



### CHAPTER lxxv.

An Act to confer further powers upon the Brighton and Hove General Gas Company to extend their limits for the supply of Gas to authorise the construction of new Works and the raising of additional Capital and for other purposes.

A.D. 1893.

[9th June 1893.]

**W**HEREAS the Brighton and Hove General Gas Company (in this Act referred to as "the Company") are incorporated and empowered by the Brighton and Hove Gas Acts 1839 to 1881 and the Brighton Gaslight Act 1848 to manufacture gas and supply the same to the towns and parishes of Brighton Hove Aldrington Portslade Southwick Kingston New Shoreham Preston Patcham Pyecombe Clayton Old Shoreham Lancing Rottingdean and Ovingdean all in the county of Sussex (in this Act referred to as "the existing limits of supply of the Company"):

And whereas by the Brighton and Hove Gas Act 1881 (herein-after called "the Act of 1881") the undertaking of the Brighton Gaslight and Coke Company incorporated and empowered by the Brighton Gaslight Act 1848 was amalgamated with and now forms part of the undertaking of the Company:

And whereas the Company in exercise of the powers conferred upon them by the Act of 1881 have acquired the undertaking of the Aldrington Hove and Brighton Gas Company incorporated and empowered by the Aldrington Hove and Brighton Gas Act 1866 and that Act has been repealed:

And whereas the authorised share and loan capital of the Company now amounts to the sum of five hundred and ninety thousand pounds and consists of—

	£
Original shares - - - - -	220,000
A. shares - - - - -	225,000
B. preference shares - - - - -	50,000
Loan capital - - - - -	95,000
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	590,000
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[Price 9d.]

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And whereas the whole of the Company's authorised share capital has been issued and paid up with the exception of a sum of one thousand nine hundred pounds and the whole of the Company's authorised loan capital has been issued and paid up:

And whereas the demand for gas within the Company's existing limits of supply is increasing and a demand for gas now exists in the adjoining parishes of West Blatchington Hangleton Poynings and Newtimber all in the county of Sussex and the existing works of the Company and the lands whereon they are erected are insufficient to enable the Company to meet that demand and it is expedient that the Company be authorised to extend their existing limits of supply so as to include the last-mentioned parishes of Blatchington Hangleton Poynings and Newtimber and to construct additional works as by this Act provided on lands belonging or reputed to belong to the Company and described in the schedule to this Act but upon which they are not at present authorised to construct gasworks:

And whereas it is expedient that the Company be authorised to raise further capital as by this Act provided:

And whereas it is expedient that the several Acts relating to the Company be amended and extended as by this Act provided and that such other provisions be made with respect to the Company and their undertaking as are in this Act contained:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen'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 Brighton and Hove Gas Act 1893.

Acts of Company to be read as one Act.

2. The Brighton and Hove Gas Acts 1839 to 1881 and this Act and the Brighton Gaslight Act 1848 may for all purposes be cited together as the Brighton and Hove Gas Acts 1839 to 1893.

Incorporation of general Acts.

3. The following Acts and parts of Acts are (except where expressly varied by this Act) incorporated with and form part of this Act (that is to say):—

The Lands Clauses Acts (except the provisions of the Lands Clauses Consolidation Act 1845 with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking):  
The Gasworks Clauses Act 1847:

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

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- The distribution of the capital of the Company into shares;
- The transfer or transmission of shares;
- The payment of subscriptions and the means of enforcing the payment of calls;
- The forfeiture of shares for nonpayment of calls;
- The remedies of creditors of the Company against the shareholders;
- The borrowing of money by the Company on mortgage or bond;
- The consolidation of shares into stock;
- 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 Part I. (cancellation and surrender of shares) Part II. (additional capital) and Part III. (debenture stock) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869.

4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction and in construing this Act and in construing for the purposes of this Act the Acts incorporated herewith "superior courts" or "court of competent jurisdiction" or any other like expression shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute and shall include a county court.

Interpretation.

5. The limits within which the Company may supply gas are hereby extended so as to include the parishes of West Blatchington Hangleton Poynings and Newtimber all in the county of Sussex and within and throughout the limits as by this Act extended this Act and the recited Acts shall henceforth be in force and have effect.

Extending limits of supply.

6. Subject to the provisions of the Gasworks Clauses Act 1871 and subject and without prejudice to the rights powers privileges or easements excepted and reserved by and the covenants and provisions contained in an indenture dated the thirteenth day of December 1889 and made between James Martin Carr-Lloyd of the first part Edwin Frederick Wodehouse and Richard Arthur Hamilton Seymour of the second part Jane Carr of the third part

Power to construct gasworks &amp;c. on lands in Schedule.

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the Reverend Robert Seymour Nash the Reverend Divie Robertson and the said James Martin Carr-Lloyd of the fourth part and the Company of the fifth part (being the conveyance to the Company of the lands described in the schedule to this Act) the Company may upon the lands described in the schedule to this Act from time to time erect lay down provide maintain alter improve enlarge extend and renew or discontinue gasworks retorts gasometers receivers drains sewers mains pipes meters lamps lamp-posts burners stop-cocks machinery and other works apparatus and conveniences and may do all such acts as they think proper for making and storing gas and for supplying gas within their authorised limits for the supply of gas as existing before the passing of this Act and as extended by this Act and may make store and supply gas accordingly and may manufacture sell provide supply and deal in coke tar pitch asphaltum ammoniacal oil and all other products or residuum of any materials employed in or resulting from the manufacture of gas and also meters fittings tubes pipes and other articles and things in any way connected with gasworks or with the supply of gas as they may from time to time think fit.

Power to purchase lands by agreement. Gas not to be manufactured on such lands.

7. The Company may for the purposes of their undertaking purchase take and hold (by agreement but not otherwise) in addition to the lands described in the schedule to this Act any lands and hereditaments not exceeding in the whole twenty acres which the Company may from time to time require for the purposes of their works and undertaking but the Company shall not create or permit a nuisance on any such lands and no such lands shall be used by the Company for the purpose of manufacturing gas or residual products nor shall any lands acquired by the Company under the powers of this Act situate within or within half a mile of the existing boundary of any part of the borough of Brighton or of the parish of Hove be used for the storage of gas or any residual products except coke.

Restriction on taking houses of labouring class.

8. Nothing in this Act shall authorise the Company to purchase or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied For the purpose of this section the expression "labouring class" means and includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but

working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

9. The Company may purchase provide or hire and may supply sell or let burners tubes and stoves or ranges for heating or cooking by means of gas and any other materials or fittings for the use of gas for domestic or other purposes and also engines and machines for domestic manufacturing industrial or any other purposes whatever to be worked by means of gas for the production of motive power and any materials or fittings to be used in connexion therewith and charge for any stoves engines machines fittings and other things supplied sold or let under the powers of this Act such price rent or sum as may be agreed upon between the Company and the other party to any such agreement.

Power to supply gas fittings engines and other apparatus.

10. The Company may on the request of the owner or occupier of any property within the limits of the Company's supply give and continue to give a supply of gas for heating and ventilating such premises or for motive power cooking or other purposes on such property and may furnish and lay any pipes stoves apparatus fittings or conveniences for the purposes of this section on such terms and conditions in all respects as may be agreed on between the Company and such owner or occupier as aforesaid.

Power to supply gas for heating cooking and other purposes.

11. The Company may from time to time enter into and carry into effect agreements with any county council or any urban or rural sanitary or other local authority of any district within or adjoining their limits or any company authorised to supply gas under parliamentary authority within any such district for the supply by the Company to such county council sanitary or other local authority or company respectively of gas in bulk.

Supply of gas in bulk.

12. The Company may from time to time raise additional capital not exceeding in the whole two hundred thousand pounds by the creation and issue at their option of new ordinary shares or stock or partly of new ordinary shares or stock and partly of new preference shares or stock but the Company shall not issue any share created under the authority of this Act of less nominal value than twenty pounds nor shall any such share or stock vest in the person or corporation accepting the same unless and until the full nominal amount of such share or stock (if such share or stock shall be issued at or above par) together with any premium obtained upon the sale thereof shall have been paid in respect thereof Provided that it shall not be lawful for the Company to create and issue under the

Power to raise additional capital.

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powers of this Act any greater nominal amount of capital than shall be sufficient to produce including any premiums which may be obtained on the sale thereof the sum of two hundred thousand pounds. Provided also that the Company shall not create and issue within the year following the passing of this Act any greater nominal amount of capital than shall be sufficient to produce in manner aforesaid fifty thousand pounds or within any subsequent year fifty thousand pounds.

If authorised capital for any year not raised the amount may be made up.

**13.** If in any year or years the Company have not created and issued capital to the full amount herein-before prescribed in relation to such year or years they may in any subsequent year create and issue in addition to the amount prescribed for such year such a nominal amount of capital as shall be sufficient together with the amount then raised to produce in manner aforesaid fifty thousand pounds in respect of the year following the passing of this Act and fifty thousand pounds in respect of every subsequent year then expired.

Qualification of new shares or stock.

**14.** The additional capital from time to time raised by the Company under this Act by shares or stock shall be part of the general capital of the Company and save as otherwise provided in respect of such capital by the provisions of this Act the holders of shares or stock in such additional capital shall be entitled to the like rights of voting and other rights qualifications and privileges in proportion to the amount of their shares or stock from time to time paid up and be subject to the like provisions forfeitures and liabilities as the holders of stock in the original capital. Provided that except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned.

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

**15.** Notwithstanding anything in this Act contained the Company shall when any shares or stock created under the powers of this Act are to be issued and before offering the same to the holder of any other shares or stock in the Company and whether the ordinary shares or ordinary stock of the Company are or is at a premium or not offer the same for sale by public auction or by tender in such manner at such times and subject to such conditions of sale as the Company shall from time to time determine. Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock and that the reserved price put upon such shares or stock shall not be less than the nominal amount thereof and notice of the amount of such reserved price shall be sent by the Company in a sealed letter to the

Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares or stock in the Company except that if any bidding or offer by tender of any holder or holders of shares or stock be the same in amount as any bid or offer made by any other person the bidding or offer of such holder or holders of shares or stock shall be accepted in preference.

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16. It shall be one of the conditions of any sale of shares or stock under this Act that the whole nominal amount thereof together with any premium given by any purchaser at such sale shall be paid to the Company within three months after such sale.

Purchase money of capital sold by auction to be paid within three months.

17. The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the town clerk of Brighton the clerk to the Hove Commissioners and the secretary of the Committee 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 notice of such intention shall be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the borough of Brighton.

Notice to be given as to sale of shares or stock.

18. When any shares or stock created under the powers of this Act have been offered for sale by auction or tender and not sold the same shall be offered at the reserved price put upon the same respectively for the purpose of sale by auction or tender to the holders of ordinary shares or ordinary stock of the Company in manner provided by the Companies Clauses Act 1863 Provided always that any shares or stock so offered and not accepted within the time prescribed by the said Act shall again be offered for sale by public auction or by tender in the manner and subject to and in accordance with the foregoing provisions of this Act with respect to the sale of shares and stock but at a lower reserved price than the price put upon the same at the preceding offer thereof for sale by auction or tender (not being less than the nominal value of the shares or stock so offered) and any shares or stock not then sold shall be again offered to the holders of ordinary shares or ordinary stock at the last-mentioned reserved price and so from time to time on failure of any sale or offer.

Shares or stock not sold by auction or by tender to be offered to shareholders.

19. Any sum of money which shall arise by way of premium from the issue of any such shares or stock after deducting therefrom the expenses of and incident to such issue shall not be considered

Application of premium raising on issue of shares or stock.

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as profits of the Company but shall be expended in extending or improving the works of the Company or in paying off money borrowed or owing on mortgage by the Company and shall not be considered as part of the capital of the Company entitled to dividend. Provided that in any case where a power to raise money by borrowing or to create an insurance fund is made proportionate to the paid up capital the premiums received from the sale of shares by auction or tender as herein-before provided shall for such purpose be reckoned as part of the paid up capital.

As to  
standard  
prices and  
standard  
rates of  
dividend.

**20.** The provisions of section 46 of the Act of 1881 with respect to the increase or diminution of standard prices and standard rates of dividend shall apply to the additional ordinary capital by this Act authorised in the same manner as if such additional ordinary capital had been authorised by the Act of 1881.

Profits of the  
Company  
limited.

**21.** Except as by this Act provided the profits of the Company to be divided among the shareholders in any year shall not exceed the following rates (which are in this Act referred to as the standard rates of dividend) (that is to say) On the sum of two hundred and twenty thousand pounds of original shares the rate of ten pounds in respect of every one hundred pounds of such capital on the sum of two hundred and twenty-five thousand pounds of A shares the rate of seven pounds in respect of every one hundred pounds of such capital on the sum of fifty thousand pounds of six per centum preference B shares the rate of six pounds in respect of every one hundred pounds of such capital and on the additional capital of two hundred thousand pounds authorised to be raised under the powers of this Act the rate of seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital and the rate of six pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as preference capital.

Dividends  
on various  
classes of  
stock or  
shares.

**22.** The holders of the various classes of stock or shares in the capital of the Company shall up to and until the respective standard rates of dividend on such classes of stock or shares have been reached be entitled to receive dividends *pari passu* at the same rates per centum per annum.

Repealing  
sections of Act  
of 1881.

**23.** Sections 47 48 and 49 of the Act of 1881 are hereby repealed.

If profits  
exceed the  
amount  
limited  
excess may

**24.** If the clear profits of the undertaking of the Company in any year amount to a larger sum than is sufficient to pay the dividend on the preference capital if any and dividend on the ordinary capital of the Company at the authorised rates the excess



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be invested  
and form an  
insurance  
fund.

beyond the sum necessary for that purpose may from time to time to the extent of one per centum per annum upon the paid up capital of the Company be invested in Government or other securities and the dividends and interest arising from such securities shall also be invested in the same or like securities in order that the same may accumulate at compound interest until the fund so formed amounts to a sum equal to one twentieth of the paid up capital of the Company which sum shall form an insurance fund to meet any extraordinary claim demand or charge which may at any time arise against or fall upon the Company from accident strikes or other circumstances which in the opinion of two justices due care and management could not have prevented and if such fund be at any time reduced it may thereafter be again made up to the said sum and so from time to time as often as such reduction shall happen Provided that when and so often as the said fund shall reach one twentieth part of the paid up capital the interest thereon shall be carried to the credit of the fund available for dividend Provided also that resort may from time to time be had to the insurance fund to meet any extraordinary claim or demand as aforesaid although such fund may not at the time have reached or may have been reduced below the full amount of one twentieth as aforesaid.

25. If the clear profits of the undertaking of the Company in any year amount to a larger sum than is sufficient to pay the dividend on the preference capital if any and dividend at the authorised rates on the ordinary capital of the Company the excess or such portion of it as is not carried to the insurance fund shall be carried to the credit of the divisible profits of such undertaking for the next following year Provided that the Company shall not in any year carry forward a larger amount than fifteen thousand pounds.

Application  
of excess of  
profits over  
standard  
rate of  
dividend.

26. When in any year the dividend of the Company on the ordinary capital of the Company shall exceed the standard rates by reason of the price charged by the Company for gas in such year being below the standard price then out of the amount of the divisible profits of the Company applicable to the payment of such excess of dividend the Company may in such year set apart such sum as they shall think fit and all sums (if any) so set apart by the Company and any reserve or other fund of the Company existing at the passing of this Act 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 Company shall be insufficient to enable the Company in such

Power to  
create a  
reserve  
fund out of  
dividends  
in excess of  
the standard  
rate of  
dividend and  
application  
thereof.

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Power to borrow in respect of additional capital.

**27.** The Company may from time to time subject to the provisions of this Act borrow on mortgage any sum or sums not exceeding in the whole one fourth part of the amount of the additional capital by this Act authorised to be raised and at the time actually issued by shares or stock but no part thereof shall be borrowed until the whole of the shares or stock at the time issued together with the premium (if any) realised on the sale thereof shall have been fully paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that such shares and stock and premium (if any) have been issued and fully paid up and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

As to conversion of borrowed money into capital.

**28.** The Company shall not have power to raise the money by this or any of the recited Acts authorised to be borrowed on mortgage or by the issue of debenture stock or any part thereof by the creation of shares or stock instead of borrowing or to convert into share capital any money borrowed under the provisions of any such Acts.

Priority of principal moneys secured by existing mortgages.

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

Repeal of provisions of former Acts with respect to appointment of receiver.

**30.** Every provision in any Act relating to the Company passed before the present session of Parliament by which the mortgagees of the Company are empowered to enforce payment of principal and interest or principal or interest due on their mortgages by the appointment of a receiver is by this Act repealed but without prejudice to any appointment heretofore made or to the continuance of any proceedings which may have been commenced under any such provision prior to the passing of this Act.

For appointment of receiver.

**31.** The mortgagees of the Company 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 ten thousand pounds in the whole.

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**32.** The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time after the passing of this Act created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock issued under this Act.

Debenture stock.

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

Receipt in case of persons not *sui juris*.

**34.** All money raised under this Act by the Company whether by shares stock debenture stock or borrowing shall be applied only to the purposes by this Act authorised and for the general purposes of the Company being in all cases purposes to which capital is properly applicable.

Application of money.

**35.** From and after the first day of January 1894 section 30 of the Brighton and Hove Gas Act 1879 shall be and is hereby repealed and the prescribed number of candles shall be fifteen.

Illuminating power.

**36.** All the costs charges and expenses of incident and preliminary to the preparing and applying for obtaining and passing of this Act and otherwise in relation thereto shall be paid by the Company.

Costs of Act.

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SCHEDULE referred to in the foregoing Act.

A piece of land lying to the west of and adjoining the site of the Company's existing gasworks and containing five acres or thereabouts now belonging or reputed to belong to and in the occupation of the Company situate in the parish of Lancing in the county of Sussex bounded on the north by a roadway separating the same from the eastern arm of Shoreham Harbour on the south by an imaginary line being a continuation westward of the Company's existing line of sea defence on the east by land in the parish of Portslade belonging or reputed to belong to and in the occupation of the Company and on the west by land and water belonging or reputed to belong to Colonel James Martin Carr-Lloyd and others as devisees or trustees under the will of Dame Elizabeth Ann Lloyd deceased.

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