



CHAPTER xcvi.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act 1870 relating to Guildford Gas Melton Mowbray Gas Swanage Gas and Hoylake and West Kirby Gas and Water. A.D. 1915.
[29th July 1915.]

WHEREAS under the authority of the Gas and Water Works Facilities Act 1870 the Board of Trade have made the Provisional Orders set out in the schedule to this Act annexed: 33 & 34 Vict.
c. 70.

And whereas a Provisional Order made by the Board of Trade under the authority of the said Act is not of any validity or force whatever until the confirmation thereof by Act of Parliament:

And whereas it is expedient that the Provisional Orders made by the Board of Trade as aforesaid and set out in the schedule to this Act be confirmed by Act of Parliament:

And whereas the new limits of supply as defined by the Guildford Gas Order 1915 hereby confirmed include portions of the areas within which the Woking Water and Gas Company and the Cranleigh Gas and Coke Company Limited were by the Woking Water and Gas Act 1881 and the Cranleigh Gas Order 1877 and the Acts and Orders amending or extending the same respectively authorised respectively to supply gas but the said companies have not in fact supplied gas within the respective portions aforesaid and it has been agreed between the said companies and the Undertakers for the purposes of the said Guildford Gas Order 1915 that the said Undertakers shall be authorised by the said Order to supply gas therein and that so much of

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A.D. 1915. the said Woking Water and Gas Act 1881 and of the said Cranleigh Gas Order 1877 as authorises the said companies to supply gas therein respectively shall be repealed:

Be it therefore enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

Short title. 1. This Act may be cited as the Gas and Water Orders Confirmation (No. 2) Act 1915.

Confirmation of Orders in schedule. 2. The Orders as amended and set out in the schedule to this Act shall be and the same are hereby confirmed and the provisions thereof in manner and form as they are set out in the said schedule shall from and after the passing of this Act have full validity and effect.

Amendment of 44 & 45 Vict. c. cxvi. (Woking Water and Gas Act 1881) and of 40 & 41 Vict. c. cxxxi. (Cranleigh Gas Order 1877). 3. So much of the Woking Water and Gas Act 1881 and any Act or Order amending or extending the same as authorises the Woking Water and Gas Company to supply gas within the parishes of East Clandon West Clandon and Merrow and so much of the Cranleigh Gas Order 1877 and any Act or Order amending or extending the same as authorises the Cranleigh Gas and Coke Company Limited to supply gas within so much of the parishes of Albury Wonersh and Hascombe as is coloured yellow on the plan referred to in section 6 (Definition and extension of limits of supply) of the Guildford Gas Order 1915 hereby confirmed are hereby repealed and as from the passing of this Act all the powers and obligations of the said companies respectively with reference to the supply of gas within such respective parishes and parts of parishes shall absolutely cease and determine and the Guildford Gas Order 1915 hereby confirmed shall have as full validity and effect as though such respective parishes and parts of parishes had never been included within the limits within which the said companies respectively were by the said Acts and Orders authorised to supply gas.

SCHEDULE.

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LIST OF ORDERS.

GUILDFORD GAS.—Order empowering the Guildford Gas Light and Coke Company to define and extend their limits of supply and to raise additional capital and for other purposes.

MELTON MOWBRAY GAS.—Order to authorise the Melton Mowbray Gas Light and Coke Company Limited to extend their limits of supply and to raise additional capital and for other purposes.

SWANAGE GAS.—Order to make provision with reference to the capital of the Swanage Gas Company.

HOYLAKE AND WEST KIRBY GAS AND WATER.—Order empowering the Hoylake and West Kirby Gas and Water Company Limited to purchase additional lands to construct additional gasworks to raise additional capital and for other purposes in connexion with their gas and water undertakings.

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GUILDFORD GAS.

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Order empowering the Guildford Gas Light and Coke Company to define and extend their limits of supply and to raise additional capital and for other purposes.

Preliminary.

Short and
collective
titles.

1. This Order may be cited as the Guildford Gas Order 1915 and the Guildford Gas Act 1857 (in this Order referred to as "the Act of 1857") the Guildford Gas Order 1874 (as amended by the Gas Companies (Standard Burner) (No. 3) Act 1910) (in this Order referred to as "the Order of 1874") and the Guildford Gas Act 1896 (in this Order referred to as "the Act of 1896") and this Order may be cited collectively as the Guildford Gas Acts and Orders 1857 to 1915 In this Order the Act of 1857 the Order of 1874 and the Act of 1896 are collectively referred to as "the Guildford Gas Acts and Order 1857 to 1896."

Commence-
ment of
Order.

2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order."

Incorpora-
tion of Acts.

3. The following Acts and parts of Acts are (so far as the same are applicable and except where the same are expressly varied by this Order or any former Act or Order of the Undertakers) incorporated with and form part of this Order (that is to say)—

The provisions of the Companies Clauses Consolidation Act 1845 with respect to the several matters following (that is to say)—

The transfer or transmission of shares ;

The borrowing of money by the Company on mortgage or bond ;

The making of dividends ;

The giving of notices ; and

The provision to be made for affording access to the special Act by all parties interested ;

and the said provisions shall so far as the same are respectively applicable apply to any consolidated ordinary stock and preference stock to be issued under the authority of this Order ;

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

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The Lands Clauses Acts (except so much thereof as relates to the purchase and taking of lands otherwise than by agreement and to the entry upon lands by the promoters of the undertaking);

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The Gasworks Clauses Act 1847; and

The Gasworks Clauses Act 1871:

Provided that 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 Undertakers shall be alike in terms and amount under like circumstances to all consumers" were added at the end of that section.

For the purposes of such incorporation the term "special Act" in the said Acts respectively shall be construed to mean this Order and the term "the Company" shall mean the Undertakers.

4. The several words terms and expressions to which by any Act in whole or in part incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have in this Order the same respective meanings unless there be something in the subject or context repugnant to such construction and the expression "the undertaking" shall mean the undertaking of the Undertakers authorised by the Guildford Gas Acts and Order 1857 to 1896 as extended by this Order.

Interpreta-
tion.

Undertakers.

5. The Guildford Gas Light and Coke Company shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Extension and Definition of Limits of Supply.

6. The limits within which the Undertakers may supply gas and exercise the powers rights privileges and authorities conferred upon them by the Guildford Gas Acts and Order 1857 to 1896 and this Order shall extend to and include in addition to the borough of Guildford and the parishes of Merrow and Worplesdon in the rural district of Guildford and the parishes of Bramley and Shalford in the rural district of Hambledon the following limits (in this Order referred to as "the new limits") (that is to say)—

Definition
and extension
of limits of
supply.

The parishes of Artington East Clandon Shere and West Clandon in the rural district of Guildford and the parish of Saint Martha in the rural district of Hambledon and so much of the parish of Albury in the rural district of Guildford and so much of the parishes of Hascombe and Wonersh in the rural district of Hambledon as is coloured yellow on the plan signed in triplicate

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by an assistant secretary of the Board of Trade (one copy whereof has been deposited at the office of the Board of Trade one copy at the office of the Undertakers and one copy at the office of the Cranleigh Gas and Coke Company Limited):

And from and after the commencement of this Order the limits of the Undertakers for the supply of gas under the Guildford Gas Acts and Orders 1857 to 1915 shall be and comprise the before-mentioned borough parishes and parts of parishes (in this Order referred to as "the limits of supply") and within and throughout the said limits the said Acts and Orders shall henceforth be in full force and have effect.

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

7. If at any time after the expiration of seven years from the commencement of this Order the Undertakers have not laid down mains for the supply of gas within any parish or part of a parish comprised in the new limits this Order shall not be deemed to prevent any company person or local authority having statutory power so to do from applying for an Act of Parliament or Provisional Order for the purpose of providing a supply of gas in such parish or part of a parish and the Undertakers shall not oppose otherwise than upon details any application by the council of any urban district in which any such parish or any part thereof may hereafter be comprised or any company or person for an Act of Parliament or a Provisional Order for the purpose of providing such supply and for the repeal of the powers of the Undertakers in that behalf.

Price of Gas.

Price of gas—
Sliding scale.

8. As from the first day of January one thousand nine hundred and sixteen the following provisions shall have effect (that is to say)—

- (1) The price to be charged by the Undertakers for gas supplied by them to consumers in the portion of the limits of supply for the time being comprised within the borough of Guildford or being within a distance of two miles from the central point of the gateway of the existing gasworks of the Undertakers (which area is in this Order referred to as "the inner area") shall be three shillings and sixpence per one thousand cubic feet and such price is in this Order referred to as "the standard price":

Provided that the Undertakers may increase or reduce the price charged by them for gas so supplied above or below the standard price subject to a reduction or increase in the dividend payable by the Undertakers on their consolidated ordinary stock as follows:—

In respect of any half year during any part of which the price charged for gas so supplied by the Undertakers shall have been one penny or part of a penny above the

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standard price the dividend payable by the Undertakers shall in respect of each penny or part of a penny by which the standard price shall have been increased be reduced below the standard rate of dividend by one shilling and threepence on every one hundred pounds of consolidated ordinary stock actually paid up and so in proportion for any fraction of one hundred pounds ;

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And in respect of any half year during the whole of which the price charged for gas so supplied by the Undertakers shall have been one penny or more below the standard price the dividend payable by the Undertakers may in respect of each penny by which the standard price shall have been reduced be increased above the standard rate by one shilling and threepence on every hundred pounds of consolidated ordinary stock actually paid up and so in proportion for every fraction of one hundred pounds :

Provided that there shall be no increase of dividend above the standard rate in any half-year during any part of which the net price charged for gas so supplied by the Undertakers shall have exceeded three shillings per thousand cubic feet :

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 such succeeding dividends accordingly or add the same to the reserve fund :

- (2) The price to be charged by the Undertakers for gas supplied by them to consumers within the portion of the limits of supply outside the inner area shall not exceed the prices for the time being charged by the Undertakers to consumers under the like circumstances in the inner area by more than the following respective amounts (namely)—

In any portion of the limits of supply being outside the inner area and more than two miles but not more than four miles from the central point of the gateway of the said gasworks sixpence per one thousand cubic feet ;

In any portion of the limits of supply being outside the inner area and more than four miles from the central point of the gateway of the said gasworks one shilling per one thousand cubic feet :

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- (3) Notwithstanding anything in this section contained the Undertakers may charge in any portion of the limits of supply outside the inner area a price or prices lower than the prices which they are authorised to charge in such portion of the said limits Provided that such lower price or prices shall not at any time be less than the price charged during the same time within the inner area.

Capital and Borrowing Powers.

Additional
capital.

9. In addition to the capital already raised by the Undertakers under the Guildford Gas Acts and Order 1857 to 1896 they may—

- (1) Raise any further sums not exceeding in the whole sixty thousand pounds (in this Order referred to as "the additional capital") by the creation and issue of new consolidated ordinary stock or new preference stock or partly in one way and partly in the other but no such stock shall vest in the person accepting the same unless and until the full price of such stock including any premium obtained upon the sale thereof shall have been paid in respect thereof Provided that it shall not be lawful for the Undertakers to create and issue under the powers of this Order any greater nominal amount of capital than will be sufficient to produce including any premiums which may be obtained on the sale thereof the sum of sixty thousand pounds; and

- (2) Borrow on mortgage of the undertaking such sum as together with the sums which they have at the time borrowed under the powers of the Guildford Gas Acts and Order 1857 to 1896 shall not exceed one-third part of the capital by the Guildford Gas Acts and Order 1857 to 1896 and this Order authorised to be issued and at the time actually issued by stock including the premiums (if any) realised on the sale thereof but no part thereof shall be borrowed until the whole of the stock in respect of which the power of borrowing is being exercised including the premiums (if any) realised on the sale thereof shall have been fully paid up and the Undertakers shall have proved to the justice who is to certify under the 40th section of the Companies Clauses Consolidation Act 1845 before he so certifies that such stock including the premiums (if any) realised on the sale thereof has been fully paid up.

Repeal of
unexercised
capital
powers of
Act of 1896.

10. The unexercised powers of the Undertakers under the Act of 1896 of raising money by the creation and issue of consolidated ordinary stock amounting to two thousand five hundred and forty-seven pounds two shillings and elevenpence and of borrowing on mortgage or by

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the creation and issue of debenture stock are hereby repealed but without prejudice to any powers by this Order conferred on the Undertakers. A.D. 1915.
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11. The additional capital shall form part of the general capital of the Undertakers and save as is otherwise by this Order provided the consolidated ordinary stock and preference stock created under the powers of this Order and the holders thereof respectively in proportion to the amount of their stock shall be entitled and subject to the same dividends and the like rights of voting and any other rights qualifications privileges forfeitures and liabilities whatsoever in all respects as if such consolidated ordinary stock or preference stock as the case may be were part of the previously existing consolidated ordinary stock or preference stock of the Undertakers. Additional
capital to
be part of
general
capital.

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

(2) All 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 Undertakers 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 the borough of Guildford and to the clerk to the district council of every district wholly or partly within 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 Undertakers 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 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 Undertakers 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 consolidated ordinary and preference stock of the Undertakers in accordance with the provisions of sections 18 19 and 20 of the Companies Clauses Act 1863 and to the employees of the Undertakers and to the consumers of gas supplied by the Undertakers in such proportions as the Undertakers 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 shall 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 Undertakers shall send a report thereof to the Board of Trade stating the total amount of the respective stock sold the total amount obtained as premium (if any) and the highest and lowest prices obtained for the respective stock.

Restriction
as to votes in
respect of
preference
stock.

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

Debenture
stock.

14. The Undertakers may within the limits of the power to borrow conferred upon them by this Order create and issue debenture stock subject to the provisions of section 37 of the Act of 1896 Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Priority of
mortgages
and debenture
stock
over other
debts.

15. All money raised or to be raised by the Undertakers on mortgage or debenture stock under the provisions of this Order shall have priority against the Undertakers and the property from time to time of the Undertakers over all other claims on account of any debts incurred or engagements entered into by them after the commencement of this Order Provided always that this priority shall not affect any claim against the Undertakers 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 Undertakers which is

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entitled to rank in priority to or *pari passu* with the interest or dividend on their mortgages or debenture stock. A.D. 1915.
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16. The principal moneys secured by all mortgages granted by the Undertakers in pursuance of the Guildford Gas Acts and Order 1857 to 1896 before and subsisting at the commencement of this Order shall during the continuance of such mortgages and subject to the provisions of the Act or Order under which such mortgages were granted have priority over the principal moneys secured by any mortgages granted by virtue of this Order 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 Undertakers. Priority of principal moneys under existing mortgages.

17. From and after the commencement of this Order 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. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than five thousand pounds in the whole. Arrears may be enforced by appointment of a receiver.

18. The Undertakers shall not without the consent of the Board of Trade pay interest at a higher rate than five pounds per centum per annum in respect of any moneys borrowed on mortgage or in respect of any debenture stock raised or issued under the authority of this Order. Limit of interest on borrowed moneys.

19. All moneys raised under this Order including premiums shall be applied only to purposes to which capital is properly applicable. Any sum of money which may arise by way of premium from the issue of any stock under or in pursuance of the provisions of this Order shall not be considered as part of the capital of the Undertakers entitled to dividend but shall be deemed to be part of the paid-up capital of the Undertakers for the purpose of determining the powers of the Undertakers to raise money by borrowing. Application of moneys.

20. The Undertakers shall not during the continuance of the present war and within twelve months thereafter raise or borrow any money under the provisions of this Order unless the consent of the Treasury has been previously obtained. Consent of Treasury to raising of moneys.

Special Purposes Fund &c.

21.—(1) The directors may if they think fit in any year appropriate out of the revenue of the Undertakers as part of the expenditure on revenue account any sum not exceeding an amount equal to one per centum of the paid-up capital of the Undertakers including premiums to a fund to be called "the special purposes fund." Power to create a special purposes fund.

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(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 Undertakers 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 Undertakers 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) The money or securities standing to the credit of the insurance fund of the Undertakers at the commencement of this Order shall be credited to the special purposes fund.

(7) For the purposes of this section the amount by which the capital of the Undertakers paid up before the passing of the Act of 1896 was increased by that Act shall not be deemed to be part of the paid up capital.

Application
of excess of
profits over
authorised
rates of
dividend.

22. If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the dividend on the preference capital and the dividends at the authorised rates on the ordinary capital of the Undertakers the excess shall be carried to the credit of the divisible profits of the undertaking for the next following year Provided that the sum standing to the credit of such divisible profits shall not at any time exceed the amount required to pay one year's dividend on the preference capital and one year's dividend at the authorised rates on the ordinary capital of the Undertakers.

Purchase of Lands &c.

Power to
purchase
lands by
agreement.

23. The Undertakers may for the purposes of the undertaking purchase (by agreement but not otherwise) and hold in addition to any other lands which the Undertakers are entitled to acquire or hold under the Guildford Gas Acts and Order 1857 to 1896 any lands and

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hereditaments not exceeding in the whole five acres which the Undertakers may from time to time require for the purposes of the undertaking Provided that the Undertakers shall not create or permit a nuisance on any such lands and that no lands shall be used by the Undertakers for the purpose of manufacturing gas or residual products or of storing gas except the lands authorised to be so used by any Act of Parliament or Order affecting the undertaking.

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24. The Undertakers may purchase or take on lease houses cottages and buildings for persons in their employ and offices show-rooms and buildings for the purposes of the undertaking and may erect fit up maintain and let any of such buildings upon any lands for the time being belonging or leased to the Undertakers.

Power to purchase or take on lease houses &c. for officers and servants.

Quality of Gas.

25. From and after the first day of January one thousand nine hundred and sixteen subsection (1) of section 14 of the Act of 1896 shall be read and have effect as if the word "fourteen" were substituted therein for the word "fifteen."

Quality of gas.

Miscellaneous.

26.—(1) The Undertakers may demand for any gas supplied through a prepayment meter a not greater charge than for gas supplied to private consumers within the same portion of 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 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 Undertakers in connexion therewith.

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

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Fittings let
on hire to be
exempt from
distress &c.

27.—(1) Any fittings engines machines stoves and other apparatus and appliances (in this section referred to as "fittings") let for hire by the Undertakers under any of their statutory powers in that behalf shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under process of any court or proceedings in bankruptcy against the person in whose possession the same may be.

(2) All fittings let for hire as aforesaid shall notwithstanding that they may be fixed or fastened to any part of any premises in which they may be situate or to the soil under any such premises at all times continue to be the property of and removable by the Undertakers:

Provided that nothing in this subsection shall affect the amount of the assessment for rating of any premises upon which any such fittings are or shall be fixed.

(3) The Undertakers shall only be entitled to the privileges and exemptions conferred by this section provided that such fittings are marked or impressed with a distinguishing mark or brand sufficiently indicating the Undertakers as the actual owners thereof.

Power to
lay pipes in
streets not
dedicated to
public use.

28.—(1) The Undertakers may but only with the consent of the owner of the soil of such street on the application of the owner or occupier of any premises within the limits of supply abutting on or being erected in any street laid out but not dedicated to public use supply such premises with gas and for that purpose the Gasworks Clauses Act 1847 shall apply as if section 7 of that Act were excepted from incorporation with the Guildford Gas Acts and Order 1857 to 1896 and this Order.

(2) Before breaking up any street in the borough of Guildford under the powers of this section the Undertakers shall give to the mayor aldermen and burgesses of the borough of Guildford not less than three days' notice of their intention to break up such street together with a description of the works proposed to be executed and of the situation and manner in which they propose to execute the same.

Power to
lay pipes for
ancillary
purposes.

29. The Undertakers may within the limits of supply but only with the consent in each case of the road authority concerned lay down repair take up alter relay and renew mains pipes and culverts 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 shall so far as they are

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applicable extend and apply mutatis mutandis to and for the purposes of this section. A.D. 1915.
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30. In order to enable the Undertakers 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 Undertakers 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 Undertakers' mains and the meter so far as such pipes and fittings are intended to be covered over:
- (2) The Undertakers 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 or once in each of two newspapers circulating within the limits of supply and a copy thereof shall be kept exhibited in the office of the Undertakers:
- (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 Undertakers' 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 Undertakers and the pipe shall not be covered over until after the expiration of twenty-four hours from the service of such notice on the Undertakers. Any officer of the Undertakers duly appointed may between nine o'clock in the morning and five o'clock in the afternoon attend and inspect such pipes (with their fittings) and meter and if the officer is not permitted to make the inspection or if the pipes or fittings are not according to the Undertakers' specification or if the meter is not placed as required by this section the Undertakers may refuse to supply gas to the premises until the provisions of this section have been complied with:
- (6) Any person to whom the Undertakers refuse 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 Undertakers' specification make such

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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.

31. Every consumer of gas supplied by the Undertakers who uses a gas engine shall if required to do so by the Undertakers use an effective anti-fluctuator and shall at all times at his own expense keep such anti-fluctuator in proper order and if any consumer shall make default in complying with the provisions of this section the Undertakers may cease to supply him with gas. The Undertakers shall have access to and be at liberty to take off remove test inspect and replace any such anti-fluctuator at all reasonable times such taking off removal testing inspecting and replacing to be done at the expense of the Undertakers if the anti-fluctuator be found in proper order but otherwise at the expense of such consumer.

Power to
enter pre-
mises and
remove
fittings.

32. The power to enter premises and to remove pipes meters fittings or apparatus conferred upon the Undertakers 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 Undertakers shall not require to take a supply of gas from the Undertakers or to hire from the Undertakers all or any of the pipes meters fittings or apparatus belonging to the Undertakers and let by them on hire to any former occupier of such premises :

Provided that the Undertakers shall not in any case exercise the powers of this section later than seven days from any date on which they shall have received notice in writing from such person that he does not require to take a supply of gas from the Undertakers or to hire from them any such pipes meters fittings or apparatus.

Gas con-
sumers to
give notice to
Undertakers
before
removing.

33. At least twenty-four hours' notice shall be given to the Undertakers by every gas consumer either personally at the office of the Undertakers or in writing before he shall quit any premises supplied with gas by meter by the Undertakers and in default of such notice the consumer so quitting shall be liable to pay to the Undertakers the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such premises shall require the Undertakers to supply gas to such premises whichever shall first occur. Notice of the effect of this enactment shall be endorsed upon every demand note for gas charges payable to the Undertakers.

Power to
refuse supply
to persons in
debt for other
premises.

34. If a person requiring a supply of gas from the Undertakers has previously quitted premises at which gas was supplied to him by the Undertakers without paying to them all gas charges and meter rent due from him to the Undertakers then (unless the payment is

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withheld in consequence of a bonâ fide dispute between such person and the Undertakers) the Undertakers may refuse to furnish to him a supply of gas until he pays such charges and rent. A.D. 1915.
Guildford.

35. A notice to the Undertakers from a consumer for the discontinuance of a supply of gas shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the Undertakers or be given by the consumer personally at such office. Notice to
discontinue
supply of gas.

36. 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 Undertakers shall be paid by or to the Undertakers 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 Undertakers. Period of
error in
defective
meters.

37. In addition to the powers which the directors may exercise under the Companies Clauses Acts 1845 to 1888 they may from time to time determine the remuneration of the secretary. Directors may
determine
secretary's
remuneration.

38.—(1) In any case in which the Undertakers are by virtue of any enactment relating to the undertaking authorised to cut off and discontinue the supply of gas to any premises in consequence of any default on the part of the occupier of the premises it shall be lawful for the Undertakers 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 Undertakers) and any person who shall re-connect such service pipe with the meter without the consent of the Undertakers 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 Undertakers 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 exercisable under the said section 22 for the purposes of that section.

39. In any case in which in consequence of any default on the part of the occupier of any premises the Undertakers shall have cut off the supply of gas to such premises and the occupier so in default shall desire to resume such supply he shall pay to the Undertakers the expenses of re-connecting the supply and the Undertakers shall Occupier to
pay expenses
of re-con-
necting dis-
continued
supply.

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A.D. 1915. not be under any obligation to supply gas to such occupier until he shall have paid such expenses.
Guildford.

For protection of
Surrey
County
Council.

40. The following provisions for the protection of the county council of the administrative county of Surrey (in this section referred to as "the council") shall have effect as regards all works carried out by the Undertakers within the new limits or under the section of this Act whereof the marginal note is "Power to lay pipes for ancillary purposes" unless otherwise agreed between the Undertakers and the council (that is to say)—

- (1) All mains pipes and works to be laid in or along any road which shall for the time being be a main road maintainable by the council (in this section referred to as "any main road") or in or upon or across any county or main road bridge shall so far as practicable be laid in such position in or at the side thereof and at such depth as the council in writing under the hand of their surveyor may reasonably direct:
- (2) Except in cases of laying down connecting or repairing consumers service pipes and except in cases of leakage bursting or other emergency the notice required by section 8 of the Gasworks Clauses Act 1847 with respect to the breaking up of streets shall as regards any main road or any county or main road bridge be not less than seven clear days instead of three clear days:
- (3) The plan required by section 9 of the last-mentioned Act shall as regards any county or main road bridge be on a scale of not less than an inch to eight feet and in respect of any main road or bridge approach on a scale of not less than $\frac{1}{2500}$ and such plan shall be accompanied by sections and detailed drawings to suitable scales of not less than an inch to four feet to show clearly the proposed works and (subject as herein-after provided and except in cases of leakage bursting and other emergency) shall be delivered to the council or their surveyor by the Undertakers not less than in the case of a bridge fourteen days and in all other cases seven days before the Undertakers commence to open or break up any main road or interfere with any county or main road bridge or other property of the council for the purpose of executing the works Provided that where the plan relates to the laying down connecting or repairing of service pipes it shall be sufficient for the Undertakers to send the same to the council three clear days before commencing the work:

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- (4) Nothing in this Order shall authorise the Undertakers to interfere with the structural part of any county or main road bridge without the consent in writing of the surveyor to the council. Such consent shall not be unreasonably withheld and may be given upon such conditions (other than a money payment) as the council may reasonably determine : A.D: 1915.

Guildford.
- (5) Nothing in this Order shall interfere with the right of the council to alter the level of or deviate drain widen reconstruct or improve in any reasonable manner any main road or the approaches to any county or main road bridge in or along which any mains pipes or works of the Undertakers shall have been laid and the Undertakers shall with all convenient speed on receiving ten days' notice in writing under the hand of the clerk or surveyor to the council so to do alter the position of any such mains pipes or works in such manner and to such extent as may be reasonably prescribed by such notice or as in case of difference shall be determined by arbitration in the manner herein-after prescribed and the council shall repay to the Undertakers the expense reasonably incurred by the Undertakers in carrying out such alteration of position of any such mains pipes or works. Provided that during the alteration deviation draining widening reconstruction or improvement of such main road or bridge approach the council shall afford all reasonable facilities to enable the Undertakers to temporarily carry mains pipes or works along such road or approach so as not to interrupt the continuous supply of gas or to diminish the pressure of such supply through such mains or pipes :
- (6) Nothing in this Order shall interfere with the right of the council at any time or times to remove alter widen raise or rebuild any county or main road bridge over near or attached to which any mains pipes or works of the Undertakers are carried in the same manner as they might have removed altered widened raised or rebuilt such bridge if this Order had not been passed and such mains pipes or works had not been laid over or near or attached to such bridge and the council shall not except in cases of their own negligence or default make any compensation to the Undertakers for any expense or loss to which the Undertakers may be put in consequence of any such removal alteration widening raising or rebuilding and in the event of any such bridge over or near or attached to which any

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such mains pipes or works are laid or carried being removed altered widened raised or rebuilt as aforesaid the Undertakers shall (if and so far as it may be reasonably necessary so to do in order to enable the council to carry out the work or works aforesaid) at their own cost in all things alter the position of any works by which such mains pipes or works are carried over near or attached to such bridge as aforesaid Provided that during the removal alteration widening raising or rebuilding of such bridge as aforesaid the council shall afford all reasonable facilities to enable the Undertakers to temporarily carry mains pipes or works across any stream or river so as not to interrupt the continuous supply of gas or to diminish the pressure of such supply through such mains or pipes:

(7) All works shall be so executed by the Undertakers as not to stop or (so far as reasonably practicable) impede or interfere with the traffic on any main road or over any county or main road bridge or the approaches thereto and the Undertakers shall not break up at any one time a greater consecutive length than one hundred yards of any main road and shall leave an interval of at least one hundred yards between any two places at which they may break up such road:

(8) If the council shall give written notice to the Undertakers of such their desire before the Undertakers commence to lay down any main or pipe in the roadway of any such road (including the roadway over any such bridge or approach) the Undertakers shall under the supervision and to the reasonable satisfaction of the council fill in any trench or excavation made by them in connexion with such work to the height of eight inches above the top of such main or pipe and the council shall fill in the remainder of the trench or excavation and shall reinstate and make good the surface of the portion of the roadway broken up by the Undertakers and upon the completion of such filling in reinstatement and making good by the council the Undertakers shall repay to the council the expense reasonably incurred by them in such filling in reinstatement and making good but the Undertakers shall not be under obligation to pay to the council any greater sum than the council need have reasonably incurred to carry out such filling in by the council and to reinstate and make good the surface of the said portion of the roadway with material of the same substance and character and so far as reasonably

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practicable with the same material as that with which such portion was made up immediately before the roadway was so broken up. When the council give to the Undertakers any notice under this subsection the Undertakers shall be under no liability to fill up the trench or excavation beyond the height of eight inches above the top of the main or pipe nor for maintenance for any period of the portion of the roadway so broken up by them and the council shall indemnify the Undertakers against all claims and liabilities arising out of or in course of such filling in reinstatement and making good by the council or any act or default of the council in relation thereto :

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Guildford.

- (9) If the Undertakers in the execution of any works in or affecting any main road or county or main road bridge shall cause any damage injury or disturbance to such road or bridge and shall neglect or refuse to make good all such damage injury or disturbance in accordance with the provisions of the Gasworks Clauses Act 1847 then it shall be lawful for the council after fourteen days' notice to the Undertakers of the alleged neglect or refusal and of the works which they propose to execute to do all works reasonably necessary for making good all such damage injury or disturbance and the Undertakers shall repay to the council all costs charges and expenses which the council shall reasonably and properly incur in carrying out such works including all reasonable expenses of superintendence :
- (10) The council shall not except in the case of their negligence be liable for any claim for damages in respect of any injury which may be caused to any mains pipes or other works belonging to the Undertakers through the reasonable and proper exercise or performance by the council of their statutory powers and duties :
- (11) If any difference arises at any time between the council and the Undertakers touching this section or anything to be done or not to be done thereunder or the giving or withholding of any consent or the conditions of giving the same or any direction such difference shall be settled by the arbitration of an engineer to be agreed upon between the council and the Undertakers or failing agreement to be appointed by the President of the Institution of Civil Engineers on the application of either party and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to the arbitration.

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—
Guildford.
For pro-
tection of
Hambleton
and Guild-
ford Rural
District
Councils.

41. For the protection of the rural district council of Hambleton and the rural district council of Guildford (each of which councils in relation to its district is in this section referred to as "the council") the following provisions shall unless otherwise agreed between the Undertakers and the council apply and have effect as regards the execution by the Undertakers of any works under the powers of this Order (that is to say)—

- (1) All mains and pipes to be laid in any district road repairable by the council or over any bridge for the time being vested in the council or the approaches thereto so repairable shall be laid in such position in or at the side of the road and at such depth and in the case of a main or pipe which it is reasonably necessary to lay otherwise than in the roadway or footway over the bridge the same shall be carried on the structure of such bridge in such manner as the council in writing under the hand of their surveyor may reasonably direct:
- (2) Except in cases of laying down connecting or repairing consumers' service pipes and except in cases of leakage bursting or other emergency the notice required by section 8 of the Gasworks Clauses Act 1847 with respect to the breaking up of streets shall as regards any such road bridge or approach be not less than seven clear days instead of three clear days:
- (3) The plan required by section 9 of the Gasworks Clauses Act 1847 shall in the case of interference with any such bridge or approach and except in the case of repairs or renewals be accompanied by a section of the proposed works:
- (4) Any works carried out by the Undertakers under this Order shall be so executed as not to stop and to impede or interfere with as little as may be the traffic on any such road bridge or approach:
- (5) Nothing in this Order contained shall interfere with the right of the council to alter the level of deviate or improve in any manner they think fit any such road in or along which any mains pipes or works of the Undertakers shall have been laid or to remove alter widen or rebuild any such bridge or the approaches thereto over or attached to which any such mains pipes or works are carried and the Undertakers shall as soon as reasonably practicable after receiving notice in writing under the hand of the clerk or surveyor to the council so to do alter the position of any such mains pipes or works in the manner and to the extent prescribed by such notice or as in case of difference shall be determined as

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herein-after provided and the council shall repay to the Undertakers the expense reasonably incurred by the Undertakers in effecting any such alteration of the position of any such mains pipes or works Provided that during the alteration widening or rebuilding of or in the case of the removal of any such bridge or the approaches thereto as aforesaid the council shall afford all reasonable facilities to enable the Undertakers to carry such mains pipes and works across any stream river or watercourse so as not to interrupt the continuous supply of gas or to diminish the pressure of such supply through such mains or pipes:

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Guildford.

- (6) If the Undertakers in the execution of any works in or affecting any such road bridge or approach shall cause any injury or disturbance thereto and shall neglect or refuse to make good all such injury or disturbance in accordance with the provisions of the Gasworks Clauses Act 1847 then it shall be lawful for the council after fourteen days' notice in writing to the Undertakers of the alleged neglect or refusal and of the works which they propose to execute to do all works reasonably necessary for making good all such injury or disturbance and the Undertakers shall repay to the council all expenses which the council shall reasonably and properly incur in carrying out such works:
- (7) If any difference arises at any time between the council and the Undertakers touching this section or anything to be done or not to be done thereunder such difference shall be referred to and determined by an arbitrator to be agreed upon between the parties or failing agreement appointed by the President of the Institution of Civil Engineers on the application of either party.

42. For the protection of the South Eastern Railway Company the South Eastern and Chatham Railway Companies' Managing Committee the London Brighton and South Coast Railway Company and the London and South Western Railway Company (each of which companies and committee in relation to its railways and works and property connected therewith is in this section referred to as "the railway company") the following provisions shall unless otherwise agreed between the Undertakers and the railway company have effect (that is to say)—

For protection of certain railway companies.

- (1) All works executed in pursuance of this Order or of any Act incorporated therewith and involving interference with or in any way affecting the railways of the railway company or the bridges roads approaches level crossings works lands and property of the railway company over under on or connected with such railways (in this section together referred to as "the railways of the railway company") and all works of

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maintenance repair renewal and removal within the new limits involving such interference or affection (the said works executed in pursuance of this Order or of the incorporated Acts and the said works of maintenance repair renewal or removal being herein-after referred to as "the said works") shall be done under the superintendence (if the same be given) and to the reasonable satisfaction of the principal engineer of the railway company (in this section referred to as "the engineer") and according to plans to be previously submitted to and reasonably approved by him in writing or in case of difference as may be determined by arbitration in manner herein-after provided Provided that in any case of urgent necessity the Undertakers may carry out works of maintenance repair or renewal without the submission of plans but shall give immediate written notice to the engineer of any such case of urgent necessity having arisen Provided also that if the engineer shall not within twenty-eight days after the submission of any plans under this section notify in writing his disapproval thereof he shall be deemed to have approved the same :

- (2) The said works shall be done by and at the expense of the Undertakers who shall restore and make good to the reasonable satisfaction of the engineer any portion of the railways of the railway company which may be disturbed or interfered with and the said works shall be carried out so as to cause as little injury as may be to the railways of the railway company and so as not to cause any interference with the passage or conduct of traffic on the railway company's railway Provided nevertheless that (except in cases of emergency) if the engineer shall think it necessary that the said works or any of them shall be done or carried out by the railway company and shall notify such desire in writing to the Undertakers the said works in respect of which the engineer shall have notified such desire may be done or carried out by the railway company accordingly under the superintendence (if the same be given) and to the reasonable satisfaction of the Undertakers or their engineer and the expense reasonably incurred by the railway company in that behalf shall be borne by the Undertakers Provided that if after any such notification is given by the railway company to the Undertakers the railway company neglect to commence such works within a reasonable time or having commenced the same neglect to proceed with due diligence with the execution thereof the Undertakers may themselves execute the same :
- (3) The Undertakers shall bear and on demand pay to the railway company the reasonable costs of the superintendence by

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the engineer of the said works when the same are executed or carried out by the Undertakers and the reasonable costs of watching lighting and protecting the railways of the railway company during the carrying out of the said works so far as such watching lighting and protection may in case of difference be determined by arbitration as herein-after provided to have been necessary but such superintendence by the railway company shall not relieve the Undertakers from liability for any accident which may be occasioned by or through the said works or by their contractors agents or workmen :

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- (4) If any such injury or interruption to traffic as aforesaid shall arise from or be in any way owing to the construction or failure of the said works and shall not be due to any default of the railway company the Undertakers shall make full compensation to the railway company in respect thereof :
- (5) The Undertakers shall from time to time pay to the railway company any additional expenses which the railway company may reasonably incur in effecting under their existing powers any repair renewal widening alteration or extension of the railways of the railway company by reason of the existence of any mains pipes apparatus or works of the Undertakers in over upon across or under the railways of the railway company :
- (6) Any dispute or difference which may arise between the Undertakers and the railway company with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer to be agreed upon between the Undertakers and the railway company or failing agreement by an engineer to be appointed by the Board of Trade on the application of either party and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

43.—(1) Whenever the Undertakers in exercise of their statutory powers require to execute any work over under or within three feet of any main pipe or apparatus belonging to the Woking Water and Gas Company (in this section referred to as "the water company") or whenever the water company in the exercise of their statutory powers require to execute any work over under or within three feet of any main pipe or apparatus of the Undertakers the Undertakers or the water company as the case may be (in this section referred to as "the operators") shall unless otherwise agreed between the parties give to the water company or to the Undertakers as the case may be (in this section referred to as "the owners") not less than

For protection of
Woking
Water and
Gas Com-
pany.

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—
Guildford.

three days' notice before commencing to execute any such work as aforesaid except in cases of emergency and then so soon as is possible after the beginning of the work or the necessity for the same shall have arisen and the owners shall be entitled by their officer to superintend the work and the operators shall conform with such reasonable requirements as may be made by the owners or such officer for protecting from injury every such main pipe or apparatus and for securing access thereto and shall also if required so to do by the owners repair any damage that may be done thereto whether directly or by disturbance of the ground wherein the same is laid or by subsequent settling of the said ground or by any other means whatsoever.

(2) Where the operators find it necessary to undermine any such main pipe or apparatus they shall temporarily support the same in position during the execution of their works and before completion provide a suitable and proper foundation for the same where so undermined.

(3) If the operators make default in complying with any of the requirements or restrictions of this section they shall make full compensation to the owners affected thereby for any loss damage penalty or costs which they may incur by reason thereof.

(4) Any question or difference which may arise between the Undertakers and the water company under this section shall be determined by an arbitrator to be appointed on the application of either party by the President of the Institution of Civil Engineers and the provisions of the Arbitration Act 1889 shall apply to any such reference to arbitration.

Authenti-
cation and
service of
notices by
Undertakers.

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

Liability to gas
rate not to dis-
qualify justice
from acting.

45. No justice or judge of any county or quarter sessions shall be disqualified from acting in the execution of the Guildford Gas Acts

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and Orders 1857 to 1915 by reason of his being liable to the payment of any gas rate rent or other charge under any of those Acts or Orders. A.D. 1915.
Guildford.

46. Save as otherwise by this Order expressly provided all offences against the Guildford Gas Acts and Orders 1857 to 1915 or any of them and all penalties forfeitures costs and expenses imposed or recoverable under the said Acts or Orders or any byelaw made in pursuance thereof may be prosecuted or 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 penalties &c.

47. Proceedings for the recovery of any demand made under the authority of the Guildford Gas Acts and Orders 1857 to 1915 or any of them 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.

48. The Undertakers may apply to any of the purposes of this Order to which capital is properly applicable any moneys which they now have in their hands and which may not be required for the purposes to which they are by the Guildford Gas Acts and Order 1857 to 1896 made specially applicable. Power to Undertakers to apply moneys to purposes of Order.

49. The Acts and Order specified in the first column of the schedule to this Order annexed are hereby repealed to the extent specified in the second column of that schedule but so far as relates to the enactment set forth in the Second Part of the said schedule such repeal shall only take effect as from the first day of January one thousand nine hundred and sixteen. Repeals.

50. All costs charges and expenses of and incidental to the applying for preparing obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Undertakers. Costs of Order.

The SCHEDULE referred to in the foregoing Order.

FIRST PART.

| Act or Order. | Extent of Repeal. |
|------------------------------------|--|
| The Guildford Gas Act 1857 - - - | Sections 33 36 37 44 (so far as relates to the qualification of a director) 47 63 64 65 66 and 71. |
| The Guildford Gas Order 1874 - - - | Section 9. |
| The Guildford Gas Act 1896 - - - | Sections 29 30 and 39. |

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SECOND PART.

Guildford.

| Act. | Extent of Repeal. |
|----------------------------------|-------------------|
| The Guildford Gas Act 1896 - - - | Section 22. |

MELTON MOWBRAY GAS.

Melton Mowbray.

Order to authorise the Melton Mowbray Gas Light and Coke Company Limited to extend their limits of supply and to raise additional capital and for other purposes.

Preliminary.

Short and collective titles.

1. This Order may be cited as the Melton Mowbray Gas Order 1915 and the Melton Mowbray Gas Order 1889 (in this Order referred to as "the Order of 1889") and this Order may be cited together as the Melton Mowbray Gas Orders 1889 and 1915.

Commencement of Order.

2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order."

Incorporation of Acts.

3. The provisions of the Gasworks Clauses Act 1847 (except sections 30 to 34 both inclusive) and of the Gasworks Clauses Act 1871 are hereby incorporated with and form part of this Order except where the same are expressly varied by the Order of 1889 or this Order Provided that—

(A) Section 13 of the Gasworks Clauses Act 1847 shall for the purposes of its incorporation with the Order of 1889 and this Order 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 Undertakers shall be alike in terms and amount " under like circumstances to all consumers" were added at the end of that section; and

(B) Section 35 of the Gasworks Clauses Act 1847 shall for the purposes of incorporation with this Order and of its application to the Undertakers 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" included the rates of dividend authorised by this Order together with any sum which under the provisions of this Order may lawfully be carried to the special purposes fund.

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4. The several words terms and expressions to which by any Act in whole or in part incorporated with this Order or by the Gas and Water Works Facilities Act 1870 meanings are assigned have in this Order the same respective meanings unless there be something in the subject or context repugnant to such construction And in the construction of this Order and the Order of 1889 or of any such Act for the purposes of that Order and this Order the expression "the undertaking" shall mean the undertaking authorised by the Order of 1889 as extended by this Order and includes the works by this Order authorised to be maintained the expression "the prescribed rates" means the rates of dividend authorised by this Order on the capital of the Undertakers or such rates as reduced or increased in accordance with the provisions of the section of this Order of which the marginal note is "Price of gas—Sliding scale" and the expression "the directors" means the directors of the Undertakers.

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Interpreta-
tion.

Undertakers.

5. The Melton Mowbray Gas Light and Coke Company Limited shall be the Undertakers for the purposes of this Order.

Extension of Limits of Supply.

6.—(1) The limits of supply of the Undertakers defined by the Order of 1889 (in this Order called "the existing limits of supply") are hereby extended so as to include the parishes of Sysonby Welby Asfordby Frisby Kirby Bellars Brentingby cum Wyfordby Waltham Goadby Marwood Freeby Scalford Chadwell cum Wycombe Saxby Holwell Abb Kettleby Wartnaby Burton Lazars Great Dalby and Thorpe Satchville all in the county of Leicester (in this Order called "the additional limits of supply") and the Undertakers shall have and may exercise within the additional limits of supply all and the like powers privileges and authorities for and in relation to the supply of gas and shall be subject to all and the like duties liabilities and obligations in respect thereof as they now have may exercise and are subject to within the existing limits of supply.

Extension of
limits of
supply.

(2) The Undertakers may continue maintain and use any mains pipes and other works laid down or constructed before the commencement of this Order within the additional limits of supply as if the same had been laid down or constructed under the powers of this Order and the provisions of the Order of 1889 and of this Order and of 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 this Order.

7. If at any time after the expiration of seven years from the commencement of this Order the Undertakers have not laid down mains

Provision in
case of mains
not being laid

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A.D. 1915. for the supply of gas within any parish comprised in the additional
limits of supply this Order shall not be deemed to prevent any company
Melton person or local authority having statutory power so to do from applying
Mowbray. for an Act of Parliament or Provisional Order for the purpose of pro-
viding a supply of gas in such parish and the Undertakers shall not
oppose otherwise than upon details any application by the council of
any urban district in which any such parish or any part thereof may
hereafter be comprised or any company or person for an Act of Parlia-
ment or a Provisional Order for the purpose of providing such supply
and for the repeal of the powers of the Undertakers in that behalf.

within a
limited
period.

Price of Gas.

Price of gas—
Sliding scale.

8.—(1) The standard price to be charged by the Undertakers for gas supplied by them within the existing limits of supply to private consumers by meter shall be four shillings per thousand cubic feet. Provided that the Undertakers may increase or reduce the price charged by them for gas supplied by them as aforesaid above or below the standard price subject to a reduction or increase in the dividends payable by the Undertakers on their ordinary capital as follows—

In respect of any year during any part of which the price charged by the Undertakers within the existing limits of supply shall have been one penny or part of a penny above the standard price the dividend payable by the Undertakers shall in respect of each penny or part of a penny by which the standard price shall have been increased be reduced below the standard rates of dividend by five shillings on every one hundred pounds of ordinary paid up capital with a ten per centum standard rate of dividend and by three shillings and sixpence on every one hundred pounds of such capital with a seven per centum standard rate of dividend and so in proportion for every fraction of one hundred pounds :

And in respect of any year during the whole of which the price charged by the Undertakers for gas supplied by them as aforesaid within the existing limits of supply shall have been one penny or more below the standard price the dividend payable by the Undertakers may in respect of each penny by which the standard price has been reduced be increased above the standard rates of dividend by five shillings on every one hundred pounds of ordinary paid up capital with a ten per centum standard rate of dividend and by three shillings and sixpence on every one hundred pounds of such capital with a seven per centum standard rate of dividend and so in proportion for any fraction of one hundred pounds.

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(2) The price to be charged by the Undertakers for gas supplied by them within the additional limits of supply to private consumers by meter shall not exceed by more than tenpence per thousand cubic feet the price for the time being charged by the Undertakers to consumers under like circumstances within the existing limits of supply.

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Notwithstanding anything contained in this section the Undertakers may charge in any one or more parishes within the additional limits of supply a price less than the price which they are authorised to charge in such parish or parishes provided that such reduced price shall not at any time be less than the price charged during the same time within the existing limits of supply.

New Capital.

9. The limitation prescribed by the Order of 1889 with respect to the amount of the capital of the Undertakers for the purposes of the undertaking shall not prevent the Undertakers from raising for such purposes further capital (in this Order referred to as "the new capital") not exceeding seven thousand five hundred pounds including any premium that may be obtained on the sale of any shares or stock under the provisions of this Order. Provided that the capital of the Undertakers for the purposes of the undertaking shall not exceed in the whole twenty-nine thousand five hundred pounds unless the Undertakers are hereafter authorised to raise further capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

New capital.

10.—(1) All shares or stock forming part of the new capital shall be issued in accordance with the provisions of this section.

New capital
to be sold by
auction or
tender.

(2) All shares or stock so to be issued shall be offered for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Undertakers shall from time to time by special resolution determine. Provided as follows—

(A) Notice of the intended sale shall be given in writing to the clerk of every local authority having jurisdiction within the existing limits of supply and the additional 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 such limits:

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

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(c) No lot offered for sale shall comprise shares or stock of a 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
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 Undertakers within three months after the date of auction or of the acceptance of the tender as the case may be.

(3) Any shares or stock which have been so offered for sale and are not sold may be offered at the reserve price to the holders of shares or stock of the Undertakers in such manner as may be prescribed by a resolution passed by the directors and to the employees of the Undertakers and to the consumers of gas supplied by the Undertakers in such proportions as the directors may think fit or to one or more of those classes of persons only Provided in the case of an offer to holders of shares or stock that if the aggregate amount of shares or stock applied for shall exceed the aggregate amount so offered as aforesaid the same shall be allotted to and distributed amongst the applicants as nearly as may be in proportion to the amounts applied for by them respectively.

(4) Any shares or stock which have been offered for sale in accordance with subsection (2) or with subsections (2) and (3) of this section and are not sold shall be again offered for sale by public auction or by tender in accordance with the provisions of this section and any such shares or stock then remaining unsold may be otherwise disposed of at such price and in such manner as the directors may determine for the purpose of realising the best price obtainable.

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

Limits of
dividend on
share capital.

11. Except as provided by the section of this Order of which the marginal note is "Price of gas—Sliding scale" the Undertakers shall not in any year declare or make out of their profits any larger dividends (in this Order referred to as "the standard rates of dividend") than the following—

On the original capital of eighteen thousand pounds referred to in the Order of 1889 ten pounds in respect of every one hundred pounds of such original capital;

On the additional capital of four thousand pounds authorised by the Order of 1889 seven pounds in respect of every one hundred

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pounds actually paid up of so much of such additional capital as may have been or may be issued as ordinary capital and five pounds in respect of every one hundred pounds actually paid up of such additional capital as may have been or may be issued as preference capital;

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On the new capital seven pounds in respect of every one hundred pounds actually paid up of so much of such new capital as may be issued as ordinary capital and five pounds in respect of every one hundred pounds actually paid up of so much of such new capital as may be issued as preference capital.

12. Notwithstanding anything contained in section 16 (Limit of borrowing powers) of the Order of 1889 the Undertakers may borrow on mortgage of the undertaking any sum of money not exceeding one-third of the amount of the capital of the Undertakers for the purposes of the undertaking at the time actually raised by the issue of shares or stock including any premiums that may have been obtained or may be obtained on the sale of any shares or stock under the provisions of the Order of 1889 or this Order Provided that no higher rate of interest than five per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers after the commencement of this Order and secured as aforesaid.

Limit of
borrowing
powers.

13. The Undertakers shall not during the continuance of the present war and within twelve months thereafter raise or borrow any money under the provisions of this Order unless the consent of the Treasury has been previously obtained.

Consent of
Treasury to
raising of
money.

Other Financial Provisions.

14. The Undertakers may from time to time apply to the purposes of this Order to which capital is properly applicable any moneys which they have already raised or are authorised to raise under the Order of 1889.

Application
of existing
funds.

15. All money raised under this Order including any 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 any shares or stock under this Order shall not be considered as part of the capital of the Undertakers entitled to dividend

Application
of money.

16. In case in any year or in any half year (if the Undertakers declare a dividend half yearly) the funds of the Undertakers applicable to dividend after payment of the dividends on the preference capital (if any) of the Undertakers shall be insufficient to pay the full amount of the prescribed rates on each class of ordinary shares or stock in the capital of the Undertakers a proportionate reduction shall be made in the dividends payable on each class.

Dividends
on different
classes of
shares or
stock to be
paid pro-
portionately.

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Application
of excess of
profits over
prescribed
rates of
dividend.

17. If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the dividend on the preference capital and the dividends at the prescribed rates on the ordinary capital of the Undertakers the excess shall be carried to the credit of the divisible profits of the undertaking for the next following year. Provided that the sum standing to the credit of such divisible profits shall not at any time exceed the amount required to pay one year's dividend at the prescribed rates.

Power to
create a
special pur-
poses fund.

18.—(1) The directors may if they think fit in any year appropriate out of the revenue of the Undertakers as part of the expenditure on revenue account any sum not exceeding an amount equal to one per centum of the paid up capital of the Undertakers 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 Undertakers 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 Undertakers to which capital is properly applicable or may be used partly in the one way and 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) Subject to the provisions of subsection (3) of this section the Undertakers may transfer to the credit of the special purposes fund such sum as they shall think fit out of the amount standing on the thirtieth day of June one thousand nine hundred and fourteen to the credit of the profit and loss account which was carried forward to the next account.

Reserve
fund.

19. When in any year the dividend of the Undertakers on the ordinary capital of the Undertakers shall exceed the standard rates of dividend by reason of the price charged by the Undertakers for gas

[5 & 6 GEO. 5.] *Gas and Water Orders Confirmation* [Ch. xcvi.]
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supplied by them within the existing limits of supply to private consumers by meter in such year being below the standard price then out of the amount of the divisible profits of the Undertakers applicable to the payment of such excess of dividend the Undertakers may in such year set apart such sum as they think fit by way of a reserve fund and all sums (if any) so set apart by the Undertakers and any reserve fund of the Undertakers existing at the commencement of this Order 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 dividend in any year in which the clear profits of the Undertakers shall be insufficient to enable the Undertakers in such year to pay the dividend at the prescribed rates on the ordinary capital of the Undertakers and save as in this Order provided no sum shall in any year be carried by the Undertakers to any reserve fund.

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20. The Undertakers may transfer to the credit of the reserve fund such sum as they shall think fit not exceeding two thousand pounds out of the amount standing on the thirtieth day of June one thousand nine hundred and fourteen to the credit of the profit and loss account which was carried forward to the next account.

Transfer to
reserve fund.

Miscellaneous.

21. The following sections of the Order of 1889 are hereby repealed (that is to say)—

Repeal of
certain
sections of
Order of
1889.

Section 14 Limit of dividend on capital.

Section 15 Dividends on different classes of ordinary shares or stock to be paid proportionately.

Section 17 If profits exceed the amount limited excess may be invested and form an insurance fund.

Section 18 Application of excess of profits over prescribed rates.

Section 19 Power to create a reserve fund and application thereof.

Section 25 For protection of the Great Northern and London and North Western Joint Committee.

Section 29 Fixing maximum price of gas with sliding scale as to dividend.

Section 30 Pressure of gas.

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

Pressure.

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

Power to
lay pipes in
streets not
dedicated to
public use.

23. The Undertakers may but only with the consent of the owner of the soil of such street on the application of the owner or occupier of any premises within the existing limits of supply and the additional limits of supply abutting on or being erected in any street laid out but not dedicated to public use supply such premises with gas and for that purpose the Gasworks Clauses Act 1847 shall apply as if section 7 of that Act were excepted from incorporation with the Order of 1889 and this Order.

Power to
lay pipes for
ancillary
purposes.

24. The Undertakers having first obtained the consent in writing of the road authority concerned may lay down repair take up alter relay and renew mains pipes and culverts within the existing limits of supply and the additional limits of supply for the purpose of procuring conducting or disposing of any oil or other materials used by them in or resulting from the manufacture of gas or any residual products thereof or for any purpose connected with their business and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid shall so far as they are applicable extend and apply mutatis mutandis to and for the purposes of this section.

As to con-
struction
and placing
of pipes &c.
between
mains and
meters.

25. In order to enable the Undertakers to ensure a satisfactory supply of gas to their consumers the following provisions shall have effect—

- (1) The Undertakers 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 Undertakers' mains and the meter so far as the same are intended to be covered over:
- (2) The Undertakers 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 once in each of two newspapers circulating within the existing limits of supply and the additional limits of supply and a copy thereof shall be kept exhibited at the office of the Undertakers:
- (4) Every meter to be used in a new building or a building not previously supplied with gas or in connection with a new

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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 Undertakers' main but within the outside wall of the building:

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(5) When any pipe or meter as aforesaid has been laid or placed notice thereof shall be given to the Undertakers and the pipe shall not be covered over until after the expiration of twenty-four hours from the service of such notice on the Undertakers. Any officer of the Undertakers duly appointed may between nine o'clock in the morning and five o'clock in the afternoon attend and inspect such pipes (with their fittings) and meter and if the officer is not permitted to make the inspection or if the pipes or fittings are not according to the Undertakers' specification or if the meter is not placed as required by this section the Undertakers may refuse to supply gas to the premises until the provisions of this section have been complied with:

(6) Any person to whom the Undertakers refuse 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 Undertakers' specification make such order as seems to them proper in the circumstances and may order by which of the parties the costs of and incidental to the appeal shall be paid.

26.—(1) Every consumer of gas supplied by the Undertakers who uses a gas engine shall if required to do so by the Undertakers use an efficient anti-fluctuator and shall at all times at his own expense keep such anti-fluctuator in proper order and if any consumer shall make default in complying with the provisions of this section the Undertakers may cease to supply him with gas.

Anti-fluctuators for gas engines.

(2) The Undertakers shall have access to and be at liberty to take off remove test inspect and replace any such anti-fluctuator at all reasonable times such taking off removal testing inspection and replacing to be done at the expense of the Undertakers if the anti-fluctuator be found in proper order but otherwise at the expense of such consumer.

27. The power to enter premises and to remove pipes meters fittings or apparatus conferred upon the Undertakers 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 Undertakers shall not require to take a supply of gas from the Undertakers or to hire from the Undertakers all or any of the pipes meters fittings or apparatus belonging to the Undertakers and let by them on hire to any former occupier of such premises.

Power to enter premises and remove fittings.

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Gas consumers to give notice to Undertakers before removing.

28.—(1) At least twenty-four hours' notice shall be given to the Undertakers by every gas consumer either personally at the office of the Undertakers or in writing before he shall quit any premises supplied with gas by meter by the Undertakers and in default of such notice the consumer so quitting shall be liable to pay to the Undertakers the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such premises shall require the Undertakers to supply gas to such premises whichever shall first occur.

(2) Notice of the effect of this enactment shall be endorsed on every demand note for gas charges payable to the Undertakers.

Power to refuse to supply persons in debt for other premises.

29. If a person requiring a supply of gas has previously quitted premises at which gas was supplied to him by the Undertakers without paying to them all gas charges or meter rent due from him to the Undertakers they may refuse to furnish to him a supply of gas until he pays the same.

Notice of discontinuance.

30. A notice to the Undertakers from a consumer for the discontinuance of a supply of gas shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office for the time being of the Undertakers or be given by the consumer personally at such office.

Period of error in defective meters.

31. 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 Undertakers shall be paid by or to the Undertakers to or by the consumer as the case may be and shall be recoverable in like manner as gas charges are recoverable by the Undertakers.

Power to contract for sale of gas in bulk.

32. The Undertakers may contract with any local authority company or persons authorised to supply gas under parliamentary powers in any district adjacent to the existing limits of supply or the additional 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 Undertakers to lay any pipes or interfere with any street beyond their said limits of supply.

Supply of gas where consumer has separate supply

33. Notwithstanding anything in the Gasworks Clauses Act 1871 or any other Act a person shall not be entitled to demand or continue to receive from the Undertakers a stand-by supply of gas to any

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premises for purposes for which he has at the same time a supply of gas from an installation other than that of the Undertakers or a supply of electricity unless he shall have agreed to pay to the Undertakers such minimum annual sum (not exceeding in any case twenty-five shillings for any period of three months) as will give to them a reasonable return on the capital expenditure and will cover other standing charges incurred by them in order to meet the possible maximum demand for those premises and the sum to be so paid shall be determined in default of agreement by arbitration in manner provided by the Arbitration Act 1889 :

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Provided that in fixing the amount of such minimum charge the Undertakers shall have regard to the probable maximum supply of gas which might at any time be required for such premises :

Provided also that in respect of any premises for which the whole supply of gas afforded by the Undertakers is taken through a meter having a nominal capacity of less than ten lights the amount of the minimum charge shall not exceed five shillings for any one quarter of the year.

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

Power to
provide
houses show-
rooms &c.

35. Any notice to be served by the Undertakers on a person supplied with gas shall be sufficiently authenticated by the signature of the secretary or other duly authorised officer of the Undertakers being affixed thereto in writing or by a stamp or if it be a notice to pay any charge in respect of a supply of gas by the name either of the secretary or of a collector or other duly authorised officer of the Undertakers 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 or of business 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.

Authentica-
tion and
service of
notices.

36. All offences against the Order of 1889 or this Order and all penalties forfeitures costs and expenses imposed or recoverable under the Order of 1889 or this Order may be prosecuted and recovered in a summary manner Provided that costs or expenses except such as

Recovery of
penalties &c.

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Time for
making up
accounts.

are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

37. Notwithstanding anything contained in section 35 of the Gasworks Clauses Act 1871 the annual statement of accounts of the Undertakers shall be made up to the thirtieth day of June in each year and forwarded to the local authority of every district within the existing limits of supply and the additional limits of supply on or before the thirtieth day of September then next following and the said section shall for the purposes of the Order of 1889 and this Order be read and construed as though the thirtieth day of June and the thirtieth day of September had been named therein instead of the thirty-first day of December and the twenty-fifth day of March.

For pro-
tection of
Leicester-
shire County
Council.

38. In exercising the powers by this Order authorised so far as they affect the main roads repairable by the Leicestershire County Council (herein-after referred to as "the county council") and county bridges of the county of Leicester under the jurisdiction of the county council the following provisions shall have effect unless otherwise agreed on in writing between the county council and the Undertakers (that is to say)—

- (1) All pipes or works to be laid in or along any main roads shall as far as reasonably practicable be constructed and laid at the side thereof:
- (2) No pipes or works shall (unless the county council in their absolute discretion otherwise agree) be constructed or laid under the roadway of any county bridge or any arch connected therewith but shall be carried alongside such bridge and arches in such manner as may be agreed on between the Undertakers and the county council or as failing agreement may be settled by arbitration as herein-after provided and the Undertakers may construct lay down and maintain such pipes accordingly:
- (3) All works of or connected with the laying down of any pipes along any main road or over any county bridge shall be so executed as not to stop or unreasonably interfere with the traffic of such main road or county bridge and all such works shall be proceeded with and completed with all possible despatch:
- (4) Nothing in this Order shall in any way limit or affect the powers of the county council to divert widen or improve any main road or to remove alter widen or renew any county bridge or the approaches thereto in alongside or near to which any pipes or works of the Undertakers are laid or carried in the same manner as they might have done if this Order had not been made without making any

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compensation to the Undertakers for any expense or loss to which the Undertakers may be put in consequence of the reasonable exercise of such powers. Any alteration of the position of any pipes or works of the Undertakers necessitated by the diversion widening and improvement of such road or the removal alteration or widening or renewal of such bridge shall be effected by and at the expense of the Undertakers and within such reasonable period as shall be required by the surveyor of the county council. Provided that before such diversion widening improvement removal alteration or renewal of any such main road or bridge shall be commenced the county council shall give one month's notice in writing to the Undertakers of their intention to carry out such works and the county council shall afford at the cost of the Undertakers reasonable facilities for temporarily carrying the pipes along the main road or across the stream so as not to interrupt the continuous supply of gas or diminish the pressure of such supply:

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Melton
Mowbray.

- (5) The county council shall not except in case of negligence be liable to any claim for damages in respect of any injury which may be caused to the pipes or works of the Undertakers through the reasonable and proper use by the county council or their agents of a steam roller upon any main road or bridge:
- (6) The Undertakers shall to the reasonable satisfaction of the county surveyor keep the portion of all main roads which shall be broken up for the purpose of constructing laying or repairing any of their works in good repair for twelve months after replacing and making good the same:
- (7) The notice required to be given by section 8 of the Gasworks Clauses Act 1847 and the plan to be approved under section 9 of the same Act before breaking up any streets shall with respect to any bridge or the approaches thereto or the roads over the same or with respect to any main roads under the control or management of the county council be given to and approved by the surveyor of the county council and the works referred to in such notice and plan shall be executed to the reasonable satisfaction of such surveyor:
- (8) Notwithstanding anything in this Order contained if any difference shall arise between the Undertakers and the county council touching this section or anything to be done or not thereunder such difference shall be settled by an engineer to be appointed by the Board of Trade on the application of either of the parties in difference.

[Ch. xcvi.] *Gas and Water Orders Confirmation* [5 & 6 GEO. 5.]
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*Melton
Mowbray.*

For protection of
Melton Mowbray Rural
District
Council.

39. The following provisions shall have effect for the protection of the Melton Mowbray Rural District Council (in this section called "the council") unless otherwise agreed between the council and the Undertakers—

- (1) The Undertakers shall give to the surveyor of the council notice in writing of the filling in reinstatement and making good of any road or bridge maintainable by or belonging to the council which may be broken up by the Undertakers under the powers of this Order forthwith after the completion of such work and the council may for a period of twelve months after such completion execute any repairs in the opinion of the surveyor of the council necessary to any such road or bridge in consequence of such breaking up by the Undertakers and the reasonable costs of such repairs shall be paid on demand to the council by the Undertakers and in default shall be recoverable summarily as a civil debt:
- (2) If any difference shall arise between the Council and the Undertakers under this section such difference shall be determined by the arbitration of an engineer or other fit person to be agreed upon between the parties or failing such agreement to be appointed on the application of either party by the Board of Trade and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to such arbitration.

For protection of Great
Northern
Railway
Company
and Great
Northern and
London and
North
Western
Joint
Committee.

40. For the protection of the Great Northern Railway Company and the Great Northern and London and North Western Joint Committee (which company and committee are in this section respectively referred to as "the railway company") the following provisions shall unless otherwise agreed in writing between the railway company and the Undertakers be in force and have effect—

- (1) All mains and pipes proposed to be laid by the Undertakers under the powers of the Order of 1889 or this Order over or under any bridge of the railway company shall be carried over or under the same in such a way as not to interfere with the structure of any such bridge and all other mains and pipes proposed to be laid or maintained by the Undertakers under the powers of the Order of 1889 or this Order which shall cross any railway of the railway company shall be carried under the same in a culvert or culverts of sufficient dimensions to admit of such mains and pipes being relaid or repaired without interference with the railway the top of any such culvert in no case being nearer the bottom of the rails of the railway than three feet:

[5] & 6 GEO. 5.] *Gas and Water Orders Confirmation* [Ch. xcvi.]
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(2) In laying and maintaining any such mains pipes culverts or other works over upon or across or under any work or property of the railway company the Undertakers shall with all reasonable despatch execute and maintain their works under the directions and superintendence and to the reasonable satisfaction of the engineer of the railway company and at such times as he shall reasonably direct and (except in cases of emergency arising from defects in any of the mains pipes culverts or other works) in accordance with plans sections and specifications to be previously submitted to and reasonably approved by the said engineer or in case of difference then according to such plans sections and specifications as may be approved by an arbitrator to be appointed under subsection (5) of this section and the Undertakers shall pay and make good to the railway company all loss damages and expenses including all extra expenses reasonably incurred of superintendence watching lighting signalling and protecting their property which the railway company shall sustain or be put to by or in consequence of the laying maintenance or user of the said mains pipes culverts or other works or by or in consequence of the bursting leakage or failure of any main or pipe of the Undertakers Provided always that if the said engineer shall refuse or neglect for the space of seven days (or in cases of emergency forthwith) after being requested so to do by the Undertakers to superintend any of the works in this section referred to the Undertakers may carry out the works without the superintendence of the said engineer :

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

(4) If the railway company shall give to the Undertakers notice that they themselves desire to construct so much of the works or to carry out so much of the alterations of such mains pipes or culverts as will affect any railway or work

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A.D. 1915.

—
Melton
Mowbray.

belonging to them the railway company may themselves execute such works and alterations and may recover the reasonable cost thereof from the Undertakers Provided that the actual laying in the trenches and the jointing of any mains or pipes of the Undertakers shall be executed by the Undertakers if the Undertakers' engineer so desires :

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

Differences
with road
authority
or railway
or other
companies.

41. If any difference shall arise between the Undertakers and any road authority railway canal or other company (other than the Great Northern and London and North Western Railway Companies and the joint committee of such companies) or person whose lands or works the Undertakers have power to cross under the authority of this Order as to the mode of laying down repairing altering or enlarging their mains pipes or other works in over or upon such lands or works or the facilities to be afforded for the same such difference shall be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party.

Costs of
Order.

42. All costs charges and expenses of and incidental to the applying for preparing obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Undertakers Provided always that the Undertakers may apply to the payment of the said costs charges and expenses a sum not exceeding three hundred pounds out of the amount standing on the thirtieth day of June one thousand nine hundred and fourteen to the credit of the profit and loss account which was carried forward to the next account.

SWANAGE GAS.

Swanage.

*Order to make provision with reference to the Capital of the
Swanage Gas Company.*

WHEREAS by the Swanage Gas and Water Acts 1901 and 1912 the Swanage Gas and Water Company now known as the Swanage Gas Company (in this Order referred to as "the Company") were authorised to carry on a gas undertaking and a water undertaking with a gas capital and a water capital respectively :

And whereas in pursuance of the Swanage Urban District Water Act 1913 the purchase by the urban district council of Swanage of

[5 & 6 GEO. 5.] *Gas and Water Orders Confirmation* [Ch. xcvi.]
(No. 2) Act, 1915.

the said water undertaking has been duly completed and the Company have out of the purchase money duly paid and discharged their debts and liabilities in respect of the said water undertaking up to the date of the transfer :

A.D. 1915.

Swanage.

And whereas there remain certain surplus assets in the hands of the Company available for distribution among the holders of the water capital :

And whereas the water capital of the Company consisted at the date of the passing of the Swanage Gas and Water Act 1912 and still consists of seventeen thousand four hundred pounds original water capital all of which has been raised (herein-after called "ordinary water capital") and twenty-eight thousand six hundred pounds additional water capital of which thirteen thousand nine hundred pounds preference stock has been raised (herein-after called "preference water capital") :

And whereas the holders of ordinary water capital have agreed to forego all claim to participation in the said surplus assets in order that the same may be available for distribution solely among the holders of preference water capital :

And whereas the said surplus assets are insufficient to allow the preference water capital to be returned in full :

And whereas in order to facilitate the raising of additional gas capital for the purposes of the Company it is expedient that the water capital should be cancelled but there is no available means of cancelling the same :

The following provisions shall accordingly have effect under this Order :—

1. This Order may be cited as the Swanage Gas Order 1915. Short title.
2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order." Commencement of Order.
3. As from the commencement of this Order the ordinary water capital and the preference water capital are cancelled and the holders thereof shall cease to be members of the Company in respect thereof and the provisions of the Swanage Gas and Water Acts 1901 and 1912 so far as they relate to water capital and the borrowing powers in respect thereof are hereby repealed. Cancellation of water capital.
4. The surplus assets of the water undertaking after providing for the payment of the costs of this Order and the other liabilities (if any) of the Company in respect of the water undertaking shall be distributed amongst the persons who at the commencement of this Order were the holders of preference water capital their executors administrators or assigns rateably in proportion to their respective holdings thereof. Application of assets of water undertaking.

[Ch. xcvi.] *Gas and Water Orders Confirmation* [5 & 6 GEO. 5.]
(No. 2) Act, 1915.

A.D. 1915.
—
Swanage.
Capital of
Company.

5. As from the commencement of this Order section 15 (Capital of Company) of the Swanage Gas and Water Act 1901 shall have effect as if that section had been enacted as follows:—

“ The capital of the Company shall be thirty-five thousand six
“ hundred pounds (in this Act called ‘the gas capital’) of
“ which thirteen thousand three hundred and twenty pounds
“ is in this Act called the original gas capital and twenty-two
“ thousand two hundred and eighty pounds is in this Act
“ called the additional gas capital and the original gas capital
“ shall be divided into seven thousand eight hundred pounds
“ A gas stock and five thousand five hundred and twenty
“ pounds B gas stock.

“ The A and B gas stock shall respectively be deemed and taken
“ by virtue of this Act to be ordinary stock fully paid.”

Costs of
Order.

6. All the costs charges and expenses of and incidental to the applying for preparing obtaining and confirming this Order and otherwise in relation thereto shall be paid out of the said surplus assets of the water undertaking.

HOYLAKE AND WEST KIRBY GAS AND WATER.

*Hoylake and
West Kirby.*

Order empowering the Hoylake and West Kirby Gas and Water Company Limited to purchase additional Lands to construct additional Gasworks to raise additional Capital and for other purposes in connexion with their Gas and Water Undertakings.

Short and
collective
titles.

1. This Order may be cited as the Hoylake and West Kirby Gas and Water Order 1915 and the Hoylake and West Kirby Gas and Water Order 1878 (in this Order referred to as “the Order of 1878”) the Hoylake and West Kirby Water Order 1887 the Hoylake and West Kirby Gas Order 1890 (in this Order referred to as “the Order of 1890”) the Hoylake and West Kirby Water Order 1893 the Hoylake and West Kirby Gas Order 1897 (in this Order referred to as “the Order of 1897”) the Hoylake and West Kirby Gas and Water Order 1899 (in this Order referred to as “the Order of 1899”) the Hoylake and West Kirby Gas and Water Order 1900 (in this Order referred to as “the Order of 1900”) and the Hoylake and West Kirby Water Order 1906 and this Order may be cited together as the Hoylake and West Kirby Gas and Water Orders 1878 to 1915.

[5 & 6 GEO. 5.] *Gas and Water Orders Confirmation* [Ch. xcvi.]
(No. 2) Act, 1915.

A.D. 1915.

2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order."

Hoylake and West Kirby.
Commencement of Order.

3. The provisions of the Lands Clauses Acts (except so much thereof as relates to the purchase and taking of lands otherwise than by agreement and to the entry upon lands by the promoters of the undertaking) of the Gasworks Clauses Act 1847 (except sections 30 to 34 both inclusive) as amended by the Gasworks Clauses Act 1871 are incorporated with this Order (except where expressly varied by the Order of 1878 the Order of 1890 as amended by this Order or this Order) and form part of this Order. Provided that for the purpose of its incorporation with the Order of 1878 and this Order 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 Undertakers shall be alike in terms and amount under like circumstances to all consumers" were added at the end of that section and section 3 of the Order of 1890 shall be read as if "the special purposes fund" were referred to instead of "the insurance fund."

Incorporation of Acts.

4. In this Order the several words terms and expressions to which by any Act in whole or in part incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have the same respective meanings unless there be something in the subject or context repugnant to such construction the expression "the council" means the Hoylake and West Kirby Urban District Council and the expression "the directors" means the directors of the Undertakers.

Interpretation.

5. The Hoylake and West Kirby Gas and Water Company Limited shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Undertakers.

PART I.

GAS.

New Capital.

6. The limitation prescribed by the Order of 1878 as amended by the Order of 1890 the Order of 1897 the Order of 1899 and the Order of 1900 with respect to the amount of the share capital of the Undertakers for the purposes of their gas undertaking shall not prevent the Undertakers from raising for such purposes further share capital (in this Order referred to as "the new capital") not exceeding fifteen

Additional gas capital.

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*Hoyle and
West Kirby.*

thousand pounds including any premium that may be obtained on the sale of any shares or stock under the provisions of this Order. Provided that the share capital of the Undertakers in respect of their gas undertaking shall not for such purposes exceed in the whole fifty-eight thousand five hundred pounds unless the Undertakers are hereafter authorised to raise further share capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

New shares
to form part
of additional
or "B" gas
capital.

7. The new capital shall form part of the gas capital of the Undertakers and shall rank *pari passu* with the existing gas share capital of the Undertakers other than the gas capital raised under the Order of 1878.

As to sale of
shares or
stock by auc-
tion or
tender.

8.—(1) All shares or stock forming part of the new capital and all shares or stock which the Undertakers are authorised to issue under section 5 of the Order of 1900 and which shall not have been previously issued shall be issued in accordance with the provisions of this section.

(2) All shares or stock so to be issued shall be offered for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Undertakers shall by special resolution determine. Provided as follows:—

- (A) Notice of the intended sale shall be given in writing to the clerk of every local authority having jurisdiction within the limits of supply of the Undertakers 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 directors in a sealed letter to be received by the Board of Trade not less than twenty-four hours before but not to be opened till after the day of auction or last day for the receipt of tenders as the case may be:
- (C) No lot offered for sale shall comprise shares or stock of greater nominal value than one hundred pounds:
- (D) In the case of a sale by tender no preference shall be given to one of two or more persons tendering the same sum. In the case of a sale by auction a bid shall not be recognised unless it is in advance of the last preceding bid:

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(E) It shall be one of the conditions of sale that the total sum payable by the purchaser shall be paid to the Undertakers within three months after the date of the auction or of the acceptance of the tender as the case may be. !A.D. 1915.
*Hoylake and
West Kirby.*

(3) Any shares or stock which have been so offered for sale and are not sold may be offered at the reserve price to the holders of ordinary and preference shares or stock of the Undertakers for the purposes of their gas undertaking in such manner as may be prescribed in a resolution passed by the directors and to the employees of the Undertakers and to the consumers of gas supplied by the Undertakers in such proportions as the directors may think fit or to one or more of these classes of persons only. Provided in the case of an offer to holders of shares or stock that if the aggregate amount of shares or stock applied for shall exceed the aggregate amount so offered as aforesaid the same shall be allotted to and distributed amongst the applicants as nearly as may be in proportion to the amounts applied for by them respectively.

(4) Any shares or stock which have been offered for sale in accordance with subsection (2) or with subsections (2) and (3) of this section and are not sold shall be again offered for sale by public auction or by tender in accordance with the provisions of this section and any such shares or stock then remaining unsold may be otherwise disposed of at such price and in such manner as the directors may determine for the purpose of realising the best price obtainable.

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

(6) Sections 6 to 10 (both inclusive) of the Order of 1900 are hereby repealed without prejudice to anything done or suffered thereunder.

9. The amount of all moneys borrowed by the Undertakers and secured by mortgage of their gas undertaking shall not at any time exceed in the whole one third of the amount of the capital of the Undertakers for the purposes of their gas undertaking actually raised by the issue of shares or stock including any premium that may be obtained on the sale of any shares under the provisions of this Order and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers after the commencement of this Order and secured as aforesaid. Limit of gas
borrowing
powers.

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(No. 2) Act, 1915.

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*Hoylake and
West Kirby.*
Application
of moneys.

10. All money raised under this Order including any 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 any shares or stock under the provisions of this Order shall not be considered as part of the capital of the Undertakers entitled to dividend.

Limits of divi-
dend on new
capital.

11. Except as by section 20 of the Order of 1890 is provided the Undertakers shall not in any year declare or make out of their profits any larger dividends on the new capital than seven pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as ordinary capital or five pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as preference capital.

Dividends on
different
classes of
ordinary
shares or
stock to be
paid propor-
tionately.

12. In case in any year or in any half year if the Undertakers declare a dividend half yearly the funds of the Undertakers applicable to dividend after payment of the dividend on the preference capital (if any) of the Undertakers shall be insufficient to pay the full amount of the rate of dividend on each class of ordinary shares or stock in the capital of the Undertakers for the purposes of their gas undertaking authorised by the Order of 1878 the Order of 1890 the Order of 1897 the Order of 1899 the Order of 1900 and this Order respectively a proportionate reduction shall be made in the dividend on each such class.

Power to
create a
special pur-
poses fund.

13.—(1) The directors may if they think fit in any year appropriate out of the revenue of the Undertakers in respect of their gas undertaking as part of the expenditure on revenue account any sum not exceeding an amount equal to one per centum of the paid-up gas capital of the Undertakers 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 gas capital of the Undertakers including premiums.

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(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 gas undertaking of the Undertakers to which capital is properly applicable or may be used partly in the one way or partly in the other.

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*Hoylake and
West Kirby.*

(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) Section 16 of the Order of 1890 is hereby repealed and section 17 of that Order shall be read and construed as if the words "special purposes" were inserted therein in lieu of the word "insurance" and so much of the money or securities standing in the accounts of the Undertakers at the commencement of this Order to the credit of a fund called "Contingency and Plant Renewal Funds" as relates to the gas undertaking of the Undertakers shall be credited to the special purposes fund.

Purchase of Lands.

14. The Undertakers may for the purposes of their gas undertaking purchase (by agreement but not otherwise) and hold in addition to the lands which they are authorised to hold and use for those purposes under the Order of 1878 and the Order of 1900 such of the lands described in the schedule to this Order annexed as may be required.

Power to
purchase
additional
gas lands.

Construction of additional Gasworks &c.

15.—(1) Section 11 of the Order of 1878 and section 16 of the Order of 1900 are hereby repealed without prejudice to any act or thing properly done thereunder prior to the commencement of this Order.

Power to
construct
additional
gasworks &c.

(2) The Undertakers upon the lands respectively described in Schedule A to the Order of 1878 annexed and in the schedules to the Order of 1900 and this Order respectively annexed so long as they are possessed of the same respectively may erect maintain alter extend improve and renew gasworks with all necessary machinery and apparatus and do all such acts as may be proper for making and storing gas and for supplying gas within their limits of supply and may also construct and maintain alter enlarge and renew houses offices buildings and other works connected with their gas undertaking Provided that

[Ch. xcvi.] *Gas and Water Orders Confirmation* [5 & 6 GEO. 5.]
(No. 2) Act, 1915.

A.D. 1915. the Undertakers shall not create or permit a nuisance on any such
Hoylake and lands and that no lands other than the said lands shall be used by
West Kirby. the Undertakers for the purposes of manufacturing gas or residual
products.

Power to
convert &c.
residual pro-
ducts.

16. The Undertakers may also—

- (A) Upon the lands respectively described in Schedule A to the Order of 1878 annexed and in the schedules to the Order of 1900 and this Order respectively annexed so long as they are possessed of the same respectively work up and convert the residual products arising directly or indirectly from the manufacture of gas by them :
- (B) Purchase the residual products arising from the manufacture of gas by other gas undertakers and therewith upon the said lands manufacture other products of the same kind as the Undertakers are manufacturing from their own residual products :
- (C) Purchase from other gas undertakers and elsewhere and use the materials required to work up and convert the residual products so arising from their own manufacture of gas or purchased as aforesaid :

But the Undertakers shall not manufacture chemicals exclusively from raw materials purchased from sources other than gas undertakings or in the manufacture of which the use of residual products produced by the Undertakers or purchased from other gas undertakings is merely subsidiary.

For protec-
tion of elec-
tric mains &c.
in Carr Lane.

17.—(1) Twenty-eight days before the Undertakers commence to construct any railway siding across Carr Lane they shall submit to the council plans sections and other necessary particulars showing how they propose to construct such siding in relation to the electric mains and sewers of the council in Carr Lane and the Undertakers shall comply with all reasonable requirements of the council with regard to the construction of such siding Such plans sections and particulars shall be deemed to be approved if objection thereto in writing is not delivered to the Undertakers within twenty-eight days after the delivery of the same to the council.

(2) After the construction of the said railway siding the Undertakers shall upon receiving from the council seven days' notice in writing (except in cases of emergency when the longest notice possible shall be given) give to the council all reasonable facilities for the purpose of laying additional electric mains and cables and of maintaining examining repairing renewing and relaying any electric mains and sewers of the council under the said railway siding.

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(3) If any difference shall arise between the Undertakers and the council under this section the same shall be determined by an arbitrator to be agreed upon between the parties or failing agreement to be appointed on the application of either party after notice to the other by the Board of Trade and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

A.D. 1915.
*Hoylake and
West Kirby.*

18. After the construction of the railway siding across Carr Lane it shall not be lawful for the Undertakers at any time to allow any train engine carriage or truck to stand upon the part of the siding crossing Carr Lane on the level so as to cause interruption to the traffic thereon.

Trains &c.
not to stop
in Carr Lane.

Testing.

19. For the purposes of the Gasworks Clauses Act 1871 the prescribed testing-place shall be the testing-place provided by the Undertakers at their gasworks.

Testing-
place.

20.--(1) 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 Undertakers or any local authority within the limits of supply of the Undertakers 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.

Testing
quality.

(2) The Undertakers shall within six months after the commencement of this Order provide all the apparatus required by this Order for the testing of gas and shall at all times keep the same in proper order and repair.

(3) So much of section 15 of the Order of 1878 as relates to the burner and chimney to be used for testing the gas is hereby repealed.

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

Charges 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

[Ch. xcvi.] *Gas and Water Orders Confirmation* [5 & 6 GEO. 5.]
(No. 2) Act, 1915.

A.D. 1915. 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.
Hoylake and West Kirby.

(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 Undertakers in connection therewith.

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

As to construction and placing of pipes &c. between mains and meters.

22. In order to enable the Undertakers to ensure a satisfactory supply of gas to their consumers the following provisions shall have effect:—

- (A) The Undertakers 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 Undertakers' mains and the meter so far as such pipes and fittings are intended to be covered over:
- (B) The Undertakers 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:
- (C) The specification shall be published once in each of two newspapers circulating within the limits of supply of the Undertakers and a copy thereof shall be kept exhibited in the office of the Undertakers:
- (D) Every meter to be used in a new building or a building not previously supplied with gas or in connection with a new or substituted pipe laid by the consumer between the main and the consumer's meter shall be placed as near as reasonably practicable to the Undertakers' main but within the outside wall of the building:
- (E) When any such pipe or meter as aforesaid has been laid or placed notice thereof shall be given to the Undertakers and the pipe shall not be covered over until after the expiration of twenty-four hours from the service of such notice on the

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Undertakers Any officer of the Undertakers duly appointed may between nine o'clock in the morning and five o'clock in the afternoon attend and inspect such pipes (with their fittings) and meter and if the officer is not permitted to make the inspection or if the pipes or fittings are not according to the Undertakers' specification or if the meter is not placed as required by this section the Undertakers may refuse to supply gas to the premises until the provisions of this section have been complied with:

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- (F) Any person to whom the Undertakers refuse 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 Undertakers' 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.

23. If a person requiring a supply of gas from the Undertakers has previously quitted premises at which gas was supplied to him by the Undertakers without paying to them all gas charges and meter rent due from him to the Undertakers (not being the subject of a bonâ fide dispute) they may refuse to furnish him with a supply of gas until he pays the same.

Power to refuse to supply gas to persons in debt for other premises.

24. At least twenty-four hours' notice shall be given to the Undertakers by every gas consumer either personally at the office of the Undertakers or in writing before he shall quit any premises supplied with gas by meter by the Undertakers and in default of such notice the consumer so quitting shall be liable to pay to the Undertakers the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such premises shall require the Undertakers to supply gas to such premises whichever shall first occur Notice of the effect of this enactment shall be endorsed upon every demand note for gas charges payable to the Undertakers.

Gas consumers to give notice to Undertakers before removing.

25. The Undertakers having first obtained the consent of the road authority concerned may lay down repair alter remove and renew mains pipes and culverts in any street within their limits of supply for the purpose of procuring conducting or disposing of any oil or other materials used by them in or resulting from the manufacture of gas or any residual products thereof or for any purpose connected with their business and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid shall so far as they

Power to lay down pipes for ancillary gas purposes.

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West Kirby.*
For pro-
tection of
London and
North West-
ern Railway
and Great
Western
Railway
Companies.

are applicable extend and apply mutatis mutandis to and for the purposes of this section.

26. The following provisions for the protection of the London and North Western Railway Company and the Great Western Railway Company (hereinafter respectively referred to as "the railway company") shall unless otherwise agreed between the Undertakers and the railway company be in force and have effect:—

- (1) In laying down or executing or in effecting the repairs and renewals of any mains pipes or other works in exercise of the powers of the section of this Order of which the marginal note is "Power to lay down pipes for ancillary gas purposes" upon across over under or in any way affecting the railways lands or property now or hereafter belonging to or used 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 according to such plans as have been previously 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 Undertakers 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:
- (2) The Undertakers 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 Undertakers as aforesaid and 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:
- (3) If any injury or interruption shall arise from or be in any way owing to any of the acts operations matters and things aforesaid the Undertakers shall make compensation in respect thereof to the railway company:
- (4) Any dispute or difference which may arise between the railway company and the Undertakers 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

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be settled by arbitration under the provisions of the Arbitration Act 1889 by an engineer or other fit person to be appointed by the Board of Trade on the application of the railway company and the Undertakers or either of them.

A.D. 1915.
*Hoyle and
West Kirby.*

27. Every consumer of gas supplied by the Undertakers who uses a gas engine shall if required to do so by the Undertakers 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 order and if any consumer shall make default in complying with the provisions of this section the Undertakers may cease to supply him with gas. The Undertakers 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 removal testing inspecting and replacing to be done at the expense of the Undertakers if the anti-fluctuator and valve be found in proper order but otherwise at the expense of such consumer.

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

28. Notwithstanding anything contained in the Gasworks Clauses Act 1871 or any other Act a person shall not be entitled to demand or to continue to receive from the Undertakers a supply of gas for any premises for purposes for which he has at the same time a supply of gas from an installation other than that of the Undertakers unless he shall have agreed to pay to the Undertakers such minimum annual sum as will give to them a reasonable return on the capital expenditure and other standing charges incurred by them in order to meet the possible maximum demand for those premises and the sum to be so paid shall be determined in default of agreement by arbitration in manner provided by the Arbitration Act 1889.

Supply of gas where consumer has separate supply.

29. The power to enter premises and to remove pipes meters fittings or apparatus conferred upon the Undertakers 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 Undertakers shall not require to take a supply of gas from the Undertakers or to hire from the Undertakers all or any of the pipes meters fittings or apparatus belonging to the Undertakers and let by them on hire to any former occupier of such premises.

Power to enter premises and remove gas fittings.

30. The Undertakers may contract with any local authority company or persons authorised to supply gas under parliamentary powers in any district adjacent to the Undertakers' 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 Undertakers to lay any mains or interfere with any street beyond their limits of supply.

Power to supply gas in bulk.

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(No. 2) Act, 1915.

A.D. 1915.

*Hoylake and
West Kirby.*

Limit of
water bor-
rowing
powers.

Water rates
payable by
owners of
small houses.

Undertakers
not bound to
supply water
to several
houses by
one pipe.

Notice to
Undertakers
of connecting
or discon-
necting water
meters.

Supply of
water by
hose pipe to
stables &c.

Supply of
water to
houses partly
used for
trade &c.

PART II.

WATER.

31. Section 22 of the Hoylake and West Kirby Water Order 1906 shall be read and have effect as if the words "one third" had been inserted therein instead of the words "one fourth" and as if the word "five" had been inserted therein instead of the word "four."

32. Where a house supplied with water is let to monthly or weekly tenants or tenants holding for any other period less than a quarter of a year the owner instead of the occupier shall if the Undertakers so determine pay the rate for the supply but the rate may be recovered from the occupier and may be deducted by him from the rent from time to time due from him to the owner Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to the service upon him of a notice to pay the rate.

33. The Undertakers with respect to houses which may be erected after the commencement of this Order shall not be bound to supply more than one house with water by means of the same communication pipe and they may if they think fit require that a separate pipe be laid from the main pipe into each house supplied by them with water.

34. Before any person connects or disconnects any meter by means of which any of the water of the Undertakers is intended to be or has been registered he shall give not less than twenty-four hours' notice in writing to the Undertakers of his intention to do so and all alterations or repairs and the connecting and disconnecting of meters shall be done at his cost and under due superintendence of any officer of or person authorised by the Undertakers and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

35. When water of the Undertakers supplied for domestic purposes is used for washing horses carriages or motor cars or for other purposes in stables or premises where horses carriages or motor cars are kept the Undertakers may if a hose pipe or other similar apparatus is used charge such additional sum not exceeding twenty shillings per annum as they may prescribe and any sum charged under this section shall be recoverable in the same manner as water rates.

36.—(1) The Undertakers shall not be bound to supply with water otherwise than by measure any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required.

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(2) Where water of the Undertakers supplied to a farmhouse is used for farming purposes the Undertakers may require that the supply for farming purposes shall be taken by meter but nothing in this section shall authorise the Undertakers to refuse a supply of water for domestic purposes to a farmhouse at the ordinary rate calculated on the rateable value thereof. A.D. 1915.
Hoylake and West Kirby.

37. The Undertakers may sell meters and any fittings connected therewith upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit. Power to sell water meters &c.

The provisions of section 14 of the Waterworks Clauses Act 1863 shall extend to authorise the Undertakers to let for hire any water fittings and other apparatus to any person supplied by them with water.

38. The Undertakers by their agents or workmen after forty-eight hours' notice in writing under the hand of the secretary or some other officer of the Undertakers to the occupier or if there be no occupier then to the owner or lessee of any house building or land in which any water pipe meter or fitting belonging to the Undertakers is laid or fixed and through or in which the supply of water is from any cause other than the default of the Undertakers discontinued for the space of forty-eight hours may enter such house building or land between the hours of nine in the morning and four in the afternoon or at any other time with the authority in writing of a justice for the purpose of removing and may remove every such pipe meter and fitting repairing all damage caused by such entry or removal. Power to remove water meters and fittings.

39. When several houses or parts of houses in the occupation of several persons are supplied with water of the Undertakers by one common pipe belonging to the several owners or occupiers of such houses or parts of houses the said several owners or occupiers shall be liable to contribute the amount of any expenses from time to time incurred by the Undertakers in the maintenance and repair of such pipe and their respective proportions of contributions shall be settled by the engineer of the Undertakers. Maintenance of common pipe.

40. For the purpose of complying with any obligation under the Waterworks Clauses Act 1847 to maintain any pipe or apparatus the person liable to maintain the same shall have the like power to open the ground as is conferred upon him by and subject to the conditions of sections 48 to 52 inclusive of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes. As to communication pipes.

41. If it should appear to the Undertakers that by reason of any injury to or defect in any communication pipe which the Undertakers are not under obligation to maintain any waste of water or injury or risk of injury to person or property is caused or likely to be caused it Power to Undertakers to repair communication pipes.

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(No. 2) Act, 1915.

A.D. 1915. shall be lawful for the Undertakers to execute such repairs as they may think necessary or expedient in the circumstances of the case without being requested so to do and the expense incurred by the Undertakers in executing such repairs shall be recoverable by the Undertakers from the owner of the premises supplied or in cases where the communication pipe is repairable by the occupier of such premises from the occupier. Provided that except in case of emergency the Undertakers shall not under the powers of this section enter into any house or private premises unless they shall have given to the owner of such house or premises not less than twenty-four hours' previous notice of their intention so to enter.

Hoylake and West Kirby.

Temporary discharge of water into streams.

42.—(1) For the purpose of constructing enlarging extending repairing cleansing emptying or examining any of their waterworks the Undertakers may cause the water in such works to be temporarily discharged into any available stream or watercourse.

(2) In the exercise of the power conferred by this section the Undertakers shall do as little damage as may be and shall make compensation to all persons for all damage sustained by them by the exercise of such power the amount of compensation to be settled in default of agreement by arbitration in accordance with the provisions of the Arbitration Act 1889.

As to charges for water-closets and baths.

43. The Undertakers shall not exercise the powers of section 31 of the Order of 1878 during the continuance of the present war nor shall they exercise the powers of the said section after the termination of such war except with the consent of the Board of Trade which consent shall not be given until after notice in writing has been given to the council and an opportunity has been afforded to the council to lay any objections which they may have to the proposed exercise of the said powers before the Board of Trade.

PART III.

GENERAL.

Consent of Treasury to raising of money.

44. The Undertakers shall not during the continuance of the present war and within twelve months thereafter raise or borrow any money under the provisions of this Order unless the consent of the Treasury has been previously obtained.

Power to lay pipes in streets not dedicated to public use.

45.—(1) The Undertakers may but only with the consent of the owner of the soil of such street on the application of the owner or the occupier of any premises within their limits of supply abutting on or being erected in any street laid out but not dedicated to public use supply those premises with gas or water and for those purposes in the case of a supply of gas the Gasworks Clauses Act 1847 shall

[5 & 6 GEO. 5.] *Gas and Water Orders Confirmation* [Ch. xcvi.]
(No. 2) Act, 1915.

apply as if section 7 of that Act were excepted from incorporation in the Order of 1878 and this Order and in the case of a supply of water the Waterworks Clauses Act 1847 shall apply as if section 29 of that Act were excepted from incorporation in the Order of 1878.

A.D. 1915.
*Hoylake and
West Kirby.*

(2) Before the Undertakers break up any street or road in the urban district of Hoylake and West Kirby not repairable by the inhabitants at large the Undertakers shall (except in cases of emergency) give three clear days' notice to the council of their intention so to do and the Undertakers shall in carrying out any works in such street or road and in reinstating the same conform to all such reasonable requirements made by the council as shall not be inconsistent with any requirements of the owner of such street or road.

(3) Any difference arising between the Undertakers and the council or between the council and the owner or occupier of the street or road under subsection (1) of this section shall be referred to and determined by a court of summary jurisdiction.

46. The following provisions for the protection of the county council of the administrative county of Chester (in this section referred to as "the county council") shall unless otherwise agreed in writing between the Undertakers and the county council apply and have effect with respect to the exercise of any powers of the Undertakers in or affecting any road or any county or hundred bridge vested in the county council and in the limits of the Undertakers for the supply of gas and water (that is to say):—

For protec-
tion of Che-
shire County
Council.

- (1) All new mains pipes and works (not being replacements of existing mains pipes and works) to be laid in or along any such road or in or upon or across any such bridge shall be laid in such position in or at the side thereof as the county council in writing under the hand of their surveyor may in each case reasonably direct :
- (2) Except in relation to the laying down connecting or repairing of consumers' service pipes section 8 of the Gasworks Clauses Act 1847 and section 30 of the Waterworks Clauses Act 1847 shall as regards any such road or bridge be read as if the words "seven clear days" had been inserted therein instead of the words "three clear days" :
- (3) The exercise of any powers of the Undertakers shall not interfere with the powers of the county council to alter the level of deviate or improve any such road or to remove alter rebuild widen or repair any such bridge or any part thereof in over or near or attached to which any mains pipes or works of the Undertakers are laid or carried in the same manner as they might have altered the level of deviated or improved any such road or removed altered rebuilt widened or repaired any such

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*Hoyle and
West Kirby.*

bridge or part thereof if such mains pipes or works had not been so laid or carried and in the event of any such road or any such bridge or any part thereof in over or near or attached to which any such mains pipes or works are laid or carried being altered deviated improved removed rebuilt widened or repaired as aforesaid the Undertakers shall with all reasonable dispatch on receiving notice in writing under the hand of the clerk or surveyor to the county council so to do alter the position of any such mains pipes or works in such manner and to such extent as may be reasonably prescribed by such notice or as in case of difference shall be determined in the manner herein-after prescribed Provided that during any such alteration deviation improvement removal rebuilding widening or reparation as aforesaid the county council shall afford all reasonable facilities to enable the Undertakers temporarily to carry mains and pipes by the side of the road or across any stream or brook so as not to interrupt the continuous supply of gas or water or to diminish the pressure of such supply through such mains or pipes and that in the case of the alteration deviation or improvement of any such road the county council shall repay to the Undertakers any expense reasonably incurred by them in complying with any requirement of the county council under this subsection or in temporarily carrying their works by the side of such road :

- (4) All works shall be so executed by the Undertakers as not to stop or (so far as reasonably practicable) impede or interfere with the traffic on any such road or over any such bridge and the Undertakers shall not break up at any one time a greater consecutive length than two hundred yards of any such road or bridge :
- (5) Any dispute or difference which may arise between the county council and the Undertakers touching this section or anything to be done or not to be done thereunder shall be referred to two or more justices sitting as a court of summary jurisdiction who shall hear and determine the matter in dispute in all respects as if the same were a difference between the Undertakers and the county council under the Gasworks Clauses Act 1847 or the Waterworks Clauses Act 1847 as the case may be.

Fittings let
for hire not
to be subject
to distress
&c.

47. Any fittings let for hire by the Undertakers shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be Provided that such fittings have upon them

[5 & 6 GEO. 5.] *Gas and Water Orders Confirmation* [Ch. xcvi.]
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respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously pressed or made thereon sufficiently indicating the Undertakers as the actual owners thereof. A.D. 1915.
Hoylake and West Kirby.

48. A notice to the Undertakers from a consumer for the discontinuance of a supply of gas or of a supply of water shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the Undertakers or be given by the consumer personally at such office. Notice of discontinuance.

49. Sections 6 and 15 of the Hoylake and West Kirby Water Order 1887 shall be read and construed as if the word "water" had been originally inserted therein immediately before the word "undertaking" and sections 6 15 and 17 of the Order of 1890 shall be read and construed as if the word "gas" had been originally inserted therein immediately before the word "undertaking." Amendment of Orders of 1887 and 1890.

50. All the costs charges and expenses of and incidental to the applying for preparing obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Undertakers. Costs of Order.

The SCHEDULE referred to in the foregoing Order.

GAS LANDS.

A piece of land forming part of the Hoylake Estate and containing by admeasurement 3·094 acres situate at Hoylake in the township or parish of Hoylake-cum-West Kirby in the county of Chester bounded on the north-westerly and north-easterly sides thereof by Carr Lane on the south-easterly side by land belonging or reputed to belong to the Earl of Sheffield and on the south-westerly side by an occupation road which said piece of land forms part of the land numbered 335 on the $\frac{1}{25100}$ Ordnance map of the said township or parish (edition of 1912).

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