



CHAPTER clvii.

An Act to extend and define the limits of supply of the Hayward's Heath District Gas Company to provide for the conversion of the existing capital of the Company and to confer further powers upon the Company. A.D. 1914.

[7th August 1914.]

WHEREAS by the Hayward's Heath Gas Act 1895 (hereinafter referred to as "the Act of 1895") the Hayward's Heath District Gas Company (hereinafter referred to as "the Company") were incorporated and authorised to supply gas in the limits defined in section 4 of that Act:

And whereas the population within such limits has increased and parts thereof have been constituted urban districts and the demand for gas within such limits and the parishes and places adjacent thereto has increased and it is expedient that the limits of the Company for the supply of gas be extended and defined as in this Act provided:

And whereas by the Act of 1895 the original capital of the Company was fixed at six thousand pounds divided into six hundred shares of ten pounds each and entitled to a dividend of ten per centum per annum subject to reduction or increase in accordance with the terms of that Act and the Company were authorised to raise twenty-four thousand pounds additional capital by the creation and issue of new shares or stock entitled to a dividend of seven per centum per annum subject to reduction or increase as aforesaid:

And whereas the whole of the shares in the original capital are fully paid up and in exercise of the aforesaid powers of raising additional capital the Company have issued one thousand four hundred and sixty-four further shares of ten pounds each

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A.D. 1914. which are all fully paid up and have received nine thousand three hundred and sixty pounds by way of premium thereon:

And whereas by the Act of 1895 the Company were empowered to borrow sums amounting in the aggregate to six thousand pounds and in exercise of such powers the Company have borrowed the sum of two thousand five hundred pounds by the issue of debenture stock but have not borrowed any money on mortgage:

And whereas it is expedient that the original and additional capital of the Company authorised by the Act of 1895 be converted into stock in the manner and subject to the provisions hereinafter contained and that the Company be authorised to raise further capital for the purposes of this Act and of their undertaking:

And whereas it is expedient that further powers be conferred upon the Company and other provisions be enacted with reference to the Company and their undertaking as in this Act provided:

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:—

Short title.

1. This Act may be cited as the Hayward's Heath Gas Act 1914.

Incorporation of general Acts.

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 1895 and this Act are hereby incorporated with this Act (namely):—

The Gasworks Clauses Act 1847 (except sections 30 to 34)
Provided that—

(1) Section 13 shall be read as if the words "or any premises" were inserted after the words "private building" and as if the words "Provided 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; and

(2) Section 35 shall in and for the purposes of this Act and of its application to the Company 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 rate of dividend or such rate reduced or increased in accordance with the provisions of this Act: A.D. 1914.

The Gasworks Clauses Act 1871:

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 consolidated ordinary stock and preference stock created by virtue of or under the powers of this Act:

Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts.

3. In this Act—

Interpreta-
tion.

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

The expression "the Act of 1895" means the Hayward's Heath Gas Act 1895;

The expression "the undertaking" means the undertaking of the Company under the Act of 1895 and this Act;

The expression "the limits of supply" means the limits of the Act of 1895 and this Act as defined by the section of this Act of which the marginal note is "Limits of supply";

The expression "the inner area" means so much of the limits of supply as is situate within the circumference of a circle drawn with a radius of two miles from the northernmost point of the site of the Company's gasworks described in Part I. of the schedule of the Act of 1895;

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The expression "the middle area" means so much of the limits of supply as lies between the aforesaid circumference and the circumference of a circle drawn with a radius of three miles from the point aforesaid;

The expression "the outer area" means so much of the limits of supply as lies outside the last hereinbefore mentioned circumference;

The expression "the Balcombe Company" means the Balcombe Gas Company Limited;

The expression "the Cuckfield Company" means the Cuckfield Gas Company Limited.

LIMITS OF SUPPLY.

Limits of supply.

4.—(1) From and after the passing of this Act the limits of the Act of 1895 and this Act shall comprise the urban districts parishes and portions of parishes all in the county of East Sussex hereinafter mentioned (that is to say):—

The urban district of Hayward's Heath:

The urban district of Cuckfield:

In the rural district of Cuckfield—

The parishes of Slaugham Bolney Cuckfield Rural Balcombe Ardingly Lindfield and Horsted Keynes including the detached portions of the parishes of Clayton and Keymer situate and lying within the said parish of Cuckfield Rural and described on the ordnance map (scale six inches to one mile edition of 1912) as Clayton detached No. 2 and Keymer detached No. 2 and the detached portion of the parish of Hurstpierpoint situate and lying between the respective parishes of Bolney and Cuckfield Rural; and

So much of the detached portion of the parish of Keymer which is described on the said ordnance map as Keymer detached No. 1 as lies to the north of the Vale Bridge Brook:

In the rural district of East Grinstead—

The parish of West Hoathly (including the detached portion thereof):

In the rural district of Chailey—

The parish of Chailey except the detached portion thereof which lies to the southwards of the parish of East Chiltington and is described on the said ordnance map as Chailey detached No. 2;

The parish of Wivelsfield except the portion thereof which is situate within the limits of the Burgess Hill and St. John's Common Gas Act 1903 that is to say within a distance of one and a half miles from the north-west corner of St. John's Church Burgess Hill;

The portion of the parish of Ditchelling (otherwise Ditchling) which lies to the north-east of a line drawn parallel to and at a distance of half a mile south-westwards of the Keymer branch railway of the London Brighton and South Coast Railway Company except such part thereof as is situate within the said limits of the Burgess Hill and St. John's Common Gas Act 1903; and

The respective portions of the parishes of Westmeston Streat (otherwise Street) Plumpton and East Chiltington which lie to the north-east of a line drawn as aforesaid parallel to and at a distance of half a mile south-westwards of the said branch railway:

Provided that—

- (i) Unless and until the Company shall have purchased and acquired the undertaking of the Cuckfield Company the Company shall not without the consent in writing of the urban district council of Cuckfield and the Cuckfield Company under their respective common seals supply gas within any portion of the urban district of Cuckfield save and except that portion wherein the gas mains of the Company are already laid in the roads; and
- (ii) If the urban district council of Cuckfield shall at any time before the purchase by the Company of the undertaking of the Cuckfield Company themselves undertake to supply gas throughout the whole or any part of their district the Company shall not be deemed to be a company authorised by or in pursuance of any Act of Parliament to supply gas within the urban district of Cuckfield within the

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meaning of section 161 of the Public Health Act 1875 but nothing herein contained shall prejudice or affect the powers conferred upon the Company by subsection (2) of this section.

(2) It shall be lawful (A) for the Company to retain and maintain their existing mains pipes and works in the urban district of Cuckfield and to supply gas therefrom in the portion of that urban district wherein such existing mains are laid and to use such existing mains and lay down and maintain new mains in the urban district of Cuckfield for the purpose of affording a supply of gas to any parts of the limits of supply other than that urban district Provided that the Company shall not lay down any new mains along the road between Butlers Green and Broad Street or along Broad Street and London Lane or the portion of the High Street of Cuckfield which lies between Union Lane and the gates of Cuckfield Park except with the consent in writing of the urban district council of Cuckfield and of the Cuckfield Company Provided also that the laying down and maintaining by the Company of any new mains in the urban district of Cuckfield under this subsection shall not be used to the prejudice of the Cuckfield Company in any arbitration proceedings in the event of their undertaking being purchased by the Company and (B) for the urban district council of Cuckfield (if they shall themselves undertake the supply of gas throughout the whole or any part of their district before the purchase by the Company of the undertaking of the Cuckfield Company) to lay mains and to supply gas therefrom in the same roads or portions of roads (being roads situate in their district or such part thereof as aforesaid as the case may be) in which the Company's mains now exist or may hereafter be laid.

(3) The Company may continue maintain and use any mains pipes and other works laid down or constructed before the commencement of this Act within the limits of supply or any part thereof (but subject as regards mains in the urban district of Cuckfield to the foregoing provisions of this section) and any mains pipes and works purchased under the provisions of the section of this Act of which the marginal note is "For protection of Balcombe Gas Company Limited" as if the same had been laid down or constructed by them under the powers of the Act of 1895 or this Act and the provisions of the Act of 1895 and this Act and the Acts incorporated therewith respectively shall

apply to the said mains pipes and works in all respects as if the same had been laid down or constructed under the authority of the Act of 1895 or this Act. A.D. 1914.

5.—(1) In this section the expression “the parish” means the parish of Balcombe in the rural district of Cuckfield except the detached part of that parish lying to the north of the parish of Cuckfield Rural and to the north-east of the parish of Slaugham the expression “the Order” means the Balcombe Petrol Gas Order 1914 and the expression “petrol gas” means petrol vapour mixed with air. For protection of Balcombe Gas Company Limited.

(2) For the protection of the Balcombe Company the following provisions shall have effect:—

(A) If and so long as the Balcombe Company supply petrol gas within the parish under the provisions of the Order the price to be charged by the Company for gas supplied by them under the provisions of this Act to consumers within the parish shall be equal to the highest price for the time being charged by the Company for gas supplied by them for similar purposes within the area of which the part of the parish in question is situate or if no gas is being supplied within such area other than the gas supplied within the parish then the maximum price which the Company are entitled for the time being under the provisions of this Act to charge in the area in question and the gas so supplied by the Company as aforesaid shall not be supplied on terms or subject to conditions more favourable than those obtaining in the inner area either as to supply of meters fittings or otherwise howsoever:

(B) If the Balcombe Company shall within one year after the passing of this Act give to the Company notice in writing that they require the Company to purchase the plant mains connections and fittings belonging to the Balcombe Company and used by them for the purposes of their undertaking under the Order the Company shall on the expiration of one month after receipt of such notice purchase such plant mains connections and fittings at cost price less depreciation if any and in case of any dispute as to the amount to be paid to the Balcombe Company such amount shall be determined by an arbitrator to be appointed

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on the application of either party by the Board of Trade and subject thereto in accordance with the provisions of the Arbitration Act 1889 Provided that such arbitrator shall not award any sum in respect of any plant mains connections or fittings laid constructed or ordered after the twenty-sixth day of June one thousand nine hundred and fourteen except to meet a reasonably probable demand for a supply of petrol gas.

(3) From and after the completion of such purchase the Company shall continuously supply gas or petrol gas under the provisions of this Act or of the Order within the parish to at least so much thereof as was being supplied by the Balcombe Company at the time of purchase and the Balcombe Company shall cease to supply petrol gas or any other gas within the parish.

Provision in case of mains not being laid down within a limited period.

6. If at any time after the expiration of five years from the passing of this Act the Company have not laid down mains for the supply of gas within any parish in the rural district of Cuckfield mentioned in the section of this Act of which the marginal note is "Limits of supply" so far as such parish is included under the provisions of this Act within the limits of supply this Act shall not prevent the rural district council of Cuckfield or the council of any urban district in which such parish or any part thereof may hereafter be comprised or any company body or person from applying for an Act of Parliament or Provisional Order for the purpose of providing a supply of gas within such parish or part thereof and for the repeal of the powers of the Company therein in that behalf.

CONVERSION OF EXISTING SHARES.

Conversion of shares into stock.

7.—(1) As from the first day of January one thousand nine hundred and fifteen the shares in the existing capital of the Company shall be converted into one class of stock (in this Act called "ordinary stock") entitled to a standard rate of dividend of five pounds per centum per annum according to the following scale (that is to say):—

For every existing share in the original capital of the Company twenty pounds ordinary stock:

For every existing share in the additional capital of the Company issued under the powers of the Act of 1895 fourteen pounds ordinary stock.

(2) As from the first day of January one thousand nine hundred and fifteen there shall be by virtue of this Act created such nominal amount of ordinary stock as shall be necessary for the purpose of carrying into effect such conversion and the amounts of ordinary stock to which the holders of such existing shares shall by virtue of this Act respectively become entitled in substitution for such shares shall be vested in such holders as from the first day of January one thousand nine hundred and fifteen and shall be forthwith registered in their respective names in the books of the Company. A.D. 1914.

8. All ordinary stock so created and vested under or by virtue of this Act shall be deemed to be fully paid up and 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 existing shares for which the ordinary stock is substituted were held or were subject to immediately before the first day of January one thousand nine hundred and fifteen 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 existing shares and trustees executors or administrators and all other holders in any representative or fiduciary capacity and persons under disability may and shall accept ordinary stock in substitution for the existing shares held by them in the capital of the Company 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 existing shares. Stock to be held on same trusts &c. as shares for which it is substituted.

9. The Company shall call in the certificates of the shares for which 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 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 ordinary Certificates of shares to be called in and others issued.

A.D. 1914. — stock to be substituted by virtue of this Act for the existing shares which they respectively represent) have and possess the same rights and advantages as if they were certificates for those respective amounts of ordinary stock created by virtue of this Act but if any holder of any of the existing shares of the 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 the Company may suspend the payment of any dividend declared or made payable upon or in respect of the ordinary stock so held by him until such existing certificate or certificates is or are sent or delivered to the Company or is or are proved to the reasonable satisfaction of the directors to have been lost or destroyed and such guarantee or indemnity is given in respect of such lost or destroyed certificate as the directors may require.

Transfers of shares although by present name to be valid.

10. All transfers or other dispositions of any shares in the capital of the Company as existing up to the conversion thereof into 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 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 nominal amount of any such existing shares converted by this Act into stock of larger nominal amount shall be held to apply to a nominal amount of ordinary stock equal to that into which such existing shares shall have been converted under the provisions of this Act.

ADDITIONAL CAPITAL.

Additional capital.

11. The Company may from time to time raise (in addition to the ordinary stock created by virtue of this Act) additional capital to such nominal amount as shall be sufficient to produce including the premiums if any which may be obtained on the sale thereof the sum of forty-five thousand pounds by the creation and issue of further amounts of ordinary stock entitled

to a standard rate of dividend of five per centum per annum or of preference stock entitled to a maximum dividend not exceeding five pounds per centum per annum. A.D. 1914.

12.—(1) All stock created as additional capital under the powers of this Act shall be issued in accordance with the provisions of this section. New stock to be sold by auction or tender.

(2) All such stock so to be issued shall be offered for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the 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 any urban or rural district council whose district or any part of whose district is included 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 stock of greater nominal value than one hundred pounds :

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

(E) It shall be one of the conditions of sale that the total sum payable by the purchaser shall be paid to the Company within three months after the date of the auction or of the acceptance of the tender as the case may be.

(3) Any stock which has been so offered for sale and is not sold may be disposed of by the directors at a price not less than the reserve price put upon the same for the purpose

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of sale by auction or tender or may be offered at the reserve price to the holders of ordinary and preference stock of the Company in accordance with the provisions of sections 18 19 and 20 of the Companies Clauses Act 1863 and to the employees of the Company and to the consumers of gas 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 stock that if the aggregate amount of stock applied for shall exceed the aggregate amount so offered as aforesaid the same shall be allotted to and distributed amongst the applicants as nearly as may be in proportion to the amounts applied for by them respectively.

(4) Any stock which has been offered for sale in accordance with subsection (2) or with subsections (2) and (3) and is not sold may be again offered for sale by public auction or by tender in accordance with the provisions of this section and any such 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 stock sold the total amount obtained as premium (if any) and the highest and lowest prices obtained for each class of stock.

Privileges
&c. of
holders of
additional
capital.

13. Except as is otherwise by this Act provided the additional capital created by the Company under this Act shall be part of the general capital of the Company and the new stock therein and the holders thereof respectively shall in proportion to the amount of their stock be entitled to the like rights of voting and any other rights qualifications and privileges and be subject to the like provisions and liabilities as the other holders of stock of the same class or description.

BORROWING POWERS.

Power to
borrow in
respect of
converted
stock.

14.—(1) The Company may at any time and from time to time after the first day of January one thousand nine hundred and fifteen borrow on mortgage of the undertaking in respect of the ordinary stock into which the shares in the existing capital of the Company is by this Act converted any sum or sums not exceeding (inclusive of any sums borrowed by them

prior to that date under the Act of 1895) the sum of six thousand pounds. A.D. 1914.

(2) The powers conferred upon the Company by the Act of 1895 to borrow on mortgage shall be by virtue of this Act repealed as from the said first day of January one thousand nine hundred and fifteen save and so far as such powers have been exercised by the Company prior to that date.

15. 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 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 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.

16. Section 38 of the Act of 1895 (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 a receiver is made shall not be less than five thousand pounds in the whole. Appointment of receiver.

17. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 and section 40 of the Act of 1895. Debenture stock.

18. 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 Priority of mortgages and debenture stock over other debts.

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MISCELLANEOUS FINANCIAL PROVISIONS.

Application of money.

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

(2) The Company may apply to any of the purposes of this Act to which capital is properly applicable any moneys which they have raised or are authorised to raise under the Act of 1895.

Receipt in case of persons not *sui juris*.

20. If any money is payable to any 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.

Stock to be transferable in multiples of one pound.

21.—(1) Any ordinary or preference stock of the Company may be issued and be transferable in amounts of one pound or multiples of one pound provided that the holding of any holder of either class of such stock shall not be less than ten pounds of stock of that class.

(2) Notice of this enactment shall be stated in all certificates of such stock.

Profits of Company limited.

22. Except as by this Act provided the profits of the Company to be divided in respect of any half year after the thirty-first day of December one thousand nine hundred and fourteen among the holders of ordinary and preference stock shall not exceed the following rates (namely):—

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

On so much of the additional capital authorised by this Act as shall be issued as preference stock such rate (not exceeding the rate of five pounds per centum per annum in respect of every one hundred pounds of preference stock or part thereof actually paid up) as shall be specified in the resolution creating such stock. A.D. 1914.

23. The directors may if they think fit in any half year after the thirty-first day of December one thousand nine hundred and fourteen 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 special purposes fund.

(1) 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.

(2) 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.

(3) 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 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.

(4) 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.

(5) The money or securities (if any) standing to the credit of the insurance fund of the Company on the said thirty-first day of December one thousand nine hundred and fourteen shall be credited to the special purposes fund.

24. If in any half year after the thirty-first day of December one thousand nine hundred and fourteen the clear profits of the Application of excess of profits.

A.D. 1914. — undertaking (after appropriating and setting apart such sum or sums (if any) as may be determined upon under the powers of this Act to any fund or funds thereby authorised) amount to a larger sum than is sufficient to pay the dividends on the preference capital and the dividends at the authorised rate on the ordinary capital of the Company 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 allowing for the payment of such dividends 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 dividends at the authorised rates on the ordinary and preference capital of the Company.

Power to
create
reserve fund.

25. Where in 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 their ordinary capital shall exceed the standard rate by reason of the price charged by the Company for gas in such half year to persons who shall burn the same by ordinary meter in the inner area being below the standard price then out of the amount of the divisible profits of the Company applicable to the payment of such excess of dividend the Company may in such half year set apart such sum as they shall think fit and all sums so set apart by the Company and any reserve or other fund of the Company existing at the said thirty-first day of December one thousand nine hundred and fourteen may be invested in government or other securities and the dividends and interest arising from such securities may also be invested in the same or the like securities 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 at the authorised rate on the ordinary capital of the Company and save as in this Act provided no sum shall in any half year be carried by the Company to any reserve fund.

BENEFIT FUND PENSIONS &C.

Power to
establish a
benefit fund.

26.—(1) The directors may if they think fit in respect of any half year appropriate out of the revenue of the Company as part of the expenditure on revenue account any sum not

exceeding one halfpenny per one thousand cubic feet of gas supplied by the Company during such half year to a fund to be called "the benefit fund": A.D. 1914.

Provided that the amount of the sums so appropriated and for the time being standing to the credit of the benefit fund shall not at any time exceed the amount which the directors would have been entitled to appropriate to the benefit fund out of the revenue of the Company at the rate aforesaid during the then preceding five years.

(2) The directors may out of the benefit fund grant a gratuity of any sum or make any pensions or other allowances payments or benefits to any of the weekly servants of the Company who may be disabled or injured in or may be retired from or become incapacitated through age permanent injury or other infirmity from continuing in the service of the Company or to the widow or family or dependents of any such servant and on such terms and conditions as to contributions by such servants or otherwise as the directors may think fit Provided that it shall not be obligatory on any present or future servant of the Company to become a party to any arrangement made under this Act for securing to him or his widow family or dependents any gratuity pension or other allowance payment or benefit.

(3) The benefit fund shall be applicable for the purposes of this Act and for no other purpose whatsoever and if a benefit fund be established under this section no such gratuity pension allowance payment or benefit as is mentioned in this section (other than sick pay) shall be granted or paid to any such weekly servant widow family or dependent otherwise than out of the benefit fund.

(4) The directors may enter into and carry into effect agreements with any insurance company or other association or company for securing to any such servants or the widow family or any dependent of any such servant gratuities pension or other allowances payments or benefits as aforesaid and may make payments out of the benefit fund for the purpose of any such agreement.

(5) The moneys forming the benefit fund or any portion thereof shall be invested in securities in which trustees are by law authorised to invest or in such other securities as may be authorised by resolution of the Company.

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(6) Every gratuity pension or other allowance payment or benefit secured made or granted under this Act shall be payable to or in trust for the servant person widow or dependent to whom the same shall be granted and shall not be assignable or chargeable with the debts or other liabilities of such servant person widow or dependent as the case may be.

(7) If the Company shall under the powers of this Act make any scheme involving contributions by their servants such scheme shall not come into operation until such scheme shall have been registered as the rules of a society under the Friendly Societies Act 1896 and any amendment or variation of such scheme shall not be valid until so registered and the provisions of that Act (except the proviso to subsection (1) of section 8 and section 41) so far as they are applicable and are not inconsistent with the provisions of this Act shall apply (A) as if such scheme were the rules of a society to which the said Act of 1896 applies (B) as if the Company were the trustees of such society (C) as if the benefit fund were the funds of such society and (D) as if persons contributing to and participating in the benefit of such fund were the members of such society.

Power to
grant pen-
sions &c.

27. The directors may in addition to forming a benefit fund under this Act grant pensions and retiring or superannuation allowances to officers and servants (other than weekly servants) of the Company and for that purpose may apply the funds and revenues of the Company.

STANDARD PRICES AND SLIDING SCALE.

Prices of gas.

28.—(1) Until 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 the standard price mentioned in section 60 of the Act of 1895 and for the purpose of determining the dividends which may be payable by the Company on their ordinary capital under the provisions of the said section prior to the date aforesaid the price charged by the Company within the existing limits of supply shall alone be taken into account but it shall be lawful for the Company to charge for gas supplied by them within the new limits prior to the date aforesaid prices not exceeding by more than one shilling the prices charged for the time being within the existing limits.

(2) As from the said first day of January one thousand nine hundred and fifteen the following provisions shall have effect:— A.D. 1914.

(A) The Company may charge for gas supplied by them within the inner area to persons who shall consume the same by ordinary meter the price of four shillings and ninepence per thousand cubic feet (which price is hereinafter referred to as "the standard price") but it shall be lawful for the Company to increase or reduce the price charged by them for gas within the inner area above or below the standard price subject to a reduction or increase in the dividend payable by the Company on the ordinary stock as follows:—

In respect of any half year during any part of which the price charged by the Company within the inner area shall have been one penny or part of a penny above the standard price the dividends payable by the Company shall in respect of each penny or part of a penny by which the standard price shall have been increased be reduced below the standard rate of dividend by one shilling and threepence on every one hundred pounds of ordinary stock and so in proportion for any fraction of one hundred pounds;

In respect of any half year during the whole of which the price charged by the Company within the inner area shall have been one penny or more below the standard price the dividends payable by the Company may in respect of each penny by which the standard price shall have been reduced be increased above the standard rate of dividend by one shilling and threepence on every one hundred pounds of ordinary stock 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 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

A.D. 1914.

amount to and pay the same with succeeding dividends accordingly or add the same to the reserve fund:

(B) The prices to be charged by the Company for gas supplied by them within the limits of supply (other than the inner area) shall not at any time exceed the price for the time being charged by the Company within the inner area by more than the following amounts (namely):—

(i) Within the middle area sixpence per one thousand cubic feet; and

(ii) Within the outer area one shilling per one thousand cubic feet.

MEETINGS DIRECTORS &c.

Meetings of Company.

29. As from the passing of this Act the ordinary general meetings of the Company shall in every year be held in the month of March or at such other time or times as shall be appointed for that purpose by an order of a general meeting.

Scale of voting.

30.—(1) As from the first day of January one thousand nine hundred and fifteen the prescribed scale of voting shall be as follows Every holder of ordinary stock and (subject as hereinafter mentioned) of preference stock of the Company shall be entitled to one vote for every complete twenty pounds of such stock held by him up to two hundred pounds of such stock and an additional vote in respect of every forty pounds of such stock held by him beyond the first two hundred pounds up to six hundred pounds and to an additional vote for every one hundred pounds of such stock held by him beyond the first six hundred pounds up to three thousand six hundred pounds.

(2) Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any stock to which a preferential dividend shall be assigned.

Qualification of directors &c.

31. As from the first day of January one thousand nine hundred and fifteen the qualification of a director of the Company shall be the possession in his own right of not less than five hundred pounds of paid-up capital in the Company.

Notice of candidature for office of director.

32. Except in the case of a director retiring by rotation and offering himself or being proposed for re-election no person shall be capable of being elected at a general meeting a director of the Company unless notice in writing that such person intends

to offer himself or will be proposed for the office of director shall have been given to the secretary or left at the office of the Company fourteen days at least before the day of election. A.D. 1914.

33. The directors may in any year declare and pay an interim half-yearly dividend out of the profits of the Company without the sanction or direction of a general meeting but no such half-yearly dividend shall exceed one half of the amount of the authorised rate of dividend. Interim dividends.

34.—(1) The directors may close the register of transfers for a period not exceeding fourteen days previous to the declaration of any dividend and they may close the register of transfers of debenture stock for a period not exceeding fourteen days previous to each date at which the interest thereon shall be payable and in the case of either such register they may fix a day for closing the same of which seven days' notice shall be given by advertisement in a newspaper published or circulating in the limits of supply. Closing of transfer books previous to declaring dividend or paying interest.

(2) Any transfer of stock or debenture stock made during the time when the register of transfers or the register of transfers of debenture stock as the case may be is so closed shall as between the Company and the person claiming under the same but not otherwise be considered as made subsequently to the declaration of any such dividend or the payment of any such interest as the case may be.

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

MISCELLANEOUS.

36. The prescribed number of candles shall be not less than fourteen. Quality of gas.

37.—(1) The quality of the gas supplied by the Company shall with respect to its illuminating power be such as to produce at the testing place provided under the Act of 1895 when burned at the rate of five cubic feet per hour a light equal in intensity to the light produced by fourteen sperm candles of six to the pound each consuming one hundred and twenty grains of sperm per hour and shall be in all respects in accordance with the provisions of the Gasworks Clauses Act 1871. Testing for quality.

A.D. 1914.

(2) For testing the illuminating power of the gas the burner to be used shall be that known as the Metropolitan Argand No. 2 the photometer shall be the bar photometer the standard light shall be that supplied by Harcourt's ten-candle pentane lamp and in making the test the burner shall be so used as to obtain from the gas when burned at the rate aforesaid the greatest amount of light Provided that the Board of Trade may on the application of the Company or the local authority approve the use of any other burner photometer or standard light which may appear to the Board to be equally or more suitable for the testing.

(3) The Company shall provide at the testing place provided under the Act of 1895 all the apparatus required by this Act for the testing of gas and shall at all times keep the same in proper order and repair.

Pressure.

38.—(1) All gas supplied by the Company to any consumer of gas shall be supplied at such pressure as to balance a column of water not less than eight-tenths of an inch in height at the main or as near as may be to the junction therewith of the service pipe supplying the consumer.

(2) Any gas examiner appointed under the Gasworks Clauses Act 1871 may for the purposes of this Act subject to the terms of his appointment at the testing place or at any public lamp as and when he thinks fit test the pressure at which the gas is supplied The Company shall afford to the examiner all reasonable facilities for making the test.

Saving as to penalties.

39. No penalty shall be incurred by the Company for insufficiency of pressure defect of illuminating power or excess of impurity in the gas supplied by them in any case in respect of which it is proved that such insufficiency defect or excess was produced by any circumstance beyond the control of the Company Provided that the want of sufficient funds shall not be held to be a circumstance beyond the control of the Company.

Charge for gas supplied by means of pre-payment meters.

40.—(1) The Company may demand for any gas supplied through a pre-payment 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 pre-payment meter and fittings to be used therewith shall be a sum of money calculated

according to the quantity of gas supplied through the pre-payment 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 pre-payment meter without fittings shall be a sum of money calculated according to the quantity of gas supplied through the pre-payment 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 connection therewith.

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

41. 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 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.

42. 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

A.D. 1914.

between the Company's mains and the meter so far as the same are intended to be covered over :

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

43. 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.

A.D. 1914.
Power to enter premises and remove fittings.

44.—(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.

45. 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.

46. Every consumer of gas supplied by the Company who uses a gas engine shall if required to do so by the Company use an effective anti-fluctuator together with an effective

Power to require use of anti-fluctuators

A.D. 1914.
for gas
engines.

non-return valve and shall at all times at his own expense keep such anti-fluctuator and valve in proper repair and in default of his so using or keeping such anti-fluctuator and valve in proper repair the Company may cease to supply gas to such consumer. The Company shall have access to and be at liberty to take off remove test inspect and replace any such anti-fluctuator and valve at all reasonable times such taking off removing testing inspecting and replacing to be done at the expense of the Company if the anti-fluctuator and valve be found in proper order but otherwise at the expense of such consumer.

Fittings not
to be subject
to distress
and though
fixed to
premises to
remain
property of
Company.

47.—(1) Subject as hereinafter provided any meters burners tubes pipes stoves ranges engines machinery fittings and other materials (in this section called "fittings") let by the Company on hire under the provisions of the Act of 1895 or the Acts incorporated therewith shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under process of any court or proceedings in bankruptcy against the persons in whose possession the same may be.

(2) Subject as hereinafter provided all fittings let by the Company on hire as aforesaid shall notwithstanding that they be fixed or fastened to any part of any premises in which they may be situate or to the soil under any such premises at all times continue to be the property of and removable by the Company. Provided that nothing in this subsection shall affect the amount of the assessment for rating of any premises upon which any such fittings are or shall be fixed.

(3) The Company shall only be entitled to the privileges and exemptions conferred by this section in respect of such fittings as shall have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Company as the actual owners thereof.

Power to lay
pipes for
ancillary
purposes.

48. 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. A.D. 1914.

49. 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 1895 and this Act. Power to lay pipes in streets not dedicated to public use.

50. For the protection of the county council of East Sussex (in this section referred to as "the county council") the following provisions shall (unless otherwise agreed in writing between the Company and the county council) apply and have effect (that is to say):— For protection of county council of East Sussex.

(1) All mains pipes and works of the Company to be laid after the passing of this Act in along or over any main road or in or upon or across any county or main road bridge or the roadway over the same or approaches thereto shall be laid in such position in or at the side thereof and at such depth or carried on the outside or below the structure of any such bridge in such manner as the county council in writing under the hand of their county surveyor may reasonably direct:

(2) The notice required by the eighth section of the Gasworks Clauses Act 1847 shall (except for laying connecting or repairing consumers' service pipes and except in cases of accidental leakage or burst or other emergency) be not less than in the case of a bridge or the approaches thereto one month instead of three days and in all other cases seven days instead of three days:

(3) The plan required by the ninth section of the last-mentioned Act shall be accompanied by a section of the proposed works and shall (except as aforesaid) 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 one month and in all other cases seven days before the Company commence to open or break up any main road or interfere with any county or main road bridge or roadway over

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the same or approaches thereto or other property of the county council for the purpose of executing the works :

- (4) The county council may if they think fit serve notice on the Company stating that they desire to exercise or discharge all or any part of any of the powers or duties of the Company in such notice specified in relation to the opening breaking up filling in reinstating or making good of any main road or county or main road bridge or the roadway over the same or the approaches thereto or other property of the county council for the purpose of executing works Any such notice shall be served upon the Company in the case of a bridge or the approaches thereto within fourteen clear days or in other cases five clear days from the receipt by the county council of the plan and section required to be delivered to them or their surveyor by the Company and in cases of the re-opening for the relaying or repairing of mains or pipes except in cases of emergency within three days from the receipt of notice from the Company Upon the service of any such notice by the county council upon the Company the county council shall be deemed to be the undertakers for the purposes of section 10 of the Gasworks Clauses Act 1847 and such work shall be executed by the county council in all things at the reasonable expense of the Company :
- (5) The Company shall not interfere with the structural part of any county or main road bridge without the consent in writing of the surveyor of the county council which consent shall not be unreasonably withheld but may be given upon such conditions (other than a money payment) as the county council or their surveyor may reasonably determine :
- (6) The exercise of any powers of the Company shall not interfere with prejudice or affect the right of the county council to alter the level of 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 and in the event of the county council desiring to so alter deviate or improve the

same the Company shall forthwith on receiving notice in writing under the hand of the clerk or surveyor to the county council so to do alter the position of any such mains pipes or works in the manner and to the extent prescribed by such notice or as in case of difference shall be determined in the manner hereinafter prescribed and the county council shall repay to the Company any expenses which the Company reasonably incur under this subsection in complying with any requirement of such clerk or surveyor or any arbitrator:

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- (7) The exercise of any powers of the Company shall not prejudice or affect the right of the county council at any time to remove alter rebuild widen or repair any county or main road bridge or the approaches thereto or any roadway thereover in over or near or attached to which any mains pipes or works of the Company are carried in the same manner as the county council might have removed altered rebuilt widened or repaired such bridge roadway or approaches if this Act had not passed and such mains pipes or works had not been so laid or attached and the county council shall not make any compensation to the Company for any expense or loss to which the Company may be put by reason or in consequence of such removal alteration rebuilding widening or repair and in the event of any such bridge roadway or approaches over or near in or attached to which any such mains pipes or works are laid being removed altered rebuilt widened or repaired as aforesaid the Company shall if in the opinion of the county council or their surveyor it is necessary so to do at their own cost in all things alter the position of any works by which such mains or pipes are carried in over or near or attached to such bridge roadway or approaches in such manner as the county council or such surveyor may direct Provided that during any such removal alteration rebuilding widening or repair of such bridge roadway or approaches the county council shall afford all reasonable facilities for temporarily carrying such mains and pipes across any stream or river so as not to interrupt the continuous supply of gas or to diminish the pressure of such supply through such

A.D. 1914.

mains or pipes and the Company may carry such mains pipes and works accordingly and shall reimburse the county council all reasonable expenses incurred by the county council in affording such facilities Provided also that in case any such removal alteration rebuilding widening or repair of any such bridge roadway or approaches shall be 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 repay to the Company any expenses which the Company may reasonably incur in complying with any directions of the county council or their surveyor under this subsection and the facilities to be afforded as aforesaid shall be afforded by the county council at their expense :

- (8) All works shall be so executed by the Company as not to stop the traffic and so far as reasonably practicable so as not in any way to impede or interfere with the traffic on any main road or over any county or main road bridge or the approaches thereto :
- (9) The Company shall pay to the county council the reasonable expenses incurred by them in relation to the reasonable superintendence by the county surveyor of any works to be done by the Company under the provisions of this section :
- (10) If any difference at any time arises between the county council or their surveyor or clerk and the Company or their engineer concerning this section or anything to be done or not to be done thereunder such difference shall be settled if the parties so agree by two justices or by a single arbitrator and failing agreement by a single arbitrator to be appointed on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any reference to arbitration under this section.

For protection of
Cuckfield
Rural
District
Council.

51. For the protection of the rural district council of Cuckfield (in this section called "the council") the following provisions shall unless otherwise agreed between the Company and the council have effect (that is to say) :--

- (1) All mains and pipes of the Company to be laid under the powers of this Act in or along any street or road vested in the council or across any bridge vested in the council or any roadway over the same or approaches thereto shall be laid in such position in or at the side thereof and at such depth and in the case of a main or pipe which it is reasonably necessary to lay otherwise than in the roadway over a bridge the same shall be carried on the structure of such bridge in such manner as the council in writing under the hand of their surveyor may reasonably direct :
- (2) The notice required by the 8th section of the Gasworks Clauses Act 1847 shall be not less than seven days (instead of three days) except in cases of emergency and of laying connecting or repairing consumers' service pipes :
- (3) The plan required by section 9 of the Gasworks Clauses Act 1847 shall in the case of any bridge or the approaches thereto vested in the council be accompanied by a section of the proposed works and shall except as aforesaid be delivered to the council or their surveyor by the Company not less than seven days before the commencement of any works to which such plan relates :
- (4) The Company shall not interfere with the structural part of any such bridge without the consent in writing of the surveyor of the council which may be given upon such reasonable conditions (other than a money payment) as the Council or their surveyor may determine but shall not be unreasonably withheld Provided that it shall be lawful for the Company to carry any mains pipes or works alongside or under any such bridge by fastening the same to such bridge by means of wrought iron bands riveted to the bridge or by such other suitable means as may be agreed between the Company and the council or their surveyor or as failing agreement may be determined in the manner hereinafter prescribed :
- (5) The exercise of any of the powers of the Company within the district of the council shall not interfere with prejudice or affect the right of the council at any time to alter the level of deviate or improve in any

A.D. 1914.

manner they think fit any road street culvert or drain in along or over which any mains pipes or works of the Company shall have been laid and the Company shall on the expiration of fourteen days after receiving notice in writing under the hand of the clerk or surveyor to the council so to do proceed to alter the position of any such mains pipes or works in the manner and to the extent prescribed by such notice or as in case of difference shall be determined in the manner hereinafter prescribed and the council shall repay to the Company any expenses reasonably incurred by the Company in complying with this subsection :

- (6) If at any time the council desire to rebuild or alter any bridge vested in them on the structure of which any main of the Company shall be laid or carried the Company shall after reasonable notice make at their own expense such alteration of their main as may be reasonably necessary for the purposes of such rebuilding reconstruction or alteration of bridge Provided that in case any such rebuilding or alteration shall be required solely for the accommodation of any trolley vehicle system or motor omnibus service of the council or any light railway or tramway belonging to or worked by the council then the council shall repay to the Company any expenses which the Company may reasonably incur in complying with the provisions of this subsection :
- (7) The Company shall on demand pay to the council the reasonable expenses incurred by them in relation to the reasonable superintendence by the council's surveyor of any works to be done by the Company under the provisions of this section :
- (8) All works shall be so executed by the Company as not to stop or (so far as reasonably practicable) impede or interfere with the traffic on any such road bridge or approaches and the Company shall not without the consent of the council or their surveyor (which consent shall not be unreasonably withheld) open a greater continuous length of road than one hundred yards or leave a less space than fifty yards between any two consecutive openings or open a greater

continuous length than fifty yards at any place where such opening would leave insufficient space for the passage of two vehicles abreast:

- (9) The council shall not except in the case of negligence be liable for or in respect of any damage or injury done to any works of the Company laid after the passing of this Act in any street road or bridge in the rural district of Cuckfield with a cover of less than two feet six inches in the case of cast iron pipes and one foot six inches in the case of wrought iron or steel pipes where such injury arises from the use by the council of any steam or other roller scarifier or similar appliance not exceeding in any case fifteen tons in weight for the repair of such street road or bridge or of any traction engine not exceeding fifteen tons in weight belonging to the council:
- (10) If any difference at any time arises between the council or their surveyor and the Company touching this section or anything to be done or not to be done thereunder such difference shall be settled if the parties so agree by two justices or a single arbitrator and failing agreement by a single arbitrator to be appointed on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any reference to arbitration under this section.

52. For the protection of the urban district council of Hayward's Heath (in this section called "the council") the following provisions shall unless otherwise agreed between the Company and the council have effect (that is to say):—

For protection of Hayward's Heath Urban District Council.

- (1) All mains and pipes of the Company to be laid in along or across any street or road vested in the council shall be laid in such position in or at the side thereof and at such depth as the council in writing under the hand of their surveyor may reasonably direct:
- (2) The Company shall not without the consent of the council or their surveyor (which consent shall not be unreasonably withheld) open a greater continuous length of street or road than one hundred yards or

A.D. 1914.

leave a less space than fifty yards between any two consecutive openings or open a greater continuous length than fifty yards at any place where such opening would leave insufficient space for the passage of two vehicles abreast :

- (3) The notice required by section 8 of the Gasworks Clauses Act 1847 shall not be less than seven days (instead of three days) except in cases of emergency and of laying connecting or repairing consumers' service pipes :
- (4) The Company shall on demand pay to the council the reasonable expenses incurred by them in relation to the reasonable superintendence by them or their surveyor of any works to be done by the Company under the provisions of this section :
- (5) Nothing in this Act contained shall interfere with the right of the council to alter the level of deviate or improve in any manner they think fit any street or road culvert or drain in along or over which any mains pipes or works of the Company shall have been laid and the Company shall on the expiration of fourteen days after receiving notice in writing under the hand of the clerk or surveyor to the council so to do proceed to alter the position of any such mains pipes or works in the manner and to the extent prescribed by such notice or as in case of difference shall be determined in the manner hereinafter prescribed and the council shall repay to the Company any expenses reasonably incurred by the Company in complying with this subsection :
- (6) All works of the Company so far as they affect any streets or roads shall be so executed by the Company as not to stop or (so far as reasonably practicable) to interfere with the traffic on any street or road :
- (7) The council shall not except in the case of negligence be liable for or in respect of any damage or injury done to any works of the Company laid after the passing of this Act in any street or road in the urban district of Hayward's Heath with a cover of less than two feet six inches in the case of cast iron pipes and two feet in the case of wrought iron or steel pipes where such injury arises from the use by the council

of any steam or other roller scarifier or other similar appliance not exceeding in any case fifteen tons in weight for the repair of any such street or road or of any traction engine not exceeding fifteen tons in weight belonging to the council: A.D. 1914.

- (8) If any difference at any time arises between the council or their surveyor and the Company touching this section or anything to be done or not to be done thereunder such difference shall be settled if the parties so agree by two justices or a single arbitrator and failing agreement by a single arbitrator to be appointed on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any reference to arbitration under this section.

53. For the protection of the London Brighton and South Coast Railway Company (hereinafter referred to as "the Brighton Company") the following provisions shall have effect:— For protection of London Brighton and South Coast Railway Company.

- (1) All works executed in pursuance of this Act or of any Act incorporated therewith and involving interference with the railways bridges roads approaches level crossings works lands and property of the Brighton Company (hereinafter together referred to as "the railways of the Brighton Company") or in any way affecting the safety or stability of any railways bridges and works of the Brighton Company and all works of maintenance repair renewal and removal executed as aforesaid and involving such interference or affection (the said works executed in pursuance of this Act or of any incorporated Act and the said works of maintenance repair renewal or removal being hereinafter referred to as "the said works") shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the Brighton Company (hereinafter referred to as "the engineer") unless the engineer shall fail to attend at the time when the said works are executed and (except in cases of emergency) according to plans to be previously submitted to and approved by the engineer in writing or in case he does not give his approval thereto in writing within fourteen days after such

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submission to be settled by arbitration in manner hereinafter provided :

- (2) The said works shall be done by and at the expense of the Company who shall restore and make good to the reasonable satisfaction of the engineer any portion of the railways of the Brighton Company which may be disturbed or interfered with and the said works shall be carried out so as to cause as little injury as may be to the railways of the Brighton Company and so as not to cause any interference with the passage or conduct of traffic thereover :
- (3) The Company shall bear and on demand pay to the Brighton Company all proper costs of the superintendence by the engineer of the said works and the additional costs (if any) properly incurred by the Brighton Company in watching lighting and protecting the railways of the Brighton Company during and in consequence of the carrying out of the said works but such superintendence by the Brighton Company shall not relieve the Company from liability for any accident which may be occasioned by or through the said works or by their contractors agents and workmen :
- (4) If any injury or interruption of traffic shall arise from or be in any way owing to the said works or to the bursting leakage or failure of any mains pipes apparatus or works of the Company the Company shall make full compensation to the Brighton Company in respect thereof :
- (5) The Company shall from time to time pay to the Brighton Company any additional expense which the Brighton Company may have to incur in effecting any repair renewal widening alteration or extension of the railways of the Brighton Company by reason of the existence of any mains pipes apparatus or works of the Company which have been laid in over upon across or under the railways of the Brighton Company by means of a bridge belonging to or maintainable by the Brighton Company :
- (6) Any dispute or difference which may arise between the Company and the Brighton Company with reference to the provisions of this section or in any way arising

thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer to be agreed upon between the Company and the Brighton Company or failing agreement by an engineer to be appointed by the Board of Trade on the application of the Company and the Brighton Company or either of them and the Arbitration Act 1889 shall apply to any such reference.

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54. The Company may acquire take and use any licence or authority to work use exercise and put in practice any invention under letters patent made or to be made granting any right or privilege of working using exercising or vending any invention in relation to the production manufacture utilisation or distribution of gas or materials used in or resulting from the manufacture of gas or any residual products thereof but not so as to acquire any exclusive right to the working using exercising or putting in practice of any such invention.

Power to take licences for use of patents relating to gas.

55. The Company may contract with the local authority of any district within or adjoining the limits of supply or with any county council or with the Cuckfield Company or with any 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 periods 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 pipes or interfere with any street beyond the limits of supply:

Company may contract for supply of gas in bulk.

Provided that no such supply in bulk shall be given to the local authority or county council having jurisdiction within any parish within the area of supply of the Lewes Gas Company as defined in the Lewes Gas Act 1878 for use within that area of supply without the written consent of that company.

56. The Company may purchase or take on lease houses cottages and other buildings for persons in their employ and offices showrooms and other buildings for the purposes of their undertaking and may erect fit up maintain and let any such building upon any lands for the time being belonging or leased to the Company.

Dwelling-houses for employees offices &c.

57. At least twenty-four hours' notice shall be given to the Company by every gas consumer either personally at the

Gas consumers to give notice

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to Company
before
removing.

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.

Authentica-
tion and
service of
notices by
Company.

58. 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 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 in writing or in print or by a stamp and any such notice may be served on such person either personally or by sending the same through the post by a 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.

Recovery of
penalties &c.

59. Save as otherwise by this Act expressly provided all offences against the Act of 1895 or this Act and all penalties forfeitures costs and expenses imposed or recoverable under the said Acts may be prosecuted and recovered in a summary manner Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Recovery of
demands.

60. Proceedings for the recovery of any demand made under the authority of the Act of 1895 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. A.D. 1914.

61.—(1) The following sections of the Act of 1895 are hereby repealed:— Repeal of certain provisions of Act of 1895.

- Section 4 Limits of Act ;
- Section 44 First ordinary meeting ;
- Section 65 Pressure of gas ;
- Section 66 Quality of gas ;
- Section 68 Burner.

(2) As from the first day of January one thousand nine hundred and fifteen the following further sections of the Act of 1895 shall by virtue of this Act be repealed:—

- Section 27 Dividends on different classes of stock or shares to be paid proportionately ;
- Section 33 If profits exceed the amount limited excess may be invested and form an insurance fund ;
- Section 34 Application of excess of profits over authorised rate of dividend ;
- Section 35 Power to create a reserve fund out of dividends in excess of the standard rate of dividend and application thereof ;
- Section 47 Qualification of directors ;
- Section 60 Dividend dependent on price charged.

62. 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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