



CHAPTER xciv.

An Act to extend the limits of supply of the Liverpool United Gaslight Company to provide for the conversion of the existing capital of the Company to change the name of the Company and for other purposes. A.D. 1914.

[31st July 1914.]

WHEREAS by the Liverpool United Gaslight Company's Act 1848 the Liverpool Gaslight Company and the Liverpool New Gas and Coke Company were dissolved and the Liverpool United Gaslight Company (hereinafter called "the Company") were incorporated with a capital amounting in the aggregate (including the capital raised by the dissolved companies respectively) to six hundred and thirty-eight thousand eight hundred and thirty-seven pounds and with power to borrow (including the amount borrowed by the Liverpool Gaslight Company) one hundred thousand pounds and were authorised to manufacture and supply gas within the town of Liverpool and the several townships of Toxteth Park West Derby Everton Kirkdale Walton-on-the-Hill Bootle-cum-Linacre Litherland Great Crosby Wavertree Allerton and Garston in the county of Lancaster :

And whereas by the Liverpool United Gaslight Company's Act 1865 the Liverpool United Gaslight Company's Act 1880 the Liverpool United Gaslight Company's Act 1882 the Liverpool United Gaslight Company's Act 1886 the Liverpool United Gaslight Company's Act 1892 and the Gas Company's (Standard Burner) (No. 1) Act 1910 further powers have been conferred upon the Company and further provisions enacted with reference to the Company's undertaking and amongst other things the limits of the Company for the supply of gas have been extended so as to include the township of Orrell and Ford in the rural

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district of Sefton in the county of Lancaster and the Company have been authorised to raise additional capital both by the issue of new shares or stock and by borrowing :

And whereas the shares in the capital of the Company have from time to time been consolidated under the provisions of the Companies Clauses Consolidation Act 1845 into two classes of stock called consolidated A stock and consolidated B stock entitled to maximum dividends at the rate of ten per centum per annum and seven per centum per annum respectively :

And whereas the statement of capital (stock) set out in the First Schedule to this Act sets out the total amounts which the Company have been authorised by the aforesaid Acts to raise by the issue of shares or stock the total amount of such capital which has been issued and paid up the amounts received by way of premiums thereon and the amount remaining to be issued :

And whereas the statement of loan capital set out in the said schedule shows the total amount which the Company have been authorised to borrow the total amount which has been borrowed by the Company by the issue of debenture stock and received by premiums thereon and the amount remaining to be borrowed :

And whereas it is expedient that the existing consolidated A stock and consolidated B stock of the Company be converted into one class of stock entitled to dividends at the rate of five per centum per annum but subject to increase or reduction according to the price of gas supplied by the Company as by this Act provided :

And whereas the demand for gas within the Company's limits of supply and in parishes and places adjacent thereto has increased and is increasing and it is expedient that the Company's limits for the supply of gas be extended and the Company be authorised to raise additional capital :

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

And whereas the name of the Company has become obsolete and it is expedient that such name be changed :

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

And whereas the purposes of this Act cannot be effected without the authority of Parliament: A.D. 1914.

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.—(1) This Act may be cited as the Liverpool Gas Act 1914. Short and collective titles.

(2) The Liverpool United Gaslight Company's Act 1848 the Liverpool United Gaslight Company's Act 1865 the Liverpool United Gaslight Company's Act 1880 the Liverpool United Gaslight Company's Act 1882 the Liverpool United Gaslight Company's Act 1886 the Liverpool United Gaslight Company's Act 1892 and this Act may be cited together as the Liverpool Gas Acts 1848 to 1914.

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

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

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

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.

3. In this Act—

The several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated

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herewith shall have the same respective meanings unless there be something in the subject or context repugnant to such construction ;

The respective expressions "the Act of 1848" "the Act of 1865" "the Act of 1880" "the Act of 1882" "the Act of 1886" and "the Act of 1892" respectively mean the Liverpool United Gaslight Company's Act 1848 the Liverpool United Gaslight Company's Act 1865 the Liverpool United Gaslight Company's Act 1880 the Liverpool United Gaslight Company's Act 1882 the Liverpool United Gaslight Company's Act 1886 and the Liverpool United Gaslight Company's Act 1892 ;

The expression "the existing Acts" means the Act of 1848 the Act of 1865 the Act of 1880 the Act of 1882 the Act of 1886 and the Act of 1892 ;

The expression "the undertaking" means the undertaking of the Company authorised by the existing Acts and this Act ;

The expression "the existing limits" means the limits within which the Company are by the existing Acts authorised to supply gas ;

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

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

The expression "the Liverpool Corporation" means the lord mayor aldermen and citizens of the city of Liverpool ;

The expression "A stock" means the existing stock in the capital of the Company entitled to a dividend of ten per centum per annum ;

The expression "B stock" means the existing stock in the capital of the Company entitled to a dividend of seven per centum per annum ;

The expression "the date of conversion" means the first day of October one thousand nine hundred and fourteen or such other date as may be appointed by a resolution

of an extraordinary general meeting for the conversion of the A stock and B stock into ordinary stock in accordance with the provisions of this Act. A.D. 1914.

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

(i) Section 13 of the Gasworks Clauses Act 1847 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:

(ii) The Gasworks Clauses Act 1871 shall be read and construed as if all references to illuminating power and the testing thereof were omitted from that Act:

(iii) The provisions of sections 41 49 and 50 of the Act of 1848 shall notwithstanding any such incorporation remain in full force and effect and shall apply to and within the new limits in like manner as they apply to and within the existing limits and any subsisting agreement between the Company and the Liverpool Corporation made under the said section 41 shall not be affected by such incorporation.

CHANGE OF NAME.

5. From and after the passing of this Act the name of the Company shall be “The Liverpool Gas Company.” Change of name.

EXTENSION OF LIMITS OF SUPPLY.

6.—(1) The limits within which the Company may supply gas and exercise the powers of the existing Acts and this Act are hereby extended so as to include (in addition to the existing limits) the township of Childwall in the city of Liverpool and the parishes or townships of Aintree Netherton Sefton Lunt Ince Blundell and Thornton in the rural district of Sefton all in the county of Lancaster. Extension of limits of supply.

(2) Within the new limits the Company shall have and may exercise (subject to the section of this Act of which the

A.D. 1914. — marginal note is “Price of gas Sliding scale”) all and the like powers rights privileges and authorities for and in relation to the supply of gas and be subject to all and the like duties and obligations in respect thereof as they for the time being have and are subject to within the existing limits.

Power to purchase existing mains in Childwall.

7.—(1) The Company may purchase by agreement from the owner as hereinafter defined the gasworks mains pipes and other works of the owner used for the purpose of supplying gas in the said township of Childwall and the site of such gasworks upon such terms and conditions pecuniary or otherwise as may be agreed upon between the Company and the owner.

(2) On the completion of such purchase the Company may maintain hold and use for the purposes of the undertaking or may discontinue sell lease exchange remove or dispose of the gasworks mains pipes and other works so purchased and the site of such gasworks and the provisions of the existing Acts and this Act and the Acts incorporated therewith shall apply to the said mains pipes and works in all respects as if the same had been laid down or constructed under the authority of such Acts or any of them but nothing in this section shall authorise the Company to use any such works or site for the purpose of making converting or storing gas or the residual products of gas.

(3) In this section the expression “the owner” means the Most Honourable James Edward Hubert Gascoigne Cecil fourth Marquis of Salisbury and his successors in title.

CONVERSION OF SHARE CAPITAL.

Conversion of share capital.

8.—(1) As from the date of conversion the then existing A stock and B stock shall be converted into one class of stock to be called “ordinary stock” and shall subject to the provisions of this Act be by virtue of this Act vested in the holders of the then existing A stock and B stock as follows:—

For every one pound of A stock two pounds of ordinary stock;

For every one pound of B stock one pound eight shillings of ordinary stock;

and so in proportion in each case for any fractional amounts of one pound of A stock or one pound of B stock.

(2) As from the date of conversion there shall be by virtue of this Act created such nominal amount of ordinary stock as shall be necessary for the purpose of giving effect to such conversion and the amounts of ordinary stock to which the holders of the A stock and the B stock shall by virtue of this Act respectively become entitled in substitution for such A stock or B stock shall be deemed to be fully paid up and shall be vested in such holders as from the date of conversion and shall subject to the provisions of the section of this Act of which the marginal note is "As to fractional parts of one pound of stock" be forthwith registered in their respective names in the books of the Company. A.D. 1914.

9.—(1) In every case where under the foregoing provisions of this Act a holder of A stock or B stock would be entitled to be registered as the holder of a fractional part of one pound of ordinary stock or of any amount of ordinary stock including a fractional part of one pound the Company in lieu of registering such holder and issuing to him a certificate as holder of such fractional part of one pound of ordinary stock or of an amount of ordinary stock including such fractional part of one pound shall at the same time as they register such holder in their books pay to him a sum in cash equal to the value (to be determined as hereinafter mentioned) of such fractional part on the date of conversion and the Company shall register such holder and issue to him a certificate of the amount (if any) of ordinary stock to which he shall be entitled as aforesaid excluding such fractional part and the receipt of any such holder for any sum in cash so to be paid as aforesaid shall be a sufficient discharge to the Company in respect of such fractional part. As to fractional parts of one pound of stock.

The Company may either cancel all or any of the ordinary stock in respect of which such payment has been made or issue the same to any willing purchaser of amounts of such stock of ten pounds or of an integral number of pounds exceeding ten and any loss or expense which may be incurred in connection with such issue shall be borne by the Company.

(2) The value of any fractional part of one pound of ordinary stock at the date of conversion shall for the purposes of this section be deemed to be the average price at which sales of ordinary stock were effected on the Liverpool Stock Exchange on the date of conversion and in the event of there being no sales of ordinary stock on the Liverpool Stock Exchange on the

A.D. 1914. — date of conversion such price as shall be certified by the secretary of the Liverpool Stock Exchange to be the fair market price of ordinary stock on that date.

Ordinary stock to be held on same trusts &c. as stock for which it is substituted.

10. All ordinary stock of which the holders of A stock and B stock are pursuant to the foregoing provisions of this Act registered as holders and any sums to be paid by the Company in cash pursuant to such provisions shall be held in the same rights upon the same trusts and subject (so far as is consistent with those provisions) to the same powers provisions charges and liabilities as those in upon or to which the A stock or B stock for which the ordinary stock or sums of cash are respectively substituted were held or were subject to immediately before the date of conversion and shall be dealt with applied and disposed of accordingly and so as to give effect to and not to revoke any deed will or other instrument disposing of or affecting any such A stock and B stock and trustees executors or administrators and all other holders in any representative or fiduciary capacities and persons under disability may and shall accept ordinary stock of which they are pursuant to the foregoing provisions of this Act registered as holders and any sums paid to them in cash under such provisions in substitution for the A stock and B stock held by them and may subject to the provisions of this Act retain dispose of or otherwise deal with the same as fully and freely in all respects as they might have retained disposed of or otherwise dealt with such A stock and B stock.

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

11. The Company shall call in the certificates of the A stock and B stock for which ordinary stock or sums of cash shall be substituted by virtue of this Act and shall issue in exchange for those certificates to the respective holders thereof free of charge certificates of ordinary stock of the respective amounts (if any) and pay to such holders the sums of cash (if any) to which those holders are by this Act respectively entitled but no holder shall be entitled to a new certificate or to receive any such sum of cash until he shall have delivered up to the Company to be cancelled the existing certificate for which such certificate or sum of cash are to be substituted or shall have proved to the reasonable satisfaction of the directors the loss or destruction thereof and shall have given such guarantee or indemnity in respect thereof as the directors may require Provided always that until the issue of such new certificates the existing certificates shall (according to the amounts of ordinary stock (if any) to be issued by virtue of this Act in substitution or in part substitution

for the A stock and B stock which such certificates respectively represent) have and possess the same rights and privileges as if they were certificates for those respective amounts of ordinary stock but if any holder of any of the A stock and B stock neglect or omit to send or deliver to the Company his existing certificate or certificates for the period of nine months after notice in writing sent by post to the address appearing in the "proprietors address books" the Company may suspend the payment of any dividend declared or made payable upon or in respect of the ordinary stock so held by him until such existing certificate or certificates is or are sent or delivered to the Company or is or are proved to the reasonable satisfaction of the directors to have been lost or destroyed and such guarantee or indemnity is given in respect of such lost or destroyed certificate as the directors may require.

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12. All transfers or other dispositions of any A stock and B stock as existing up to the conversion thereof into ordinary stock by virtue of this Act shall after such conversion and notwithstanding this Act be valid and have due effect given to them respectively as transfers or dispositions of the respective amounts of ordinary stock or cash or of ordinary stock and cash which the A stock or B stock thereby expressed to be transferred or disposed of represent or which are or may be substituted for the same under the provisions of this Act although the instrument transferring or disposing thereof shall describe the same by the name or denomination which the stock transferred or disposed of had before such conversion and the bequest of or any covenant or provision of any deed or agreement relating to any specific nominal amount of any such A stock or B stock shall be held to apply to a nominal amount of ordinary stock or a sum of cash or a nominal amount of ordinary stock and a sum of cash (as the case may be) equal to those which under the provisions of this Act are or may be substituted for such nominal amount of A stock or B stock.

Transfers of
A stock and
B stock
although by
present name
to be valid.

ADDITIONAL CAPITAL.

13. The powers conferred upon the Company by the Act of 1886 of raising further capital by shares or stock so far as such powers have not been exercised prior to the passing of this Act shall be exercised up to the date of conversion (if the Company desire to exercise such powers prior to that date) by

As to un-
exercised
capital
powers under
Act of 1886.

A.D. 1914. — the issue of further amounts of B stock and on and after the date of conversion shall so far as such powers have not then been exercised be by virtue of this Act repealed.

Additional capital.

14. The Company may from time to time on or after the date of conversion raise (in addition to the ordinary stock created by virtue of this Act) additional capital to such nominal amount as shall be sufficient to produce including the premiums if any which may be obtained on the sale thereof the sum of six hundred thousand pounds by the creation and issue of further amounts of ordinary stock or by the creation and issue of preference stock Provided that the Company shall not under the powers of this section raise by the issue of preference stock a greater amount of capital than three hundred thousand pounds.

New stock to be sold by auction or tender.

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

(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 respective town clerks of the city of Liverpool and the county borough of Bootle and to the clerk of any urban or rural district council whose district or any part of whose district is included in the limits of supply and to the secretary of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and shall also be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the limits of supply :

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

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

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

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

(3) Any stock which has been so offered for sale and is not sold may be disposed of by the directors at a price not less than the reserve price put upon the same for the purpose of sale by auction or tender or may be offered at the reserve price to the holders of ordinary 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 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) of this section 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.

16. Except as is otherwise by this Act provided the additional capital created by the Company under this Act shall be part of the general capital of the Company and the new stock therein and

Privileges
&c. of
holders of
additional
capital.

A.D. 1914. — the holders thereof respectively shall in proportion to the amount of their stock be entitled to the like rights of voting and any other rights qualifications and privileges and be subject to the like provisions and liabilities as the other holders of stock of the same class or description.

Power to borrow in respect of existing and additional capital.

17.—(1) The Company may at any time borrow on mortgage of the undertaking in respect of the capital authorised by the existing Acts any sum or sums not exceeding in the whole (inclusive of the sums already borrowed by them under the provisions of those Acts) one-third part of the amount of such capital (including premiums thereon) which at the time of borrowing has been raised under the powers of those Acts or under the provisions of the section of this Act of which the marginal note is “As to unexercised capital powers under Act of 1886” and all powers conferred upon the Company by the existing Acts of borrowing money on mortgage of their undertaking so far as the same have not been exercised are hereby repealed.

(2) 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 (including premiums thereon) 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.

Appointment of receiver.

18. 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 ten thousand pounds in the whole.

Debenture stock.

19. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 and section 24 of the Act of 1886.

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

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Priority of mortgages and debenture stock over other debts.

21. All mortgages and bonds granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages and bonds and subject to the provisions of the Acts under which such mortgages and bonds were respectively granted have priority over any mortgages granted by virtue of this Act but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Priority of existing mortgages.

MISCELLANEOUS FINANCIAL PROVISIONS.

22.—(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.

Application of money.

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

23. 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.

Receipt in case of persons not *sui juris*.

24.—(1) Any ordinary stock preference stock or debenture stock of the Company may be issued and be transferable in

Stock to be transferable in multiples of one pound.

A.D. 1914. — amounts of one pound or multiples of one pound but the holding of any holder of any class of such stock shall not be less than ten pounds of stock of that class. Provided that nothing herein shall invalidate the holding of any person who under the provisions of the section of this Act of which the marginal note is "Conversion of share capital" is entitled to be registered as the holder of an amount of ordinary stock of less than ten pounds.

(2) Notice of this enactment so far as applicable shall be stated in all certificates of ordinary stock preference stock or debenture stock of the Company as the case may be issued after the passing of this Act.

Power to issue ordinary stock for purposes of co-partnership scheme.

25. Notwithstanding the provisions of the section of this Act of which the marginal note is "New stock to be sold by auction or tender" the Company may if and whenever required by the trustees for the co-partnership scheme of the Company so to do issue to such trustees or to any person in the employ of the Company such amount of ordinary stock as the trustees may specify (being in each case within the limit of the amount of ordinary 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 ordinary stock issued under the provisions of this section shall be issued at the market price of such stock on the date of issue.

Profits of Company limited.

26. The profits of the Company to be divided in respect of any half-year among the holders of ordinary stock and preference stock shall not after the date of conversion exceed the following rates (namely):—

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

On the ordinary stock the rate of five per centum per annum (which rate is in this Act referred to as "the standard rate of dividend") except that the rate of dividend on the ordinary stock shall after the first day of January one thousand nine hundred and fifteen be subject to alteration in accordance with the provisions of the section of this Act of which the marginal note is "Price of gas Sliding scale."

Power to create a special purposes fund.

27.—(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

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."

(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.

28. 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 ordinary stock shall exceed the standard rate by reason of the price charged by the Company for gas within the existing limits to persons who shall consume the same by ordinary meter 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 or may be placed on deposit at

Reserve
fund.

A.D. 1914. — interest with the Company's bankers and the dividends and interest arising from such securities or moneys on deposit may also be invested in the same or the like securities or placed on deposit as aforesaid in order that the same may accumulate at compound interest and the fund so formed shall be called "the reserve fund" and shall be applicable to the payment of dividends in any half-year in which the clear profits of the Company shall be insufficient to enable the Company in such half-year to pay the dividends at the authorised rate on the preference stock and the ordinary stock and save as in this Act provided no sum shall in any half-year after the date aforesaid be carried by the Company to any reserve fund.

Application
of excess of
profits.

29. If the clear profits of the Company in any half-year after the thirty-first day of December one thousand nine hundred and fourteen (after appropriating and setting apart such sum or sums (if any) as may be determined upon under the powers of this Act to any fund or funds thereby authorised) amount to a larger sum than is sufficient to pay the dividends on the preference stock and the dividends at the authorised rate on the ordinary stock of the Company the excess shall be left at the credit of the profit and loss (net revenue) account of the undertaking and be carried forward to the next following half-year. Provided that the sum standing to the credit of such profit and loss (net revenue) account after allowing for the payment of such dividends shall not at any time after the date aforesaid exceed the amount required to pay one year's dividend on the preference stock and at the authorised rate on the ordinary stock.

SLIDING SCALE AND PRICE OF GAS.

Price of gas
Sliding scale.

30.—(1) As from the first day of January one thousand nine hundred and fifteen the standard price to be charged by the Company for gas supplied by them in the existing limits to persons who shall burn the same by ordinary meter shall be two shillings and one penny per one thousand cubic feet but it shall be lawful for the Company to increase or reduce the price charged by them for gas so supplied subject to a reduction or increase in the rate of dividend on the ordinary stock as follows:—

In respect of any half-year during any part of which the price charged by the Company in the existing limits shall

have been one penny or part of a penny above the price of two shillings and fourpence per one thousand cubic feet the dividend payable by the Company shall in respect of each penny or part of a penny by which the price so charged shall have been above such price of two shillings and fourpence be reduced below the standard rate of dividend by one shilling and threepence on every one hundred pounds of ordinary stock and so in proportion for any fraction of one hundred pounds :

In respect of any half-year during the whole of which the price charged by the Company in the existing limits shall have been one penny or more below the standard price the dividend payable by the Company may in respect of each one penny by which the price so charged shall have been below the standard price be increased above the standard rate of dividend by one shilling and threepence on every one hundred pounds of ordinary stock and so in proportion for any fraction of one hundred pounds :

Provided that if in any half-year the dividends payable shall comprise a fractional amount less than one-quarter per centum the directors may in their discretion add the same to the reserve fund or may defer the payment of such fractional amount until the payment of the next or some succeeding dividends and shall in their discretion either add such fractional amount to and pay the same with succeeding dividends accordingly or add the same to the reserve fund.

(2) The Company may during the period of ten years after the passing of this Act charge for gas supplied by them to consumers within the new limits prices exceeding by not more than sixpence per one thousand cubic feet the respective prices for the time being charged by the Company for gas supplied by them to consumers under like circumstances within the existing limits.

QUALITY TESTING AND PRESSURE.

31. The Company shall provide a testing place at each of the works for the time being used by them for the manufacture of gas which testing places shall be the prescribed testing places for the purposes of this Act and of the Gasworks Clauses Act 1871 so far as the last-mentioned Act shall apply to the Company under the provisions of this Act. Testing places.

A.D. 1914.

Apparatus
for testing
calorific
power.

32. The Company shall provide and maintain at each of the prescribed testing places for testing the calorific power of the gas supplied by them a calorimeter to be agreed upon between the Company and the Liverpool Corporation or failing agreement to be approved by the Board of Trade which shall be so constructed as to be capable of yielding the total heat value of the gas expressed in British thermal units.

Substituting
standard
calorific
power for
prescribed
illuminating
power.

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

(B) Every enactment and every agreement made between the Company and the Liverpool Corporation which were in force immediately before the passing of this Act whereby or by virtue whereof the gas supplied by the Company is required to be of a prescribed illuminating power shall cease to apply with respect to such gas.

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

Provisions
as to testing
for calorific
power.

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

(1) For the purposes of this section “the gas examiner” shall be a competent and impartial person to be appointed by the Liverpool Corporation or failing such appointment to be appointed by two justices on the application of any consumers (not being less than five) of the gas supplied by the Company:

(2) The gas examiner may by means of the calorimeter provided by the Company under the provisions of this Act test at each or any of the prescribed testing places at any reasonable hour the calorific power of the gas supplied by the Company but not more than one testing for calorific power shall be made at any one testing place on any day except in the event mentioned in subsection (8) of this section:

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

A.D. 1914.

Penalties for
deficient
calorific
power.

35. If on any day the calorific power of the gas supplied by the Company at any of the prescribed testing places is below the standard calorific power by more than five per centum they shall be liable to the following penalties (that is to say):—

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

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

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

Provided that the Company shall not be liable for more than one penalty in respect of a deficiency of calorific power of the gas supplied from any one works on any one day.

Relieving
Company of
liability for
sulphur
impurities.

36. From and after the passing of this Act the Company shall not be liable to any forfeiture or penalty by reason of the presence in the gas supplied by them of sulphur or sulphur compounds other than sulphuretted hydrogen.

Pressure.

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

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

Saving as to
penalties.

38. No penalty shall be incurred by the Company for insufficiency of pressure defect of calorific power or excess of impurity in the gas supplied by them in any case in respect of which the gas examiner reports or 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. A.D. 1914.

39. The Company if and when required at any time within two years after the passing of this Act by any consumer of gas supplied by the Company shall supply to such consumer and fix free of charge a sufficient number of flat flame burners suitable in all respects for the consumption of gas of the calorific power prescribed by this Act in substitution for the burners (not being incandescent burners) in use at the commencement of this Act. Company to supply suitable burners gratis in exchange for certain burners in use.

Notice of the provisions of this section shall be given on each demand note of the Company during the period of two years hereinbefore mentioned.

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

(2) The Company may if they think fit on each occasion of the testing of gas under the provisions of this section be represented by some officer but such officer shall not interfere in the testing.

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

MEETINGS DIRECTORS &C.

41. After the thirty-first day of December one thousand nine hundred and fourteen the ordinary general meetings of the Company shall in every year be held in the month of February or at such other time or times as shall be appointed for that purpose by an order of a general meeting. Meetings of Company.

A.D. 1914.

Scale of
voting.

42.—(1) As from the date of conversion every holder of ordinary stock and (subject as hereinafter mentioned) of preference stock of the Company shall be entitled to vote at general meetings of the Company according to the following scale that is to say If the nominal amount of such stock held by him shall be not less than two hundred pounds but less than one thousand pounds one vote If the nominal amount of such stock held by him shall be not less than one thousand pounds but less than two thousand pounds two votes If the nominal amount of such stock held by him shall be not less than two thousand pounds but less than three thousand pounds three votes If the nominal amount of such stock held by him shall be not less than three thousand pounds four votes.

(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.

Retirement
of directors.

43. The directors holding office at the commencement of this Act shall (if they remain duly qualified) continue in office until the ordinary meeting of the Company to be held in the year one thousand nine hundred and fifteen under the provisions of this Act and after the thirty-first day of December one thousand nine hundred and fourteen the meeting for the retirement rotation and election of directors subject to and in accordance with the provisions of the Companies Clauses Consolidation Act 1845 so far as applicable shall in every year be the ordinary meeting to be held under the provisions of this Act.

Number of
directors.

44. No vacancy occurring among the directors after the passing of this Act otherwise than by rotation shall be filled until the number of directors shall be reduced to seven and thenceforth the number of directors shall be seven but the Company may vary the number provided the number be not at any time more than nine or less than five.

Qualification
of directors.

45. After the date of conversion the qualification of a director shall be the possession in his own right of ordinary stock or preference stock of the Company of a total nominal amount of not less than two hundred pounds.

Remunera-
tion of
directors.

46. From and after the passing of this Act section 17 of the Act of 1865 shall be read and have effect as if the words "two thousand pounds" were inserted therein in lieu of the words "one thousand two hundred pounds."

47. Except in the case of a director retiring by rotation and offering himself or being proposed for re-election no person shall be capable of being elected at a general meeting a director of the Company unless notice in writing that such person intends to offer himself or will be proposed for the office of director shall have been given to the secretary or left at the office of the Company fourteen days at least before the day of election.

A.D. 1914.
Notice of
candidature
for office of
director.

48. 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.

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

Closing of
transfer
books
previous to
declaring
dividend or
paying
interest.

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

50. 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 treasurer and auditors.

Power of
directors to
determine
remunera-
tion of cer-
tain officers.

PROTECTIVE PROVISIONS.

51. The following provisions for the protection of the London and North Western Railway Company (hereinafter referred to as "the railway company") shall be in force and have effect:—

For pro-
tection of
London
and North
Western
Railway
Company.

(1) In laying down or executing or in effecting the repairs and renewals of any mains pipes or other works which the Company are by this Act authorised to

A.D. 1914.

lay down or execute upon across over under or in any way affecting the railways lands or property now or hereafter belonging to or occupied by the railway company or the bridges approaches viaducts stations or other works or any level crossings over the railways of the railway company the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the railway company and only (except in cases of emergency arising from defects in any of the mains pipes or other works of the Company) according to such plans to be submitted to and in such manner as shall be previously reasonably approved by him and in all things by and at the expense of the Company who also shall restore and make good the roads over any such bridges level crossings and approaches which the railway company are or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Company Provided always that if such principal engineer shall not approve or disapprove any such plans or the proposed manner of executing any such works of the Company within fourteen days after the same are submitted to him for his approval or if he shall refuse or neglect to superintend any works of the Company for the space of seven days and in cases of emergency forthwith after being requested by the Company to superintend the same the Company may proceed with the works without the approval of the plans and manner of executing the same or as the case may be without the superintendence of the said engineer :

- (2) All such works matters and things shall be constructed executed and done so as not to cause any injury to such railways bridges level crossings approaches viaducts stations works lands or property or interruption to the passage or conduct of traffic over such railways or at any station thereon And if any such injury or interruption shall arise from or be in any way owing to any of the acts operations matters and things aforesaid or the bursting leakage or failure of any such mains pipes or works the Company shall make compensation in respect thereof to the said railway company :

- (3) Any dispute or difference which may arise between the railway company and the company with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer or other fit person to be appointed by the Board of Trade on the application of the railway company and the Company or either of them. A.D. 1914.

52. For the protection of the Lancashire and Yorkshire Railway Company (in this section called "the railway company") the following provisions shall unless otherwise agreed between the Company and the railway company be observed and have effect (that is to say):— For protection of Lancashire and Yorkshire Railway Company.

- (1) Whenever under the powers of this Act the Company shall require to lay down place repair take up alter relay or renew any mains pipes conduits culverts apparatus or works in connection with their undertaking upon across or under any railway for the time being belonging to or worked by the railway company or the stations bridges approaches or other works thereof or to construct any works adjoining thereto they shall (except in cases of emergency) give to the engineer of the railway company fourteen days' notice in writing of their intention to carry out any such works accompanied by sufficient plans:
- (2) Such works of the Company including the making good and repairing of any roads over any such railway and over any bridges and approaches which the railway company are or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Company shall be laid constructed and executed at the expense of the Company under the superintendence if the same be given and to the reasonable satisfaction of the said engineer and (except in cases of emergency) according to plans to be previously approved by him or if he unreasonably disapprove thereof to be settled by arbitration as hereinafter provided and so as to avoid as far as possible injury to any such railway or any of the works thereof and so as not to cause any interruption

A.D. 1914.

to the passage or conduct of the traffic over or at any such railway or station. Provided that if the said engineer shall not express his disapproval of such plans within fourteen days from the submission thereof he shall be deemed to have approved thereof:

- (3) When the Company open or break up any road or pavement of any street or other works belonging to or repairable by the railway company they shall with all convenient speed complete the work for which the same shall be broken up and reinstate and make good the road or works so opened or broken up and shall keep any road or pavement so broken up in good repair for three months after reinstatement and making good and for such further time if any not exceeding in the whole twelve months as the soil so broken up shall continue to subside:
- (4) If the Company make any unnecessary delay in completing such work or reinstating and making good such road or works so opened or broken up or neglect to keep the road or pavement in repair as aforesaid the railway company may cause such work to be executed or effect such repair and the reasonable expense of executing the same shall be repaid to them by the Company:
- (5) The Company shall repay to the railway company the reasonable expense of any temporary works or watching which may be necessary to provide for the protection of any such railway or the traffic thereon or thereto during and by reason of the carrying out of the works aforesaid:
- (6) If in the execution or maintenance of the works any injury shall arise to any such railway or station or any works connected therewith or any interruption of traffic be caused the Company shall make full satisfaction in respect thereof to the railway company and in the event of any dispute as to the amount of such satisfaction the same shall be determined by arbitration in manner hereinafter provided:
- (7) Any difference which may arise between the Company and the railway company under the provisions of this

section shall unless otherwise agreed be settled by arbitration under the provisions of the Arbitration Act 1889 by an engineer to be appointed by the President of the Institution of Civil Engineers at the request of either party. A.D. 1914.

53. In executing and maintaining any works in the extended limits of supply authorised by this Act where the same will cross over or under or otherwise affect any railway or any part of the works or property of the Cheshire Lines Committee (hereinafter referred to as "the committee") or any part of the works or property of the Southport and Cheshire Lines Extension Railway Company worked and maintained by the committee the Company shall (except so far as it may be otherwise agreed between the committee and the Company) be subject to the following conditions:—

For protec-
tion of
Cheshire
Lines Com-
mittee and
Southport
and Cheshire
Lines
Extension
Railway
Company.

- (1) All such works shall be executed and maintained under the superintendence (if the same be given) and to the reasonable satisfaction of the principal engineer for the time being of the committee and (except in cases of emergency) according to plans and drawings to be previously submitted to and reasonably approved by him or in case of difference by an arbitrator appointed in pursuance of this section. Provided that if for twenty-eight days after such plans and drawings shall have been submitted to the said engineer he shall fail to give notice to the Company of his objections thereto he shall be deemed to have approved thereof:
- (2) If within twenty-eight days after the receipt of any such plans and drawings the committee give to the Company notice that they themselves desire to execute any part of the work (other than the actual laying down of the mains which shall be done by the Company) which will cross over or under any railway or work belonging to them or to the Southport and Cheshire Lines Extension Railway Company the committee may themselves execute such part of the work under the superintendence and to the reasonable satisfaction of the Company's engineer and recover the reasonable costs thereof from the Company:

A.D. 1914.

- (3) All works which the Company may execute under this section shall be so constructed as to cause no injury to the railways works and property of the committee or of the Southport and Cheshire Lines Extension Railway Company or interruption to the passage or conduct of traffic over the same and if in consequence of the execution maintenance or failure of such works any injury be caused to the said railways works and property or any interruption be caused to the traffic the Company shall make full compensation to the committee in respect of such injury or interruption the amount of such compensation unless agreed upon to be determined by arbitration as hereinafter provided :
- (4) The Company shall bear and on demand pay to the committee the reasonable expense of the employment by the committee during the execution of the works affecting the said railways of a sufficient number of inspectors watchmen and signalmen to be appointed by the committee for watching and signalling the same with reference to and during the execution of any such work of the Company and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Company or their contractors :
- (5) Any additional expense which the committee may reasonably and properly incur in maintaining their bridges and works by reason of the existence of any mains or pipes of the Company laid under the powers of this Act across over or under such bridges or works shall be paid by the Company :
- (6) Any dispute or difference which may arise between the committee or the Southport and Cheshire Lines Extension Railway Company and the Company with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer or other fit person to be appointed (in default of agreement) by the President of the Institution of Civil Engineers on the application of the committee or the Company and subject thereto the provisions of the Arbitration Act 1889 shall apply to any such reference.

54. In the execution by the Company of the powers conferred upon them by this Act the following provisions for the protection of the Seaforth and Sefton Junction Railway Company (in this section referred to as "the Seaforth Company") shall unless otherwise agreed in writing between the Seaforth Company and the Company apply and have effect (that is to say):—

A.D. 1914.
 For protec-
 tion of
 Seaforth
 and Sefton
 Junction
 Railway
 Company.

- (1) In laying down altering improving enlarging extending maintaining or renewing or in executing or effecting the repairs or renewals of any gas mains pipes or other works upon across under or adjoining the railways lands and property now or hereafter belonging or leased to or used or occupied by the Seaforth Company or the bridges approaches viaducts stations or other works or any level crossing of or repairable or used by the Seaforth Company (all or any part whereof as the case may be is in this section included in the expression "the Seaforth property") the same shall be done and completed with all reasonable dispatch after the commencement thereof under the superintendence and to the reasonable satisfaction of the engineer for the time being of the Seaforth Company and only (except in cases of emergency) according to plans and in such manner as shall previously be approved by him in writing or in case he shall unreasonably withhold his approval as may be determined by arbitration in the manner hereinafter provided Provided that if the said engineer shall not signify his approval or disapproval of any plans or the proposed manner of doing or completing any such works within fourteen days after the same have been submitted to him he shall be deemed to have approved thereof and if he shall fail to attend the execution of such works after notice thereof from the Company it shall be lawful for the Company to execute such works without the superintendence of the said engineer:
- (2) All such works shall be done by and at the expense of the Company (except as is in this section otherwise provided) who shall also at the like expense restore and make good to the reasonable satisfaction of the said engineer the roads over or under any such bridges

A.D. 1914.
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or level crossings or the approaches thereto so far as the same are repairable by the Seaforth Company and may have been disturbed or interfered with by or owing to any operations of the Company Provided always that should the Seaforth Company elect so to do where any mains pipes or other works require to be laid under or across any Seaforth property they may themselves lay the same at the reasonable costs charges and expenses of the Company and under the superintendence and to the reasonable satisfaction of the Company's engineer :

- (3) All such works and operations and all matters incidental thereto shall be constructed executed and done so as to cause as little injury as may be to the Seaforth property and so as to cause no interruption to the passage or conduct of the Seaforth Company's traffic :
- (4) If any injury or interruption as aforesaid shall arise from or in any way be owing to any act or default or to the works or operations of the Company or to the leakage or failure of any such mains pipes or works in under or near to the Seaforth property the Company shall except where such mains pipes or works have been laid by the Seaforth Company make compensation to the Seaforth Company in respect thereof the amount of such compensation unless agreed upon to be determined by arbitration in the manner hereinafter provided :
- (5) The Company shall bear and on demand pay to the Seaforth Company any additional expense which the Seaforth Company may reasonably and properly incur in maintaining their railways bridges viaducts or works by reason of the existence of any mains pipes or other works of the Company which have been laid across or under the same and the Company shall also on demand pay to the Seaforth Company the reasonable costs of the superintendence by them of the construction repair or renewal of any works of the Company and all extra costs of watching lighting and protecting the Seaforth property which the Seaforth Company are obliged to incur with reference to and during such construction repair and renewal the amount of such expense and costs shall in case of dispute be settled by arbitration :

- (6) Any dispute or difference which may arise between the Seaforth Company and the Company with reference to the provisions of this section or in any way arising thereout shall be referred to and settled by arbitration by an engineer or other fit person to be appointed by the President of the Institution of Civil Engineers on the application of the Seaforth Company and the Company or either of them and subject thereto the provisions of the Arbitration Act 1889 shall apply to any such reference. A.D.1914.

55. In exercising the powers by this Act authorised and conferred as far as the same affect roads bridges and other property vested in or under the jurisdiction of the Lancashire County Council (in this section referred to as "the county council") the following provisions for the protection of the county council shall unless otherwise agreed between the county council and the Company have effect (that is to say):— For protec-
tion of
Lancashire
County
Council.

- (1) All mains pipes and works to be laid in or along any main road or in upon or across any county or hundred bridge or any roadway over the same or the approaches thereto shall be laid in such position or at the side thereof and at such depths as the county council in writing under the hand of the county surveyor or county bridgemaster respectively may reasonably direct:
- (2) The notice required by section 8 of the Gasworks Clauses Act 1847 shall in the case of any main road or any county or hundred bridge be not less than seven days instead of three days except in cases of laying connecting or repairing consumers' service pipes when not less than three clear days' notice shall be given and except in cases of emergency when as long notice as reasonably practicable shall be given:
- (3) The Company shall fill in and properly ram to the satisfaction of the county surveyor or county bridgemaster respectively any trench or excavation made by them in any main road (including the roadway over any county or hundred bridge and approach) in the execution or in the repair of any of the works of the Company and after they have done so the county council shall reinstate and make good the

A.D. 1914.
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surface of the road and for the work so carried out by the county council the Company shall in respect of the area of the trench or excavation where the same is situate under the metalled surface of any road on demand pay to the county council an amount calculated at the price or rate of fifteen shillings per cube yard for reinstating concrete foundation two shillings and sixpence per superficial yard for relaying pitch-grouted sett pavement two shillings per superficial yard for relaying waterbound macadam and three shillings per superficial yard for reinstating tar macadam. Provided that if the county council make any delay in completing the reinstatement and making good of such road in accordance with the provisions of this subsection the county council shall indemnify the Company against all costs charges expenses and penalties to which they may become liable by reason of such delay or failure:

- (4) If by reason of the construction of the works by this Act authorised any increased expense is incurred by the county council in connection with the maintenance and repair of any main road or any county or hundred bridge such increased expense shall be paid by the Company to the county council within one month after notice of the amount as certified by the county surveyor or county bridgmaster respectively has been given to the Company:
- (5) In laying any mains pipes or works in upon or across any county or hundred bridge or any roadway over the same or the approaches thereto the Company shall not alter or interfere with the structure of such bridge or approaches thereto unless such alteration or interference with the structure of such bridge or approaches thereto be absolutely necessary for the purpose of such works and in such case the Company shall (together with the prescribed notice) submit to the county bridgmaster detailed drawings and specifications showing the proposed works as affecting such bridge or approaches:
- (6) If any dispute shall arise between the county council the county surveyor or the county bridgmaster on the one hand and the Company on the other hand

with regard to this section the same shall be referred to and determined by an arbitrator to be appointed on the application of either party by the Board of Trade and subject thereto the provisions of the Arbitration Act 1889 shall apply to such reference. A.D. 1914.

MISCELLANEOUS.

56. The sections of the existing Acts and the section and schedule of the Gas Companies (Standard Burner) (No. 1) Act 1910 which are specified in the first column of the Second Schedule to this Act shall as from the respective dates mentioned in the third column of the said schedule to this Act be by virtue of this Act repealed to the extent mentioned in the second column of that schedule. Repeal of certain provisions of existing Acts.

57. The Company may lay down repair take up alter relay and renew mains pipes and culverts within the city of Liverpool and the county borough of Bootle for the purpose of procuring conducting or disposing of any oil or other materials used by them in or resulting from the manufacture of gas or any residual products thereof or for any purpose connected with their business and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid so far as they are applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof. Power to lay pipes for ancillary purposes.

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

(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

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the maximum charge shall be at the rate of sixpence per one thousand cubic feet supplied in manner aforesaid or at the rate of ten per centum per annum on the cost of the meter whichever shall be the higher.

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

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

Power to
require use
of anti-
fluctuators
for gas
engines.

59. 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.

Period of
error in
defective
meters.

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

Power to
refuse to
supply gas
to persons
in debt.

61. The Company may refuse to supply gas to any person whose payments for the supply of gas are for the time being in arrear (not being the subject of a bonâ fide dispute) whether any such payments be due to the Company in respect of a supply to the premises in respect of which such supply is demanded or in respect of other premises.

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

A.D. 1914.

Authenti-
cation and
service of
notices by
Company.

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

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

64. Proceedings for the recovery of any demand made under the authority of the existing Acts or this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

Recovery of
demands.

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

Saving as
to general
Acts.

66.—(1) The Company shall in the next available session of Parliament introduce and bonâ fide promote a Bill or apply to the Board of Trade for a Provisional Order under the Gas

As to
Fazakerley
gasworks.

A.D. 1914. and Water Works Facilities Act 1870 for the following purposes (that is to say) (A) extending the limits of supply of the Company so as to include the township of Fazakerley in the city of Liverpool and (B) authorising the Company to purchase the gas undertaking of the Liverpool Corporation which shall be deemed to include the mains pipes and other works in the said township belonging to and used by the Liverpool Corporation for the manufacture and supply of gas.

(2) The Liverpool Corporation shall not oppose such Bill or Provisional Order except in so far as may be necessary in order to secure the insertion therein of clauses or provisions to protect their interests with respect to such purchase and not inconsistent with the provisions of this clause and for that purpose the Liverpool Corporation shall be at liberty to petition the Board of Trade and either or both Houses of Parliament and to appear upon any such petition by counsel agents and witnesses if they think fit.

(3) If any such Bill be passed into law or any such Provisional Order be made by the Board of Trade and confirmed by Parliament in either case containing the provisions for the purposes aforesaid the said gas undertaking of the Liverpool Corporation shall on such date as may be agreed between the Company and the Liverpool Corporation and in default of agreement as may be determined by a single independent arbitrator to be appointed by the Board of Trade (hereinafter referred to as "the date of transfer") be transferred to and vested in the Company and as from the date of transfer all powers conferred upon the Liverpool Corporation by the Liverpool Corporation (Fazakerley) Gas Orders 1906 and 1911 (hereinafter referred to as "the Orders of 1906 and 1911") with reference to the manufacture and supply of gas by the Corporation shall cease and the Orders of 1906 and 1911 shall be repealed.

(4) The Company shall pay to the Liverpool Corporation for the said gas undertaking so to be transferred to them a sum in cash equal to the net debt owing by that corporation (including any debit balance at the bank on capital account) for the purposes of the Orders of 1906 and 1911 that is to say the amount of any loans outstanding at the date of transfer.

(5) The Liverpool Corporation shall debit the net revenue account and credit the sinking fund accounts with a proportionate annual sinking fund charge in the event of the date of transfer

being other than the first day of January one thousand nine hundred and fifteen. A.D. 1914.

(6) The Company shall also take over the moveable stock in trade implements coals and other stores held by the Liverpool Corporation in connection with the said gas undertaking and the residual products of gas in hand at the date of transfer at a valuation to be agreed upon between the Company and the Liverpool Corporation or failing agreement to be determined by an independent engineer to be appointed by the Board of Trade and the decision of such engineer as to what is comprised in such stock-in-trade and other stores shall be final and conclusive.

(7) All sums of money which at the date of transfer are in the hands of the Liverpool Corporation on account of any consumers of gas supplied by them shall be paid over to the Company as trustees for such consumers but the Liverpool Corporation shall have the right to retain out of the deposit of any consumer any gas debt owing to them from such consumer.

(8) The Liverpool Corporation shall pay and discharge all outgoing and liabilities in connection with their gas undertaking up to the date of transfer and shall collect on their own behalf and for their own benefit all arrears of gas rents and other moneys which shall be due to them up to the end of the quarter next preceding the date of transfer and the Company shall collect the gas rents and other moneys which shall accrue during the quarter current at the date of transfer and pay to the Liverpool Corporation the proportion thereof which shall have accrued in respect of the period of such current quarter up to the date of transfer.

(9) As from the date of transfer all contracts and agreements entered into by the Liverpool Corporation in relation to their gas undertaking shall be read and construed and may be enforced on behalf of or against the Company in all respects as if the name of the Company had been substituted therein for that of the Liverpool Corporation.

(10) The Liverpool Corporation shall maintain their said mains pipes and other works as existing at the passing of this Act in good order and condition as in the ordinary course of business until the date of transfer.

(11) The Liverpool Corporation shall not after the passing of this Act except with the consent of the Company borrow any further moneys for the purposes of the Orders of 1906 and

A.D. 1914. 1911 or expend further sums for capital purposes or enter into any contract in connection with the manufacture or supply of gas or residual products by them which shall extend beyond the date of transfer but such consent shall not be withheld in the event of such expenditure being necessary in the ordinary course of the proper conduct of the said gas undertaking.

(12) If it should be found necessary to promote a Bill for the purposes mentioned in subsection (1) of this section then the Liverpool Corporation shall pay to the Company one half of the taxed costs charges and expenses incurred by the Company of and incidental to and preparing for obtaining and passing into law of such Bill and the said costs charges and expenses shall be taxed on the application of either the Company or the Liverpool Corporation by the taxing officer of the House of Lords or of the House of Commons.

(13) In the event of the Company promoting a Provisional Order for the purposes mentioned in subsection (1) of this section it shall be lawful for the Board of Trade to insert in such Order any such provisions as may be necessary for giving effect to the provisions of this section and conferring upon the Company and the Liverpool Corporation all requisite incidental or ancillary powers in that behalf and for the repealing or amending the Orders of 1906 and 1911.

Costs of
Act.

67. 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.

The SCHEDULES referred to in the foregoing Act.

A.D. 1914.

FIRST SCHEDULE.

(A) STATEMENT OF CAPITAL (STOCK).

Acts of Parliament.	Description of Capital.	Maximum Dividend authorised.	Total paid up.		Remaining to be Issued.	Total Amounts authorised.
			Nominal.	Premium.		
Act of 1848	Consolidated A Stock.	10%	£ 561,000	£ 178,548	—	£ 739,548
„ 1865	„ B „	7%	300,000	—	—	300,000
„ 1882	„ „ „	7%	208,100	71,900	—	280,000
„ 1886	„ „ „	7%	210,000	121,117	68,883	400,000
			1,279,100	371,565		
			1,650,665		68,883	1,719,548

(B) STATEMENT OF LOAN CAPITAL.

Acts of Parliament.	Description of Capital.	Rate per cent. of Interest.	Total Amounts Borrowed.				Remaining to be Borrowed.	Total Amounts authorised.
			Nominal.	Premium.				
Act of 1848	Debenture Stock.	4	£ 88,335	£ 11,665	s. 0	d. 0	£ —	£ 100,000
„ 1865	„	4	55,550	4,450	0	0	—	60,000
„ 1882	„	4	111,330	8,670	0	0	—	120,000
„ 1886	„	4	50,868	5,440	13	10	43,691 6 2	100,000
			306,083	30,225	13	10		
			336,308 13 10				43,691 6 2	380,000

A.D. 1914.

SECOND SCHEDULE.

ENACTMENTS REPEALED.

Name of Act.	Extent of Repeal.	Date of Repeal taking effect.
Liverpool United Gaslight Company's Act 1848 —		
Section 32	The whole section	- First day of January 1915.
Section 33	The whole section	- Passing of this Act.
Section 35	The whole section	- First day of January 1915.
Section 36	The whole section	- The date of conversion.
Section 48	The whole section	- Passing of this Act.
Liverpool United Gaslight Company's Act 1865 :—		
Section 7	The whole section	- The date of conversion.
Section 13	The whole section	- Passing of this Act.
Section 14	The whole section	- Passing of this Act.
Section 15	The whole section	- Passing of this Act.
Section 16	The whole section	- Passing of this Act.
Section 19	The whole section	- Passing of this Act.
Liverpool United Gaslight Company's Act 1880 :—		
Section 4	The whole section	- Passing of this Act.
Section 5	The whole section	- Passing of this Act.
Liverpool United Gaslight Company's Act 1882 :—		
Section 3	The whole section	- Passing of this Act.
Section 12	The whole section	- The date of conversion.
Section 21	The whole section	- Passing of this Act.
Section 26	The whole section	- First day of January 1915.
Section 27	The whole section	- Passing of this Act.
Liverpool United Gaslight Company's Act 1886 :—		
Section 3	The whole section	- Passing of this Act.
Section 14	The whole section	- The date of conversion.
Section 23	The whole section	- Passing of this Act.
Section 28	The whole section	- Passing of this Act.
Section 29	The whole section	- First day of January 1915.
Gas Company's (Standard Burner) (No. 1) Act 1910 :—		
Section 6	The whole section	- Passing of this Act.
First Schedule	The words "Liverpool United Gas Light Company" "Liverpool United Gaslight Company's Act 1865" and "Liverpool United Gaslight Company's Act 1882."	- Passing of this Act.

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