



## CHAPTER xxxi.

An Act for conferring further powers upon the Winchester Water and Gas Company and for other purposes. A.D. 1903

[30th June 1903.]

**W**HEREAS by the Winchester Water and Gas Act 1865 (hereinafter called "the Act of 1865") the Winchester Water and Gas Company (hereinafter called "the Company") were incorporated and were amongst other things authorised to supply water and manufacture and supply gas within the limits in that Act defined :

And whereas it was enacted by the Act of 1865 that the original capital of the Company should be sixty-one thousand five hundred pounds with a maximum dividend of ten per centum per annum :

And whereas by the Winchester Water and Gas Order 1888 (hereinafter called "the Order of 1888") the Company were authorised to raise additional capital not exceeding forty thousand pounds with a maximum dividend of seven per centum per annum :

And whereas the whole of the capital authorised by the Act of 1865 has been raised by the issue of two thousand four hundred and sixty ordinary shares of twenty-five pounds each :

And whereas of the capital of forty thousand pounds authorised by the Order of 1888 the Company have raised the sum of thirty-nine thousand nine hundred and seventy pounds nine shillings and eightpence by the issue of one thousand and eleven shares of the nominal value of twenty-five pounds each leaving the sum of thirty pounds ten shillings and fourpence to be raised :

And whereas the Company were authorised by the Act of 1865 to borrow fifteen thousand pounds and by the Order of 1888 to borrow ten thousand pounds and of those sums they have borrowed twenty thousand pounds by the issue of debentures and have still power to raise five thousand pounds :

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And whereas it is expedient that the capital of the Company should be consolidated and converted into stock entitled to a uniform maximum dividend of five pounds per centum per annum :

And whereas the existing gasworks of the Company are situated in the centre of the city of Winchester and need to be extended but having regard to the situation of those works it is expedient that any extension should be on lands acquired by the Company on the outskirts of the city :

And whereas it is expedient to extend the limits of supply for water and gas :

And whereas it is expedient that the Company should be authorised to acquire additional lands for the purposes of their undertaking :

And whereas in consequence of the increasing demand for water and gas in the Company's limits of supply it is expedient that they should be authorised to raise additional capital :

And whereas it is expedient that further powers should be conferred upon the Company as in this Act provided :

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 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 :—

## PART I.

### PRELIMINARY.

Short title.       **1.** This Act may be cited as the Winchester Water and Gas Act 1903.

Act divided into Parts.       **2.** This Act is divided into Parts as follows :—

Part I. Preliminary.

Part II. Financial.

Part III. Water.

Part IV. Gas.

Part V. Miscellaneous.

Incorporation of general Acts.       **3.** The Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say) :—

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 ;

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Part I. (relating to 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 (except the provisions thereof 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 Waterworks Clauses Acts 1847 and 1863 the Gasworks Clauses Act 1847 (except sections 31 to 34) and the Gasworks Clauses Act 1871 are (except where expressly varied by this Act) incorporated with and form part of this Act :

Provided that for the purposes of this Act section 44 of the Waterworks Clauses Act 1847 shall be read and have effect as if the words “with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner” were omitted therefrom.

4. 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 And in this Act—

Interpreta-  
tion.

- “The Company” means the Winchester Water and Gas Company ;  
“The Act of 1865” means the Winchester Water and Gas Act 1865 ;  
“The Order of 1888” means the Winchester Water and Gas Order 1888 ;  
“The original capital” means the capital authorised by the Act of 1865 ;  
“The new capital” means the capital authorised by the Order of 1888.

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PART II.

FINANCIAL.

Conversion  
of shares  
into stock.

**5.** As from the first day of January one thousand nine hundred and four the shares in the original capital and the new capital in the existing capital of the Company shall be consolidated and converted into consolidated ordinary stock bearing a uniform maximum dividend of five pounds per centum per annum and shall be divided among the holders of the original and new capital according to the following scale (that is to say):—

For each twenty-five pound share in the original capital of the Company fifty pounds consolidated ordinary stock ; and

For each twenty-five pound share in the new capital of the Company thirty-five pounds consolidated ordinary stock :

And as from that date there shall be by virtue of this Act created such a nominal amount of consolidated ordinary stock of the Company as shall be necessary for the purpose of carrying into effect such consolidation and conversion and the amounts of consolidated ordinary stock to which the holders of the original and new capital by virtue of this Act respectively become entitled in substitution for their shares in such capital shall be vested in such holders as from the aforesaid first day of January one thousand nine hundred and four and shall be forthwith registered in their respective names in the books of the Company.

As to existing  
unissued  
capital.

**6.** If on the first day of January one thousand nine hundred and four any amount of capital which the Company are authorised to raise under the Order of 1888 shall not have been raised such amount shall be raised by the creation and issue of Consolidated ordinary stock entitled to the same dividend and subject to the same rights incidents and privileges as the shares converted under this Act.

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

**7.** Consolidated ordinary stock shall be held in the same rights on the same trusts and subject to the same powers provisions charges and liabilities as those in upon or to which the shares in the original and new capital for which the consolidated ordinary stock is substituted were held or were subject to immediately before the said first day of January one thousand nine hundred and four and shall be dealt with applied and disposed of accordingly and so as to give effect to and not to revoke any deed will or other instrument disposing of or affecting any such shares and trustees executors or administrators or persons under disability may accept consolidated ordinary stock in substitution for original and new capital held by them in the capital of the Company and may

subject to the provisions of this Act retain dispose of or otherwise deal with the same as fully and freely in all respects as they might have retained disposed of or otherwise dealt with such original and new capital. A.D. 1903.

8. The Company shall call in the certificates of the shares for which consolidated ordinary stock shall be substituted by virtue of this Act and shall issue in exchange for those certificates to the respective proprietors thereof free of charge certificates of consolidated ordinary stock of the respective amounts to which those proprietors are by this Act respectively entitled but no shareholder shall be entitled to a new certificate until he shall have delivered up to the Company to be cancelled the existing certificate for which such certificate is to be substituted or shall have proved to the reasonable satisfaction of the directors of the Company the loss or destruction thereof. Provided always that until the issue of such new certificates the existing certificates shall (according to the amounts of consolidated ordinary stock to be substituted by virtue of this Act for shares in the original and new capital which they respectively represent) have and possess the same rights and advantages as if they were certificates for those respective amounts of consolidated ordinary stock created by virtue of this Act but if any holder of shares in the original and new capital of the Company neglect or omit to send or deliver to the Company his existing certificate or certificates for the period of one year after notice in writing sent by post to the address appearing in the shareholders' "address book" the Company may suspend the payment of any dividend declared or made payable upon or in respect of the consolidated ordinary stock so held by him until such existing certificate or certificates is or are sent or delivered to the Company or is or are proved to the reasonable satisfaction of the directors of the Company to have been lost or destroyed.

Certificates of shares to be called in and others issued.

9. All transfers or other dispositions of shares in the original or new capital of the Company as existing up to the conversion thereof into consolidated ordinary stock by virtue of this Act shall after such conversion and notwithstanding this Act be valid and have due effect given to them respectively as transfers of the respective amounts of consolidated ordinary stock which the shares thereby expressed to be transferred or disposed of represent or which are or may be substituted for the same under the provisions of this Act although the instrument transferring or disposing thereof shall describe the same by the name or denomination which the shares transferred or disposed of had before such conversion and the

Transfers of shares although by present name to be valid.

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 bequest of or any covenant or provision of any deed or agreement relating to any such shares converted by this Act into stock shall be held to apply to a nominal amount of consolidated ordinary stock equal to that into which such shares shall have been converted under the provisions of this Act.

Consolidated stock to be transferable in multiples of a pound.

**10.** Consolidated ordinary stock shall be transferable in amounts of one pound or multiples of a pound but no stockholder shall hold a smaller amount than ten pounds of consolidated ordinary stock.

Application of provisions of Companies Clauses Consolidation Act 1845 to consolidated stock.

**11.** Subject to the provisions of this Act the following provisions incorporated with this Act of the Companies Clauses Consolidation Act 1845 (that is to say) sections 11 to 13 and 62 63 and 64 shall extend and apply to consolidated ordinary stock and sections 18 to 20 of the said Act shall be deemed and construed to include and apply to consolidated ordinary stock and interest thereon as if such stock and interest respectively had been expressly named in the said sections.

Power to raise additional capital.

**12.** The Company may from time to time raise (in addition to the consolidated ordinary stock created by virtue of this Act and any unissued capital authorised by the Order of 1888) additional capital to such nominal amount as shall be sufficient to produce including the premium if any which may be obtained on the sale thereof the sum of not exceeding in the whole seventy-five thousand pounds by the creation and issue of further amounts of consolidated ordinary stock bearing a uniform maximum dividend of five pounds per centum per annum or of 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 value than ten pounds nor shall any such share or any stock created and issued by the Company under this section 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 that the Company shall not under the powers of this Act create a greater amount than thirty thousand pounds (nominal value) of such additional capital as preference capital.

Holders of preference capital not to vote.

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

New shares or stock to be offered by

**14.** Notwithstanding anything in this Act contained the Company shall when any shares or stock in the additional capital

created under the powers of this Act are to be issued and before offering the same to the holders of any other shares or stock in the Company and whether the consolidated ordinary stock of the Company is at a premium or not offer such shares or stock 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—

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auction or  
tender.

- (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 and preference may in like manner be given to any employee of the Company or any consumers of water or gas supplied by the Company whose bid or offer is the same in amount as any bid or offer made by any other person not being a holder of shares or stock in the Company.

**15.** 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.

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

**16.** The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the town clerk of the borough of Winchester and to the clerk of every district council whose district or part of whose district is included within the limits of supply of the Company 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 each of two consecutive weeks in one or more local newspapers circulating within the said borough and districts.

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

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Shares or stock not sold by auction or by tender may be offered to holders of shares or stock employees or consumers.

**17.**—(1) When any shares or stock in the additional capital authorised by this Act issued or created under the powers of this Act have been offered for sale by auction or tender and not sold the same may (if the directors of the Company think fit) be offered at the reserve price put upon the same for the purpose of sale by auction or tender to the holders of preference shares or consolidated ordinary stock of the Company in manner provided by the Companies Clauses Act 1863 or to the employees of the Company or to the consumers of water or gas supplied by the Company or partly to one and partly to another or others.

(2) Any such shares or stock not so offered and any such shares or stock so offered and not accepted in the case of shares or stock offered to the holders of shares or stock within the time prescribed by the said Act or in the case of such shares or stock offered to such employees or consumers within the time limited by the directors of the Company may 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 such shares or stock created under the powers of this Act and at such time or times as the directors of the Company may think fit and any such shares or stock not then sold may be again offered to the holders of preference shares or consolidated ordinary stock or to such employees or consumers at the reserved price put upon the same at such second auction or tender and so from time to time until the whole of such stock is sold.

Application of premium arising on issue of shares or stock.

**18.** Any sum of money which shall arise from the issue of any such shares or stock by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered 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 the premium received from the sale of shares or stock by auction or tender as hereinbefore provided shall for the purpose of determining the powers of the Company to raise money by borrowing or the amount which the Company may set aside as a reserve fund be reckoned as part of the paid-up capital.

Power to borrow in respect of converted consolidated stock.

**19.** The Company may at any time and from time to time after the first day of January one thousand nine hundred and four borrow on mortgage of the undertaking any sum or sums not exceeding (inclusive of the sum of twenty thousand pounds already



borrowed by them) one third of the nominal amount of the consolidated ordinary stock issued in exchange for the original and new capital of the Company. A.D. 1903.

**20.** The Company subject to the provisions of this Act may in addition to any moneys which they are authorised to borrow as aforesaid from time to time borrow on mortgage of the undertaking in respect of any unissued capital authorised by the Order of 1888 and of the additional capital by this Act authorised to be created and issued any sum or sums not exceeding in the whole one-third part of the amount which the Company have at the time actually raised by the issue of shares or stock in such unissued and additional capital 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 the whole of such shares and stock together with the premium (if any) realised on the sale thereof 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. Further power to borrow.

**21.** Section 22 of the Order of 1888 (Appointment of a receiver) is hereby repealed but without prejudice to any appointment heretofore made or to any proceedings pending at the passing of this Act and in lieu thereof 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 and in order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole. Appointment of receiver.

**22.** 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 any previous Act or 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) Debenture stock.

A.D. 1903. — 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 after the passing of this Act.

Priority of mortgages and debenture stock over other debts.

**23.** All money to be raised by the Company on mortgage or by the issue of debenture stock 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.

Existing mortgages to have priority.

**24.** 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.

Application of moneys.

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

Scale of voting.

**26.** On the first day of January one thousand nine hundred and four section 31 of the Act of 1865 shall be repealed and the scale on which the stockholders of the Company shall be entitled to vote at meetings of the Company shall be—

For not exceeding twenty-five pounds of consolidated ordinary stock one vote ;

For more than twenty-five pounds but not exceeding one hundred pounds two votes ;

For more than one hundred pounds but not exceeding two hundred and fifty pounds three votes ;

For more than two hundred and fifty pounds but not exceeding five hundred pounds four votes ; A.D. 1903.

For more than five hundred pounds and less than one thousand pounds five votes ;

For one thousand pounds and upwards seven votes :

Provided that no stockholder shall be entitled to vote except in respect of stock which shall have been registered in his name three months at least before the date of the meeting unless such stock has been acquired or shall have come by bequest or by marriage or by succession to an intestate estate or by any deed of settlement after the death of any person who shall have been entitled to the dividends on such stock.

**27.** On and after the first day of January one thousand nine hundred and four sections 34 and 40 of the Act of 1865 shall be repealed and the qualification of a director of the Company shall be the possession in his own right of not less than five hundred pounds consolidated ordinary stock and the qualification of an auditor of the Company shall be the possession in his own right of not less than fifty pounds consolidated ordinary stock. Defining qualification of directors and auditors.

### PART III.

#### WATER.

**28.** The limits for the supply of water by the Company as defined by the Act of 1865 are hereby extended so as to include the parishes of Headbourne Worthy King's Worthy Martyr Worthy Itchen Abbas Easton and Avington all in the rural district of Winchester and the county of Southampton. Extending limits of water supply.

**29.** If at any time after the expiration of five years from the passing of this Act the Company are not furnishing or prepared on demand to furnish a sufficient supply of water in accordance with the provisions of this Act in any part of the district of any local authority within the limits of water supply the local authority of such district may provide a supply in the whole or any part of their district within these limits of supply in accordance with the provisions of the Public Health Act 1875 or any company body or person may apply for an Act of Parliament or Provisional Order for the purpose of supplying water in any part of such district not sufficiently supplied by the Company as if in either case this Act had not passed. Power to local authority &c. to supply water in case Company fails to supply.

If any difference shall arise between the Company and any such local authority company body or person as to the sufficiency of the supply of water in any part of such district such difference

A.D. 1903. shall be settled by an arbitrator to be appointed on the application of either party by the Board of Trade.

Reservation of water rights &c. on sale of land.

**30.** The Company on selling any lands acquired for or in connection with their water undertaking and not required for that purpose may reserve to themselves all or any part of the water rights or other easements belonging thereto and may make the sale subject to such reservations accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit.

Power to hold lands for protection of water-works.

**31.** The Company may hold any lands acquired by them under the powers of this Act which they may deem necessary for ensuring the purity of their water supply or for other purposes of their water undertaking and so long as such lands shall be so held they shall not be deemed to be superfluous lands within the meaning of the Lands Clauses Acts.

Rates payable by owners of small houses.

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

Rates for supply of water by measure for trade purposes.

**33.** Section 26 (Supply of water) of the Order of 1888 shall extend and apply not only to the case of a builder but to the case of every other person requiring a supply of water by measure for trade purposes.

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

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

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

**35.** The Company shall not be bound to supply water to more than one house by means of the same communication pipe and they may if they think fit require that a separate pipe be laid from the main pipe into each house supplied by them with water.

Power to supply materials.

**36.** The Company may if requested by any person supplied or about to be supplied by them with water furnish to him and

repair or alter but shall not manufacture any such pipes valves cocks cisterns baths meters soil-pans water-closets apparatus and receptacles as are required or permitted by their regulations and may provide all materials and do all work necessary or proper in that behalf and the reasonable charges of the Company in providing such materials and executing such work shall be paid by the person requiring the same.

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**37.** The term "annual rack rent or value" in section 42 of the Act of 1865 shall mean the gross estimated rental as ascertained by the valuation list in force at the commencement of the quarter in which the water rate accrues or if there is no such list in force by the last rate made for the relief of the poor Provided that where the water rate is chargeable on the gross estimated rental of a part only of any hereditament entered in the valuation list such gross estimated rental shall be a fairly apportioned part of the gross estimated rental of the whole tenement ascertained as aforesaid the apportionment in case of dispute to be ascertained by a court of summary jurisdiction.

Limitation of water rate.

Nothing in this section shall entitle the Company in any case to demand for the water rate for any house or part of a house included in any division of the scale of charges authorised by the Act of 1865 a greater sum than they would be entitled to demand if the house or part thereof were of just sufficient rent or value to bring it within the next division of the said scale relating to premises of a higher rent or value whereon a lower rate per centum is chargeable.

#### PART IV.

##### GAS.

**38.** The limits for the supply of gas by the Company as defined by the Act of 1865 are hereby extended so as to include the parishes of Morestead Oswlebury Twyford Compton Headbourne Worthy King's Worthy Martyr Worthy Itchen Abbas Easton and Avington in the rural district of Winchester and the parish of Otterbourne in the rural district of Hursley all in the county of Southampton.

Extending limits of gas supply.

**39.** Subject to the provisions of this Act the Company may hold the lands described in the Schedule to this Act and may upon such lands erect make and maintain alter improve enlarge extend and renew or discontinue works for the manufacture of gas and utilise and distribute materials used in and about the manufacture of gas and of residual products resulting from such manufacture and

Powers as to maintenance and construction of gasworks.

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Power to hold licences under letters patent.

40. The Company may take hold and use within the limits of this Act patent rights or licences or authorities (not being exclusive) under any letters patent for the use of any invention relative to the manufacture conversion utilisation or distribution of gas and of such materials and residual products as aforesaid.

Period of error in defective meters.

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

Anti-fluctuators for gas engines.

42. Every consumer of gas supplied by the Company who uses a gas engine shall if required to do so by the Company use an effective anti-fluctuator and shall at all times at his own expense keep such anti-fluctuator in proper order and in default of his so using or keeping such anti-fluctuator in proper order the Company may cease to supply gas to such consumer The Company shall have access to and be at liberty to take off remove test inspect and replace any such anti-fluctuator 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 be found in proper order but otherwise at the expense of such consumer.

**43.** No penalty shall be incurred by the Company for neglect or refusal to give a supply of gas in accordance with the provisions of this Act or for insufficiency of pressure defect of illuminating power or excess of impurity in the gas supplied by them in any case in respect of which the court having cognizance of the case are of opinion that such neglect refusal insufficiency defect or excess was caused by circumstances beyond the control of the Company Provided that the want of sufficient funds shall not be held to be a circumstance beyond the control of the Company.

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No penalty in case of unavoidable cause.

**44.** Twenty-four hours' notice in writing shall be given to the Company by every gas consumer 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 endorsed on every demand note for gas rent.

Gas consumers to give notice to Company before removing.

**45.** If a person requiring a supply of gas from the Company have previously quitted premises at which gas was supplied to him by the Company without paying to them all gas and meter rent 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 supply to persons in debt for other property

## PART V.

### MISCELLANEOUS.

**46.** The Company may for the purposes of their undertaking in addition to the lands now belonging to them and the lands described in the Schedule to this Act purchase take and hold (by agreement but not otherwise) any lands and hereditaments not exceeding in the whole twenty acres which the Company may 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 lands acquired under the authority of this Act shall be used by the Company for the purpose of manufacturing gas or residual products except the lands described in the Schedule to this Act.

Power to purchase lands by agreement.

**47.** 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

Restriction on taking houses of labouring class.

A.D. 1903. — 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 provisions of this section 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 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.

Dwelling-houses for workmen.

**48.** The Company may upon any lands for the time being belonging or leased to them erect fit up maintain and let houses cottages and buildings for the officers and servants employed by the Company for the purposes of their undertaking.

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

**49.** The Company may upon the application of the owner or occupier of any premises within the limits of this Act abutting on or being erected in any street or road laid out or made but not dedicated to public use supply such premises with water and gas and may lay down and from time to time take up alter relay or renew in across or along such street or road such pipes and apparatus as may be requisite or proper for the furnishing such supply and the provisions of the Waterworks Clauses Act 1847 and Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid so far as they are applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof.

Power to lay pipes &c. for purposes ancillary to business of Company.

**50.** The Company may for the purposes of their undertaking lay down place repair alter remove and renew subways mains pipes and culverts and other apparatus and works in or under any street or place dedicated to public use within their gas limits for the purpose of procuring conducting or disposing of any coal coke oil or



other material used by them in or resulting from the manufacture of gas or any residual products thereof or for any other purpose connected with or ancillary to their business and the provisions of the Waterworks Clauses Act 1847 and the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid shall so far as applicable extend and apply to the laying down placing repairing altering or removing and protection of such subways mains pipes and culverts and other apparatus and works.

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**51.** In executing the works and exercising the powers by this Act authorised so far as they affect main roads and county or main road bridges of the county of Southampton the following provisions for the protection of the county council of the administrative county of Southampton (in this section called "the county council") shall have effect (that is to say):—

For protection of Southampton County Council.

- (1) All pipes to be laid in or along any main road or in upon or across any main road bridge shall be laid in such position in or at the side thereof (provided the metalling on or over such side be sufficient and of sufficient depth to effectually protect such pipes) as the county council in writing under the hand of their surveyor may reasonably direct:
- (2) In the application of the provisions of the Waterworks Clauses Act 1847 and the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes the notice required by the thirtieth section of the first-named Act and the eighth section of the last-named Act respectively shall be not less than seven days instead of three days but this shall not apply to cases of emergency:
- (3) The plan required by the thirty-first section of the said first-named Act and by the ninth section of the said last-named Act respectively shall be accompanied by a description of the proposed works in the case of any main roads and by a section in the case of any county or main road bridges and shall be delivered to the county council or their surveyor by the Company not less than fourteen days before they commence to open or break up any main road or interfere with any county or main road bridge for the purpose of executing the works:
- (4) Nothing in this Act shall authorise the Company to interfere with the structural part of any county or main road bridge without the consent in writing of the county

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council which consent shall not be unreasonably withheld and may be given upon such conditions as the county council may reasonably determine :

- (5) Nothing in this Act contained shall interfere with the right of the county council to alter the level of deviate or improve in any manner they think fit any main road in or along which any pipes of the Company shall have been laid and the Company shall on the expiration of fourteen days after receiving notice in writing under the hand of the clerk or surveyor of the county council so to do proceed to alter the position of any such pipes in the manner and to the extent prescribed by such notice or as in case of difference shall be determined by arbitration in the manner hereinafter prescribed and the expenses of any such alteration shall be paid to the Company by the county council :
- (6) Nothing in this Act contained shall interfere with the right of the county council at any time or times to remove alter or rebuild any county or main road bridge or the approaches thereto over or near to which any pipes of the Company are carried or to which they are attached in the same manner as they might have removed altered or rebuilt such bridge or the approaches thereto if this Act had not been passed and such pipes had not been laid over or near or attached to such bridge and in the event of any such bridge or the approaches thereto over or near or attached to which any such pipes are laid being removed altered or rebuilt as aforesaid the Company shall at their own cost in all things alter the position of such pipes and any works by which the same are carried over or near or attached to such bridge or the approaches thereto as aforesaid Provided that the county council shall afford all reasonable facilities to the Company for such alteration Provided also that during the removal alteration or rebuilding of such bridge or the approaches thereto as aforesaid the county council shall at their own expense afford all reasonable facilities for temporarily carrying such pipes across the stream river or other place over which such bridge is carried so as not to interrupt the continual supply of water or gas or to diminish the pressure of such supply through such pipes :
- (7) All works of the Company so far as they affect any main roads and county or main road bridges shall be so executed by the Company as not to stop the traffic and so far as reasonably practicable as not in any way to impede or

interfere with the traffic on any main road or over any county or main road bridge or the approaches thereto :

- (8) The county council shall not be liable for or in respect of any damage or injury done to any work of the Company by reason of such work being laid at a depth below the surface of any main road insufficient for its protection from injury arising from the use of any steam or other roller for the repair of such road or from the passage of the traffic in such road or by reason of the non-repair of any county or main road bridge or approaches Provided that any such steam roller does not exceed twelve tons in weight :
- (9) The provisions of the thirty-second section of the Waterworks Clauses Act 1847 and of the tenth section of the Gasworks Clauses Act 1847 respectively with reference to the reinstatement and making good of the road or pavement of any street or bridge opened or broken up shall extend to any part of a street or bridge which may be damaged (by other than ordinary wear and tear) by or in consequence of the works of the Company although such part itself may not have been opened or broken up Provided that ordinary wear and tear shall not be deemed to include damage done to any part of a street or bridge owing to the concentration of traffic thereon caused by the works of the Company :
- (10) If any difference arises at any time between the county council and the Company touching this section or anything to be done or not to be done thereunder or the giving or withholding of any consent or the conditions of giving the same or any direction such difference shall be settled by an engineer to be agreed on between the county council and the Company and failing agreement to be appointed by the President of the Institution of Civil Engineers on the application of either party :
- (11) Nothing in this section contained shall extend to affect or apply to any existing work or pipes of the Company or any works or pipes to be executed or laid in the limits of supply for water or gas as authorised before the passing of this Act.

**52.** Before any person connects or disconnects any meter by means of which any of the water or gas of the Company is intended to be or has been registered he shall give not less than twenty-four hours notice in writing to the Company of his intention to do so and all alterations or repairs and the connecting and disconnecting of meters shall be done at his cost and under due superintendence

Notice to  
Company of  
connecting or  
disconnect-  
ing meters.

A.D. 1903. — of any officer or person authorised by the Company and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Notice to  
discontinue  
supply of  
water or gas.

**53.** A notice to the Company from a consumer for the discontinuance of a supply of water or gas shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the Company.

Contracts for  
supplying  
water in  
bulk.

**54.** The Company may enter into and carry into effect agreements with any local authority company or persons for the supply beyond the Company's limits of supply for water to any such authority company or persons respectively of water in bulk for any purpose and for such remuneration and on such terms and conditions and for such period as may be agreed upon. Provided that such supply shall not be given except with the consent of any company or person supplying water under parliamentary authority within the district to be supplied and of the local authority of that district nor if and so long as such supply would interfere with the supply of water for domestic purposes within the limits of this Act.

Company  
may contract  
with local  
authority &c.  
for supply of  
gas in bulk.

**55.** The Company may contract with any local authority company or persons beyond the Company's limits of supply for 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.

Recovery of  
penalties.

**56.** All offences against this Act and all penalties forfeitures costs and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner. Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Costs of Act.

**57.** All the costs charges and expenses 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.