



CHAPTER clxxvi.

An Act to confirm a Provisional Order made by the Board of Trade under the Gas and Water Works Facilities Act 1870 relating to Balcombe Petrol Gas. A.D. 1914.

[7th August 1914.]

WHEREAS under the authority of the Gas and Water Works Facilities Act 1870 the Board of Trade have made the Provisional Order 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 Order made by the Board of Trade as aforesaid and set out in the schedule to this Act be confirmed by Act of Parliament:

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:—

1. This Act may be cited as the Gas Order Confirmation (No. 2) Act 1914. Short title.

2. The Order as amended and set out in the schedule to this Act shall be and the same is hereby confirmed and all 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. Provided that the granting and confirmation of the Order shall not prevent the granting of a Provisional Order under the Gas and Water Works Facilities Act 1870 authorising the supply of coal gas within the limits of supply as defined in the Order nor entitle the Undertakers under the Order to be heard on the ground of competition against any Bill or Provisional Order promoted or applied for in the future for the supply of coal gas within the limits of supply aforesaid. Confirmation
of Order in
schedule.

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SCHEDULE.

Balcombe.

BALCOMBE PETROL GAS.

Order authorising the construction and maintenance of Gasworks and Works connected therewith and the supply of Petrol Gas in part of the Parish of Balcombe within the Rural District of Cuckfield in the County of Sussex.

Preliminary.

Short title.

1. This Order may be cited as the Balcombe Petrol Gas Order 1914.

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 Lands Clauses Acts (except 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) of the Gasworks Clauses Act 1847 and of the Gasworks Clauses Act 1871 (except as hereinafter provided) are hereby incorporated with this Order except so far as the same are expressly varied by or are inconsistent with the provisions hereof and the said provisions of the Gasworks Clauses Acts shall apply as well to the mains pipes and works of the Undertakers laid down or constructed before the commencement of this Order as to any mains pipes or works which may have been laid down or constructed under the authority of this Order:

Provided always that sections 12 28 and 32 of the Gasworks Clauses Act 1871 and so much of the provisions of the said Act as relate to the presence of sulphuretted hydrogen and the tests to be made in respect thereof shall not apply to the Undertakers and for the purpose of its incorporation with this Order the Gasworks Clauses Act 1871 shall be read and construed as if the said sections and provisions were omitted therefrom:

Provided also 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.

Interpretation.

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 and in the construction of this Order and of any such Act for the purposes of this Order the expression "gas" shall mean petrol vapour mixed with air.

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5. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the whole of the parish of Balcombe in the rural district of Cuckfield in the county of Sussex except the detached part of the said parish lying to the north of the parish of Cuckfield Rural and to the north-east of the parish of Slaugham.

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Limits of
Order.

Undertakers.

6. The Balcombe Gas Company Limited shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Undertakers.

Capital.

7. The share capital of the Undertakers shall not exceed four thousand five hundred pounds consisting of ordinary share capital of three thousand five hundred pounds (hereinafter called "the original capital") and of additional capital (in this Order called "the additional capital") to be issued subject to the provisions of this Order not exceeding one thousand pounds including any premium that may be obtained on the sale of any shares or stock under the provisions of this Order unless the Undertakers are hereafter authorised to raise for the purposes of the undertaking further additional capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

Capital.

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

Additional
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 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 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 by the directors of the Undertakers 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 shares or stock of greater nominal value than one hundred pounds:

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(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.

(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 or preference shares or stock of the Undertakers in manner prescribed by resolution passed by the directors of the Undertakers and to the employees of the Undertakers and to the consumers of gas supplied by the Undertakers in such proportions as the directors of 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 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 in accordance with the foregoing provisions 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 respective shares or stock sold the total amount obtained as premium (if any) and the highest and lowest prices obtained for the respective shares or stock as the case may be.

Application
of premium
arising on
issue of
shares or
stock.

9. 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.

Limit of
dividends on
capital.

10. Except as by this Order otherwise provided the Undertakers shall not in any year declare or make out of their profits any larger dividends than ten pounds in respect of every one hundred pounds of the original capital and seven pounds in respect of every one hundred pounds actually paid up of so much of the additional capital as may

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be issued as ordinary capital or six pounds in respect of every one hundred pounds actually paid up of so much of the additional capital as may be issued as preference capital (which are in this Order referred to as "the standard rates of dividend").

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11. In case in any year or in any half-year when a half-yearly dividend is declared the net revenues of the Undertakers applicable to dividend are insufficient to pay the full amount of the dividend at the prescribed maximum rate on each class of ordinary shares or stock in the original capital and the additional capital of the Undertakers a proportionate reduction shall be made in the dividends payable on each class.

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

12. The amount of all moneys borrowed by the Undertakers and secured by mortgage of their undertaking shall not at any time exceed in the whole one-third of the amount of the capital of the Undertakers at the time actually raised by the issue of shares or stock including any premium that may be obtained on the sale of any shares or stock 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 borrowing powers.

Lands.

13. The Undertakers may for the purposes of the undertaking purchase take and hold (by agreement but not otherwise) in addition to the lands described in Schedule A to this Order annexed any lands which they may require not exceeding three acres Provided that they 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 described in the said schedule.

Power to purchase lands by agreement.

14.—(1) Subject to the provisions of this Order and to all such regulations touching the manufacture and supply of gas as the Board of Trade may make at any time by order in writing signed by a secretary or assistant secretary of the said Board the Undertakers may upon the lands described in Schedule A to this Order annexed so long as they are in possession of the same erect maintain alter improve extend and renew works for the manufacture of gas with all necessary machinery and apparatus and do all such acts as may be proper for making and storing petrol and gas and for supplying gas within the limits of supply and may on the said lands convert and manufacture residual products resulting from the manufacture of gas.

Powers as to construction and maintenance of gasworks &c.

(2) Nothing in this Order shall exempt the Undertakers from any of the provisions of the Petroleum Act 1871.

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(3) The petrol used in the manufacture of gas supplied under this Order shall be so stored and the gas shall be so manufactured as to comply with the conditions of a licence granted under the Petroleum Act 1871.

Power to
supply gas
fittings &c.

15.—(1) The Undertakers may purchase sell or let on hire fix repair and remove (but shall not manufacture) engines stoves ranges pipes and other gas fittings suitable for being used in connection with gas for lighting motive heating ventilating cooking or any other purposes and may provide all materials and work necessary or proper in that behalf and with respect thereto may demand and take such remuneration or rents and charges and make such terms and conditions as may be agreed upon.

(2) Any fittings let for hire under the provisions of this section 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 any proceedings in bankruptcy against the persons in whose possession the same may be. Provided that such fittings are marked or impressed with a sufficient mark or brand indicating the Undertakers as the actual owners thereof.

Power to
use patents.

16. The Undertakers may subject to the provisions of this Order but only for the purposes of the undertaking within the limits of supply and not so as to acquire any exclusive right therein contract for take and use any licence or authority to work use exercise or put in practice any invention under letters patent heretofore made or hereafter to be made granting any right or privilege of working using or vending any invention in relation to the manufacture supply or distribution of gas or the conversion manufacture or utilisation of any products obtainable in or arising from such manufacture.

Pressure and Quality of Gas.

Pressure of
gas.

17.—(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 three inches in height at the main or as near as may be to the junction therewith of the service pipe supplying the consumer.

(2) Any gas examiner appointed under the Gasworks Clauses Act 1871 may for the purposes of this 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. The Undertakers shall afford to the examiner all reasonable facilities for making the test.

Testing
place.

18. For the purposes of the Gasworks Clauses Act 1871 the testing place shall be a testing place which shall be provided by the Undertakers on the lands described in Schedule A to this Order annexed within three months after beginning to supply gas under the authority of this Order.

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19.—(1) The quality of the gas supplied by the Undertakers shall with respect to its illuminating power be such as to produce at the testing place when burned in a mantle with a suitable burner at the rate of five cubic feet per hour a light equal in intensity to the light produced by thirty-five sperm candles of six to the pound each consuming 120 grains of sperm per hour.

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Testing for
quality.

(2) The apparatus for and mode of testing shall be such as shall be prescribed by the Board of Trade by order in writing signed by a secretary or assistant secretary of the said Board.

(3) The Undertakers shall 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.

Price of Gas.

20. The price to be charged by the Undertakers for gas supplied by them to consumers shall not exceed three shillings and ninepence per thousand cubic feet:

Maximum
price of
gas.

Provided that at any time after the expiration of five years from the commencement of this Order the Board of Trade may if they think fit by order in writing signed by a secretary or an assistant secretary of the said Board alter the said maximum price either by substituting any other sum for the said sum of three shillings and ninepence or by fixing a standard price with sliding scale as to profits and as from the date specified in such order (in this Order referred to as "the specified date") the price to be charged by the Undertakers for gas supplied by them shall be in accordance with such order and in the latter alternative the provisions set forth in Schedule B to this Order annexed shall be in force and have effect and this Order shall be read and construed accordingly. A copy of any such order shall be published in the London Gazette and a copy of the said Gazette containing such order shall be conclusive evidence of the due making and validity of the same and of the contents thereof.

Miscellaneous.

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

As to con-
struction
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 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

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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 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 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 :
- (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 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 lay pipes in streets not dedicated to public use.

22. The Undertakers may but only with the consent in writing 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 those premises with gas and for that purpose the Gasworks Clauses Act 1847 shall apply as if section 7 of that Act were excepted from incorporation in this Order.

Supply of gas where consumer has separate supply.

23. 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

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any premises 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 will cover other standing charges incurred by them in order to meet the possible maximum demand for those premises and the sum to be paid shall be determined in default of agreement by arbitration in manner provided by the Arbitration Act 1889.

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24.—(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.

Charge for
gas sup-
plied 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 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.

25. At least twenty-four hours' notice shall be given to the Undertakers by every gas consumer in writing or in person at the Undertakers' office 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. Provided that notice of the effect of this enactment

Gas con-
sumers to
give notice
to Under-
takers
before
removing.

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Balcombe. the Undertakers.

Notice of
discon-
tinuance.

26. 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 personally at the office of the Undertakers.

Period of
error in
defective
meters.

27. 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
refuse to
supply per-
sons in debt
for other
property.

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

Engines &c.
though fixed
to premises
to remain
property of
Undertakers.

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

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

Board of
Trade in cer-
tain events
may modify
or suspend
powers of
Under-
takers.

30. The Board of Trade at any time upon sufficient cause shown to their satisfaction by any local authority having jurisdiction within the limits of supply or by twenty or more inhabitant householders within the said limits that the Undertakers have made default in manufacturing or supplying gas in accordance with the provisions of this Order or with a due regard to the public safety may

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(after notice to the Undertakers and hearing any objections they may have to make in regard thereto) upon such terms and conditions as the Board of Trade think fit and for any limited or unlimited period suspend or modify any power or obligation of the Undertakers with respect to the supply of gas under this Order and any such terms and conditions shall be binding on and observed by the Undertakers and shall be of the like force and effect in every respect as though they were contained in this Order. If the Undertakers do not carry out the powers under this Order within three years from the commencement of this Order the Board of Trade may at the expiration of that period revoke the Order but in the event of the Undertakers carrying out such powers within any part of the district the Board of Trade may at any time impose such regulations and restrictions as regards price illuminating power and for the safety of the public and consumers as they think proper.

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

No penalty in case of unavoidable cause.

32. All penalties under this Order the recovery of which is not otherwise specially provided for may be recovered in a summary manner before any court of competent jurisdiction.

Recovery of penalties

33. Where any money is deposited by any person by way of security with the Undertakers for the payment to them of any moneys which may become due to them by such person in respect of any supply of gas or of the purchase or hire of any meter the Undertakers shall pay interest at the rate of four pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

Undertakers to pay interest on deposits.

34. Section 140 of the Companies Clauses Consolidation Act 1845 shall be and is hereby incorporated with this Order. Provided that for the purpose of such incorporation the expression "the Company" in the said section shall be construed to mean the Undertakers.

Incorporation of section 140 of 8 Vict. c. 16.

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

For protection of London Brighton and South Coast Railway Company.

- (1) All works executed in pursuance of this Order or of any Act incorporated therewith and involving interference with or in any way affecting the railways bridges roads approaches level crossings works lands and property of the Brighton

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Company (hereinafter together referred to as "the railways of the Brighton Company") and all works of maintenance repair renewal and removal 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 hereinafter referred to as "the said works") shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the Brighton Company (hereinafter referred to as "the engineer") and according to plans to be previously submitted to and reasonably approved by him in writing within one month after such submission or in case of difference as may be determined by arbitration in manner hereinafter 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:

- (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 Brighton Company which may be disturbed or interfered with and the said works shall be carried out so as to cause as little injury as may be to the railways of the Brighton Company and so as not to cause any interference with the passage or conduct of traffic thereover. Provided nevertheless that if the engineer shall think it necessary that the said works or any of them shall be done or carried out by the Brighton Company and shall notify such desire to the Undertakers the said works in respect of which the engineer shall have notified such desire shall be done or carried out by the Brighton Company accordingly at the cost of the Undertakers but to the reasonable satisfaction of the Undertakers or their engineer:
- (3) The Undertakers shall bear and on demand pay to the Brighton Company all costs of the superintendence by the engineer of the said works when the same are done or carried out by the Undertakers and all proper costs of watching lighting and protection of the railways of the Brighton Company during the carrying out of the said works but such superintendence by the Brighton 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 and workmen:

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- (4) If any injury or interruption of traffic shall arise from or be in any way owing to the said works or to the bursting leakage or failure of any mains pipes apparatus or works of the Undertakers the Undertakers shall make full compensation to the Brighton Company in respect thereof: A.D. 1914.
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- (5) The Undertakers shall from time to time pay to the Brighton Company any additional expense which the Brighton Company may reasonably incur in effecting any repair renewal widening alteration or extension of the railways of the Brighton Company by reason of the existence of any mains pipes apparatus or works of the Undertakers in over upon across or under the railways of the Brighton Company:
- (6) The Brighton Company may at any time or times hereafter upon giving to the Undertakers not less than seven days' notice thereof in writing signed by the engineer call upon the Undertakers to divert or alter the level of any main pipe apparatus or other work of the Undertakers passing in over upon across or under or in any way affecting the railways of the Brighton Company so as to admit of any repairs renewals widenings alterations or extensions of the railways of the Brighton Company which they may think necessary without being liable to pay the costs of such diversion or alteration or to pay any compensation in respect thereof:
- (7) Notwithstanding anything contained in this Order or in any Act incorporated therewith the Undertakers shall not enter upon take or use for any purpose the railways of the Brighton Company or any part thereof without the consent in writing of the Brighton Company first obtained:
- (8) Any dispute or difference which may arise between the Undertakers and the Brighton Company with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer to be agreed upon between the Undertakers and the Brighton Company or failing agreement by an engineer to be appointed by the Board of Trade on the application of the Undertakers and the Brighton Company or either of them.

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

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The SCHEDULES referred to in the foregoing Order.

SCHEDULE A.

GAS LANDS.

A piece of land containing by admeasurement $\cdot 17$ of an acre or thereabouts situate and fronting to a road called Bramble Hill or Short Lane in the parish of Balcombe in the county of Sussex which together with the messuage or tenement erected thereon is known as "Hill View."

SCHEDULE B.

The foregoing Order shall after the making by the Board of Trade of an order in pursuance of the provisions in that behalf therein contained prescribing a standard price for gas supplied by the Undertakers with sliding scale as to profits and as from the specified date be read and construed subject to the modifications following:—

Sections 30 to 34 of Gasworks Clauses Act 1847 to cease to be incorporated.

(1) Sections 30 to 34 (both inclusive) of the Gasworks Clauses Act 1847 shall not continue to be incorporated with or to form part of the foregoing Order and in construing the said Act for the purposes of the foregoing Order section 35 of the said Act shall be read and construed as though the words from "in case the whole" down to "have been paid" all inclusive had been omitted therefrom and as though the expression "the prescribed rate" included the rates of dividend authorised by the foregoing Order together with any sum which under the provisions of this schedule might lawfully be carried to the special purposes fund.

Price of gas with sliding scale as to dividend.

(2) Notwithstanding anything contained in the foregoing Order the standard price to be charged by the Undertakers for gas supplied by them to private consumers by meter shall be the price prescribed by such order of the Board of Trade as aforesaid per thousand cubic feet:

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

In respect of any year during any part of which the price charged by the Undertakers shall have been one penny or part of a penny above the standard price the dividend payable by the

[4 & 5 GEO. 5.] *Gas Order Confirmation (No. 2)* [Ch. clxxvi.]
Act, 1914.

Undertakers shall in respect of each penny or part of a penny by which the price shall have been increased be reduced below the standard rates of dividend by five shillings on every one hundred pounds of the original capital of the Undertakers issued as ordinary capital and by three shillings and sixpence on every one hundred pounds of the additional capital of the Undertakers issued as ordinary capital and so in proportion for any fraction of one hundred pounds;

A.D. 1914.

Balcombe.

And in respect of any year during the whole of which the price charged 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 rates of dividend by five shillings on every one hundred pounds of the original capital of the Undertakers issued as ordinary capital and by three shillings and sixpence on every one hundred pounds of the additional capital of the Undertakers issued as ordinary capital and so in proportion for any fraction of one hundred pounds.

(3)—(i) The directors of the Undertakers 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 pur-
poses fund.

(ii) 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:

(iii) The maximum amount standing to the credit of the special purposes fund shall not at any time exceed an amount equal to one-tenth of the paid-up capital of the Undertakers including premiums:

(iv) 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:

[Ch. clxxvi.] *Gas Order Confirmation (No. 2)* [4 & 5 GEO. 5.]
Act, 1914.

A.D. 1914.

Balcombe.

Application
of excess of
profits over
authorised
rates of
dividend.

(v) 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.

(4) If the clear profits of the undertaking of the Undertakers in any year amount to a larger sum than is sufficient to pay the dividend on the preference capital and the dividend at the rates authorised by the foregoing Order on the ordinary capital of the Undertakers the excess shall be carried to the credit of the divisible profits of such undertaking for the next following year :

Provided that the sum so carried forward shall not in any case exceed the amount required to pay one year's dividend at the authorised rates.

Power to
create a
reserve fund
and applica-
tion thereof.

(5) Where in any year the dividend of the Undertakers on the ordinary share capital or stock of the Undertakers shall exceed the standard rate by reason of the price charged by the Undertakers for gas 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 and all sums (if any) so set apart by the Undertakers and any reserve or other fund of a similar character 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 dividends 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 rates authorised by the foregoing Order on the ordinary capital of the Undertakers and save as by this Order specially provided no sum shall in any year be carried by the Undertakers to any reserve fund.

(6) Nothing in this schedule contained shall alter vary or affect any contract or agreement duly made or any liability incurred or notice given before the specified date with respect to the gasworks of or the supply of gas by the Undertakers.

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