by this Act authorised to be raised any sum or sums not exceeding in the whole one-third part of the amount which the Company have at the time actually raised by the issue of shares or stock in such additional capital but no sum shall be borrowed in respect of any amount so raised until the Company have proved to a justice of the peace before he gives his certificate under the fortieth section of the Companies Clauses Consolidation Act 1845 that the whole of the shares or stock at the time issued together with the premium (if any) realised on the sale thereof have been fully paid up.

Power to borrow in respect of additional capital.

30. Section 20 of the Order of 1903 (For appointment of receiver) is hereby repealed but without prejudice to any appointment heretofore made or to any proceedings pending at the passing of this Act and in lieu thereof the mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver and in order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for

Appointment of receiver.

A.D. 1914. a receiver is made shall not be less than one-tenth part of the whole amount for the time being owing by the Company on mortgage of the undertaking.

Debenture stock.

31.—(1) The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 and section 18 of the Act of 1888.

(2) Notice of the effect of that enactment shall be endorsed on all mortgages and certificates of debenture stock granted or issued after the passing of this Act.

(3) Section 21 (Debenture stock) of the Order of 1903 shall be read and have effect as if the words “and subject to the provisions of section 18 of the Act of 1888” were added at the end of that section.

Priority of mortgages and debenture stock over other debts.

32. All money raised or to be raised by the Company on mortgage or by the issue of debenture stock under the provisions of this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act Provided always that this priority shall not affect any claim against the Company or their property in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company which is entitled to rank in priority to or *pari passu* with the interest on their mortgages or debenture stock nor shall anything in this section affect any claim for land taken used or occupied by the Company for the purposes of the undertaking and works or injuriously affected by the construction thereof or by the exercise of any power conferred upon the Company.

Priority of principal moneys secured by existing mortgages.

33. The principal money secured by all mortgages granted by the Company in pursuance of the powers of the Act of 1888 or the Order of 1903 and subsisting at the passing of this Act shall during the continuance of such mortgages have priority over the principal moneys secured by any mortgages granted by virtue of this Act.

Borrowed money not to be converted into capital.

34. The provisions of the Companies Clauses Consolidation Act 1845 with respect to the conversion of borrowed money into capital shall cease to apply to the Company.

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

A.D. 1914.
Receipt in
case of
persons not
sui juris.

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

Application
of money.

(2) The Company may apply to any of the purposes of this Act to which capital is properly applicable any moneys which they have raised or are authorised to raise under the Act of 1888 or the Order of 1903.

SPECIAL PURPOSES AND RESERVE FUNDS &C.

37.—(1) As from the first of January one thousand nine hundred and fifteen the directors may if they think fit in any half year appropriate out of the revenue of the Company as part of the expenditure on revenue account any sum not exceeding an amount equal to one-half per centum of the paid-up capital of the Company including premiums to a fund to be called "the special purposes fund."

Power to
create a spe-
cial purposes
fund.

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

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

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

(4) The moneys forming the special purposes fund or any portion thereof may be invested in securities in which trustees are authorised by law to invest or may be applied for the

A.D. 1914. — general purposes of the Company to which capital is properly applicable or may be used partly in the one way or partly in the other.

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

Reserve fund.

38. Where in respect of any half year after the thirty-first day of December one thousand nine hundred and fourteen the dividends which may be paid by the Company on the ordinary capital shall exceed the standard rates of dividend by reason of the price charged by the Company for gas to persons who consumed the same by ordinary meter in such half year having been below the standard price then out of the amount of the divisible profits of the Company applicable to the payment of such excess of dividends the Company may in respect of such half year set apart such sum as they shall think fit and all sums (if any) so set apart by the Company may be invested in Government or other securities or may be placed on deposit at interest with the Company's bankers and the dividends and interest arising from such securities or moneys on deposit may also be invested in the same or the like securities or placed on deposit as aforesaid in order that the same may accumulate at compound interest and the fund so formed shall be called "the reserve fund" and shall be applicable to the payment of dividends in any half year in which the clear profits of the Company shall be insufficient to enable the Company in such half year to pay the dividends on the preference capital and the dividends at the authorised rates on the ordinary capital and save as in this Act provided no sum shall in any half year after the date aforesaid be carried by the Company to any reserve fund.

Application of excess of profits.

39. If the clear profits of the Company in any half year after the thirty-first day of December one thousand nine hundred and fourteen amount to a larger sum than is sufficient to pay the dividends on the preference stock and the dividends at the authorised rates on the ordinary stock the excess shall be left at the credit of the profit and loss (net revenue) account of the undertaking and be carried forward to the next following half year Provided that after such dividends have been paid the sum standing to the credit of such profit and loss (net

revenue) account shall not at any time exceed the amount required to pay one year's dividend on the preference stock and one year's dividends at the authorised rates on the ordinary stock. A.D. 1914.
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SLIDING SCALE AND PRICE OF GAS.

40. As from the first day of January one thousand nine hundred and fifteen the standard price to be charged by the Company for gas supplied by them to persons who shall burn the same by ordinary meter shall be three shillings and eightpence per one thousand cubic feet but it shall be lawful for the Company to increase or reduce the price charged by them for gas so supplied subject to a reduction or increase in the rates of dividend on the ordinary capital as follows:— Price of gas
Sliding
scale.

In respect of any half year during any part of which the price so charged by the Company shall have been one penny or part of a penny above the standard price the dividend payable by the Company shall in respect of each penny or part of a penny by which the price so charged shall have been above the standard price be reduced below the standard rate of dividend by two shillings and sixpence on every one hundred pounds of ordinary paid-up capital with a ten per centum standard rate of dividend and by one shilling and ninepence for every one hundred pounds of such capital with a seven per centum standard rate of dividend and so in proportion for any fraction of one hundred pounds;

In respect of any half year during the whole of which the price so charged by the Company shall have been one penny or more below the standard price the dividend payable by the Company may in respect of each one penny by which the price so charged shall have been below the standard price be increased above the standard rate of dividend by two shillings and sixpence on every one hundred pounds of ordinary paid-up capital with a ten per centum standard rate of dividend and by one shilling and ninepence for every one hundred pounds of such capital with a seven per centum standard rate of dividend and so in proportion for any fraction of one hundred pounds:

Provided that if in any half year the dividends payable shall comprise a fractional amount less than one-quarter per

A.D. 1914. — centum the directors may in their discretion add the same to the reserve fund or may defer the payment of such fractional amount until the payment of the next or some succeeding dividends and shall in their discretion either add such fractional amount to and pay the same with succeeding dividends accordingly or add the same to the reserve fund.

QUALITY AND TESTING.

Company to provide apparatus for testing calorific value.

41. The Company shall before the first day of January one thousand nine hundred and fifteen provide and thereafter maintain at the testing place provided under the Act of 1888 (hereinafter referred to as "the prescribed testing place") a calorimeter to be agreed upon between the Company and the urban district council of Alfreton or failing agreement to be approved by the Board of Trade which shall be so constructed as to be capable of yielding the total heat value expressed in British thermal units of the gas supplied by the Company.

Substituting standard calorific power for prescribed illuminating power.

42. As from the first day of January one thousand nine hundred and fifteen the following provisions shall have effect:—

(A) The calorific power of the gas supplied by the Company shall when tested and corrected in accordance with the provisions of the section of this Act of which the marginal note is "Provisions as to testing for calorific power" be five hundred and forty British thermal units per cubic foot of gas and that power is hereinafter referred to as "the standard calorific power":

(B) Every enactment whereby or by virtue whereof the gas supplied by the Company is required to be of a prescribed illuminating power shall cease to apply with respect to such gas:

(C) The Company shall not be liable to any penalty in respect of any deficiency in the illuminating power of the gas supplied by them.

Provisions as to testing for calorific power.

43. The following provisions shall apply with respect to the testing for calorific power of the gas supplied by the Company:—

(1) Any gas examiner appointed under the Gasworks Clauses Act 1871 may by means of the calorimeter

provided by the Company under the provisions of this Act test at the prescribed testing place at any reasonable hour the calorific power of the gas supplied by the Company but not more than one testing for calorific power shall be made on any day except in the event mentioned in subsection (7) of this section :

- (2) The Company may if they think fit on each occasion of the testing of gas under the provisions of this section be represented by some officer who shall not interfere in the testing :
- (3) The calorimeter shall be so used as to yield the total heat value of the gas which shall be developed by the complete combustion in moist (saturated) air of moist (saturated) gas and the products of combustion shall be cooled down to the temperature of the air :
- (4) Subject to the provisions of the immediately preceding subsection the testing shall be made in the mode and under the conditions for the time being prescribed by the metropolitan gas referees for testing the total heat value of gas so far as such mode and conditions are applicable :
- (5) The result obtained by means of such testing shall be expressed in terms of one cubic foot of gas and shall be corrected for a temperature of sixty degrees Fahrenheit and a pressure balanced by a column of thirty inches of mercury at the same temperature The corrected result shall be deemed to be the calorific power of the gas ascertained by the testing :
- (6) The gas examiner shall forthwith give notice to the Company at their office of any defect of calorific power ascertained by him on any testing made under this section :
- (7) In the event of the calorific power being on any testing ascertained to be below the standard calorific power by more than seven-and-one-half per centum a second testing shall be made on the same day but at an interval of not less than one hour from the time of making the first testing and the average of the two testings shall be deemed to be the calorific power of the gas on that day :

A.D. 1914.
—

(8) The gas examiner shall on the day immediately following that on which any testing has been made under this section make and deliver a report of the results of his testing to the local authority or justices by whom he was appointed and to the Company and such report shall be receivable in evidence.

Penalties
for deficient
calorific
power.

44. If on any day the calorific power of the gas supplied by the Company at the prescribed testing place is below the standard calorific power by more than seven-and-one-half per centum they shall be liable for the following penalties (that is to say):—

If the calorific power of the gas so supplied is more than seven-and-one-half per centum but not more than ten per centum below the standard calorific power two pounds:

If the calorific power of the gas so supplied is more than ten per centum but not more than twelve-and-one-half per centum below the standard calorific power a sum not exceeding five pounds:

If the calorific power of the gas so supplied is more than twelve-and-one-half per centum below the standard calorific power a sum not exceeding ten pounds for every ten per centum by which such calorific power is below the standard calorific power:

Provided that no penalty shall be incurred by the Company in any case in respect of which the gas examiner reports or it is proved that such deficiency was produced by any circumstance beyond the control of the Company. Provided further that the want of sufficient funds shall not be held to be a circumstance beyond the control of the Company.

As to
testing for
illuminating
power.

45.—(1) Notwithstanding anything in this Act the Company shall maintain and if necessary provide at the prescribed testing place a suitable photometer with a Harcourt ten-candle pentane lamp and a suitable flat flame burner for the purpose of testing the illuminating power of the gas supplied by the Company and any gas examiner appointed under the Gasworks Clauses Act 1871 may at the prescribed testing place test at any reasonable hour the illuminating power of the gas so supplied. Provided that nothing in this section shall impose any obligation on the Company to maintain any standard of illuminating power.

(2) The Company may if they think fit on each occasion of testing of gas under the provision of this section be represented by some officer who shall not interfere in the testing. A.D. 1914

(3) The gas examiner shall on the day immediately following that on which any testing under this section has been conducted make and deliver a report of the result of his testing to the Company.

MISCELLANEOUS.

46. The Company may lay down repair take up alter relay and renew mains pipes and culverts within the limits of supply 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 their business and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid so far as they are applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof. Power to lay pipes for ancillary purposes.

47. The Company may on the application of the owner or occupier of any premises within the limits of supply abutting on or being erected in any street laid out but not dedicated to public use supply such 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 Act of 1888 the Order of 1903 and this Act: Power to lay pipes in streets not dedicated to public use.

Provided that nothing in this section contained shall apply to any street or road belonging to the Midland Railway Company except as regards the maintenance repair or renewal of any main or pipe of the Company or the Pinxton Company existing at the passing of this Act in any such street or road nor shall the Company in carrying out such works unreasonably obstruct or interfere with the convenient access to any such street or road.

48. In executing any works and exercising any powers in pursuance of the Riddings District Gas Acts and Order 1888 to 1914 so far as they affect main roads and county bridges of the administrative county of Nottingham the following provisions for the protection of the county council of the said county (in this section called "the county council") shall unless otherwise For protection of Nottinghamshire County Council.

A.D. 1914. agreed in writing between the county council and the Company apply and have effect (that is to say):—

- (1) The notices required by section 8 of the Gasworks Clauses Act 1847 incorporated with this Act shall (except in cases of laying connecting or repairing consumers' service pipes when not less than three clear days' notice shall be given and except in cases of emergency when as long notice as reasonably practicable shall be given) be not less than seven clear days instead of three clear days:
- (2) Except in cases of emergency and except when the works consist of service pipes the plans required by section 9 of the Gasworks Clauses Act 1847 shall be accompanied in the case of a county bridge by a section and in the case of a main road by a description of the proposed works and shall be delivered to the county council or their surveyor by the Company not less than in the case of a bridge or the approaches thereto fourteen days and in all other cases seven days before the Company commence to open or break up any such bridge or main road and if the county council or their surveyor shall not within the period of fourteen days or seven days as the case may be after the plans and section or description have been delivered to the county council express their or his disapproval or signify their or his requirements in relation thereto the county council shall be deemed to have approved thereof:
- (3) The Company shall not in the construction or maintenance of the said works or the exercise of the said powers without the previous consent in writing of the county council under the hand of their clerk interfere with the structure of any county bridge or approach repairable by or under the control of the county council:
- (4) All works (not being service pipes) to be laid or constructed in along or across any main road or in upon or across any county bridge or approach shall be constructed or laid in such position in or at the side thereof and if under the metalled portion thereof at such depth as the county council shall by writing under the hand of their surveyor reasonably direct:

(5) All works shall be executed so as not to stop or unreasonably interfere with the traffic over or along any main road or county bridge or approach and the Company shall not without the consent of the county council under the hand of their surveyor open or break up at any one time a greater consecutive length of such road bridge and approach than one hundred yards nor shall such openings or breakings up be carried out without leaving where reasonably practicable a clear space of one hundred yards between consecutive openings or breakings up unless with the like consent. Provided that such consent shall not be unreasonably withheld and if any difference of opinion shall arise between the Company and the county council as to whether any works proposed by the Company will unreasonably interfere with the traffic over or along any main road county bridge or approach or as to the withholding of any such consent as aforesaid such difference shall be referred to and determined by arbitration as hereinafter provided:

(6) The Company shall be liable for and indemnify the county council against all damage that may be incurred by the county council consequent upon the neglect or omission by the Company to comply with the provisions of the Acts relating to the Company or consequent upon any defects in any of the works of the Company:

(7) The Company shall fill in and properly ram to the satisfaction of the surveyor of the county council any trench or excavation made by them in any main road including the roadway over any county bridge and approach in the execution or in the repair of any of the works of the Company and after they have done so the county council shall make good pave or repair the surface of the main road and for the works so carried out by the county council the Company shall in respect of the area of the trench or excavation where the same is situate under the metalled surface of any road on demand pay to the county council an amount calculated at the price or rate of two shillings and sixpence per square yard in the case of a road made of granite or tar macadam

A.D. 1914.

and of one shilling and sixpence per square yard in the case of a road made of slag which amount shall be recoverable as a debt due from the Company to the county council. Provided that if the county council do not make good and pave or repair the surface of such main road with all reasonable despatch after the Company shall have filled in and rammed any such trench or excavation the Company may notwithstanding the provisions of this subsection reinstate and make good the road in accordance with the provisions of the Gasworks Clauses Act 1847 and in that event the Company shall not be liable to make any payment to the county council under the provisions of this subsection. Provided also that if the county council make any delay in completing the making good and paving or repairing of such road in accordance with the provisions of this subsection the county council shall indemnify the Company against all costs charges expenses and penalties to which they may become liable by reason of such delay or failure:

- (8) The Company shall on demand pay to the county council the reasonable additional costs which the county council may incur in the repair and reinstatement of so much of any main road including the roadway over any county bridge and approach as may be injured or damaged by reason of the traffic being concentrated thereon during the construction alteration or repair of any of the works of the Company or any part or parts thereof or by reason of the passage of the traffic of the Company or their contractors or servants:
- (9) No claim shall be made against the county council for damage to any works of the Company unless the Company shall within forty-eight hours of the discovery of such damage have given written notice thereof to the county council or their surveyor and shall have given such surveyor a reasonable opportunity and facilities for inspecting such works:
- (10) Nothing in this Act contained shall in any way limit or affect the powers of the county council to divert improve alter widen or reconstruct any main road or

to remove alter widen or rebuild any county bridge or approach in alongside or near to which any works of the Company are laid in the same manner as they might have diverted improved removed altered widened reconstructed or rebuilt any such main road county bridge or approach if this Act had not been passed and in the event of any such road bridge or approach in alongside or near to which any such works are laid being diverted improved removed altered widened reconstructed or rebuilt as aforesaid the Company shall within such reasonable time as the surveyor of the county council may prescribe alter such works to such position as he may reasonably fix and replace the same to his reasonable satisfaction Provided that before such diversion improvement removal alteration widening reconstruction or rebuilding of any such main road county bridge or approach shall be commenced the county council shall (except in case of emergency) give twenty-one days' notice in writing to the Company of their intention to carry out such works and if in order to avoid interruption to the supply of gas by the Company it is in the opinion of such surveyor necessary to temporarily remove any works belonging to the Company from such bridge or main road then the Company shall (and they are hereby authorised so to do) temporarily carry their works across such bridge or by the side of such main road in such manner as will not be a danger or inconvenience to the public or unreasonably interfere with the works to be carried out by the county council:

Provided further that in the case of (a) the removal alteration widening or rebuilding of any county bridge or approach thereto which is required solely for the accommodation of any trolley vehicle system or motor omnibus service of the county council or any light railway or tramway belonging to or worked by the county council and (b) the diversion improvement alteration widening or reconstruction of any main road the county council shall repay to the Company any expenses reasonably incurred by the Company in complying with any requirements of the said surveyor under this subsection or in

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temporarily carrying their works across such bridge or by the side of such main road:

- (11) If any difference shall arise between the county council and the Company under this section such difference shall be settled by an engineer as arbitrator to be agreed upon between the county council and the Company or failing agreement to be appointed by the President of the Institution of Civil Engineers on the application of either party and subject thereto the provisions of the Arbitration Act 1889 shall apply to such arbitration.

For protec-
tion of
Basford
Rural Dis-
trict Council.

49. The provisions of the section of this Act of which the marginal note is "For protection of Nottinghamshire County Council" shall with any necessary modifications apply and extend for the benefit of the rural district council of Basford as though the expression "the county council" meant the said rural district council and the respective expressions "main roads" and "county bridges" meant respectively roads and bridges vested in and repairable by that council.

For protec-
tion of
Derbyshire
County
Council.

50. Notwithstanding anything contained in this Act the Act of 1888 and the Order of 1903 the following provisions for the protection of the county council shall (unless otherwise agreed) apply and have effect (that is to say):—

- (1) In this section—

The expression "the county council" means the county council for the administrative county of Derby;

The expression "any main road" means any road which is for the time being a main road vested in the county council;

The expression "any county bridge" means any bridge which is for the time being a county or main road bridge and includes the approaches to any such bridge vested in the county council;

The expression "the Company's Acts" means the Act of 1888 the Order of 1903 and this Act;

The expression "the county surveyor" means the surveyor for the time being of the said county and includes any person duly authorised to discharge temporarily the duties of that office:

- (2) All mains or pipes to be laid by the Company after the passing of this Act under any of the Company's Acts in or along any main road or in upon or across any county bridge shall where reasonably practicable be laid in such a position in such road or at the side thereof and at such depth as the county council shall by writing under the hand of the county surveyor reasonably direct :
- (3) The surplus paving metalling or materials removed during the laying of any mains pipes or other works to be laid as aforesaid shall not be placed on the metalled portion of the road without the written consent of the county surveyor and subject to such conditions and directions as he may reasonably require or give :
- (4) All surplus paving metalling or materials removed during the laying of any such mains pipes or works after the passing of this Act on any main road or in upon or across any county bridge and not required by the Company for the purpose of reinstating and making good the road or bridge may be used by the county council for the maintenance and repair of any main or other road in the county and the Company shall on receiving notice from the county surveyor forthwith remove the same to such place or places not more than one mile from the place of excavation as the county surveyor may direct and if the Company fail to do so the county surveyor may remove the same but the county council shall repay to the Company any expenses which the Company may reasonably incur in complying with any directions of the county surveyor under this subsection :
- (5) The notice required by section 8 of the Gasworks Clauses Act 1847 shall (except for the laying connecting or repairing of consumers' service pipes as to which three days' notice shall be given and except in cases of accidental leakage or burst or other emergency in which case the longest reasonably practicable notice shall be given) be not less than seven days instead of three days :
- (6) The plan required by section 9 of the said Act shall except in cases of emergency and except when the works relate to service pipes be accompanied by a

A.D. 1914.

description of the proposed works in the case of any main road and by a section in the case of any county bridge and shall be delivered to the county council or the county surveyor by the Company not less than in the case of a county bridge or the approaches thereto fourteen days and in all other cases seven days before they commence to open or break up any main road or interfere with any county bridge for the purpose of executing the works :

- (7) Nothing in the Company's Acts shall authorise the Company to interfere with the structural part of any county bridge without the consent in writing of the county council or the county surveyor which consent shall not be unreasonably withheld and may be given upon such conditions as the county council may reasonably determine :
- (8) Nothing in the Company's Acts shall interfere with the right of the county council to alter the level of or deviate or improve in any manner they think fit any main road in or along which any mains pipes or works of the Company shall have been laid in the same manner as they might have altered deviated or improved such road if the Company's Acts had not been passed and in the event of any such alteration deviation or improvement being intended by the county council the Company shall at the reasonable expense of the county council with all convenient speed on receiving ten days' notice (or shorter in cases of emergency) in writing under the hand of the county surveyor so to do alter the position of any such mains pipes or works in the manner and to such extent as such notice may reasonably prescribe and to the satisfaction of the county surveyor Provided that the county council shall afford all reasonable facilities to the Company for such alteration Provided also that during the alteration deviation or improvement of such main road the county council shall afford all reasonable facilities for temporarily carrying or supporting such mains pipes or works along the main road so as not to interrupt the continuous supply of gas or to diminish the pressure of such supply through such mains pipes or works :

(9) Nothing in the Company's Acts shall interfere with the right of the county council at any time or times to remove alter widen reconstruct or rebuild any county bridge over near or attached to which any mains or pipes of the Company are carried in the same manner as they might have removed altered widened reconstructed or rebuilt such bridge if the Company's Acts had not been passed and in the event of any county bridge over or near or attached to which any such mains or pipes are laid being removed altered widened reconstructed or rebuilt as aforesaid the Company shall alter the position of such mains pipes and any works by which the same are carried over or near or attached to any such bridge as aforesaid to the satisfaction of the county surveyor Provided that the county council shall afford all reasonable facilities to the Company for such alterations Provided also that during such removal alteration widening reconstruction or rebuilding of any county bridge as aforesaid the county council shall afford all reasonable facilities for temporarily carrying such mains or pipes across the stream river or other place over which such bridge is carried so as not to interrupt the continuous supply of gas or to diminish the pressure of such supply through such mains or pipes Provided that all expenses reasonably incurred in altering the position of any such mains pipes and works shall where the same had been lawfully laid or constructed by the Company prior to the passing of this Act be borne by the county council but in all other cases shall be borne by the Company Provided further that if the removal alteration widening reconstruction or rebuilding of any such bridge is required solely for the accommodation of any trolley vehicle system or motor omnibus service of the county council or any light railway or tramway belonging to or worked by the county council then the county council shall in any event repay to the Company any expenses reasonably incurred by the Company in complying with any requirements of the county surveyor under this subsection and the facilities to be provided by the county council as aforesaid shall be afforded at the expense of the county council:

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- (10) All works of the Company so far as they affect any main road or county bridge shall be so executed by the Company as not to stop the traffic and so far as reasonably practicable as not in any way to impede or interfere with the traffic on any main road or over any county bridge and the Company shall not without the consent of the county surveyor open or break up at any one time a greater continuous length than one hundred yards of any main road nor more than fifty yards where there is only sufficient room for one cart to pass nor in the latter case shall such openings or breakings up be carried out without leaving where reasonably practicable a clear space of one hundred and fifty yards between consecutive openings or breakings up unless with the consent of the county surveyor and where any material or soil from any works trenches or excavations in any main road is deposited upon the metalled portion of the main road such material or soil shall be so placed as the county surveyor may reasonably direct Provided always that where reasonably practicable at least twelve feet of metalled road shall be kept clear for the use of the public :
- (11) The Company shall fill in and properly ram and make solid to the satisfaction of the county surveyor any trench or excavation made by them in any main road in the execution or in the repair of any works for the supply of gas and after they have done so the county council shall make good pave or repair the surface of the main road and in respect of the work so done by the county council the Company shall in respect of the area of the trench where such trench passes under the metalled surface of any main road on demand pay to the county council an amount calculated at the price or rate of two shillings and sixpence per square yard in the case of a road made of granite or tar macadam and of one shilling and sixpence per square yard in the case of a road made of slag or limestone and in the case of any other material or of trenches over footpaths or in the unmetalled portions of the road such expense as the county council may reasonably incur in the restoration of the surface :

Provided that if the county council do not make good and pave or repair the surface of such main road with all reasonable despatch after the Company shall have filled in and rammed any such trench or excavation the Company may notwithstanding the provisions of this subsection reinstate and make good the road in accordance with the provisions of the Gasworks Clauses Act 1847 and in that event the Company shall not be liable to make any payment to the county council under the provisions of this subsection. Provided also that if the county council make any delay in completing the making good and paving or repairing of such road in accordance with the provisions of this subsection the county council shall indemnify the Company against all costs charges expenses and penalties to which they may become liable by reason of such delay or failure:

- (12) The Company shall repay to the county council all reasonable expenses necessarily incurred or paid by the county council in the repair and reinstatement of so much of any main road or of the road over any county bridge in which the mains or pipes of the Company are or may be laid as may be damaged by reason of the traffic being concentrated thereon during the laying alteration renewal or repair of the said mains or pipes:
- (13) All costs charges amounts and expenses payable by the Company to the county council or by the county council to the Company under the provisions of this section shall be recoverable as a debt due from the Company to the county council or from the county council to the Company as the case may be:
- (14) The county council shall not except in case of their negligence be liable for or in respect of any damage or injury to any mains pipes connexions meter boxes manholes stopcocks or other property of the Company laid or fixed after the passing of this Act in or upon the metalled portion of any main road or any county bridge arising from the ordinary use by the county council of a steam or other roller or traction engine not exceeding fifteen tons in weight. Provided always that nothing in this subsection shall be deemed to

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imply that any such liability exists in respect of any mains pipes connexions meter boxes manholes stopcocks or other property of the Company laid or fixed before the passing of this Act and the liabilities (if any) in respect of such last-mentioned property of the Company shall not be affected by this subsection :

- (15) If any difference arises between the county council or the county surveyor and the Company touching this section or anything to be done or not to be done thereunder or the giving or withholding of any consent or the conditions of giving the same or any direction such difference shall be settled by arbitration by an engineer to be agreed upon between the county council and the Company and failing agreement to be appointed by the President of the Institution of Civil Engineers on the application of either party and the Arbitration Act 1889 shall apply to any such arbitration.

For protection of
Great
Northern
Railway
Company

51. The following provisions for the protection of the Great Northern Railway Company (hereinafter called "the railway company") shall unless with the previous consent of the railway company in writing apply and have effect:—

- (1) All mains and pipes laid or proposed to be laid by the Company under the powers of this Act over or under any bridge of the railway company shall be carried over or under the same in such a way as not to interfere with the structure of any such bridge and all other mains and pipes laid or proposed to be laid or maintained by the Company under the powers of this Act which shall cross any railway of the railway company shall be carried under the same in a culvert or culverts of sufficient dimensions to admit of such mains and pipes being relaid or repaired without interference with the railway the top of any such culvert in no case being nearer the bottom of the rails of the railway than three feet :
- (2) In laying and maintaining any mains pipes culverts or other works over upon or across or under any work or property of the railway company the Company shall with all reasonable despatch execute and

maintain their works under the directions and superintendence and to the reasonable satisfaction of the engineer of the railway company and at such times as he shall reasonably direct and (except in cases of emergency arising from defects in any of the mains pipes culverts and other works) in accordance with plans sections and specifications to be previously submitted to and approved by the said engineer or in case he shall not signify his approval thereof within twenty-eight days after the same shall have been so submitted then according to such plans sections and specifications as may be approved by an arbitrator to be appointed under subsection (5) of this section and the Company shall pay and make good to the railway company all loss damages and expenses including all extra expenses of superintendence watching lighting signalling and protecting their property which the railway company shall sustain or be put to by or in consequence of the laying maintenance or user of the said mains pipes culverts and other works or by or in consequence of the bursting of or any other accident to any main or pipe of the Company Provided always that if the said engineer shall refuse or neglect for the space of seven days (or in cases of emergency forthwith) after being requested so to do by the Company to superintend any of the works in this section referred to the Company may proceed with such works without the superintendence of the said engineer :

- (3) If at any time it is found necessary in order to enable the railway company to carry out any alterations or extensions of their railway or works that the position of such mains pipes or culverts shall be altered the Company shall on receiving notice in writing from the railway company so to do at the cost of the Company with all reasonable despatch alter the position of the same so far as may be necessary to enable the railway company to carry out such alterations or extensions and the provisions of this section shall apply to the said mains pipes or culverts in their altered position :

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(4) If the railway company give to the Company notice that they themselves desire to construct so much of the works or to carry out so much of the alterations of such mains pipes or culverts as will affect any railway or work belonging to them the railway company may themselves execute such works and alterations and recover the reasonable cost thereof from the Company Provided that the actual laying in the trenches and the jointing of any mains or pipes of the Company shall be executed by the Company if the Company's engineer so desires :

(5) Any difference arising between the Company and the railway company under this section shall be determined by an engineer to be appointed failing agreement by the Board of Trade and the provisions of the Arbitration Act 1889 shall apply to any such reference.

For protection of Midland Railway Company.

52. The provisions of section 25 of the Order of 1903 shall so far as the same are applicable apply to works to be hereafter executed by the Company in the new limits where such works will or will be likely to affect injuriously any railway or canal or any part of the works or property of the Midland Railway Company.

Company may contract for supply in bulk.

53. The Company may contract with any local authority company or persons authorised to supply gas under Parliamentary powers in any district adjacent to the limits of supply for the supply to them respectively of gas in bulk upon such terms and conditions and for such period not exceeding in any case seven years from the making of the contract as may be agreed upon but nothing in this section shall authorise the Company to lay any mains or interfere with any street beyond the limits of supply.

Charge for gas supplied by means of prepayment meters.

54.—(1) The Company may demand for any gas supplied through a prepayment meter a not greater charge than for gas supplied to private consumers within the limits of supply through any other kind of meter or by any other method of supply.

(2) The charge for the hire of any prepayment meter and fittings to be used therewith shall be a sum of money calculated according to the quantity of gas supplied through the prepayment meter and the maximum charge shall be at the rate

of tenpence per one thousand cubic feet supplied in manner aforesaid such sum to include the hire of meter and the fittings used therewith or at the rate of one shilling per one thousand cubic feet if such fittings include a cooking stove. A.D. 1914.

(3) The charge for the hire of any prepayment meter without fittings shall be a sum of money calculated according to the quantity of gas supplied through the prepayment meter and the maximum charge shall be at the rate of sixpence per one thousand cubic feet supplied in manner aforesaid or at the rate of ten per centum per annum on the cost of the meter whichever shall be the higher.

(4) The said charges shall include the providing letting fixing repairing and maintenance of the meters and fittings or of the meters (as the case may be) and the cost of collection and other costs incurred by the Company in connexion therewith.

(5) For the purpose of this section the expression "prepayment meter" means any meter or appliance by which the quantity of gas supplied is regulated according to the amount of money prepaid therefor.

55. Notwithstanding anything contained in the Gasworks Clauses Act 1871 or any other Act a person shall not be entitled to demand from the Company a supply or the continuance of a supply of gas for premises having a supply of gas from an installation other than that of the Company or a supply of electricity unless he shall have previously agreed to pay to the Company such minimum annual sum as will give to them a reasonable return on the capital expenditure and standing charges incurred by them to meet the possible maximum demand for those premises and the minimum annual sum to be so paid shall be determined in default of agreement by arbitration in manner provided by the Arbitration Act 1889. Supply of gas when consumer has separate supply.

56. In order to enable the Company to ensure a satisfactory supply of gas to their consumers the following provisions shall have effect:— As to construction and placing of pipes &c. between mains and meters.

(1) The Company may specify the size and material of the pipes with the fittings thereof which are to be laid by the consumer on his own premises either in the first instance or on the occasion of any renewal between the Company's mains and the meter so far as the same are intended to be covered over:

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- (2) The Company may if they think fit make different specifications for different classes of premises having regard to the probable maximum consumption of gas thereon at any one time:
- (3) The specification shall be published twice in some newspaper circulating within the limits of supply and a copy thereof shall be kept exhibited in the office of the Company:
- (4) Every meter to be used in a new building or a building not previously supplied with gas or in connexion with a new or substituted pipe laid by the consumer between the main and the consumer's meter shall be placed as near as reasonably practicable to the Company's main but within the outside wall of the building:
- (5) When any such pipe or meter as aforesaid has been laid or placed notice thereof shall be given to the Company and the pipe shall not be covered over until after the expiration of twenty-four hours from the service of such notice on the Company Any officer of the Company duly appointed may between nine o'clock in the morning and five o'clock in the afternoon attend and inspect such pipes (with their fittings) and meter and if the officer is not permitted to make the inspection or if the pipes or fittings are not according to the Company's specification or if the meter is not placed as required by this section the Company may refuse to supply gas to the premises until the provisions of this section have been complied with:
- (6) Any person to whom the Company refuses a supply of gas under the provisions of this section may appeal to a petty sessional court against such refusal and the court may after hearing the parties and considering any questions as to the reasonableness of the Company's specification make such order as seems to them proper in the circumstances and may order by which of the parties the costs of and incident to the appeal shall be paid.

Power to enter premises and remove fittings.

57. The power to enter premises and to remove pipes meters fittings or apparatus conferred upon the Company by section 22 of the Gasworks Clauses Act 1871 shall extend to all cases in which any person entering into 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 from the Company all or any of the pipes meters fittings or apparatus belonging to the Company and let by them on hire to any former occupier of such premises.

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58.—(1) In any case in which the Company are by virtue of any enactment relating to the 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 :

As to mode of cutting off supplies.

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

59. In any case in which in consequence of any default on the part of the occupier of any premises the Company shall have cut off the supply of gas to such premises (whether under the existing powers of the Company or under the powers conferred by this Act) and the occupier so in default shall desire to resume such supply he shall pay to the Company the 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 paid such expenses.

Occupiers to pay expenses of re-connecting disconnected supply.

60. In the event of any meter used by a consumer of gas being tested in manner provided by the Sale of Gas Act 1859 and being proved to register erroneously within the meaning of the said Act such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter The amount of the allowance to be made to or

Period of error in defective meters.

A.D. 1914. of the surcharge to be made upon the consumer by the Company shall be paid by or to the Company to or by the consumer as the case may be and shall be recoverable in the like manner as gas charges are recoverable by the Company.

Power to directors to determine remuneration of secretary.

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

Gas consumers to give notice to Company before removing.

62. At least twenty-four hours' notice shall be given to the Company by every gas consumer either personally at the office of the Company or in writing before he shall quit any premises supplied with gas by meter by the Company and in default of such notice the consumer so quitting shall be liable to pay to the Company the money accruing due in respect of such supply up to the next usual period 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.

Notice to discontinue supply of gas.

63. A notice to the Company from a consumer for the discontinuance of a supply of 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.

Authentication and service of notices by Company.

64. Any notice to be served by the Company on a person supplied with 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 gas or gas fittings or appliances by the name either of the secretary or 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. A.D. 1914.

65. Proceedings for the recovery of any demand made under the authority of the Act of 1888 the Order of 1903 or this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter Provided that the demand does not exceed the amount recoverable in that court in a personal action. Recovery of demands.

66.—(1) The following sections of the Act of 1888 are hereby repealed (that is to say):— Repeal of certain sections of Act of 1888 and Order of 1903.

Section 16 (As to conversion of borrowed money into capital);

Section 45 (Notice of discontinuance);

Section 48 (Period of error in defective meters);

Section 49 (Liability to gas rent &c. not to disqualify justice &c.);

Section 50 (Contents of summons &c.);

Section 51 (Costs of distress);

Section 52 (Penalties not cumulative).

(2) As from the first day of January one thousand nine hundred and fifteen the following further sections of the Act of 1888 and the Order of 1903 shall be by virtue of this Act repealed (that is to say):—

Act of 1888—

Section 38 (Price of gas);

Section 40 (Quality of gas);

Section 42 (Burner):

Order of 1903—

Section 16 (Limits of dividends on new capital);

Section 17 (Dividends on different classes of shares or stock to be paid proportionately).

67. Nothing in this Act shall exempt the Company or their undertaking from the provisions of any general Act relating to the supply of gas which may be passed in this or any future session of Parliament. Saving as to general Acts.

68. 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. Costs of Act.

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The SCHEDULE referred to in the foregoing Act.

PART I.

LANDS FOR THE MANUFACTURE OF GAS.

Lands in the parish of Pinxton in the rural district of Blackwell on which the existing gasworks of the Pinxton Company are situate and being the property numbered on the Ordnance map scale $\frac{1}{25100}$ (2nd edition 1900) 313 in the said parish.

PART II.

LANDS FOR THE STORAGE OF GAS.

A triangular plot of land in the parish of Selston in the rural district of Basford abutting on the eastern side of the public road known as Beaufit Lane being part of the enclosure numbered on the Ordnance map scale $\frac{1}{25100}$ (2nd edition 1900) 1 in the said parish of Selston containing by admeasurement 1562 square yards or thereabouts and lying between Beaufit Lane and the boundary of the said parish of Selston and an imaginary straight line drawn from a point on the eastern side of Beaufit Lane 63 yards or thereabouts south-westwards of the point of intersection of the said eastern side of Beaufit Lane and the said parish boundary to a point on the said parish boundary 57 yards or thereabouts southwards of the said point of intersection.

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