



CHAPTER lxvi.

An Act to incorporate and confer powers on the Chapel Whaley and District Gas Company and for other purposes. A.D. 1911.
[18th August 1911.]

WHEREAS by the Chapel-en-le-Frith Gas Order 1876 (hereinafter referred to as "the Order of 1876") confirmed by the Gas and Water Orders Confirmation (Chapel-en-le-Frith &c.) Act 1876 Elias Gaskell of Birkenhead in the county of Chester his heirs or assigns were authorised to continue and maintain gasworks and to construct new gasworks to make gas and supply the same within the parish of Chapel-en-le-Frith in the county of Derby :

And whereas the capital authorised by the Order of 1876 was eight thousand pounds :

And whereas certain persons have formed themselves into a company under the name of "The Chapel-en-le-Frith Chinley and District Gas Company Limited" (hereinafter referred to as "the limited company") for the purpose of acquiring the undertaking authorised by the Order of 1876 and also for the purpose of the manufacture of gas and the supply of gas and electricity within the said parish of Chapel-en-le-Frith and the neighbourhood thereof and such company were on the twenty-second day of August one thousand nine hundred and ten duly registered pursuant to the Companies (Consolidation) Act 1908 :

And whereas the limited company have acquired the business and undertaking authorised by the Order of 1876 together with the lands and interests in the lands described in Part I. of the schedule to this Act and the gasworks erected

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A.D. 1911. thereon and are now supplying gas in the parishes of Chapel-en-le-Frith and Chinley in the county of Derby:

And whereas under the articles of association of the limited company the capital of that company was twenty thousand pounds divided into twenty thousand shares of one pound each all of which capital has been issued and fully paid up and the limited company have not raised any money by mortgage on the security of their undertaking:

And whereas the demand for gas in the limits authorised by the Order of 1876 and now supplied by the limited company has increased and is increasing and it would be of public and local advantage that the Company incorporated by this Act should be authorised to supply gas within the said limits and also within the other parishes and places adjacent thereto as defined by this Act:

And whereas the limits within which the Company are authorised by this Act to supply gas include the district now or recently supplied with gas by the Whaley Bridge Gas Company Limited (in this Act called "the Whaley Bridge Company"):

And whereas the limited company have agreed to purchase and acquire the undertaking of the Whaley Bridge Company including the estate and interest of that company in the piece of land (D) described in Part II. of the schedule to this Act upon which gasworks have been erected by them:

And whereas by the Buxton Gas Act 1870 the Buxton Gas Company were authorised to supply gas to the parish of Fairfield in the county of Derby:

And whereas under the provisions of the said Buxton Gas Act 1870 the undertaking of the Buxton Gas Company was transferred to the Buxton Local Board but the Buxton Urban District Council (the successors of the said local board) have not furnished a supply of gas to the part of the parish of Fairfield included within the limits of this Act:

And whereas it is expedient that the limited company should be dissolved and the members thereof re-incorporated with the powers hereinafter conferred and that the company so re-incorporated be authorised to maintain continue extend and improve the existing gasworks of the limited company and to

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erect new gasworks and that additional capital be provided for those purposes and for the other purposes of this Act: A.D. 1911.

And whereas it is expedient that the powers of the Buxton Urban District Council for the supply of gas to the said part of the parish of Fairfield should be repealed:

And whereas it is expedient that such further powers should be conferred on the Company and such further provisions enacted as are contained in this Act:

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 (that is to say):—

PRELIMINARY.

1. This Act may be cited as the Chapel Whaley and District Gas Act 1911. Short title.

2. The Companies Clauses Consolidation Act 1845 (except the provisions thereof with respect to the conversion of borrowed money into capital) 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; Incorporation of general 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 Gasworks Clauses Act 1847 (except sections 31 to 34) and the Gasworks Clauses Act 1871 so far as the same are applicable for the purposes of and are not inconsistent with or varied by the provisions of this Act are incorporated with and form part of this Act And the said Gasworks Clauses Acts as so incorporated with this Act shall apply to the existing gas undertaking of the limited company by this Act vested in the Company incorporated by this Act as if the same had been authorised by this Act:

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Provided that section 13 of the Gasworks Clauses Act 1847 shall be read as if the words "or any premises" were inserted after the words "private building" and as if the words "Provided" also that every such contract entered into by the Company shall be alike in terms and amount under like circumstances to all consumers" were added at the end of that section and also that section 35 of such Act shall be read and construed as if the words from "in case the whole" down to the words "have been paid" were omitted therefrom and as though the expression "the prescribed rate" included the standard rate of dividend or such rate as reduced or increased in accordance with the provisions of this Act together with any sum which under the provisions of this Act may be carried to the special purposes fund.

Interpreta-
tion.

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 And in this Act—

The expression "the Company" shall mean the Company incorporated by this Act;

The expressions "the gasworks" "the works" and "the undertaking" shall respectively mean and include the gasworks and works connected therewith by this Act vested in or authorised to be continued and maintained by the Company and any improvement thereof which they may construct under the powers of this Act and the lands buildings estate right title property privileges and effects and the undertaking of the Company and every part thereof respectively.

Limits of
Act.

4.—(1) The limits of this Act for the supply of gas shall be—

In the county of Derby—

The parishes townships and places of Chapel-en-le-Frith Chinley Bugsworth and Brownside and Wormhill and so much of the parish of Fernilee in the rural district of Chapel-en-le-Frith lying to the north and west of an imaginary line drawn due south from the three-mile stone on the Buxton main road to the parish boundary and due north from the said mile stone to the bridle

road leading from Bunsal Farm and Nook Farm to White Hall thence in an easterly direction along the centre of the said bridle road and the carriage road to White Hall to the parish boundary and so much of the village of Dove Holes within the parish and urban district of Fairfield as lies to the north-east of an imaginary line drawn in a south-easterly direction for a distance of 20 chains or thereabouts from the point on the northern boundary of the said parish of Fairfield where the London and North Western Railway (Stockport and Buxton Branch) crosses the boundary to the point on the main road from Chapel-en-le-Frith to Buxton where the boundary of the parish of Fairfield intersects the parish of Wormhill:

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In the county of Chester—

The parish of Yeardsley-cum-Whaley in the urban district of Yeardsley-cum-Whaley and the parishes of Taxal and Kettlethulme in the rural district of Macclesfield:

That part of the parish of Disley which lies within the following boundary line (that is to say):—

An imaginary line drawn straight from the Buxton Road at the southerly corner of the road leading to the towing-path of the Peak Forest Canal in an easterly direction until such line meets the boundary of the Disley Rural District then following such boundary in a southerly direction to a point known as Diglee Clough then drawn straight in a northerly direction to Bank End Farm:

All of which limits are in this Act referred to as “the limits of supply.”

(2) The area above described is shown in pink colour on the map signed in triplicate by the Earl of Donoughmore the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred and the said maps shall respectively within six months after the passing of this Act be deposited in the Parliament Office of the House of Lords in the Private Bill Office of the House of Commons and in the principal office of the Company.

(3) If there be any discrepancy between the description of the limits of supply contained in this section and the maps signed as aforesaid the latter shall prevail.

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(4) Copies of the map deposited in the principal office of the Company in pursuance of this section and certified by the secretary of the Company to be true copies shall be received in all courts of justice and elsewhere as *prima facie* evidence of the limits of supply.

Repeal of powers of Buxton Urban District Council.

5. From and after the passing of this Act all powers rights authorities and privileges of or belonging to the Buxton Urban District Council under the provisions of the Buxton Gas Act 1870 and the Buxton Local Board Act 1873 or otherwise for or relating to the supply of gas within that part of the parish of Fairfield included in the limits of supply shall absolutely cease and determine.

Sale of portion of undertaking to Yeardsley-cum-Whaley Urban District Council.

6. If at any time after the expiration of twenty-five years after the passing of this Act the Yeardsley-cum-Whaley Urban District Council (hereinafter called "the urban council") shall give not less than six months notice in writing to the Company of their desire to purchase such portion of the undertaking of the Company (except such portion of the works and plant which shall be necessary for supplying gas to any other part of the limits of supply) as is contained within the Yeardsley-cum-Whaley Urban District (hereinafter called "the urban district") and shall apply to Parliament or the Local Government Board for power to purchase such portion of the undertaking of the Company for the supply of gas and to supply gas within such urban district then it shall not be lawful for the Company to oppose such application (except as to details thereof) and if such powers of purchase and supply be granted the Company shall sell and the urban council shall purchase the portion of the undertaking of the Company (except as aforesaid) within the urban district at such price being a sum in gross and upon such terms and conditions as shall be fixed in default of agreement by arbitration under the provisions of the Lands Clauses Acts Any such purchase shall be deemed to be a purpose of the Public Health Act 1875 except so far as the same may be otherwise provided for by Parliament Provided that after the completion of such purchase all obligations on the part of the Company to supply gas within the urban district shall cease and determine.

Sale of portion of undertaking to Chapel-en-

7. If at any time after the passing of this Act the Chapel-en-le-Frith Rural District Council (hereinafter called "the rural council") or their successors shall acquire the power to supply

any part of their district within the limits of supply with gas and shall give not less than six months' notice in writing to the Company of their desire to purchase such portion of the undertaking of the Company (except such portion of the works and plant which shall be necessary for supplying gas to any other part of the limits of supply) as is contained within the Chapel-en-le-Frith Rural District (hereinafter called "the rural district") and shall apply to Parliament or the Local Government Board for power to purchase such portion of the undertaking of the Company for the supply of gas then it shall not be lawful for the Company to oppose such application (except as to details thereof) and if such powers of purchase be granted the Company shall sell and the rural council shall purchase the portion of the undertaking of the Company (except as aforesaid) within the rural district at such price being a sum in gross and upon such terms and conditions as shall be fixed in default of agreement by arbitration under the provisions of the Lands Clauses Acts Any such purchase shall be deemed to be a purpose of the Public Health Act 1875 except so far as the same may be otherwise provided for by Parliament Provided that after the completion of such purchase all obligations on the part of the Company to supply gas within the rural district shall cease and determine.

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le-Frith
Rural Dis-
trict Council.

REINCORPORATION.

8. From and after the passing of this Act the limited company shall be dissolved and the several persons who immediately before the passing of this Act were members of that company and all other persons who have subscribed to or who shall hereafter become proprietors in the undertaking of the Company and their executors administrators successors and assigns respectively shall be and they are hereby united into a company for the purposes hereinafter mentioned and shall be incorporated by the name of "The Chapel Whaley and District Gas Company" and by that name shall be a body corporate with perpetual succession and a common seal with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

Incorporation of Company.

9. The Company shall be established for the purpose of acquiring maintaining altering improving extending enlarging removing or discontinuing the gasworks of the limited company and if and so soon as the same shall be acquired by the Company the gasworks of the Whaley Bridge Company and of erecting

General purposes of Company.

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Present property of limited company vested in Company incorporated by this Act.

10. Subject to the provisions of this Act all the lands gasworks erections buildings rights and easements which immediately before the passing of this Act were vested in the limited company or any person in trust for them or to which the limited company were in anywise entitled and all mains and pipes plant plugs lamps irons retorts gauges meters gas stoves lamp posts syphons apparatus stock effects matters and things which may have been by them purchased provided laid down erected or placed in any place or house within the limits of supply or which immediately before the passing of this Act were the property of the limited company and all moneys securities credits effects and other property whatsoever which immediately before the passing of this Act belonged to the limited company and the benefit of all contracts and engagements entered into by or on behalf of the limited company and immediately before the passing of this Act in force shall be and the same are hereby vested in the Company to the same extent and for the same estate and interest as the same were previously to the passing of this Act vested in the limited company and may according to the provisions of this Act be held and enjoyed sued for and recovered maintained altered discontinued removed dealt with and disposed of by the Company as they think fit.

Repeal of Order of 1876 and memorandum and articles of association of limited company to be void.

11. Subject to the provisions of this Act as from the date of the passing of this Act so much of the Confirmation Act as confirms the Order of 1876 is hereby repealed and such Order is hereby annulled and the memorandum and articles of association of the limited company shall as to any prospective operation thereof be wholly void and the Company and the holders of shares or stock therein shall be exempted from all the provisions restrictions and requirements of the said Order or of any Act which applied to the limited company and the members thereof as such but nothing in this Act contained shall release or discharge any person from any liability or obligation in respect of any breach of the provisions of the said Order or of the said memorandum and articles of association incurred before the passing

of this Act but such liability or obligation in respect of any such breach shall continue and save as in this Act otherwise provided may be enforced by or on behalf of the Company as nearly as may be in like manner as the same might have been enforced by or on behalf of the limited company if this Act had not been passed. A.D. 1911.

12. Except as is by this Act otherwise expressly provided everything before the passing of this Act done or suffered by or with reference to the limited company or the members thereof as such shall be as valid as if the Company had not been incorporated and the Order of 1876 had not been annulled and the Act confirming it had not been so in part repealed and the said memorandum and articles of association had not been avoided by this Act and such incorporation annulment repeal and avoidance and this Act respectively shall accordingly be subject and without prejudice to everything so done or suffered and to all rights liabilities claims and demands both present and future which if the Company were not incorporated and the said Order were not annulled and the Act confirming it was not so in part repealed and the said memorandum and articles of association were not avoided by this Act and this Act were not passed would be incident to or consequent on any and every thing so done or suffered and with respect to all such rights liabilities claims and demands the Company and the shareholders therein and the property of the Company shall to all intents and purposes represent the limited company and the members thereof as such and the property of the limited company as the case may be and the generality of this enactment shall not be restricted by any of the other sections and provisions of this Act. Nothing to affect previous rights and liabilities.

13. Except as is by this Act otherwise specially provided all purchases sales conveyances grants assurances deeds contracts bonds and agreements entered into or made before the passing of this Act by to or with the limited company or trustees or persons acting on behalf of the limited company or by to or with any other person to whose rights and liabilities they have succeeded and now in force shall be as binding and of as full force and effect in every respect against or in favour of the Company and may be enforced as fully and effectually as if instead of the limited company or any trustees or persons acting Contracts prior to Act to be binding.

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Actions &c.
not to abate.

14. Nothing in this Act contained shall release discharge or suspend any action or other proceeding which was pending by or against the limited company or any member thereof in relation to the affairs of the limited company or to which the limited company or any member thereof in relation to such affairs were parties immediately before the passing of this Act but such action or other proceeding may be maintained prosecuted or continued by or in favour of or against the Company (as the case may be) in the same manner and as effectually and advantageously as the same might have been maintained prosecuted or continued by or in favour of or against the limited company or any member thereof if this Act had not been passed the Company and the shareholders therein being in reference to the matters aforesaid in all respects substituted for the limited company and its members respectively.

Indemnity.

15. Every trustee or other person in whom or in whose name any lands works buildings easements rights property or effects belonging to the limited company were vested immediately before the passing of this Act and who (being authorised so to do) entered into any bond covenant contract or engagement in respect of the same or otherwise on behalf of the limited company shall be indemnified out of the funds and property of the Company against all liability (including costs charges and expenses) which he may sustain or incur or be put unto by reason of his having entered into such bond covenant contract or engagement.

Company to satisfy liabilities of limited company.

16. From and after the passing of this Act (and except as is by this Act otherwise expressly provided) the Company shall in all respects be subject to and shall discharge all obligations and liabilities to which the limited company immediately before the passing of this Act were subject and shall indemnify the members directors officers and servants of the limited company and their respective representatives from all such obligations and liabilities and from all expenses and costs in that behalf.

Recovery of gas rents &c.

17. All gas rents and sums of money which immediately before the passing of this Act were due or accruing to the limited company shall be payable to and may be collected and recovered by the Company in like manner as if they had

become payable for the like matters supplied or done under this Act. A.D. 1911.

18. All persons who immediately before the passing of this Act owed any money to the limited company or to any person on their behalf shall pay the same with all interest (if any) due or accruing upon the same to the Company and all debts and moneys which immediately before the passing of this Act were due or recoverable from the limited company or for the payment of which the limited company were or but for this Act would be liable shall be paid with all interest (if any) due or accruing upon the same by or be recoverable from the Company.

As to pay-
ment of debts
owing before
passing of
Act.

19. Notwithstanding the avoidance of the said memorandum and articles of association all certificates (until cancelled under the powers of this Act) sales transfers and dispositions heretofore made or executed under them for and with respect to any shares in the limited company shall remain in full force and continue and be available in all respects as if they had not been avoided.

Certificates
&c. to remain
in force.

20. All documents books and writings which if the said dissolution annulment repeal and avoidance had not taken place would have been receivable in evidence shall be admitted as evidence in all courts and elsewhere notwithstanding such dissolution annulment repeal and avoidance.

Books &c.
continued
evidence.

21. All officers and servants of the limited company who were in office immediately before the passing of this Act shall hold and enjoy their respective offices and employments together with the salaries and emoluments thereunto annexed until they shall resign the same or be removed therefrom by the Company and shall be subject and liable to the like conditions obligations pains and penalties and to the like powers of removal and to the like rules restrictions and regulations in all respects whatsoever as if they had been appointed under this Act.

Officers to
continue un-
til removed.

22. The books kept by the limited company for entering the names and designations of the members thereof shall continue to be kept for similar purposes by the Company and be taken and considered as the register of shareholders and of holders of stock required to be kept by the Companies Clauses Consolidation Act 1845 until a new register is provided by the Company.

Present
registers of
members to
be continued.

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CAPITAL.

Capital.

23. The capital of the Company shall be forty-five thousand pounds which shall consist of twenty thousand pounds divided into twenty thousand shares of one pound each and shall represent the capital of the limited company and is in this Act called "the original capital" and twenty-five thousand pounds which is in this Act called "the additional capital" and shall be raised in manner hereinafter mentioned.

Original capital to vest in members of limited company.

24. The shares in the original capital shall be appropriated to and vested in the several persons who immediately before the passing of this Act were the registered members of the limited company in proportion to their respective holdings in and in substitution for their shares in the limited company and every share in the original capital so vested shall be subject and liable to the same trusts powers provisions declarations agreements charges liens and encumbrances as immediately before the passing of this Act affected the share or shares for which the same is or are substituted and so as to give effect to and not revoke any deed or other instrument or any testamentary disposition of or affecting the same.

Certificates of shares to be called in and others issued.

25. The Company shall call in and cancel the existing certificates of shares in the limited company and shall issue in lieu thereof certificates for the shares to which the holders of such shares are respectively entitled but the holders of such existing certificates shall not be entitled to any certificate of proprietorship under this Act until they shall have delivered up to the Company to be cancelled the certificates of proprietorship issued to them before the passing of this Act or shall have proved to the reasonable satisfaction 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 shares to be substituted by virtue of this Act for the shares in the capital of the limited company which they respectively represent) have and possess the same rights and advantages as if they were certificates for those respective shares created by virtue of this Act but if any holder of shares in the capital of the limited company neglects or omits 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 of the

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limited company the Company may suspend the payment of any dividend declared or made payable upon or in respect of the shares 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.

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26. All transfers or other dispositions of shares in the capital of the limited company shall after the substitution therefor of new shares and notwithstanding this Act be valid and have due effect given to them respectively as transfers of the respective amounts of new shares 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 substitution and the bequest of or any covenant or provision of any deed or agreement relating to any such shares shall be held to apply to the nominal amount of new shares issued in substitution for such shares under the provisions of this Act.

Transfers of shares although by present name to be valid.

27. The Company may from time to time raise additional capital not exceeding in the whole twenty-five thousand pounds by the creation and issue at their option of new ordinary shares or new preference shares of the nominal value of one pound each or ordinary or preference stock or partly by one mode and partly by the other but no such shares or stock shall vest in the person or corporation accepting the same unless and until the full price of such shares or stock including any premium obtained upon the sale thereof shall have been paid in respect thereof Provided that it shall not be lawful for the Company to create and issue under the powers of this Act any greater nominal amount of additional capital than shall be sufficient to produce including any premium which may be obtained on the sale thereof the sum of twenty-five thousand pounds Provided also that the Company shall not raise by the issue of preference shares or stock a greater amount of such additional capital than twelve thousand five hundred pounds.

Power to Company to raise additional capital.

28. The additional capital created by the Company under this Act shall be part of the general capital of the Company and the new shares or stock therein and the holders thereof

Privileges &c. of holders of additional capital.

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A.D. 1911. respectively shall be entitled to the like rights of voting and any other rights qualifications and privileges in proportion to their holdings and be subject to the like provisions and liabilities as the holders of shares of the same class issued in substitution for the existing shares of the limited company under this Act.

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

29.—(1) All shares or stock in the additional capital authorised by this Act shall be issued in accordance with the provisions of this section.

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

(a) Notice of the intended sale shall be given in writing to the clerk of the council of every district wholly or partially included within the limits of supply and to the secretary of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and shall also be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the limits of supply:

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

(c) No lot offered for sale shall comprise shares or stock of greater nominal value than one hundred pounds:

(d) In the case of a sale by tender no preference shall be given to one of two or more persons tendering the same sum In the case of a sale by auction a bid shall not be recognised unless it is in advance of the last preceding bid:

(e) It shall be one of the conditions of sale that the total sum payable by the purchaser shall be paid to the Company 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 not sold may be offered at the reserve price to the holders of ordinary and preference shares or stock of the Company in accordance with the provisions of sections 18 19 and 20 of the Companies Clauses Act 1863 and to the employees of the Company and to the consumers of gas supplied by the Company in such proportions as the Company 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. A.D. 1911.

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

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

BORROWING POWERS.

30. The Company may subject to the provisions of this Act borrow on mortgage of the undertaking any sum or sums not exceeding in the whole one-third part of the amount of the capital of the Company which at the time of borrowing has been created and raised under the powers of this Act But no sum shall be borrowed in respect of any capital so raised until the Company have proved to a justice of the peace before he gives his certificate under the fortieth section of the Companies Clauses Consolidation Act 1845 that the whole of the shares or stock at the time issued together with the premium (if any) realised on the sale thereof have been fully paid up. Power to borrow.

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Application
of moneys.

31. All moneys raised under this Act including premiums shall be applied only to purposes to which capital is properly applicable (including the repayment of any moneys paid or advanced by or on behalf of the limited company for or in connection with the purchase by the limited company of the undertaking of the Whaley Bridge Company) and any sum of money which may arise by way of premium from the issue of shares or stock under the provisions of this Act shall not be considered as part of the capital of the Company entitled to dividend.

Debenture
stock.

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

For appoint-
ment of a
receiver.

33. The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one thousand pounds in the whole.

Priority of
mortgages
and debenture
stock
over other
debts &c.

34. All money to be raised by the Company on mortgage or by the issue of 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 the Company after the passing of this Act but 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 which is entitled to rank in priority to or

pari passu with the interest or dividend on their mortgages or debenture stock. A.D. 1911.

35. If any money is payable to a shareholder or mortgagee or debenture stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company. Receipt in case of persons not sui juris.

PROFITS AND RESERVE &C. FUNDS.

36. Except as by this Act provided the profits of the Company to be divided among the shareholders in any year shall not exceed the following rates (which are in this Act referred to as "the standard rates of dividend") that is to say on the original capital the rate of six pounds in respect of every one hundred pounds of such capital and on the additional capital to be raised under the powers of this Act the rate of six pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital and the rate of 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 limited (standard rates of dividend).

37. In case 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 shares or stock in the capital of the Company a proportionate reduction shall be made in the dividend of each class. Dividends on different classes of stock or shares to be paid proportionately.

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

(2) The special purposes fund shall be applicable only to meet such charges as a chartered accountant or incorporated accountant being the auditor of the Company or 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

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(B) expenses incurred in the replacement or removal of plant or works other than expenses requisite for maintenance and renewal of plant and works.

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

(4) The moneys forming the special purposes fund or any portion thereof may be invested in securities in which trustees are authorised by law to invest or may be applied for the general purposes of the Company to which capital is properly applicable or may be used partly in the one way or partly in the other.

(5) Resort may from time to time be had to the special purposes fund notwithstanding that the sum standing to the credit of the fund is for the time being less than the maximum allowed by this section.

Application of excess of profits over authorised rates of dividend.

39. If the clear profits of the undertaking of the Company in any year amount to a larger sum than is sufficient to pay the dividend on the preference capital and the dividend at the authorised rate on the ordinary capital of the Company the excess shall be carried to the credit of the divisible profits of such undertaking for the next following year:

Provided that the sum standing to the credit of such divisible profits shall not at any time exceed the amount required to pay one year's dividend at the authorised rate.

Power to create a reserve fund.

40. Where in any year the dividend of the Company on the ordinary capital of the Company shall exceed the standard rate by reason of the price charged by the Company for gas in such year being below the standard price then out of the amount of the divisible profits of the Company applicable to the payment of such excess of dividend the Company may in such year set apart such sum as they shall think fit and all sums (if any) so set apart by the Company and any reserve or other fund of the Company existing at the passing of this Act may be invested in Government or other securities and the dividends and interest arising from such securities may also be invested in the same or the like securities in order that the same may accumulate at compound interest and the fund so

formed shall be called "the reserve fund" and shall be applicable to the payment of dividend in any year in which the clear profits of the Company shall be insufficient to enable the Company in such year to pay the dividend at the authorised rate on the ordinary capital of the Company and save as in this Act provided no sum shall in any year be carried by the Company to any reserve fund. A.D. 1911.

MEETINGS.

41. The first ordinary meeting of the Company shall be held within six months after the passing of this Act and the subsequent ordinary meetings shall be held in the month of November in each year or at such other time as shall be appointed for that purpose by an order of a general meeting. First and subsequent ordinary meetings.

42. The quorum for all general meetings of the Company shall be seven holders of stock present in person or by proxy holding not less in the aggregate than two thousand pounds in the capital of the Company. Quorum for general meeting.

43. From and after the passing of this Act every holder of ordinary shares or stock shall be entitled to one vote for each share or for each one pound of stock held by him. Scale of voting.

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

DIRECTORS AND AUDITORS.

45. The number of directors shall be six but the Company may vary the number provided that the number be not at any time more than nine nor less than three. Number of directors.

46.—(1) The qualification of a director shall be the possession in his own right of ordinary shares or stock to the nominal amount of not less than one hundred pounds in the aggregate in the capital of the Company. Qualification of directors.

(2) If any director shall be made bankrupt or shall go to reside abroad or shall become lunatic or of unsound mind or shall neglect to attend a meeting of directors for six months (unless such neglect to attend be occasioned by illness or any other reasonable cause allowed by the directors) then in any of the

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Notice of
candidature
for office of
director.

47. Except in the case of a director retiring by rotation and offering himself or being proposed for re-election no person shall be capable of being elected a director of the Company in place either of a director retiring by rotation or of a director dying refusing to act or ceasing to be qualified or being disqualified to act unless notice in writing that such person intends to offer himself or will be proposed for the office of director shall have been given to the secretary of the Company or left at the office of the Company fourteen days at least before the day of election.

Quorum of
directors.

48. The quorum of a meeting of directors shall be three.

First and
subsequent
directors.

49. The directors of the limited company namely Tom Wright James William Broadhurst Walter Lingard Harry Ernest Dorning Mabbott Arthur Sims and Thomas Welch shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act being (if they continue qualified) eligible for election and at the ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power hereinbefore contained for varying the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are duly elected in their stead.

Directors not
to be dis-
qualified &c.

50. No person shall be disqualified from becoming or continuing a director of the Company by reason of his or any partner of his being or becoming interested in any contract with the Company either in his own behalf or as a member of any other company corporation local authority or partnership but no

such person shall as a director vote in respect of any question as to any such contract or the remuneration attached to any such office or place of trust or profit. A.D. 1911.

51.—(1) The prescribed number of auditors shall be one unless the number be increased to two by an order of a general meeting and such auditors shall be members of the Institute of Chartered Accountants or of the Incorporated Society of Accountants and Auditors. Auditors.

(2) It shall not be necessary for the auditors to hold any shares or stock in the Company.

52. In addition to the powers which the directors may exercise under the Companies Clauses Acts 1845 to 1889 they may determine the remuneration of the secretary of the Company. Powers of directors to determine remuneration of secretary.

53. The directors may in any year without calling a meeting of shareholders for the purpose declare an interim half-yearly dividend 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 authorised rate of dividend. Interim dividend.

54. The directors may close the register of transfers for a period not exceeding fourteen days previous to a 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 some newspaper published or circulating in the district within which the Company's principal place of business is situate 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 previous to declaring interim dividend.

WORKS AND LANDS.

55. Subject to the provisions of this Act the Company may upon the lands described in Part I. of the schedule to this Act and also on the lands described in Part II. of the said schedule when acquired by the Company or on any of them or any part or parts thereof respectively continue erect maintain alter improve enlarge extend renew and remove or discontinue the gasworks of the limited company and may upon such lands respectively Powers as to construction and maintenance of gasworks &c.

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A.D. 1911. erect lay down provide and from time to time maintain alter improve enlarge extend renew and remove or discontinue additional and other gasworks retorts and gasometers receivers drains sewers mains pipes meters lamps lamp posts burners stop cocks machinery and other works and apparatus and conveniences and may do all such acts as they may think proper for making and storing gas and for supplying such gas within the limits of supply and may make store and supply such gas accordingly and may manufacture sell provide supply and deal in coke tar asphaltum and all other products or residuum of any materials employed in or resulting from the manufacture of gas or the materials used therein.

Power to purchase land by agreement.

56. The Company may by agreement acquire the lands described in Part II. of the schedule to this Act and they may for the purposes of their undertaking purchase take and hold (by agreement but not otherwise) in addition to the lands described in the said schedule any lands and hereditaments not exceeding in the whole five 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 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 acquire outstanding interests by agreement.

57. The Company may by agreement with the owners of or other persons interested in the lands described in Part I. of the schedule to this Act acquire from such owners or other persons any estate or interest in such lands not already vested in the Company.

Power to sell and lease lands.

58. Subject to the provisions of the Lands Clauses Consolidation Act 1845 the Company may sell and dispose of or may let on lease for such periods as they think fit any lands for the time being belonging to them and which may not at the time be required for the purposes of their undertaking and any such sale disposal or lease may be for such consideration and subject to such reservations stipulations restrictions and provisions and generally upon such terms and conditions as the Company think fit.

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

59. The Company may upon the application of the owner or occupier of any premises within the limits of supply abutting on or being erected in any street laid out but not

dedicated to public use supply such premises with gas and may lay and from time to time take up alter relay or renew in across or along such street such pipes as may be requisite or proper for the furnishing 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 for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof. A.D. 1911.

60. The Company may purchase or take on lease dwelling-houses for persons in their employ and may erect fit up maintain and let houses cottages and buildings for such persons upon any lands for the time being belonging or leased to the Company. Dwelling-houses for workmen.

61. The following provisions for the protection of the county councils of the county palatine of Chester and the county of Derby (each of which is in this section called "the county council") shall notwithstanding anything in this Act contained and unless otherwise agreed in writing between the county council and the Company apply and have effect (that is to say):— For protection of Derbyshire and Cheshire County Councils.

(1) The notice required by section 8 of the Gasworks Clauses Act 1847 incorporated with this Act (except in cases of emergency and for laying connecting or repairing consumers' service pipes as to which three days' notice shall be sufficient) shall be given to the surveyor of the county council by the Company not less than seven clear days before the Company commence to open or break up any main road vested in and repairable by the county council or towards the maintenance of which the county council for the time being contribute :

(2) The plan required by section 9 of the Gasworks Clauses Act 1847 shall be accompanied in the case of a county bridge by a section and in the case of a road by a description of the proposed works and shall except in cases of emergency be delivered to the county council or their surveyor by the Company not less than fourteen days before the Company commence to open or break up any such bridge or road :

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- (3) The Company shall not in the construction or maintenance of the works by this Act authorised or in the maintenance of any existing works of the Company without the previous consent in writing of the county council under the hand of their clerk raise lower or divert any such road nor shall the Company without such consent as aforesaid interfere with the structure of any county or hundred bridge or approach repairable by or under the control of the county council :
- (4) All mains pipes culverts or other works to be laid or constructed in along or across or in any way affecting such road bridge or approach shall be constructed or laid under the superintendence if the same be given and to the reasonable satisfaction of the surveyor of the county council or such other person as the county council may appoint for the purpose (in this section referred to as "the county surveyor") and in such position where practicable in or at the side thereof and at such depth as he shall by writing under his hand reasonably direct and except in cases of emergency in accordance with plans and sections to be approved by him in writing before the commencement of the work and the Company shall in executing any such work conform to all reasonable requirements of the county surveyor Provided that if the county surveyor shall not approve or disapprove of such plans and sections within seven days after the same are delivered to him he shall be deemed to have approved thereof :
- (5) The surplus paving metalling or materials removed during the laying of mains pipes culverts or other works shall not be placed on the metalled portion of such road without the written consent of the county surveyor and subject to such conditions (other than a payment of money) and directions as he may reasonably require or give :
- (6) All works shall be executed so as not to stop the traffic and except so far as in the reasonable opinion of the county surveyor is absolutely necessary so as not to impede or interfere with the traffic over or along any such road bridge or approach and the Company

shall not without the consent of the county surveyor open or break up at any one time a greater consecutive length of such roads bridges and approaches than one hundred yards nor shall such openings or breakings up be carried out where reasonably practicable without leaving a clear space of a quarter of a mile between consecutive openings or breakings up unless with the like consent Provided that such consent shall not be unreasonably withheld: A.D. 1911.

- (7) The Company shall during the progress of the works take all necessary steps at their own expense for protecting the public using any such road bridge or approach from injury and shall be liable for and indemnify the county council against all damage that may be incurred consequent upon their neglect or omission to provide such protection and the Company shall also be liable for all damages that may be incurred by the county council consequent upon any defects in any of the mains pipes culverts or other works of the Company :
- (8) In lieu of keeping such roads bridges and approaches in repair as provided by section 10 of the Gasworks Clauses Act 1847 the Company shall repay to the county council all reasonable expenses of and incident to the maintenance and repair thereof for such period (not being more than twelve months from the proper reinstatement thereof) during which there shall be any subsidence in the surface thereof caused by such works :
- (9) The Company shall on demand pay to the county council the reasonable costs which the county council may incur in the repair and reinstatement of so much of any road including the roadway over any such bridge and approach in or upon which any mains pipes culverts or other works are laid as may be injured or damaged by reason of the traffic being concentrated thereon during the construction alteration or repair of the said mains pipes culverts or other works or any part or parts thereof :
- (10) The county council shall not except in case of their negligence be liable for any claim for damages in

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respect of any injury which may be caused to any mains pipes culverts or other works belonging to the Company through the reasonable and proper use by the county council of any steam roller not exceeding fifteen tons in weight or by or in consequence of the proper exercise of any of the powers or duties for the time being vested in or imposed upon the county council as a road or bridge authority :

- (11) Nothing in this Act contained shall in any way limit or affect the powers of the county council to divert improve alter widen or reconstruct any such road or to remove alter widen or rebuild any such bridge or approach in alongside or near to which such mains pipes culverts or other works are laid in the same manner as they might have diverted improved removed altered widened reconstructed or rebuilt any such road bridge or approach if this Act had not been passed and in the event of any such road bridge or approach in alongside or near to which the mains pipes culverts or other works are laid being diverted improved removed altered widened reconstructed or rebuilt as aforesaid the Company shall within such reasonable time as the county surveyor may prescribe alter to such position as he may fix such mains pipes culverts or other works and replace the same to his satisfaction Provided that before such diversion improvement removal alteration, widening reconstruction or rebuilding of any such road bridge or approach shall be commenced the county council shall (except in case of emergency) give fourteen days' notice in writing to the Company of their intention to carry out such works and shall afford all reasonable facilities for temporarily carrying the mains pipes culverts or other works along such road or across or under the stream . Provided also that all expense incurred by the Company under the provisions of this subsection shall be repaid to them by the county council except as far as such expense is incurred consequent upon the removal alteration widening or rebuilding of any county bridge or approach :

- (12) If any difference shall arise between the county council and the Company under this section such difference shall be settled by an arbitrator to be appointed by the Board of Trade on the application of either party and subject thereto in accordance with the provisions of the Arbitration Act 1889. A.D. 1911.

62. The following provisions for the protection of the London and North Western Railway Company the Great Central Railway Company and the Midland Railway Company (each of whom is hereinafter referred to as "the railway company") shall unless otherwise agreed in writing between the railway company and the Company be in force and have effect:— For protection of railway companies.

In laying down or executing or in effecting the repairs and renewals of any mains pipes or other works upon across over under or in any way affecting the railways tramways canals reservoirs land or property now or hereafter belonging to or used or occupied by the railway company or the bridges or approaches viaducts stations or other works or any crossings over under or upon the railways tramways or canals of the railway company the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the railway company and except in cases of emergency only according to such plans to be submitted to and in such manner as shall be previously reasonably approved by him or in the event of disapproval then in such manner as shall be determined by arbitration in manner hereinafter provided and in all things by and at the expense of the Company who also shall restore and make good the roads over any bridges level crossings and approaches which the railway company are or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Company and all such works matters and things shall be constructed executed and done so as not to cause any unnecessary injury to such railways tramways canals or reservoirs bridges level crossings approaches viaducts stations works lands or property or avoidable interruption to the passage or conduct of traffic over such railways tramways or canals or at any station thereon And if any such injury or interruption shall arise from or be in any way owing

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to any of the acts operations matters and things aforesaid or the bursting leakage or failure of any such mains pipes or works the Company shall make compensation in respect thereof to the railway company Provided that if the said principal engineer does not express disapproval of such plans within twenty-one days after the same have been submitted to him he shall be deemed to have approved thereof and if the said engineer shall refuse or neglect to superintend any operations the Company may execute the work without his superintendence :

Any dispute or difference which may arise between the railway company and the 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 or other fit person to be appointed by the Board of Trade on the application of the railway company and the Company or either of them and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

For pro-
tection of
Yeardsley-
cum-Whaley
Urban Dis-
trict Council.

63. Notwithstanding anything contained in this Act or any enactment incorporated therewith the following provisions for the protection of the urban district council of Yeardsley-cum-Whaley (in this section referred to as "the urban council") shall unless otherwise agreed between the Company and the urban council have effect:—

- (1) The Company shall not permit any trench made by them in any road street bridge or other highway for the time maintainable by the urban council to be open for more than fifty yards in length at any place where only one cart can pass at the side of such trench or for more than one hundred yards in length at any place where only two carts can pass at the same time :
- (2) Where any pipe main apparatus or work of the Company (all of which are in this section included in the expression "the works of the Company") is required to be laid or constructed beneath the surface of the roadway of any such road street bridge or highway as aforesaid the same shall if possible be laid or constructed at such a depth not exceeding two feet

six inches below the surface of such road street bridge or highway as the urban council may reasonably direct Any difference as to the possibility of so laying or constructing any of the works of the Company or as to the reasonableness of any such direction shall be determined by arbitration as hereinafter in this section provided: A.D. 1911.

- (3) The urban council shall not be liable for or in respect of any damage or injury done to any works of the Company by reason of such work being laid at a depth below the surface of any such road street bridge or other highway insufficient for its protection from injury arising from the use by the urban council of any steam roller or other engine not exceeding fifteen tons in weight:
- (4) If the urban council shall for the purpose of repairing altering or widening any such road street bridge or highway as aforesaid or rebuilding any such bridge at any time require the position or level of any of the works of the Company laid in under or through or by the side of any such road street bridge or highway or attached to any such bridge as aforesaid to be altered the Company shall at their own expense on receiving notice in writing under the hand of the clerk of the urban council so to do alter the same as reasonably required by such notice and with all reasonable expedition and under the superintendence (if given) of an officer of the urban council and any additional expense in relation to any such repairing altering widening or rebuilding as aforesaid to which the urban council may be put by reason of the necessity for providing for any of the works of the Company shall be paid by the Company to the urban council Provided that this section shall not extend to any such repairing altering widening or rebuilding as aforesaid which shall be required solely for the accommodation of any light railway or tramway belonging to the urban council The Company shall also pay to the urban council all reasonable expense actually incurred by them in relation to the superintendence by this section authorised Any difference

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as to the reasonableness of any requirement contained in any such notice or as to the amount of any sum to be paid by the Company to the urban council shall be determined by arbitration as hereinafter provided :

- (5) If the Company shall neglect to do or complete any work or act required by subsection (4) of this section to be done by the Company then and in any such case the urban council may do such work or act themselves under the superintendence (if given) of the Company completing the same with all reasonable expedition and in a proper and workmanlike manner and causing as little damage or inconvenience to the Company as circumstances admit The Company shall repay to the urban council the cost of doing any such work or act and all proper costs charges and expenses incurred in connection therewith or occasioned by such neglect as aforesaid :
- (6) The urban council shall not be liable to pay to the Company any compensation for injury to any of the works of the Company or for any loss to the Company which may be caused by or arise out of the doing by the urban council in a proper and workmanlike manner of any such work or act as aforesaid or by or out of the reasonable exercise of any of the powers for the time being vested in the urban council as a road or bridge authority :
- (7) Any difference by this section required to be determined by arbitration shall be determined by an engineer to be appointed (in default of agreement between the parties) by the President of the Institution of Civil Engineers on the application of either party and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to such arbitration.

SUPPLY OF GAS &C.

Dividend
dependent
on price
charged.

64. The standard price to be charged by the Company for gas supplied by them shall be four shillings per thousand cubic feet :

Provided that the Company may increase or reduce the price charged by them for gas above or below the standard price

subject to a reduction or increase in the dividend payable by the Company on the ordinary share capital or stock as follows:— A.D. 1911.

In respect of any year during any part of which the price charged by the Company shall have been one penny or part of a penny above the standard price the dividend payable by the Company shall in respect of each penny or part of a penny by which the standard price shall have been increased be reduced below the standard rate of dividend by three shillings on every one hundred pounds of ordinary paid-up capital and so in proportion for any fraction of one hundred pounds :

And in respect of any year during the whole of which the price charged by the Company shall have been one penny or more below the standard price the dividend payable by the Company may in respect of each penny by which the standard price shall have been reduced be increased above the standard rate by three shillings on every one hundred pounds of ordinary paid-up capital and so in proportion for any fraction of one hundred pounds :

Provided also that if in any year the dividend payable shall be a fractional amount less than one quarter per centum the Company may defer the payment of such fractional amount until the payment of the next or some succeeding dividend and shall in the discretion of the Company either add such fractional amount to and pay the same with such succeeding dividend accordingly or add the same to the reserve fund.

65. The price to be charged by the Company for gas to premises situate within the Yeardsley-cum-Whaley Urban District shall not at any time be higher than the price for the time being charged by the Company for a corresponding supply in any other part of the limits of supply. Price of gas in Yeardsley-cum-Whaley Urban District.

66.—(1) The Company 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 supplied by means of prepayment meters.

(2) The Company shall not charge for the hire of any prepayment meter and fittings to be used therewith any sum other than a sum of money calculated according to the quantity of

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The said charge shall include the providing letting fixing repairing and maintenance of the meter and fittings and the cost of collection and other costs incurred by the Company in connection with the meter and fittings.

(3) The maximum charge for the hire of a prepayment meter without fittings shall be at the rate of ten per centum per annum on the cost of the meter.

(4) 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.

Quality of gas.

67. The prescribed number of candles shall be not less than fourteen.

Testing place.

68. For the purposes of the Gasworks Clauses Act 1871 the prescribed testing place shall be a testing place which shall be provided by the Company on the lands described in the schedule to this Act before supplying or within three months after beginning to supply gas under the authority of this Act.

Testing quality.

69.—(1) The quality of the gas supplied by the Company shall with respect to its illuminating power be such as to produce at the testing place when burned at the rate of five cubic feet per hour a light equal in intensity to the light produced by fourteen sperm candles of six to the pound each consuming 120 grains of sperm per hour and shall be in all respects in accordance with the provisions of the Gasworks Clauses Act 1871.

(2) For testing the illuminating power of the gas the burner to be used shall be that known as the Metropolitan Argand No. 2 the photometer shall be the bar photometer (or the table photometer) the standard light shall be that supplied by Harcourt's ten-candle pentane lamp and in making the test the burner shall be so used as to obtain from the gas when burned at the rate aforesaid the greatest amount of light Provided that the Board of Trade may on the application of the Company or the

local authority approve the use of any other burner photometer or standard light which may appear to the Board to be equally or more suitable for the testing. A.D. 1911.

(3) The Company shall before supplying or within three months after beginning to supply gas under this Act provide all the apparatus required by this Act for the testing of gas and shall at all times keep the same in proper order and repair.

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

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

71. No penalty shall be incurred by the Company 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 it is proved that such insufficiency defect or excess was produced by any circumstance 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. Saving as to penalties.

72. 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 either in the first instance or on the occasion of any renewal 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:

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- (3) The specification shall be published twice in some newspaper or once in each of two newspapers circulating within the limits of supply and a copy thereof shall be kept exhibited in the office of the Company and at the gasworks:
- (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:
- (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 at the gasworks. 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 meter &c.

73. If any person is required by the Company to give to them security for any supply of gas or for the payment of the price or rent of a meter and such security is made by way of deposit the Company shall pay interest after 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. A.D. 1911.

74.—(1) The Company may sell let for hire fix repair and remove but shall not manufacture engines stoves ranges pipes and other fittings for lighting for motive power for the warming and ventilating of houses and buildings for the cooking of food and for all other purposes for which gas can or may be used 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.

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

(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 proceedings in bankruptcy against the person in whose possession the same may be. Provided that such fittings are marked or impressed with a sufficient mark or brand indicating the Company as the actual owners thereof.

75. The power to enter premises and to remove pipes meters fittings or apparatus conferred upon the Company by section 22 of the Gasworks Clauses Act 1871 shall extend to all cases in which any person entering into occupation of any premises previously supplied with gas by the Company shall not require to take a supply of gas from the Company or to hire from the Company all or any of the pipes meters fittings or apparatus belonging to the Company and let by them on hire to any former occupier of such premises.

Power to enter premises and remove fittings.

76. At least twenty-four hours' notice in writing shall be given to the Company at the gasworks 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 upon every demand note for gas charges payable to the Company.

Gas consumers to give notice to Company before removing.

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Power to re-
fuse supply
to persons in
debt for other
premises.

77. If a person requiring a supply of gas from the Company has previously quitted premises at which gas was supplied to him by the Company without paying to them all gas charges 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.

Notice to
discontinue
supply of
gas.

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

Period of
error in
defective
meters.

79. 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 charges are recoverable by the Company.

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

80. The Company may lay down place repair alter remove and renew mains pipes culverts and other apparatus within the limits of supply for the purpose of procuring conducting or disposing of any oil or other material used by them in or resulting from any manufacture of gas or any residual products thereof or for any other purpose connected with their business and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when so laid so far as applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof.

Anti-fluctua-
tors for gas
engines.

81. 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 and 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 repair 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. A.D. 1911.

82. The Company may contract with any local authority company or person supplying gas in any district adjacent to the Company's limits of supply for the supply to them respectively of gas in bulk upon such terms and conditions and for such periods not exceeding in any case seven years from the making of the contract as may be agreed upon but nothing in this section shall authorise the Company to lay any mains or interfere with any streets beyond their limits of supply. Company may contract with local authority &c. for supply in bulk.

MISCELLANEOUS.

83. The Company if they think fit may under the provisions of the Electric Lighting Acts 1882 and 1888 make application for a Provisional Order or licence to supply electrical energy for public and private purposes and the costs charges and expenses of and incident to such application may be paid by the Company. Power to apply for Provisional Order to supply electrical energy.

84. The Company may acquire take and use any leave licence or authority to work use exercise and put in practice any invention under letters patent made or to be made granting any right or privilege of working using exercising or vending any invention in relation to the production utilisation and distribution of gas the production of coke tar pitch asphaltum sulphate of ammonia ammoniacal oil and the products from coal slack and other substances employed in or resulting from the manufacture of gas or otherwise in relation thereto but not so as to acquire any exclusive right to the working using exercising or putting in practice of any such invention. Power to take licences for use of patents.

85. Proceedings for the recovery of any demand made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter Provided that the demand does not exceed the amount recoverable in that court in a personal action. Recovery of demands.

86. Any notice to be served by the Company on a person supplied with gas shall be sufficiently authenticated by the signature of the secretary of the Company being affixed thereto Authentication and service of notices.

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A.D. 1911. in writing or by a stamp or if it be a notice to pay any charge in respect of a supply of gas by the name either of the secretary or of a collector of the Company being affixed thereto as aforesaid and any such notice may be served on such person either personally or by sending the same through the post by a prepaid letter addressed to him by name at his last known or usual place of abode or of business or by delivering the same to some inmate at his last known or usual place of abode or business or to any inmate of the premises supplied or if such premises be unoccupied and the place of abode of the person to be served is after proper inquiry unknown it shall in the case of any notice not being a notice to pay any charge be sufficient to affix such notice or a copy thereof upon some conspicuous part of such premises.

Recovery of penalties.

87. Save as otherwise by this Act expressly provided 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.

Copy of Act to be registered.

88. The Company shall deliver to the Registrar of Joint Stock Companies a printed copy of this Act and he shall retain and register the same and if such copy is not so delivered within three months from the passing of this Act the Company shall incur a penalty not exceeding two pounds for every day after the expiration of those three months during which the default continues and any director or manager of the Company who knowingly and wilfully authorises such default shall incur the like penalty Every penalty under this section shall be recoverable summarily.

There shall be paid to the registrar by the Company on such copy being registered the like fee as is for the time being payable under the Companies (Consolidation) Act 1908 on registration of any document other than a memorandum of association.

Costs of Act.

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

The SCHEDULE referred to in the foregoing Act. A.D. 1911.

LANDS FOR GASWORKS.

Lands on which the Company may continue erect maintain alter improve enlarge extend and renew or discontinue gasworks.

PART I.

- (A) Certain leasehold land now belonging to the limited company and partly occupied by the existing gasworks situate in the parish and rural district of Chapel-en-le-Frith in the county of Derby containing 3 roods and 25 perches or thereabouts and bounded on the north and part of the north-west by land now belonging to William Walker on other part of the north-west in part by other land of the said William Walker and in part by land formerly belonging to George Pownall and now to the trustees of Thomas Howarth deceased on the south-west and south by land now or late belonging to the Reverend Samuel Kirk and on the south-east and east by the brook called Smithy Brook and the land described in the next following subclause :
- (B) Certain freehold land now belonging to the limited company and partly occupied by the existing gasworks situate in the parish and rural district of Chapel-en-le-Frith aforesaid containing 2 roods and 1 perch or thereabouts and bounded on the north by other land of the said William Walker on the east and north-east by the main road from Hayfield to Buxton on the south-east by land belonging to Mrs. Mary Catherine Barratt on the south-west by the said Smithy Brook and land now or late belonging to the Reverend Samuel Kirk and on the west and north-west by the said Smithy Brook and the land before described.

PART II.

- (c) Certain lands when acquired by the Company by agreement now belonging to the trustees of John Welch esquire deceased and occupied by Frank Styles situate at Bugsworth in the township of Chinley Bugsworth and Brownside and rural district of Chapel-en-le-Frith in the county of Derby containing 3 acres 2 roods and 8 perches or thereabouts including so much of the land forming the site of the

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brook called the Black Brook as is within such lands which lands are the plots numbered 735 1061 and 1062 on Derbyshire Sheet VIII. 12 of the 1/2500 scale Ordnance survey map (second edition 1898):

- (D) A plot of land situate in the township of Bradshaw Edge and parish of Chapel-en-le-Frith in the county of Derby containing 1,416 square yards or thereabouts and heretofore held on lease from the representatives of the late Sir Edmund Buckley and occupied by the Whaley Bridge Company but recently acquired or agreed to be acquired by the limited company and upon part whereof the gasworks erected by the Whaley Bridge Company but recently acquired or agreed to be acquired by the limited company stand which said plot of land is bounded on the south-easterly north-westerly and north-easterly sides by land belonging to the representatives of the late Sir Edmund Buckley and on the south-westerly side by a road leading from the Manchester and Buxton road to the works of the Bingswood Printing Company Limited.

Printed by EYRE and SPOTTISWOODE, Ltd.,

FOR

ROWLAND BAILEY, Esq., C.B., M.V.O., the King's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
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