



CHAPTER lxxxiii.

An Act to empower the Deal and Walmer Gas Company to supply electricity to change the name of the Company and for other purposes. A.D. 1914.
[31st July 1914.]

WHEREAS by the Deal and Walmer Gas Act 1864 (herein-after called "the Act of 1864") the Deal and Walmer Gas Company (herein-after called "the Company") were incorporated and authorised to supply gas within the parishes of Deal Walmer Ringwould Ripple Sholden and Great Mongeham all in the county of Kent:

And whereas further powers were conferred upon the Company by the Deal and Walmer Gas Act 1902 (herein-after called "the Act of 1902"):

And whereas there is a demand for a supply of electricity in the borough of Deal the urban district of Walmer and the parish of Ringwould but no public supply of electricity is given therein and it is expedient to empower the Company to afford a supply of electricity within the said borough district and parish and to construct generating stations and other works for that purpose:

And whereas by the Sandwich Deal and Walmer Electric Lighting Order 1911 powers of supplying electricity within the boroughs of Deal and Sandwich and the urban district of Walmer were conferred upon the Sandwich Deal and Walmer Electricity Supply Company Limited but no works have been constructed nor any mains laid down nor any supply of electricity afforded under the provisions of that Order and it is expedient that the said Order and the powers conferred thereby be repealed:

And whereas the demand for gas within the Company's limits for the supply of gas has increased and is increasing and

A.D. 1914. it is expedient that the Company be empowered to construct additional gasworks and railways and other works as hereinafter provided and that further powers be conferred upon the Company with reference to their gas undertaking:

And whereas the original and additional capital of the Company authorised and issued under the provisions of the Act of 1864 and the Act of 1902 has been converted into stock (called "capital stock") under the powers in that behalf contained in section 18 of the Act of 1902:

And whereas the capital of the Company now consists of sixty thousand four hundred pounds capital stock of which stock fifty thousand four hundred pounds represents the original and additional capital authorised by the Act of 1864 and ten thousand pounds represents the new capital authorised by and issued under the provisions of the Act of 1902 and the Company have received the sum of nine hundred and fifty pounds as premiums on the additional capital issued under the Act of 1864 and six hundred and eighty-eight pounds two shillings as premiums on the new capital issued under the Act of 1902:

And whereas the Company have unexercised powers under the Act of 1902 of raising further capital by the issue of capital stock to such nominal amount as will be sufficient to produce including the premiums (if any) which may be obtained on the sale thereof the sum of thirty-nine thousand three hundred and eleven pounds eighteen shillings:

And whereas the Company were by the Act of 1864 authorised to borrow and have borrowed on mortgage of their undertaking the sum of seven thousand pounds in respect of the original and additional capital authorised by that Act:

And whereas the Company were by the Act of 1902 authorised to borrow in respect of the new capital authorised by that Act one-third of the amount which the Company have at the time actually raised by the issue of shares or stock in such new capital but the Company have not borrowed any money under the powers so conferred upon them by the Act of 1902:

And whereas it is expedient that the Company be authorised to raise additional capital and that provision be made with reference to the dividends payable upon the capital stock as in this Act contained:

And whereas plans and sections showing the lines situations and levels of the railways and other works authorised by this Act the plans showing also the lands which may be taken compulsorily under the powers of this Act and a book of reference to the said plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of such lands respectively were duly deposited with the clerk of the peace for the county of Kent and are herein-after respectively referred to as the deposited plans sections and book of reference: A.D. 1914.

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 Deal and Walmer Gas and Electricity Act 1914. Short title.

2. This Act shall be deemed to be a special Act within the meaning of the Electric Lighting Acts 1882 to 1909 and the Electric Lighting (Clauses) Act 1899 so far as the provisions of those Acts are applicable to or incorporated by this Act. Application of Electric Lighting Acts.

3. 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 this Act are subject to the provisions of this Act hereby incorporated with this Act (namely):— Incorporation of general Acts.

The Lands Clauses Acts;

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 capital stock and preference stock to be issued or created under the powers of this Act;

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

The Gasworks Clauses Act 1847; and

The Gasworks Clauses Act 1871;

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The provisions of the schedule to the Electric Lighting (Clauses) Act 1899 (except section 5 thereof);

The Railways Clauses Consolidation Act 1845 and Part I. (relating to the construction of a railway) of the Railways Clauses Act 1863 but the provisions of those two Acts shall apply only to the railways by this Act authorised except section 7 of the Railways Clauses Consolidation Act 1845 which section shall apply to any lands authorised to be acquired by this Act.

Interpreta-
tion.

4. 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 expressions "the Act of 1864" and "the Act of 1902" respectively mean the Deal and Walmer Gas Act 1864 and the Deal and Walmer Gas Act 1902 ;

The expression "the electricity limits" means the limits within which the Company are by this Act authorised to supply electricity ;

The expression "the gas limits" means the limits of the Company for the supply of gas as defined by the Act of 1864 ;

The expression "the Order of 1911" means the Sandwich Deal and Walmer Electric Lighting Order 1911 ;

The expression "the undertakers" means the Sandwich Deal and Walmer Electricity Supply Company Limited being the undertakers for the purposes of the Order of 1911 ;

The expression "the gas undertaking" means the undertaking of the Company for the supply of gas as authorised by the Act of 1864 the Act of 1902 and this Act ;

The expression "the electricity undertaking" means the undertaking of the Company for the supply of electricity as authorised by this Act ;

The expression "the undertaking" includes the gas undertaking and the electricity undertaking ;

The expression "local authority" has in relation to the gas undertaking the same meaning as in the Gas and Water Works Facilities Act 1870 and in relation to the electricity undertaking the same meaning as in the Electric Lighting Act 1882; A.D. 1914.

The expression "the railways and overhead construction" means the railways and bridge or overhead construction by this Act authorised and includes any works in connexion therewith.

5. In their application to the Company the provisions of the Gasworks Clauses Act 1847 as incorporated with the Act of 1864 the Act of 1902 and this Act shall be modified as follows (that is to say):— Application of Gasworks Clauses Act 1847 to Company.

(i) From and after the passing of this Act 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

(ii) From and after the first day of January one thousand nine hundred and fifteen—

(A) Sections 30 to 34 (both inclusive) shall cease to have effect; and

(B) Section 35 shall 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.

CHANGE OF NAME.

6. From and after the passing of this Act the name of the Company shall be "The Deal and Walmer Gas and Electricity Company." Change of name.

SUPPLY OF ELECTRICITY.

7. The area within which the Company may supply electricity under this Act shall be and include the borough of Deal Limits for supply of electricity.

A.D. 1914. — the urban district of Walmer and the parish of Ringwould in the rural district of Dover all in the county of Kent and the said borough urban district and parish shall be deemed to be the area of supply within the meaning of section 4 of the schedule to the Electric Lighting (Clauses) Act 1899 as incorporated with this Act and the Company may supply electricity within the electricity limits for all public and private purposes.

Repeal of Order of 1911.

8. The Order of 1911 is hereby repealed.

For protection of Sandwich Deal and Walmer Electricity Supply Company Limited.

9.—(1) The Company shall within three months after the passing of this Act pay to the undertakers the sum of eleven hundred pounds and thereupon the undertakers shall deliver to the Company all plans and specifications prepared by the engineers of the undertakers for carrying the Order of 1911 into effect.

(2) The Company shall have no claim to the sum of three hundred pounds deposited by the undertakers with the Board of Trade as security under the Order of 1911 but such sum shall be repaid to the undertakers.

Power to break up streets not repairable by local authority and railway.

10. Subject to the provisions of the schedule to the Electric Lighting (Clauses) Act 1899 incorporated with this Act the Company are specially authorised by this Act to break up for the purposes of the electricity undertaking the streets and parts of streets not repairable by the local authority and the railway which are mentioned in the First Schedule to this Act.

Mains &c. to be laid down.

11.—(1) The Company shall before the first day of December one thousand nine hundred and sixteen without being required to do so lay down suitable and sufficient distributing mains for the purposes of a general supply of electricity throughout the streets and parts of streets mentioned in the Second Schedule to this Act Provided that if any notices shall be published before the first day of December one thousand nine hundred and fourteen in accordance with the provisions of subsection (1) of the section of this Act of which the marginal note is "Limitation on exercise of electricity powers" then the period within which the Company shall be required to comply with the provisions of this subsection shall be extended until the expiration of three years after the passing of this Act.

(2) If at the expiration of five years after the passing of this Act the Company shall not have laid down distributing

mains for the purposes of a general supply of electricity in the parish of Ringwould the Board of Trade may if they think fit order that the powers of the Company in regard to the supply of electricity in that parish shall cease and on any such order being made those powers shall cease accordingly. A.D. 1914.

12.—(1) Notwithstanding anything in this Act the powers conferred upon the Company by this Act with reference to the supply of electricity shall not in any event be exercised prior to the first day of December one thousand nine hundred and fourteen and if prior to that date notices shall have been published either—

Limitation
on exercise
of electricity
powers.

(A) In accordance with the standing orders of both Houses of Parliament for a Bill to empower the mayor aldermen and burgesses of the borough of Deal (herein-after referred to as "the corporation") and the urban district council of Walmer (herein-after referred to as "the council") or either of them to supply electricity throughout the whole of the electricity limits; or

(B) In accordance with the regulations made by the Board of Trade for (1) two Provisional Orders to be made under the Electric Lighting Acts 1882 to 1899 for empowering respectively the corporation to supply electricity in the borough of Deal and the council to supply electricity in the urban district of Walmer and the parish of Ringwould or (2) one Provisional Order for empowering either the corporation or the council to supply electricity throughout the whole of the electricity limits;

then the said powers of this Act shall not be exercised unless and until any one of the following events shall happen (that is to say):—

(i) Such Bill shall not be deposited in Parliament within the time limited by the said standing orders or such Provisional Orders or Order as the case may be shall not be lodged with the Board of Trade within the time limited by the said regulations:

(ii) Such Bill or Provisional Orders or Order as the case may be after having been deposited or lodged as aforesaid shall be abandoned or withdrawn:

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- (iii) Such Bill (if a Bill be deposited as aforesaid) shall be rejected by either House of Parliament:
- (iv) Such Provisional Order (if one Order is lodged as aforesaid) or either of such Provisional Orders (if two separate Orders are lodged as aforesaid) shall be rejected by the Board of Trade or the Bill to confirm the same shall be rejected by either House of Parliament:
- (v) Any event whereby such Bill Provisional Orders or Provisional Order as the case may be shall fail to pass into law:
- (vi) The limits for the supply of electricity under any such Bill Provisional Orders or Order as the case may be shall be so altered that powers shall not be conferred upon the corporation and the council to supply electricity jointly severally or singly within an area or areas comprising the whole of the borough of Deal and the urban district of Walmer.

(2) If any such Bill or Provisional Orders or Order as aforesaid shall be passed into law conferring powers upon the corporation and the council or either of them to supply electricity within an area or areas comprising the whole of the borough of Deal and the urban district of Walmer then all powers and obligations conferred or imposed upon the Company by this Act with reference to the supply of electricity shall absolutely cease and determine.

(3) If under the provisions of subsection (1) of this section two separate Orders shall be lodged with the Board of Trade and either of such Orders shall be abandoned withdrawn or rejected by the Board of Trade or the Bill to confirm the same be withdrawn or rejected by either House of Parliament or for any other reason either of such Provisional Orders shall not be passed into law then the other of such Provisional Orders or the Bill to confirm the same shall be withdrawn (unless the area of supply under such other Order comprises the whole of the borough of Deal and the urban district of Walmer) it being the intention of the Company the corporation and the council that if powers are not conferred upon the corporation and the council jointly or severally or either of them singly for supplying electricity within an area or areas comprising the whole of the

borough of Deal and the urban district of Walmer then the powers conferred upon the Company by this Act for the supply of electricity shall be exerciseable by the Company throughout the whole of the electricity limits and neither the corporation nor the council shall be entitled to supply electricity within any part of the electricity limits. A.D. 1914.

(4) If any such Bill or Provisional Orders or Order as the case may be shall be deposited or lodged under the provisions of subsection (1) of this section then the Company shall not oppose the same except in so far as may be necessary in order to secure the insertion therein of provisions to protect their interests but for that purpose the Company shall be at liberty to lodge objections with the Board of Trade and to petition both Houses of Parliament or either of them and to appear on any such objections or petition by counsel agents and witnesses if they think fit.

(5) Any Bill or Provisional Order which may be deposited or lodged in accordance with the provisions of subsection (1) of this section shall contain provisions authorising and requiring the promoters thereof to pay to the Company the following sums (that is to say) (a) two-thirds of the taxed costs charges and expenses of and incident to the preparing for obtaining and passing of this Act (b) any sum required to be paid by the Company to the undertakers under the provisions of this Act and (c) the taxed costs charges and expenses (if any) incurred by the Company of and incident to the procuring of any amendments to any such Bill or Provisional Orders or Order as the case may be and it shall be lawful for the Board of Trade to insert in any such Provisional Orders or Order provisions authorising and requiring the promoters thereof to pay to the Company the sums aforesaid.

(6) Nothing in this section shall deprive the corporation and the council or either of them of any powers or rights with reference to the purchase of the electricity undertaking under and in accordance with the provisions of the Electric Lighting Act 1888.

13. The maximum price to be charged by the Company for electricity supplied by them shall subject to alteration as in the schedule to the Electric Lighting (Clauses) Act 1899 provided be that stated in that behalf in the Third Schedule to this Act. Maximum price.

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Power to supply fittings &c.

14. Section 26 of the Act of 1902 shall be read and have effect as if the words "or electricity" were inserted therein after the word "gas."

Power to lay electric lines in streets not dedicated to public use.

15. The Company may upon the application of the owner or occupier of any premises within the electricity limits abutting on or being erected in any street or road laid out but not dedicated to public use supply such premises with electrical energy and may lay down take up alter relay repair or renew in across or along or out of such street or road such electric lines and apparatus as may be requisite or proper for furnishing such supply and the provisions of the Electric Lighting Acts 1882 to 1909 and of the schedule to the Electric Lighting (Clauses) Act 1899 so far as they are applicable for the purposes of this section shall extend and apply to and for the purposes hereof and to any works constructed or executed by the Company under the powers of this section.

Period of error in defective meters.

16.—(1) In the event of a meter of a construction and pattern approved by the Board of Trade used by any consumer of electricity being proved to register erroneously such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter.

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

Notice of intention to break up streets adjoining Admiralty property.

17. Where the exercise of the powers conferred upon the Company by this Act will involve the breaking up of the street known as Dover Road in the urban district of Walmer or any other street immediately adjoining any property belonging to the Admiralty the Company shall three clear days before commencing the execution of the works give to the officer in charge of works His Majesty's Naval Depot Dover notice in writing of their intention to break up the street Provided that in case of emergency it shall suffice if the notice is given as soon as practicable after the emergency has arisen.

For protection of East Kent Light

18. For the protection of the East Kent Light Railways Company (in this section referred to as "the railway company")

the following provisions in addition to any other provisions for their protection or for the protection of their light railways works and property contained in this Act or the Acts incorporated therewith shall apply :—

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Railways
Company.

(1) All works executed by the Company under the powers or for the purposes of this Act involving interference with or in any way affecting the light railways (including any light railways authorised or for the construction of which the railway company shall have applied for powers before the passing of this Act) works and property of the railway company or any level crossings over such of the said railways as shall at the time of the execution of such works by the Company have been constructed (in this section together referred to as "the railways of the railway company") and all works of maintenance repair renewal alteration or removal involving such interference or affection (the works so executed by the Company and the said works of maintenance repair renewal alteration or removal being in this section referred to as "the said works") shall be constructed executed and done at such times and in such manner as the engineer of the railway company may reasonably direct and to his reasonable satisfaction and so as to cause as little injury as may be to the railways of the railway company and so as under no circumstances to cause any interruption to the passage or conduct of traffic upon or over the railways of the railway company :

(2) If any such injury or interruption as aforesaid shall arise from or in any way be attributable to the said works or to any operations and matters incidental thereto or to any default of the Company or their contractors servants or agents in carrying out the said works or if any injury shall be caused to any person lawfully using the railways of the railway company by or by reason of the said works or of any of the operations and matters aforesaid or by reason of the working or failure of any of the electric lines cables wires mains apparatus or other works of the Company or by reason of any such default the

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Company shall make compensation to the railway company the amount of such compensation if not otherwise agreed upon to be determined by arbitration in the manner herein-after provided:

- (3) Any additional expense which the railway company may reasonably and properly incur in or incidental to the widening alteration reconstruction repair or maintenance of the railways of the railway company by reason of the existence of any mains pipes electric lines cables wires apparatus or works of the Company laid under the powers of this Act upon across over or under the same shall be paid by the Company but nothing in this subsection shall relieve the railway company from any liability which they would otherwise be subject to to make full compensation to the Company for any loss or damage which the Company may sustain by reason of any interference with any such mains pipes electric lines cables wires apparatus or works caused by the railway company in the widening alteration reconstruction repair or maintenance of the railways of the railway company:
- (4) If at any point where the electric lines cables wires or other electrical works of the Company will be laid or constructed over under or alongside the railways of the railway company it becomes necessary by reason of such works of the Company that the electric telegraphic telephonic or signalling wires or apparatus of the railway company should be put in cables or otherwise altered the railway company may execute any works reasonably necessary for any such purposes and the reasonable expense of executing such works shall be repaid to the railway company by the Company:
- (5) The Company shall bear and on demand pay to the railway company all reasonable costs of the superintendence by them of the said works and all reasonable costs of watching lighting and protection of the railways of the railway company (so far as the same shall at the time have been constructed) with reference to and during the construction of the said works but such superintendence watching lighting and protection

shall not relieve the Company from liability for any accident or damage which may be occasioned to the railways of the railway company by or through the said works or by the contractors agents and workmen of the Company: A.D. 1914.

- (6) Any dispute or difference which may arise between the railway company and the Company with reference to any of the provisions of this section or in any way arising thereout shall unless otherwise agreed be settled by an arbitrator to be appointed by the Board of Trade on the application of either the railway company or the Company or both of them and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

19. For the protection of the South Eastern and Chatham Railway Companies Managing Committee (in this section referred to as "the railway company") the following provisions in addition to any other provisions for their protection or for the protection of their railways works and property contained in this Act or the Acts incorporated therewith shall apply:— For protection of South Eastern and Chatham Railway Companies Managing Committee.

- (1) All works executed by the Company under the powers or for the purposes of this Act involving interference with or in any way affecting the railways works and property of the railway company or the level crossing mentioned in the First Schedule to this Act (in this section together referred to as "the railways of the railway company") and all works of maintenance repair renewal alteration or removal of the works so executed by the Company involving such interference or affection (the works so executed by the Company and the said works of maintenance repair renewal alteration or removal of the same being in this section referred to as "the said works") shall be constructed executed and done at such times and in such manner as the engineer of the railway company may reasonably direct and to his reasonable satisfaction and so as to cause as little injury as may be to the railways of the railway company and so as under no circumstances to cause any interruption to the passage or conduct of traffic upon or over the railways of the railway company:

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- (2) If any such injury or interruption as aforesaid shall arise from or in any way be attributable to the said works or to any operations and matters incidental thereto or to any default of the Company or their contractors servants or agents in carrying out the said works or if any injury shall be caused to any person lawfully using the railways of the railway company by or by reason of the said works or of any of the operations and matters aforesaid or by reason of the working or failure of any of the electric lines or other works of the Company or by reason of any such default the Company shall make compensation to the railway company the amount of such compensation if not otherwise agreed upon to be determined by arbitration in the manner herein-after provided:
- (3) Any additional expense which the railway company may reasonably and properly incur in or incidental to the widening alteration reconstruction repair or maintenance of the railways of the railway company by reason of the existence of any mains pipes electric lines or other works of the Company laid under the powers of this Act upon across over or under the same shall be paid by the Company but nothing in this subsection shall relieve the railway company from any liability which they would otherwise be subject to to make full compensation to the Company for any loss or damage which the Company may sustain by reason of any interference with any such mains pipes electric lines or works caused by the railway company in the widening alteration reconstruction repair or maintenance of the railways of the railway company:
- (4) If at any point where the electric lines or other electrical works of the Company will be laid or constructed over under or alongside the railways of the railway company it becomes necessary by reason of such works of the Company that the electric telegraph telephonic or signalling wires or apparatus of the railway company should be put in cables or otherwise altered the railway company may execute any works reasonably necessary for any such purposes and the

reasonable expense of executing such works shall be repaid to the railway company by the Company: A.D. 1914.

- (5) The Company shall bear and on demand pay to the railway company all reasonable costs of the superintendence by them of the said works and all reasonable costs of watching lighting and protection of the railways of the railway company (so far as the same shall at the time have been constructed) with reference to and during the construction of the said works but such superintendence watching lighting and protection shall not relieve the Company from liability for any accident or damage which may be occasioned to the railways of the railway company by or through the said works or by the contractors agents and workmen of the Company:
- (6) Any dispute or difference which may arise between the railway company and the Company with reference to any of the provisions of this section or in any way arising thereout shall unless otherwise agreed be settled by an arbitrator to be appointed by the Board of Trade on the application of either the railway company or the Company or both of them and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

SUPPLY OF GAS.

20. The prescribed number of candles of the gas supplied by the Company shall after the passing of this Act be not less than fourteen. Quality of gas.

21. For the purposes of the Gasworks Clauses Act 1871 the prescribed testing place shall be a testing place provided by the Company at their gasworks. Testing place.

22.—(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 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.

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(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 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.

Saving as to penalties.

23. 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 prepayment meters.

24.—(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 gas limits 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.

(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. A.D. 1914.

(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.

25. 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 :

(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 gas limits 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

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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 require use of anti-fluctuators for gas engines.

26. 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 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.

Power to lay pipes for ancillary purposes.

27. The Company may lay down repair take up alter relay and renew mains pipes and culverts within the gas limits 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.

28. 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.

Power to enter premises and remove fittings.

29.—(1) In any case in which the Company are by virtue of any enactment relating to the gas undertaking authorised to cut off and discontinue the supply of gas to any premises in consequence of any default on the part of the occupier of the premises it shall be lawful for the Company without prejudice to any other remedy which may be lawfully available to them to disconnect at the meter the service pipe (whether belonging to the consumer or to the Company) and any person who shall re-connect such service pipe with the meter without the consent of the Company shall be deemed to commit an offence within the meaning of section 18 of the Gasworks Clauses Act 1847:

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.

30. 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.

A.D. 1914.

LANDS.

Power to acquire lands.

31. The Company may enter upon take and use compulsorily or by agreement and may hold for the purposes of the undertaking the lands herein-after mentioned (that is to say):—

- (i) The lands shown on the deposited plans and described in the deposited book of reference and in Part I. of the Fourth Schedule to this Act:
- (ii) The lands shown on the deposited plans and described in the deposited book of reference and in Part II. of the Fourth Schedule to this Act:
- (iii) The lands shown on the deposited plans and described in the deposited book of reference and required for the purposes of the railways and overhead construction.

Period for compulsory purchase of lands.

32. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Owners may be required to sell parts only of certain lands and buildings.

33. And whereas in the construction of the railways and overhead construction or otherwise in exercise of the powers of this Act it may happen that portions only of the houses or other buildings shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the houses or other buildings numbered on the deposited plans 1 4 5 6 and 7 respectively and whereof parts only are required for the purposes of this Act may if such respective portions can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of the properties of which it forms part without material detriment thereto be required to sell and convey to the Company the portions only of the premises so required without the Company being obliged or compellable to purchase the whole or any greater portion thereof the Company paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise.

Power to purchase

34. The Company may for the purposes of the undertaking (including the railways and overhead construction) purchase and

take (by agreement but not otherwise) and may hold in addition to the other lands which they are by this Act or the Act of 1864 or the Act of 1902 authorised to hold any lands and hereditaments not exceeding in the whole five acres which they may require for the purposes of their works and undertaking but the Company shall not create or permit a nuisance on any such lands.

A.D. 1914.
—
lands by agreement.

35. 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 the 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.

36. Subject to the provisions of the Lands Clauses Consolidation Act 1845 with respect to the sale of superfluous lands (so far as such provisions are applicable) the Company may sell or let on lease for such periods as they think fit or otherwise dispose of any lands or property for the time being belonging to them and which may not at the time be required for the purposes of the undertaking or any easements or rights in or under any lands for the time being belonging to them and may retain and hold or sell and dispose of any interest in or reversion to any lands or property so let and any such sale disposal or lease may be for such consideration and subject to such reservations restrictions and provisions and generally upon such terms and conditions as the Company think fit.

Power to sell and lease lands.

37. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Persons under disability may grant easements &c.

GENERATING STATIONS AND GASWORKS.

38. The Company may upon the lands described in Part I. of the Fourth Schedule to this Act erect maintain alter improve

Power to erect generating stations

A.D. 1914.
and gas-
works.

extend work and use works for the generation and distribution of electrical energy and for the manufacture storage and distribution of gas and the conversion and manufacture of residual products resulting from the manufacture of gas and the Company may on the said lands do all such acts as may be proper for generating electricity and distributing electricity within the electricity limits and for making and storing gas and supplying gas within the gas limits and for converting and manufacturing such residual products as aforesaid.

Power to
erect works
for storage
of gas.

39. The Company may upon the lands described in Part II. of the Fourth Schedule to this Act construct make maintain alter enlarge extend and use or discontinue gasholders and other works for the storage of gas and may store gas on such lands.

Restriction
on construction
of gas-
works and
generating
stations.

40. Nothing in this Act shall be deemed to authorise the Company to construct any works for the manufacture of gas or the manufacture or conversion of the residual products of gas or to construct any station for generating electrical energy except upon the lands described in Part I. of the Fourth Schedule to this Act or any works for the storage of gas except upon the lands described in Parts I. and II. of the said schedule.

RAILWAYS AND WORKS.

Power to
construct
railways and
works.

41. Subject to the provisions of this Act the Company may in the lines and situation and according to the levels shown on the deposited plans and sections make and maintain in the borough of Deal the works herein-after described with all necessary or convenient junctions sidings embankments approaches bridges fences culverts sewers drains rails lifts hoists cranes movable platforms conveyors machinery wires apparatus appliances and conveniences.

The works before referred to are—

A Railway No. 1 (6·30 chains in length) commencing by a junction with the South Eastern Railway (Deal branch) and terminating at or near the north-western corner of the enclosure numbered on the Ordnance map scale $\frac{1}{2500}$ (third edition 1906) 54 in the parish of Deal:

A Railway No. 2 (2 furlongs 6·20 chains in length) commencing by a junction with Railway No. 1 by this Act

authorised and terminating at or near the south-eastern-most corner of the enclosure numbered on the said Ordnance map 44 in the said parish of Deal: A.D. 1914.

A bridge or overhead construction commencing at or near the termination of Railway No. 2 by this Act authorised and terminating at or near the north-westernmost corner of the property of the Company on the south side of Cannon Street and being carried over Cannon Street Cannon Road and Golf Road at or near the junction of those roads.

42. In making the railways and overhead construction the Company may deviate laterally to any extent within the limits of deviation shown on the deposited plans and vertically from the levels shown on the deposited sections in the case of the railways by this Act authorised to any extent not exceeding five feet upwards and ten feet downwards and in the case of the bridge or overhead construction to any extent not exceeding one foot downwards and to any extent upwards. Power to deviate.

43. If the railways and overhead construction are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as is then completed. Period for completion of works.

44. The Company may work the railways and overhead construction by electric steam hydraulic or any other form of mechanical power or by animal power and they may equip the railways and overhead construction for working by electrical energy and may erect and maintain upon the lands shown on the deposited plans or described in the deposited book of reference in connexion with the railways and overhead construction when such lands shall have been acquired by the Company all such works and apparatus and do all such things as may be necessary or convenient for the purpose of working the railways and overhead construction. Power to work railways and overhead construction.

45. The following provisions shall apply to the use of electrical power for the purpose of working the railways and Provisions as to use of

A.D. 1914. overhead construction unless such power is entirely contained in
and carried along with the carriages:--
electrical
power.

- (1) The Company shall employ either insulated returns or uninsulated metallic returns of low resistance :
- (2) The Company shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working the railways and overhead construction so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances or to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electrical power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus :
- (3) The electrical power shall be used only in accordance with the Board of Trade regulations and in such regulations provisions shall be made for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wire lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return :
- (4) The Company shall be deemed to take all reasonable and proper precautions against interference with the working of any wire line or apparatus if and so long as they adopt and employ at the option of the Company either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as may be prescribed by the Board of Trade regulations and in prescribing such means the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking :
- (5) At the expiration of two years from the passing of this Act the provisions of this section shall not operate

to give any right of action in respect of injurious interference with any electric wires lines or apparatus or the currents therein unless in the construction erection maintaining and working of such wires lines and apparatus all reasonable and proper precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents : A.D. 1914.

(6) If any difference arises between the Company and any other party with respect to anything in this section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be :

(7) The Company using electrical power contrary to the provisions of this Act or of the Board of Trade regulations shall for every such offence be subject to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence continues after conviction thereof Provided always that whether any such penalty has been recovered or not the Board of Trade if in their opinion the Company in the use of electrical power under the authority of this Act have made default in complying with the provisions of this Act or the Board of Trade regulations may by order direct the Company to cease to use electrical power and thereupon the Company shall cease to use electrical power and shall not again use the same unless with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order :

(8) The expression "Company" in this section includes licencees and any person owning or working the railways and overhead construction.

46. Notwithstanding anything in this Act contained if any of the works authorised to be executed by this Act involves Alteration
of telegraph
lines of

A.D. 1914. or is likely to involve any alteration of any telegraphic line
Postmaster-General. belonging to or used by the Postmaster-General the provisions of section 7 of the Telegraph Act 1878 shall apply to any such alteration.

For protection of Post Office telegraph lines.

47. In the event of the railways and overhead construction being worked by electricity the following provisions shall have effect with reference to the working thereof and the electric lines and other works of the Company of all descriptions used for such working (in this section referred to as "working apparatus") :—

- (1) The Company shall construct the working apparatus and shall work the railways and overhead construction in all respects with due regard to the telegraphic lines from time to time used or intended to be used by His Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of the working apparatus and the working of the railways and overhead construction to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein Any difference which arises between the Postmaster-General and the Company as to compliance with this subsection shall be determined by arbitration :
- (2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Company of the working apparatus or by the working of the railways and overhead construction the Company shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection :
- (3) Before any electric line is laid down or any act or work for working the railways and overhead construction by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs) the Company or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Company and their agents shall

conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work. Any difference which arises between the Postmaster-General and the Company as to any requirement so made shall be determined by arbitration :

- (4) If any telegraphic line of the Postmaster-General situate within one mile of any portion of the railways and overhead construction is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of the working apparatus or to the working of the railways and overhead construction the engineer-in-chief of the post office or any person appointed in writing by him may at all times when electrical energy is being generated by the Company for the purposes of the railways and overhead construction enter any of the Company's works used for those purposes in order to inspect the Company's electrical plant and the working of the same and the Company shall in the presence of such engineer-in-chief or such appointed person as aforesaid make any electrical tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the Company pursuant to the Board of Trade regulations with regard to the generating of electrical energy for the purposes of working the railways and overhead construction :
- (5) In the event of any contravention of or wilful non-compliance with this section by the Company or their agents the Company shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues :
- (6) Provided that nothing in this section shall subject the Company or their agents to a fine under this section if they satisfy the court having cognisance of the

A.D. 1914.

case that the immediate doing of any act or the execution of any work in respect of which the penalty is claimed was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice :

- (7) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work :
- (8) For the purposes of this section but subject to the provisions of this section sections 2 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act :
- (9) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882 :
- (10) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Company or their agents were a company within the meaning of that Act :
- (11) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Company by indictment action or otherwise in relation to any of the matters aforesaid :
- (12) In this section the expression "the Company" includes their lessees and any person owning or working the railways and overhead construction.

48. For the protection of the South Eastern Railway Company and the further protection of the South Eastern and Chatham Railway Companies Managing Committee (herein-after respectively referred to as "the South Eastern Company" and "the managing committee") the following provisions shall notwithstanding anything in this Act contained or shown on the deposited plans and sections have effect unless otherwise agreed between the Company and the managing committee (that is to say) :—

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For protec-
tion of South
Eastern
Railway
Company
and South
Eastern and
Chatham
Railway
Companies
Managing
Committee.

- (1) The junction of the Railway No. 1 by this Act authorised with the Deal branch of the South Eastern Company shall be effected at such point within the limits of deviation shown on the deposited plans as may be reasonably required by the managing committee or in the event of difference between the managing committee and the Company at such point as may be determined by arbitration as herein-after provided and in accordance with plans and sections to be previously submitted to and approved by the managing committee. Provided that such approval shall not be unreasonably withheld and that if the managing committee do not within one month after the submission of such plans and sections signify their approval or disapproval thereof or their requirements in relation thereto they shall be deemed to have approved such plans and sections :
- (2) The said junction and the works in connexion therewith so far as they are placed on the property of the South Eastern Company shall be constructed and thereafter maintained by the South Eastern Company or by the managing committee and shall be so constructed with all reasonable despatch on the requisition of the Company and the reasonable and proper expenses incurred in any half year in or in connexion with such construction and maintenance shall at the end of that half year be repaid to them by the Company :
- (3) The South Eastern Company or the managing committee may from time to time provide erect maintain and alter such signals and other works and conveniences and provide such lighting as may reasonably be found requisite in consequence of the construction or working

A.D. 1914.

of the said junction and works and may from time to time appoint and remove such watchmen pointsmen switchmen or other persons as may reasonably be necessary for the working of the said junction or for the prevention of danger or detention to or interference with traffic at or near the said junction and the working of such signals works and conveniences and the control and direction of such watchmen pointsmen switchmen and other persons shall belong exclusively to the South Eastern Company or the managing committee and all reasonable costs and expenses of providing erecting maintaining working and altering such signals works and conveniences and providing such lighting and the reasonable wages of such watchmen pointsmen switchmen and other persons and all other reasonable expenses in connexion therewith shall at the end of every half year be repaid by the Company to the South Eastern Company or the managing committee on demand and in default of such repayment the amount of such costs expenses and wages may be recovered from the Company by the South Eastern Company or the managing committee in any court of competent jurisdiction :

- (4) The Company shall not without in every case obtaining the previous consent of the South Eastern Company or the managing committee under their common seal purchase or take any lands or property belonging to the South Eastern Company and forming part of their railways and works within the South Eastern Company's fences as shown on the deposited plans but they may purchase and take and the South Eastern Company may and shall sell and grant accordingly an easement or right of using such part or parts only of such lands and property as shall be necessary for the purposes of the said junction and works but not further or otherwise :
- (5) The Company shall at their own expense provide on their land at or near the said junction all necessary and proper sidings and accommodation to the reasonable satisfaction of the engineer of the managing committee for the receiving and forwarding of traffic

passing to and from the railway by this Act authorised from and to the railways of the South Eastern Company : A.D. 1914.

- (6) The South Eastern Company or the managing committee may at any time or times hereafter if and so far as it may be reasonably necessary for them to do so for the purposes of any alteration or widening of the said Deal branch alter or remove the said junction and works and substitute therefor a new junction and works but any such alteration or removal shall be effected by the South Eastern Company or the managing committee with all reasonable despatch and so as not unduly to interfere with the traffic on the railways by this Act authorised. On the completion of any works under this subsection the Company shall repay to the South Eastern Company or the managing committee as the case may be one half of the reasonable cost of such alteration or removal. The provisions of this section shall be applicable to the construction and use of any junction and works substituted as aforesaid in the same way as to the junction and works for which they are substituted :
- (7) Notwithstanding anything in this Act contained the Company shall be responsible for and make good to the South Eastern Company or the managing committee all costs losses damages and expenses which may be occasioned to the South Eastern Company or the managing committee by reason of any failure of the works of the said junction (such failure not being occasioned by the act or omission of the South Eastern Company or the managing committee or their contractors or any person in their respective employ) or by reason of any act or omission of the Company or of any persons in their employ or of their contractors or others and except as aforesaid the Company will effectually indemnify and hold harmless the South Eastern Company and the managing committee from all claims and demands upon or against them by reason of such execution or failure or of any such act or omission :
- (8) The Company shall not in any way obstruct or interfere with the traffic passing along the South Eastern

A.D. 1914.
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Company's railway and if by reason of any works or proceeding of the Company there shall be any obstruction or interference with the South Eastern Company's railway so as to impede or prevent the convenient passing of engines and carriages along the same the Company shall pay to the South Eastern Company or the managing committee full compensation in respect thereof:

- (9) If any question or difference shall arise between the Company on the one hand and the South Eastern Company or the managing committee on the other hand touching any plans sections or specifications prepared by the Company for the construction of the said junction or with respect thereto or as to the reasonableness of any requirements of the South Eastern Company or the managing committee or as to any amounts payable to the South Eastern Company or the managing committee or in respect to any of the matters and things provided for or referred to in the foregoing subsections the same shall be settled by an arbitrator to be appointed on the application of either party by the Board of Trade.

As to user
of railways.

49. Notwithstanding anything in this Act contained—

- (a) The Company shall not be deemed to be a railway company ;
(b) The railways by this Act authorised shall not be deemed to be railways ;
(c) The railways by this Act authorised shall be deemed to be and shall be private sidings or private branch railways belonging to the Company ;

within the meaning of the Railway and Canal Traffic Acts 1854 to 1894.

ADDITIONAL CAPITAL.

Additional
capital.

50. If the Company shall bonâ fide commence to exercise the powers of this Act with reference to the supply of electricity (but not otherwise) they may from time to time after such commencement raise (in addition to the capital which they have raised or are authorised to raise by the Act of 1864 and the Act of 1902) further 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 twenty-five

thousand pounds by the creation and issue of further amounts of capital stock and by the creation and issue of preference stock or by either of those modes. A.D. 1914.

51.—(1) All capital stock and preference stock created 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 town clerk of any borough and the clerk to the urban or rural district council of any urban or rural district which or any part of which is included in the gas limits or the electricity limits 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 gas limits and electricity limits:
- (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.

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(3) Any stock which has been so offered for sale and is not sold may be offered at the reserve price to the holders of capital stock and preference stock of the Company in accordance with the provisions of sections 18 19 and 20 of the Companies Clauses Act 1863 and to the employees of the Company and to the consumers of gas or electricity supplied by the Company in such proportions as the 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.

52. The additional capital from time to time raised by the Company under this Act by capital stock or preference stock shall be part of the general capital of the Company and save as otherwise provided in respect of such capital by this Act the holders of stock in such additional capital shall be entitled to the like rights qualifications and privileges in proportion to the amount of their stock and be subject to the like provisions and liabilities as the other holders of stock of the same class or description.

Power to
borrow in
respect of
existing and
additional
capital.

53.—(1) The Company may at any time borrow on mortgage of the undertaking in respect of the sum of fifty thousand four hundred pounds into which the shares created and issued under or by virtue of the Act of 1864 have been converted any sum or sums not exceeding in the whole (inclusive of the sum of seven thousand pounds already borrowed by them under the provisions

of that Act) the sum of twelve thousand six hundred pounds and all powers conferred upon the Company by the Act of 1864 of borrowing money so far as the same have not been exercised are hereby repealed. A.D. 1914.

(2) Nothing herein contained shall alter the amount which the Company are by section 12 of the Act of 1902 authorised to borrow.

(3) The Company may also 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 created and issued any sum or sums not exceeding in the whole one-third part of the amount of such additional capital which at the time of borrowing has been raised under the powers of this Act but no sum shall be so borrowed or raised until the Company have proved to the 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 premiums (if any) realised on the sale thereof have been fully paid up.

54. 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 two thousand pounds in the whole. Appointment of receiver.

55. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 and section 14 of the Act of 1902. Debenture stock.

56. All money raised or to be raised by the Company on mortgage or by the issue of debenture stock shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act Provided always that this priority shall not affect any claim against the Company or their property in respect of any rent-charge granted or to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company in pursuance of any Act relating to the Company which is entitled Priority of mortgages and debenture stock over other debts.

A.D. 1914. to rank in priority to or *pari passu* with the interest on their mortgages or debenture stock.

Existing mortgages to have priority.

57. The principal money secured by all mortgages granted by the Company in pursuance of the Act of 1864 or the Act of 1902 and subsisting at the date of the passing of this Act shall during the continuance of such mortgages have priority over the principal money secured by any mortgages granted in pursuance of this Act.

Borrowed money not to be converted into capital.

58. 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.

MISCELLANEOUS FINANCIAL PROVISIONS.

Application of money.

59.—(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 1864 and the Act of 1902.

Receipt in case of persons not *sui juris*.

60. 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.

61.—(1) Any capital stock or preference stock issued under the powers of this Act shall be issued and be transferable only in amounts of one pound or multiples of one pound.

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

Profits of Company limited.

62. The profits of the Company to be divided in respect of any half year among the holders of capital stock and preference stock shall not exceed the following rates (namely):—

On the preference stock such rate (not exceeding the rate of six per centum per annum) as shall be specified in the resolution creating such stock:

On the capital stock whether created and issued under or by virtue of the Act of 1902 or this Act the rate of five

per centum per annum (which rate is in this Act referred to as "the standard rate of dividend") except as is provided by the section of this Act of which the marginal note is "Dividend on capital stock dependent on price of gas." A.D. 1914.

63.—(1) As from the first day 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 arising respectively from the undertaking and 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.

(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 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.

(6) For the purposes of this section the paid-up capital of the Company shall be deemed to consist of the following (that is to say):—

(a) The sum of fifteen thousand seven hundred and fifty pounds being the nominal value before the conversion into stock under the provisions of the Act of 1902

A.D. 1914.

of the fully paid-up shares issued under the provisions of the Act of 1864 to the proprietors of the Deal and Walmer Gas Light and Coke Company Limited:

- (b) The sum of fifteen thousand nine hundred and fifty pounds being the total amount received by the Company from the issue of new shares under the provisions of section 22 of the Act of 1864 including the premiums received on the issue of such shares:
- (c) The sum of ten thousand six hundred and eighty-eight pounds two shillings being the total amount received by the Company from the issue prior to the passing of this Act of new capital under the provisions of section 8 of the Act of 1902 including the premiums received on the issue of such capital:
- (d) All sums which may be received by the Company after the passing of this Act from the issue of capital stock or preference stock including any premiums received on the issue of any such stock.

Power to
create re-
serve fund.

64. 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 the capital stock shall exceed the standard rate of dividend by reason of the price charged by the Company for gas in such half year 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 (if any) so set apart by the Company and any reserve or other fund of the Company existing at the date aforesaid 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 capital stock and save as in this Act provided no sum shall in any half year be carried by the Company to any reserve fund.

Application
of excess of
profits.

65. If the clear profits of the undertaking of the Company in any half year (after appropriating and setting apart such

sum or sums (if any) as may be determined upon under the powers of the Act of 1864 the Act of 1902 or this Act to any fund or funds thereby respectively authorised) amount to a larger sum than is sufficient to pay the dividends at the authorised rates on the preference stock and capital stock of the Company the excess shall be carried to the credit of the profit and loss (net revenue) account of the undertaking for the next following half year: A.D. 1914.

Provided that the sum standing to the credit of such profit and loss (net revenue) account to be carried forward to the next following half year shall not at any time after the thirty-first day of December one thousand nine hundred and fifteen exceed the amount required to pay one year's dividends at the authorised rates on the preference stock and capital stock of the Company.

66. Separate capital and revenue accounts shall be kept of the gas undertaking and the electricity undertaking. Separate accounts for gas and electricity undertakings.

The gas undertaking and the electricity undertaking respectively shall be duly credited and debited with the receipts and payments exclusively attributable thereto.

The Company shall out of any capital moneys raised after the passing of this Act carry to the credit of the capital account of the gas undertaking the value of all land (if any) acquired for the purposes of that undertaking and used for the purposes of the electricity undertaking.

The expenses of direction and management and any expenses common to both the gas undertaking and the electricity undertaking shall be from time to time apportioned between them as nearly as conveniently practicable in proportion to the amount of capital for the time being expended on the gas undertaking and the electricity undertaking respectively.

SLIDING SCALE.

67. As from the first day of January one thousand nine hundred and fifteen section 45 (Price of gas) of the Act of 1864 shall by virtue of this Act be repealed and in lieu thereof the following provisions shall have effect:— Dividend on capital stock dependent on price of gas.

The standard price to be charged by the Company for gas supplied by them to persons who shall consume the same by ordinary meter shall be three shillings and threepence per thousand cubic feet:

A.D. 1914.
—

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

In respect of any half year during any part of which the price so charged 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 increased above the standard price be reduced below the standard rate of dividend by one shilling and threepence on every one hundred pounds of capital stock and so in proportion for any fraction of one hundred pounds;

And in respect of any half year during the whole of which the price so charged shall have been one penny or more below the price of three shillings per thousand cubic feet the dividend payable by the Company may in respect of each penny by which the price so charged shall have been reduced below the price of three shillings per thousand cubic feet be increased above the standard rate by one shilling and threepence on every hundred pounds of capital stock and so in proportion for any fraction of one hundred pounds:

Provided also 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 amount to and pay the same with succeeding dividends accordingly or add the same to the reserve fund.

BENEFIT FUND PENSIONS AND CO-PARTNERSHIP SCHEMES.

Power to
establish a
benefit fund.

68.—(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":

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. A.D. 1914.

(2) The directors may out of the benefit fund grant a gratuity of any sum or make pension 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.

(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

A.D. 1914. — 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
pensions &c.

69. 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.

Profit
sharing.

70.—(1) The directors may with the sanction of a majority of the votes of stockholders present personally or by proxy and entitled to vote and voting at an extraordinary general meeting of the Company prepare put in force and from time to time modify alter or rescind a scheme enabling the workmen servants and employees of the Company (in this section called “employees”) or any class or classes of such employees as may be defined in such scheme or schemes to participate in the profits of the undertaking or of any part of the undertaking as part of the terms of remuneration for the services of any such employee and may in connexion with any such scheme accept on deposit on behalf of any employee any savings or other sums of money belonging to such employee and pay interest thereon out of the revenues of the Company.

(2) Any agreement as to service with any employee in pursuance of any such scheme may be entered into with any employee above the age of sixteen years and shall be in writing and may be made on the part of the Company under the hands

of any two directors or under the hand of the secretary or of any person from time to time appointed on that behalf by resolution of the directors. A.D. 1914.

(3) Notwithstanding anything contained in any Act relating to the Company the Company may if and whenever required by any persons being the trustees under any such scheme or schemes so to do issue to any person in the employ of the Company or to such trustees such amount of capital stock as the trustees may specify (being within the limit of the amount of capital stock which the Company may for the time being be authorised to issue) without first offering such stock for sale by public auction or tender. Provided that any capital stock issued under the provisions of this section shall be issued at the average price at which according to the Company's books sales of capital stock were effected within the period of six months immediately preceding the issue or if there has been only one sale or no sale of capital stock within the said period then at the price at which the last sale of capital stock was effected making due allowance in each case for any enhancement in price by reason of any accrued dividend such value to be ascertained by the said trustees.

71.—(1) In this section "the trustees" means the trustees under any scheme formed under the section of this Act of which the marginal note is "Profit sharing" "co-partner" means any person who is a co-partner under any such scheme "stock" means capital stock of the Company held under any such co-partnership scheme "deposits" means and includes any bonus savings and other sums of money of a co-partner credited to his account under any such scheme "nominee" means any person or persons named in a nomination made under this section and "beneficiary" means and includes any nominee entitled under a nomination made under this section and any person entitled under subsection (6) of this section to be registered as holder of any stock or to be paid any deposits.

Further provisions relating to profit-sharing schemes. Definitions.

(2) Subject to and in accordance with the regulations set forth in the Fifth Schedule to this Act any co-partner not being under the age of sixteen years may nominate any person or persons who on the death of the co-partner shall subject to the provisions of this section and to the extent of a total value of not exceeding one hundred pounds be entitled to be

Disposal of stock and deposits by nomination.

A.D. 1914. — registered as holder of any stock and to be paid any deposits standing in the name or to the credit of the co-partner at his death.

Proceedings on death of nominator.

(3) After the expiration of one month from the death of a co-partner who has made a nomination in force at his death the directors and the trustees shall subject to the provisions of this section give effect to the nomination to the extent of a total value not exceeding one hundred pounds and shall respectively in accordance with the directions of the nomination but subject to the extent aforesaid register the nominee as holder of the stock and pay to the nominee the deposits standing in the name or to the credit of the co-partner at his death or as the case may be the portion of the stock and deposits mentioned in the nomination. Provided that if the directors or trustees receive notice of any claim of a creditor of the deceased co-partner before the expiration of one month from the death of the co-partner they shall not give effect to the nomination until such claim has been satisfied disproved or withdrawn.

Legality of acts done in ignorance of marriage of nominator.

(4) Where the directors or trustees have registered stock in the name of or paid deposits to a nominee in ignorance of a marriage of the deceased co-partner subsequent to the nomination the registration shall be deemed to have been lawfully made and the receipt of the nominee shall be a valid discharge for the sum so paid.

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

(5) In the event of the directors or trustees being restricted under the provisions of this section from giving effect to any nomination made by a deceased co-partner and in force at his death to the whole extent of the nomination they shall primarily give effect thereto to the extent to which it relates to stock.

Disposal in case of no nomination.

(6)—(a) If any co-partner dies without having made any nomination under this section in force at his death and the total value of the stock and deposits standing in his name or to his credit at his death does not exceed one hundred pounds and probate of the will of the co-partner or letters of administration to his estate are not produced within one month after his death then at the expiration of such month the directors and the trustees shall respectively subject to the provisions of this section register the stock in the names of and pay the deposits to—

(i) The widow (if any) of the deceased co-partner;

(ii) If there be no widow the persons entitled to his effects according to the statutes for the distribution of the effects of intestates in the respective shares in which they are entitled under those statutes: A.D. 1914.

Provided that in every case where the deceased co-partner has left no widow and the persons entitled under the aforesaid statutes are more than two the directors may if they think fit sell the stock and distribute the proceeds (after deducting the expenses of such sale and distribution) among such persons in the shares in which they are entitled under the said statutes and for the purposes of such sale the directors may by a resolution authorise the secretary to execute the transfer of the stocks to the purchaser:

Provided also that if the directors or trustees receive notice of any claim of a creditor of the deceased co-partner before the expiration of one month from the death of the co-partner they shall not deal with the stock or deposits under this section until such claim has been satisfied disproved or withdrawn.

(b) The provisions of this subsection shall also apply in the case of the death of any co-partner having at his death in his name or to his credit stock or deposits of a total value not exceeding one hundred pounds who has made a nomination in force at his death where such nomination relates to a portion only of the stock and deposits standing in his name or to his credit at his death but in such case the provisions of this section shall extend only to the portion of the stock or deposits to which the nomination does not relate.

(c) Any registration of stock or payment of deposits or the proceeds of a sale in the name of or to any person who at the time appears to the directors to be entitled to such stock proceeds or deposits under the foregoing provisions of this section or in the name of or to any person under subsection (9) or subsection (10) of this section on behalf of or for the benefit of or as trustee for any person who at the time appears to the directors to be so entitled as aforesaid and any sale of stock to a bonâ fide purchaser made by the directors or the trustees under the provisions of this subsection shall be valid and effectual against any demand made upon the Company the directors or the trustees by any other person. Provided nevertheless that the legal personal representative of the deceased co-partner shall have remedy for recovery of such stock proceeds or deposits against the person in whose name the same shall have been registered or to whom

A.D. 1914. — the same shall have been paid but nothing in this proviso shall confer upon any person any such remedy against a bonâ fide purchaser of such stock or against the widow of a deceased co-partner or shall confer upon any person in trust for whom or on behalf or for the benefit of whom the stock proceeds or deposits have been so registered or paid any such remedy against the person in whose name or to whom the same shall have been registered or paid.

Provision where stock and deposits exceed ninety pounds.

(7) Notwithstanding anything in subsections (3) and (6) of this section if the total value of the stock and deposits standing in the name or to the credit of a co-partner at his death exceeds ninety pounds the directors and the trustees shall before giving effect to the nomination of the co-partner or dealing with the stock or deposit under subsection (6) of this section to a greater extent than seventy-five pounds require the production of a duly stamped receipt from the Commissioners of Inland Revenue for the legacy duty payable on such stock and deposits or a letter or certificate from the Commissioners of Inland Revenue stating that no such duty is payable and the Commissioners shall give such receipt letter or certificate on payment of the duty or satisfactory proof that no duty is payable as the case may be.

Provisions as to fractional parts of one pound of stock.

(8) In every case where under the provisions of this section any beneficiary would be entitled to be registered as the holder of any fractional part of one pound of stock either alone or together with an integral number of pounds of stock it shall be lawful for the directors in lieu of registering such beneficiary as holder of such fractional part of one pound of stock to pay to him a sum in cash equal to the value of such fractional part on the date of the death of the co-partner in whose name the stock was previously registered and the trustees shall forthwith repay such sum to the directors out of any moneys in their hands requiring to be invested under the co-partnership scheme and such fractional part of stock shall forthwith be registered in the names of the trustees.

Provisions as to infant beneficiaries.

(9) Where any beneficiary is an infant under the age of sixteen years and it is proved to the satisfaction of the directors that funds are needed for the maintenance education or benefit of such infant the directors and the trustees may respectively notwithstanding any other provisions of this section register the stock and pay the deposits to which the infant beneficiary is entitled or any part thereof in the name of or to any person who may satisfy the directors that he will apply any money so paid

to him or received by him from the sale of or as dividend on such stock for the maintenance education or benefit of such infant and the receipt of such person shall be a good discharge to the directors and trustees for any sums so paid. A.D. 1914.

(10) Where any beneficiary is an infant under the age of sixteen years it shall be lawful for the directors by a resolution to appoint any person whom they think fit to act as a trustee for such infant beneficiary and thereupon the directors and the trustees shall respectively notwithstanding any other provisions of this section register the stock and pay the deposits to which the infant beneficiary is entitled to such person and such person shall apply the deposits and the dividends on the stock or shall sell the stock or any part thereof and apply the proceeds of such sale for the maintenance education or benefit of the infant beneficiary and the receipt of such person shall be a good discharge to the directors and trustees for any sums so paid. Provided always that if and when the infant beneficiary attains the age of sixteen years the person so appointed shall transfer or pay to the beneficiary any stock deposits or proceeds of sale then held by such person on behalf of the beneficiary. Directors may appoint trustee for infant beneficiary.

(11) Where any beneficiary is an infant but over the age of sixteen years it shall be lawful for the infant to sell and transfer any stock registered in his name to the trustees at the value thereof to be determined in manner herein-after appearing and the trustees if so required by the beneficiary shall apply any moneys in their hands requiring to be invested under the co-partnership scheme in the purchase of such stock. Power to infant beneficiary over sixteen to sell stock.

(12) The receipt of any beneficiary who has attained the age of sixteen years shall be a good discharge for any sum paid to him notwithstanding such beneficiary has not attained the age of twenty-one years. Receipt of infant beneficiary to be a valid discharge.

(13) When the principal value of the estate for the purpose of estate duty of any deceased co-partner exceeds one hundred pounds any stock or deposits standing in his name or to his credit at his death shall be deemed for the purpose of estate duty to be property passing on the death of the co-partner but neither the directors nor the trustees shall be accountable for the payment of the estate duty in respect of any stock or deposits which they have registered paid over distributed or otherwise disposed of in accordance with the provisions of this section. Estate duty payable in certain cases.

A.D. 1914.
Power to
require
declaration
of value of
estate.

(14) The directors and trustees before dealing with any stock or paying to any person any deposits standing in the name or to the credit of a deceased co-partner shall satisfy themselves that the principal value of the estate for the purpose of estate duty of the deceased co-partner does not exceed one hundred pounds and in the absence of other evidence to their satisfaction shall be empowered to require a statutory declaration by such person or some beneficiary to that effect and if such principal value exceeds one hundred pounds they shall before dealing with the stock or paying the deposits to any person other than the legal personal representative of the deceased co-partner to an extent greater than three-fourths of the total value of such stock and deposits require production of a certificate from the Commissioners of Inland Revenue of the payment of the estate duty.

Value of
stock.

(15) For the purposes of this section the value of any stock shall be deemed to be the average price at which according to the Company's books sales of stock were effected within the period of six months immediately preceding the date on which the value of the stock is required to be determined or if there has been only one sale or no sale of stock during such period then at the price at which the last sale of stock was effected making due allowance in each case for any enhancement in price by reason of any accrued dividend and such value shall be certified by the secretary.

VOTING RIGHTS DIRECTORS &C.

Scale of
voting.

72.—(1) After the passing of this Act the prescribed scale of voting shall be as follows. Every holder of capital stock and (subject as herein-after mentioned) of preference stock of the Company shall be entitled to one vote for every complete fifty pounds of such stock held by him and any holder of such stock of an amount being less than fifty pounds but not less than twenty pounds shall also be entitled to one vote.

(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.

73. After the passing of this Act the qualification of every director shall be the holding in his own right of ordinary stock or preference stock in the capital of the Company to the

aggregate nominal amount of not less than four hundred pounds. A.D. 1914.

74. 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 ten days at least before the day of election. Notice of candidature for office of director.

75. 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.

76.—(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 either by circular to each proprietor or by advertisement in a newspaper published or circulating in the gas limits and the electricity limits. 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.

77. 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.

78. A notice to the Company from a consumer for the discontinuance of a supply of gas or of electricity shall not be of any effect unless it be in writing signed by or on behalf of the Notice to discontinue supply of electricity.

A.D. 1914. 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.

Authentica-
tion and ser-
vice of
notices by
Company.

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

Several sums
in one
summons.

80. Where the payment of more than one sum by any person is due under this Act any summons or warrant issued for the purposes of this Act in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

Penalties not
cumulative.

81. Penalties imposed on the Company for one and the same offence by several Acts of Parliament shall not be cumulative and for such purpose this Act and the Acts incorporated herewith shall be deemed several Acts.

Recovery of
penalties
&c.

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

Recovery of
demands.

83. Proceedings for the recovery of any demand made under the authority of this Act or the Act of 1864 or the Act of 1902

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.

84. The following sections of the Act of 1864 and the Act of 1902 are hereby repealed to the extent herein-after mentioned (that is to say) :— Repeal of certain provisions of Act of 1864 and Act of 1902.

Act of 1864:—

Section 32	Voting at general meetings	The whole section.
„ 33	Number and qualification of directors.	From the words “and the qualification” to the end of the section.
„ 46	Gas to be consumed by meter.	The whole section.
„ 47	Consumer to keep his own meter in order.	The whole section.
„ 49	Register of gas meter to be primâ facie evidence.	The whole section.
„ 50	Power to remove meter fittings.	The whole section.
„ 51	Penalty for damaging meters.	The whole section.
„ 52	Incoming tenant not liable to pay arrears of gas.	The whole section.
„ 53	Sums undisputed may be recovered by distress.	The whole section.
„ 54	Contents of warrants	The whole section.
„ 55	Warrant shall include costs	The whole section.
„ 56	Recovery of sums due to the Company.	The whole section.
„ 57	As to quality of Company’s gas.	The whole section.
„ 58	Company to erect test meter.	The whole section.
„ 59	Power to test the illuminating power of the gas.	The whole section.
„ 60	Cost of experiment to be paid according to event.	The whole section.

A.D. 1914

Act of 1864:—

Section	61	Penalties not cumulative -	The whole section.
„	62	Liability to gas rates not to disqualify justices.	The whole section.
„	63	Commissioners of pavement not disqualified by being shareholders.	The whole section.

Act of 1902:—

Section	4	Recovery of demands under fifty pounds.	The whole section.
„	10	Limit of dividend - -	The whole section.
„	13	Appointment of receiver -	The whole section.
„	18	Conversion of shares - -	The words “ bearing “ a uniform divi- “ dend of five per “ centum per “ annum.”
„	23	Illuminating power testing place &c.	The whole section.
„	29	Notice to discontinue supply of gas.	The whole section.

Confirmation
of certain
deeds poll.

85. Whereas certain deeds poll particulars whereof are stated in the schedule to this section were intended to be made in favour of the Company but are erroneously expressed therein respectively to be made in favour of the Deal and Walmer Gas Light and Coke Company and it is expedient that the said deeds poll be validated and made effectual Now it is hereby enacted as follows:—

The deeds poll mentioned in the schedule hereto shall be deemed to be and have been made in favour of the Company and shall be as valid in law and effectual in all respects in favour of and against the Company as if the Company had been expressly named therein in place of the Deal and Walmer Gas Light and Coke Company.

The Schedule to the above section.

(1) A deed poll dated the tenth day of February one thousand eight hundred and seventy-seven under the hand and seal of William Clark:

(2) A deed poll dated the fifteenth day of February one thousand eight hundred and seventy-seven under the hand and seal of George Henry Denne: A.D. 1914.

(3) A deed poll dated the thirty-first day of January one thousand eight hundred and eighty-five under the hand and seal of Josiah Bayly.

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

The SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

Lists of Streets and Parts of Streets not repairable by the Local Authority and of a Railway which may be broken up by the Company in pursuance of the special powers granted by this Act.

(a) STREETS :—

In the borough of Deal—

The road over the railway bridge at Deal Station on the South Eastern and Chatham Railway (being a continuation of Queen Street):

In the urban district of Walmer—

Sydney Road from Waterworks Road to within 633 feet of its junction with Station Road Park Road Hawks Hill Road and an unnamed road leading on to Hawks Hill Estate from Wellington Road near the Kingsdown end of the said estate.

(b) RAILWAY :—

The level crossing over the South Eastern and Chatham Railway at Western Road Deal.

A.D. 1914.

SECOND SCHEDULE.

List of Streets and Parts of Streets throughout which the Company are to lay down suitable and sufficient Electric Lines for the purposes of General Supply within the Periods mentioned in the section of the foregoing Act of which the marginal note is "Mains &c. to be laid down."

In the borough of Deal—

Victoria Road from the municipal borough boundary to High Street High Street from Victoria Road to College Road Queen Street from High Street to West Street Broad Street from High Street to Beach Street Prince of Wales Terrace Beach Street and the Marina:

In the urban district of Walmer—

The Strand from the municipal borough boundary of Deal to Canada Road Liverpool Road from the Strand to Alexandra Road Dover Road from Canada Road to Walmer Brewery Upper Walmer.

THIRD SCHEDULE.

MAXIMUM PRICE FOR THE SUPPLY OF ELECTRICITY.

In this schedule—

The expression "unit" shall mean the energy contained in a current of one thousand ampères flowing under an electro-motive force of one volt during one hour.

SECTION 1.

Where the Company charge any consumer by the actual amount of energy supplied to him they shall be entitled to charge him at the following rates per quarter For any amount up to twenty units eleven shillings and eightpence and for each unit over twenty units sevenpence.

SECTION 2.

Where the Company charge any consumer by the electrical quantity contained in the supply given to him they shall be entitled to charge him according to the rates set forth in section 1 of this schedule the amount of energy supplied to him being taken to be the product of that electrical quantity and the declared pressure at the consumer's terminals that is to say such a constant pressure at those terminals as may be declared by the Company under the Board of Trade regulations.

FOURTH SCHEDULE.

A.D. 1914.

PART I.

LANDS FOR GENERATING STATIONS AND GASWORKS.

In the borough of Deal—

- (A) A plot of land abutting upon and having a frontage of seventy-five yards or thereabouts to the northern side of Ark Lane and containing by admeasurement one-and-a-quarter acres or thereabouts and now belonging or reputed to belong to Thomas Henry Chandler which plot of land is bounded on the south by Ark Lane on the west partly by the back of a cottage situate at the corner of Golf Road and Ark Lane and land held therewith and partly by lands of the Company on the north partly by lands of the Company and partly by the plot of land (B) herein-after described and on the east by an imaginary straight line drawn in a due northerly direction for a distance of eighty-six yards or thereabouts from a point in Ark Lane seventy-five yards or thereabouts from Golf Road :
- (B) A plot of land containing by admeasurement about two roods twenty perches or thereabouts and now belonging or reputed to belong to Sarah Rebecca Clark bounded on the south partly by the said plot of land (A) herein-before described and partly by lands belonging or reputed to belong to Henry Amess on the west by lands of the Company on the north partly by lands of the Company and partly by the premises known as 1A 1B 1 1C 1D 2 3 3A 3B 4 and 5 Cannon Street and on the east by the premises known as 33 35 37 39 41 43 45 47 and 49 College Road.

PART II.

LANDS FOR STORAGE OF GAS.

In the borough of Deal—

A plot of land being so much of the property numbered on the Ordnance map scale $\frac{1}{2500}$ (3rd edition 1906) 44 in the parish of Deal as lies between the north-eastern boundary of such property Golf Road Cannon Road and the following imaginary line (that is to say) A line drawn from Cannon Road in a north-easterly direction parallel to and at a distance of

A.D. 1914.

twenty-three yards or thereabouts south-eastwards of the north-western boundary of the said property to a point sixty-seven yards or thereabouts from Cannon Road thence in a north-westerly direction parallel to the north-eastern boundary of the said property to the north-western boundary thereof and thence along such north-western boundary to the northernmost corner of the said property.

FIFTH SCHEDULE.

REGULATIONS AS TO NOMINATIONS BY CO-PARTNERS.

1. In these regulations the respective expressions "stock" "deposits" and "nominee" have the same respective meanings as are given thereto in the section of the foregoing Act of which the marginal note is "Further provisions relating to profit-sharing schemes" and the expression "appointor" means any person who makes a nomination under the provisions of that section.

2. A nomination shall be in writing in the form prescribed by the directors and shall be signed by the appointor in the presence of a witness and shall be sent by post or otherwise to the secretary during the lifetime of the appointor.

3. A nomination when received by the secretary shall be registered by him and the receipt thereof shall be acknowledged but the secretary may refuse to register a nomination which does not comply with these regulations.

4. A nomination which does not comply with these regulations or has not been received by the secretary shall not have any validity or effect.

5. A nomination may be revoked by the appointor by a subsequent nomination registered in accordance with these regulations or by writing under his hand signed in the presence of a witness and the revocation shall be sent by post to or left at the office of the secretary during the lifetime of the appointor.

6. A revocation when received by the secretary shall be registered in like manner as in the case of a nomination and the receipt thereof shall be acknowledged.

7. A revocation which does not comply with these regulations or has not been received by the secretary shall not have any validity or effect.

8. The marriage of an appointor shall operate as a revocation of any nomination theretofore made by that appointor.

9. A nomination may relate to the whole of the stock and deposits standing in the name or to the credit of an appointor or to part only of such stock and deposits but not to fractional amounts of one pound of stock. A.D. 1914.

10. Except where otherwise stated a nomination shall be deemed to extend to all stock and deposits to which an appointor is entitled at the time of his decease up to a total value not exceeding one hundred pounds but an appointor may in a nomination expressly exclude any part of such stock or deposits from the operation of such nomination.

11. A nomination may be in favour of one person or of several persons and in the latter case may subject as herein-after mentioned direct that on the death of the appointor the stock shall be registered in the name of and the deposits shall be paid to one or more of the nominees or that the nominees shall be registered as owners of the stock and shall take the deposits or any of them respectively in specified shares or may give directions to both effects Provided that it shall not be lawful for a nomination to direct that stock shall be registered in the names of more than two persons as joint holders or that fractional amounts of one pound of stock shall be registered in the name of any nominee.

12. No person who witnesses the signature of an appointor to a nomination shall take any benefit under such nomination.

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