



### CHAPTER xxiii.

An Act to confer further powers on the Sittingbourne District Gas Company. A. D. 1903.  
[30th June 1903.] —

**W**HEREAS by the Sittingbourne District Gas Act 1877 (hereinafter called "the recited Act") the Sittingbourne District Gas Company (hereinafter called "the Company") was incorporated and authorised to supply gas within the limits named in the said Act which included the parishes of Sittingbourne Murston Bapchild Bobbing Borden Newington-next-Sittingbourne Tong Lynsted Teynham Tunstall Rodmersham Kingsdown Milsted Bredgar Halstow-the-Lower and Hartlip and part of the parish of Milton-next-Sittingbourne in the county of Kent: 40 Vict.  
c. xxxii.

And whereas the demand for gas within the said limits has increased and is increasing and it is expedient that the Company's works should be enlarged and extended and that additional capital be provided for that purpose and further powers be conferred upon the Company as in this Act contained :

And whereas a plan showing the land which may be taken under the powers and for the purposes of this Act and a book of reference to the plan containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said land were duly deposited with the clerk of the peace for the county of Kent and are hereinafter respectively referred to as the deposited plan and book of reference :

And whereas the objects of this Act cannot be attained without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal

[Ch. xxiii.] *Sittingbourne District Gas Act, 1903.* [3 EDW. 7.]

A.D. 1903. — and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):—

Short title. **1.** This Act may be cited as the Sittingbourne District Gas Act 1903 and the recited Act and this Act may be cited together as the Sittingbourne District Gas Acts 1877 and 1903.

Incorporation of Acts. **2.** 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 provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (namely):—

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 non-payment 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 the shares into stock ;

The general meetings of the Company and the exercise of the right of voting by the shareholders ;

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 :

Part I. (relating to the cancellation and surrender of shares)

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

The Lands Clauses Acts :

The provisions of the Gasworks Clauses Act 1847 with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for their benefit :

And sections six and nine of the Gasworks Clauses Act 1871.

Interpretation. **3.** In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective meanings unless there be something in the subject or context repugnant to such construction.

4. The Company may from time to time raise additional capital not exceeding in the whole fifty thousand pounds by the creation and issue of new ordinary shares or stock or new preference shares or stock or wholly or partially by one or more of those modes respectively but the Company shall not issue any share of less nominal amount than ten pounds nor shall any such share or stock vest in the person or corporation accepting the same unless and until the full price of such share or stock including any premium obtained upon the sale thereof shall have been paid in respect thereof. Provided always that not more than one half of such capital shall be issued as preference capital. Provided also that it shall not be lawful for the Company to create and issue under the powers of this Act any greater nominal amount of capital than shall be sufficient to produce including any premium which may be obtained on the sale thereof the sum of fifty thousand pounds.

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Power to Company to raise additional capital.

5. The additional capital in new shares or stock so created shall form part of the capital of the Company.

New capital to form part of capital of Company.

6. Except as by this Act otherwise provided the Company shall not in any year pay out of their profits any larger dividend on the additional capital to be raised under the powers of this Act than seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital or five pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as preference capital.

Profits of Company on additional capital limited.

7. If in any half year the funds of the Company applicable to dividend shall be insufficient to pay the full amount of dividend at the prescribed maximum rate on each class of ordinary stock or shares in the capital of the Company a proportionate reduction shall be made in the dividend of each class.

Dividends on each class of ordinary stocks or shares to be paid proportionately.

8. 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.

Restriction as to votes in respect of preferential shares or stock.

9. Notwithstanding anything in this Act contained the Company shall when any shares or stock forming part of the additional capital authorised by this Act are or is 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 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

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

A.D. 1903. subject to such conditions of sale as the Company shall from time to time determine Provided that—

- (1) At any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock :
- (2) Notice of the amount of the reserved price put upon such shares or stock 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 :
- (3) No priority of tender shall be allowed to any holder of shares or stock in the Company Except that if any bid or offer by tender of any holder or holders of shares or stock in the Company be the same in amount as any bid or offer made by any other person the bid or offer of such holder or holders of shares or stock in the Company may be accepted in preference.

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

**10.** It shall be one of the conditions of any sale of shares or stock under this Act that the full price thereof including any premium given by any purchaser at such sale shall be paid to the Company within three months after such sale.

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

**11.** The intention to sell any shares or stock by auction or by tender shall be communicated in writing to the clerks to the Sittingbourne and Milton-next-Sittingbourne Urban District Councils and the Milton and Faversham Rural District Councils and to 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 some newspaper published in the county of Kent and circulating in the Company's limits of supply.

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

**12.** 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 as 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 the

provisions of this Act with respect to the sale of shares or stock created under the powers of this Act and the reserve put upon such shares or stock may upon such second auction or tender if the directors of the Company think fit be less than the former reserved price and any shares or stock not then sold shall be again offered to the holders of ordinary shares or ordinary stock at the reserved price put upon such shares or stock upon such last auction or tender and so from time to time until the whole of such shares or stock is sold.

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**13.** The Company may subject to the provisions of this Act (in addition to any other sums which they are by the recited Act authorised to borrow) borrow on mortgage of their undertaking 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 or 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.

Power to borrow in respect of additional capital.

**14.** All provisions in the recited Act 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 are 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 previous to the passing of this Act or to any rights of existing mortgagees of the Company at the date of the passing of this Act.

Repeal of provisions of recited Act with respect to appointment of receiver.

**15.** 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 one thousand pounds in the whole.

For appointment of receiver.

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Power to  
create debenture  
stock.

**16.** The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 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 the recited Act or this Act 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 such stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages.

Priority of  
mortgages  
and debenture  
stock  
over other  
debts.

**17.** All money to be raised by the Company on mortgage or by debenture stock under the provisions of this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act Provided always that this priority shall not affect any claim against the Company or their property in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company in pursuance of any Act relating to the Company which is entitled to rank in priority to or *pari passu* with the interest or dividends on their mortgages or debenture stock nor shall anything in this section contained affect any claim for land taken used or occupied by the Company for the purposes of their undertaking.

Receipt in  
case of per-  
sons not *sui*  
*juris*.

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

Existing  
mortgages to  
have priority.

**19.** All mortgages granted by the Company under the powers of the recited Act before the passing of this Act and subsisting at the passing of this Act shall during the continuance of such mortgages and subject to the provisions of that Act have priority over any mortgages granted by virtue of this Act.

Application  
of moneys.

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

Interim  
dividends.

**21.** The directors may in any year without calling a meeting of the shareholders for the purpose declare an interim half-yearly

dividend on any class or classes of shares in the capital of the Company out of the then ascertained profits of the Company provided that the amount of any interim half-yearly dividend so declared shall not exceed in any one half-year one half of the amount of the maximum dividend for the year. A.D. 1903.  
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**22.** The directors may close the register of transfers for a period not exceeding fourteen days previous to the declaration of any interim dividend and they may fix a day for closing the same of which seven days notice shall be given by advertisement in a newspaper published in the county of Kent and circulating in the Company's district and any transfer made during the time when the transfer books are so closed shall as between the Company and the person claiming under the same but not otherwise be considered as made subsequently to the declaration of any such dividend. Closing of  
transfer  
books pre-  
vious to  
declaring  
interim  
dividend.

**23.** Subject to the provisions of this Act the Company may enter upon take and use the land delineated on the deposited plan and described in the deposited book of reference being the land described in the Schedule to this Act. Power to  
take land  
compulsorily.

**24.** Subject to the provisions of this Act the Company may upon the land described in the Schedule to this Act erect maintain alter improve enlarge extend and renew or discontinue gasworks retorts gasholders receivers purifiers engines plant machinery mains pipes meters drains sewers and other works apparatus and conveniences and may do all such acts as they may think proper for making storing and supplying gas and for manufacturing and storing the residual products arising in or resulting from the manufacture of gas and may make store and supply and convert gas and such residual products accordingly. Powers as to  
construction  
and main-  
tenance of  
gasworks  
&c.

**25.** The Company shall not manufacture gas or any residual products except upon the lands described in the Schedule to this Act and in the Schedule to the recited Act nor shall they store gas except upon those lands without the previous consent in writing of the owner lessee and occupier of every dwelling-house situate within three hundred yards of the limits of the site where such gas is intended to be stored. Prohibition  
against  
manufac-  
turing gas  
and residual  
products  
except on  
scheduled  
lands.

**26.** The Company may on the application of the owner or occupier of any premises within the Company's 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 may lay down take up alter relay or renew in across or along such street such pipes Power to lay  
pipes in  
streets not  
dedicated to  
public use.

A.D. 1903. — and apparatus as may be requisite or proper for the furnishing of such supply and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid so far as they are applicable shall extend and apply mutatis mutandis to and for the purposes of this section.

Restriction on taking houses of labouring class.

**27.** The Company shall not under the powers of this Act purchase or acquire 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.

If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the court may if it think fit reduce such penalty.

For the purposes of this section the expression "house" means any house or part of a house occupied as a separate dwelling and the expression "labouring class" means mechanics artizans 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 of such persons who may be residing with them.

Contracts not to disqualify for office of director.

**28.** Any contract made by the Company with any corporation or public body shall not disqualify any of the members of such corporation or public body for the office of director of the Company and no director or shareholder of the Company shall be disqualified for the office of director of the Company by reason of any contract between him and the Company for any loan of money to the Company but no director of the Company being a member of any such Corporation or public body shall vote upon any question with reference to any such contract.

Reducing maximum price of gas.

**29.** Section 33 (Limiting the price of gas) of the recited Act is hereby repealed as from the passing of this Act and thereafter



the price to be charged by the Company for gas supplied by them to persons who shall burn the same by meter shall not at any time exceed five shillings per one thousand cubic feet. A.D. 1903.

**30.** Any enrichment or increase of the illuminating power of the gas supplied by the Company effected otherwise than by coal or cannel shall be effected before the gas passes into the gasholder. As to illuminating power.

**31.** The Company shall at their own expense within a period of twelve months from the passing of this Act provide at a suitable spot within a radius of six hundred yards of the Sittingbourne Town Hall a testing place and shall provide and fix therein all the necessary apparatus and machinery for testing the purity and illuminating power of the gas supplied by the Company in accordance with the provisions of the recited Act and such testing place shall be deemed to be the testing place required to be provided in conformity with the provisions of the Gasworks Clauses Act 1871. Testing place.

**32.** After the next ordinary meeting of the Company after the passing of this Act at least one of the auditors of the accounts of the Company shall be a member of the Institute of Chartered Accountants or of the Incorporated Society of Accountants. Auditors.

**33.** In order to enable the Company to ensure a satisfactory supply of gas to their consumers the following provisions shall have effect:— As to construction and placing of pipes &c. between mains and meters.

- (1) The Company may specify the size and material of the pipes with the fittings thereof which are to be laid by the consumer between the Company's mains and the meter and (so far as the same are intended to be covered over) on the consumer's premises :
- (2) The Company may if they think fit make different specifications for different classes of premises having regard to the probable maximum consumption of gas thereon at any one time :
- (3) The specification shall be published twice in some newspaper published in the county of Kent and circulating within the Company's limits of supply and a copy thereof shall be kept exhibited at the secretary's office :
- (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 Company's main but within the outside wall of the building :

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

(6) Any person to whom the Company refuses a supply of gas under the provisions of this section may appeal to a petty sessional court against such refusal and the court may after hearing the parties and considering any questions as to the reasonableness of the Company's specification make such order as seems to them proper in the circumstances and may order by which of the parties the costs of and incident to the appeal shall be paid.

Company to pay interest on money deposited as security for gas meters &c.

**34.** If any person is required by the Company to give to them security for the payment of the price or rent of a meter the Company shall pay interest after the rate of five 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 and such interest shall be payable half-yearly subject however to the right of the Company to set off the same against any money due to the Company from such person.

Power to supply gas fittings. Fittings &c. not to be subject to distress.

**35.—(1)** The Company may sell let for hire or otherwise deal in fix repair and remove but shall not manufacture engines stoves ranges meters pipes and other fittings for or in connection with lighting or motive power or the warming or ventilating of houses and buildings or the cooking of food or other purposes for which gas can or may be used and may provide all materials and do all work necessary or proper in fixing repairing and removing the same and may in respect thereof demand and take such rents charges and remuneration and make such terms and conditions as may be agreed upon between the Company and the persons to or for whom such articles or things are sold let fixed repaired or removed.

(2) No such articles or things let for hire under the provisions of this section shall 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 articles and things 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 Company as the actual owners thereof.

A.D. 1903.

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

Anti-fluctuators for gas engines.

**37.** Twenty-four hours notice in writing shall be given to the Company by every consumer of gas supplied by the Company before he shall quit any premises supplied with gas by meter by the Company and in default of such notice the consumer so quitting shall be liable to pay to the Company 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 Company to supply gas to such premises whichever shall first occur. Notice of the effect of this enactment shall be stated in every demand note for gas rent payable to the Company.

Gas consumers to give notice to Company before removing.

**38.** If a person requiring a supply of gas from the Company for any premises occupies or has occupied other premises at which gas was supplied to him by the Company and has not paid all gas or meter rent or other moneys due from him to the Company they may refuse to furnish to him a supply of gas until he pays the same.

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

**39.** 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

Period of error in defective meters.

A.D. 1903. — during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter and the amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Company shall be paid by or to the Company to or by the consumer as the case may be and shall be recoverable in like manner as gas rents are recoverable by the Company.

Discounts. 40. The Company may if they think fit allow discounts or rebates not exceeding in any case ten per centum to consumers of gas in consideration of prompt payment of gas and meter rents or large consumption upon such scale and subject to such conditions and regulations as may be prescribed by the Company Provided that in the event of the Company allowing such discounts or rebates notice of the effect of this enactment shall be endorsed on every demand note for gas rent payable to the Company Provided also that such discounts or rebates shall be of equal amount under like circumstances to all consumers.

Company may contract for supply in bulk. 41. The Company may contract with any local authority company or persons beyond the Company's limits for the supply of gas (but only with the consent in writing of the local authority of the district within which the supply is to be given and of any company or person supplying gas under parliamentary powers in that district) 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 shall be agreed upon Provided that the Company shall not supply gas under any such contract as aforesaid beyond the Company's limits of supply if and so long as such supply will interfere with the supply of gas within those limits.

Costs of Act. 42. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

The SCHEDULE referred to in the foregoing Act.

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A.D. 1903.

A piece or parcel of land situate wholly in the parish of Murston in the county of Kent adjoining and extending along the eastern and northern sides of the Company's existing gasworks containing an area of 1 acre 1 rood and 6 poles or thereabouts and forming part of the brickfields belonging to the trustees of the late George Smeed and included within the following limits (that is to say) An imaginary line commencing at the north-western corner of the Company's gasworks and running thence in a north-easterly direction for a distance of 85 feet along the eastern side of the occupation road from the gasworks to the Brickmaker's Arms public-house thence in an easterly direction for a distance of 275 feet thence in a south-westerly direction for a distance of 380 feet to a point on the northern side of the occupation road leading from Church Road to the gasworks 141 feet or thereabouts measured in an easterly direction from the south-eastern corner of the said gasworks thence along the north side of that road to the said corner thence in a north-easterly direction along the eastern boundary wall and then along the northern boundary wall of the said gasworks to the point of commencement.

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