



## CHAPTER lxxv.

An Act to empower the Windsor Royal Gas-  
light Company to sell gas on a heat unit  
basis to make new provisions as to charges  
for gas and the application of the profits of  
the Company to confer further financial  
powers upon the Company to extend the  
limits of supply and for other purposes.

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[20th July 1922.]

**W**HEREAS by the Windsor Royal Gas Act 1867  
(hereinafter called "the Act of 1867") the  
Windsor Royal Gaslight Company (hereinafter called  
"the Company") were incorporated with a share capital  
of thirty-three thousand six hundred pounds for the  
purpose of making and supplying gas within the town  
parish and borough of New Windsor and Windsor Castle  
in the county of Berks and the parish of Clewer in the  
said county :

And whereas by the Act of 1867 the Company were  
authorised to raise additional capital not exceeding in  
the whole thirty-six thousand and four hundred pounds  
to be called "new shares" :

And whereas the issued capital of the Company  
consists of nine thousand six hundred pounds preference  
shares entitled to a perpetual fixed preferential dividend  
of five pounds per centum per annum twenty-four  
thousand pounds original shares entitled to a maximum  
dividend of ten pounds per centum per annum and  
thirty-six thousand four hundred pounds new shares  
entitled to a maximum dividend of seven pounds per  
centum per annum :

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— And whereas the whole of such capital has been issued and fully paid up :

And whereas the Company were authorised to borrow in respect of the original capital the sum of six thousand pounds and in respect of the new shares nine thousand one hundred pounds the whole of which still remains to be borrowed :

And whereas the maximum price authorised to be charged for gas supplied by the Company by meter is five shillings and sixpence for one thousand cubic feet supplied within the limits of the borough of New Windsor and seven shillings for one thousand cubic feet supplied beyond the said limits :

And whereas the demand for gas within the Company's limits of supply has of recent years greatly increased and still is increasing and in order to enable the Company to fulfil their obligations to the public it is essential that the Company should raise additional capital :

And whereas it is expedient that the interests of those directly concerned in the good management and prosperity of the undertaking that is to say the consumers the employees and the shareholders of the Company should be brought into closer alliance than has hitherto subsisted and the profits of the undertaking divided as hereinafter provided :

And whereas the Gas Regulation Act 1920 established a new basis for charging for gas supplied that is to say according to the heat value of such gas and it is expedient in the public interest that the Company should adopt that basis and that certain provisions of the said Act should be applied to the Company and their undertaking as hereinafter provided :

And whereas the Board of Trade have made an Order under section 1 of the Gas Regulation Act 1920 entitled the Windsor Gas (Charges) Order 1922 and it is expedient in view of the provisions of this Act that the said Order should cease to have effect as hereinafter provided :

And whereas it is expedient that the Company's limits for the supply of gas should be extended as hereinafter provided :



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And whereas it is expedient that such further powers should be conferred upon 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 :—

PRELIMINARY.

1. This Act may be cited as the Windsor Royal Gas Act 1922. Short title.

2. The following Acts and parts of Acts are (subject to the provisions of and so far as applicable to the purposes of this Act) incorporated with and form part of this Act (namely) :— Incorporation of general Acts.

The provisions of the Companies Clauses Consolidation Act 1845 and Parts I. II. and III. of the Companies Clauses Act 1863. as amended by subsequent Acts ;

The Gasworks Clauses Act 1847 and the Gasworks Clauses Act 1871 :

Provided that section 13 of the former Act shall be read as if the words “ or any premises ” were inserted after the words “ private building ” and as if the words “ Provided 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 ;

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 promoters of the undertaking).

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

A.D. 1922. context repugnant to such construction And in this  
— Act the expression—

“The limits of supply” means the limits within  
which the Company are authorised to supply  
gas;

“The undertaking” means the undertaking of the  
Company;

“The directors” means the directors of the  
Company.

#### HEAT UNIT BASIS FOR GAS SUPPLY.

Declared  
calorific  
value.

4.—(1) The Company shall within three months  
from the passing of this Act give notice by advertisement  
in the London Gazette of the calorific value of the gas  
which they intend to supply (in this Act referred to as  
“the declared calorific value”) and of the date (in this  
Act called “the declared date”) from which they will  
supply gas of the declared calorific value which date  
shall not be more than three months from the date of  
the notice.

(2) After the declared date the charges which the  
Company may make in respect of the supply of gas shall  
be such charges as are hereinafter authorised for thermal  
units supplied in the form of gas and any provision in  
force at the passing of this Act of any Act or Order  
having the force of an Act in relation to the quality  
of gas supplied by the Company shall cease to have  
effect:

Provided that this subsection shall have effect as  
respects the charges to any particular consumer as from  
the first reading by the Company of that consumer's  
meter after the declared date and not earlier.

(3) A copy of the notice referred to in subsection (1)  
of this section shall be sent to each local authority and  
to every consumer and to the Board of Trade.

Measure  
of therms  
supplied.

5. The number of therms supplied to any consumer  
shall be ascertained by multiplying the number of cubic  
feet of gas registered by the consumer's meter by the  
number of British thermal units comprised in the  
declared calorific value and dividing the product by  
one hundred thousand.



6. If at any time the Company intend to alter the declared calorific value they shall give notice of their intention to supply as from a date to be therein specified and being not less than three months from the date of such notice gas of such calorific value as may be declared in the notice and the calorific value so declared shall as from the date so specified be the declared calorific value for the purposes of this Act. The notice required by this section shall comply with the requirements of this Act with regard to the notice in which the calorific value was originally declared.

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Variation of  
declared  
calorific  
value.

7. If and so often as the Company shall alter the declared calorific value of the gas they shall at their own expense effect such alteration adjustment or replacement of the burners in consumers' appliances as may be necessary to secure that the gas can be burned with safety and efficiency except in the case of any consumer who objects to such alteration adjustment or replacement as aforesaid.

Consumers'  
burners.

8. If at any time and so often as the Company shall alter the declared calorific value of the gas for the time being supplied by them the London and South Western Railway Company may effect any adjustments or replacements of their pipes and appliances which may be required to allow of the gas of such altered calorific value being burned with safety and efficiency and the Company shall repay to the London and South Western Railway Company the cost of such adjustments or replacements.

For protec-  
tion of  
London and  
South  
Western  
Railway  
Company.

9. The provisions of this Act whereof the head note is "Heat Unit Basis for Gas Supply" and any order made by the Board of Trade under the section of this Act whereof the marginal note is "As to fixing basic price of gas" shall for the purposes of the Gas Regulation Act 1920 (as varied by this Act) be deemed to be an Order of the Board of Trade under section 1 of the said Act and that Act shall as varied by this Act apply to the Company and to the undertaking accordingly.

General pro-  
visions of  
Gas Regula-  
tion Act  
to apply to  
Company.

10. If the declared calorific value is less than three hundred and fifty British thermal units the minimum

Pressure.

A.D. 1922. permissible pressure at which the gas may be supplied shall be as follows :—

Where the declared calorific value is below three hundred and fifty British thermal units and not below three hundred British thermal units the minimum permissible pressure shall be two and a half inches. Where the declared calorific value is below three hundred British thermal units the minimum permissible pressure shall be such pressure (not being less than three inches) as shall be prescribed by the gas referees.

#### PRICES AND APPLICATION OF PROFITS.

As to fixing  
basic price  
of gas.

**11.** As from the thirty-first day of December one thousand nine hundred and twenty-two the price per therm of gas supplied to ordinary consumers—

- (A) Within the limits of the borough of New Windsor;
- (B) Beyond the said limits;

shall be such as the Board of Trade may fix by order (which order the said Board are hereby empowered to make) and each such price shall for the purposes of this Act be deemed to be the prescribed basic price as if the same were enacted in this Act. On the coming into force of any such order the Windsor Gas (Charges) Order 1922 shall cease to have effect :

Provided that if at any time after the thirty-first day of December one thousand nine hundred and twenty-four it is shown to the satisfaction of the Board of Trade that the costs and charges of and incidental to the production and supply of gas have substantially altered from circumstances beyond the control of or which could not reasonably have been avoided by the Company the Board may if they think fit on the application of the Company or of the local authority make an amending order correspondingly revising the basic price.

Basic rates  
of dividends.

**12.** The Company may subject to and in accordance with the provisions of this Act increase or reduce the prices charged by them above or below the basic price but except as by this Act otherwise provided the Company shall not in any one year declare any larger dividends on the original shares of the Company than a dividend at the rate of ten pounds in respect of every one hundred



pounds of such shares and a dividend at the rate of seven pounds in respect of every one hundred pounds of new shares and a dividend at the rate of seven pounds in respect of every one hundred pounds of additional ordinary capital issued after the passing of this Act and for the time being paid up and the said rates of dividend are in this Act referred to as "the basic rates."

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Subject to the provisions of this Act any balance of the profits of the Company remaining after paying the dividends aforesaid and after making the appropriations authorised in the section of this Act whereof the marginal note is "Division of surplus profits if price of gas less than basic price" shall be carried to the credit of the net revenue account of the Company for the next following year or half-year. Provided that the sum so carried shall not at any time exceed the amount required to pay one year's dividend on the preference stock and one year's dividends at the authorised rates on the ordinary capital of the Company.

**13.**—(1) At the end of each year or half-year a calculation shall be made of the amount (if any) by which the total sum paid or payable by consumers for gas supplied during the year or half-year is less than the total sum which would have been payable if the gas had been charged for at the basic price. The amount so calculated is in this section referred to as "the consumer's benefit."

Division  
of surplus  
profits if  
price of gas  
less than  
basic price.

(2) If and so far as the balance standing to the credit of the net revenue account (after providing for dividend on the preference stock (if any) and dividends at the basic rates on the ordinary capital) in the opinion of the directors permits a sum not exceeding one-third of the consumer's benefit shall be applicable in two equal parts for the benefit of the holders of ordinary capital and for the benefit of the employee co-partners of the Company in manner hereinafter mentioned.

(3) The sum so to be applied for the benefit of the holders of ordinary capital may be applied in the increase of the dividends above the basic rates such increased dividends to be paid proportionately upon the original ten per cent. capital and the new seven per cent. capital of the Company respectively and if and so far as not so applied shall be carried to the reserve fund.

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(4) The sum so to be applied for the benefit of the employees of the Company shall be carried in such proportions as the directors may from time to time deem proper to the co-partnership and superannuation and pension funds of the Company.

Reserve  
fund.

14.—(1) Any moneys which are carried by the Company to the reserve fund under the foregoing provisions of this Act may be invested in any securities in which trustees are authorised by law to invest or in such other manner as shall be authorised by a resolution of the Company or may be placed on deposit at interest with the Company's bankers and the dividends and interest arising from such securities or moneys on deposit may be also invested or placed on deposit in like manner so that the same shall accumulate at compound interest. The fund so formed shall be called "the reserve fund."

(2) Out of the moneys and securities standing to the credit of the reserve fund of the Company at the commencement of this Act there shall be carried to the reserve fund to be formed under this section moneys and securities having an aggregate value at the commencement of this Act of three thousand pounds and except as provided by this section and by subsection (3) of the immediately preceding section no sum shall after the commencement of this Act be carried by the Company to any reserve fund.

(3) The reserve fund formed under this section shall be applicable in or towards the payment of dividends on the ordinary capital of the Company for any year as authorised by this Act or in or towards the payment of such dividends for any year in which the profits of the Company shall be insufficient for the payment of the same or to such other purpose or purposes as the directors may determine.

## FINANCE.

Power to  
Company  
to raise  
additional  
capital.

15.—(1) The Company may from time to time raise additional capital to such an amount as shall be sufficient to produce after taking into account premiums or discount (if any) which may be obtained or allowed respectively on the issue thereof and after deducting therefrom the expenses of and incident to such issue the sum of thirty thousand pounds by the creation and issue of new ordinary shares or stock or new preference shares or stock or



wholly or partially by one or more of those modes respectively but the Company shall not issue any shares of less nominal value than ten pounds.

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(2) It shall be lawful for the Company within a period of three years from the passing of this Act or within such extended period as the Board of Trade may allow subject to such conditions as the said Board may think fit to impose to offer the shares or stock in such additional capital for subscription by the public and upon any such offer to pay a commission not exceeding five per centum to any person in consideration of his subscribing or agreeing to subscribe whether absolutely or conditionally for any such shares or stock or procuring or agreeing to procure subscriptions whether absolute or conditional for any such shares or stock :

Provided that the payment of the commission and the amount or rate per centum of the commission paid or agreed to be paid shall be disclosed in every prospectus advertisement or other document of the Company inviting subscriptions for such stock.

(3) Nothing in this section shall affect any power of the Company to pay brokerage.

**16.**—(1) Except as otherwise provided by the section of this Act whereof the marginal note is “ Power to Company to raise additional capital ” all shares or stock in the additional capital authorised by this Act shall be issued in accordance with the provisions of this section.

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

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

(A) Notice of the intended sale shall be given in writing to the town clerk of the borough of New Windsor to the clerk of the Cookham Rural District Council 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 :

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- (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 such letter shall not 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 are 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.

(4) Any shares or stock which have been offered for sale in accordance with subsection (2) or with subsections (2) and (3) 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 respective shares or stock sold the total amount obtained as premium (if any) and the highest and lowest prices obtained for the respective shares or stock. A.D. 1922.

17. Save as otherwise provided by this Act the holders of shares or stock in such additional capital shall be entitled to the like rights of voting and other rights qualifications and privileges in proportion to the amount of their shares or stock from time to time paid up and be subject to the like provisions forfeitures and liabilities as the holders of shares or stock in the present capital of the Company Provided that except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned. Privileges &c. of holders of additional capital.

18. The Company may subject to the provisions of this Act borrow on mortgage of the undertaking such sums in the whole as shall be sufficient to produce after taking into account premiums or discount (if any) which may be obtained or allowed respectively on the borrowing thereof and the expenses of and incident to such borrowing a sum equal to one-half of the paid up capital of the Company for the time being: Power to borrow.

Provided that no sum shall be borrowed in respect thereof 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 stock or shares at the time issued together with the premiums (if any) realised on the subscription thereof have been fully paid up.

19. The Company may create and issue debenture stock subject to the provisions of this Act and to 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 created and issued or granted by the Company under any previous Act or this Act or any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the dates of the securities or of the Acts of Debenture stock.

A.D. 1922. — 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.

Application  
of money.

**20.** All moneys raised under this Act including premiums shall be applied only to purposes to which capital is properly applicable and any sum of money which may arise by way of premium from the issue of shares or stock under the provisions of this Act shall not be considered as part of the capital of the Company entitled to dividend.

Redeemable  
preference  
or debenture  
stock.

**21.**—(1) The Company may create and issue any preference or debenture stock which they are authorised to create and issue so as to be redeemable on such terms and conditions as may be specified in a resolution of the Company passed at a special meeting convened for the purpose.

(2) If it is so provided in the resolution the Company may—

(A) call in and pay off the stock or any part thereof at one hundred pounds for every one hundred pounds stock at any time before the date fixed for redemption;

(B) redeem the stock or any part thereof either by paying off the stock or by issuing to any stockholder subject to his consent other stock in substitution therefor and may for the purpose of providing money for paying off the stock or providing substituted stock create and issue new stock (redeemable or irredeemable) or re-issue stock originally created and issued as aforesaid so however that the creation and issue for that purpose of any particular class of stock does not make the total nominal amount of such stock exceed the amount of that class of stock which the Company are for the time being authorised to create except during the necessary interval between the creation and issue of the new stock and the redemption of the old stock.

Power to  
create a  
special

**22.**—(1) The directors 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 centum of the paid up capital of the Company including premiums to a fund to be called "the special purposes fund." A.D. 1922.  
purposes  
fund.

(2) The special purposes fund shall be applicable only to meet such charges as an accountant appointed for the purpose by the Board of Trade shall approve as being—

- (A) expenses incurred by reason of accidents strikes or circumstances which due care and management could not have prevented; or
- (B) expenses incurred in the replacement or removal of plant or works other than expenses requisite for maintenance and renewal of plant and works.

(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 in such other manner as shall be authorised by a resolution of the Company 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.

**23.** Section 26 of the Act of 1867 is hereby repealed but without prejudice to any appointment heretofore made or to any proceedings pending thereunder at the passing of this Act. 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 ten thousand pounds in the whole. Arrears may  
be enforced  
by appoint-  
ment of a  
receiver.

A.D. 1922. EXTENSION OF LIMITS OF SUPPLY AND MANUFACTURE  
OF GAS.

Extension  
of limits  
of supply.

**24.** From and after the passing of this Act the limits of the Company for the supply of gas shall include in addition to the existing limits of supply the places or villages known as Oakley Green Bray Wood Fifield and Water Oakley all in the parish of Bray in the rural district of Cookham in the county of Berks and being all that portion of the said parish of Bray including and lying east and south of the said places or villages of Fifield and Water Oakley and the Company shall have and may exercise both retrospectively and for the future within the limits of supply as so extended all and the like powers privileges and authorities and shall be subject to all and the like duties liabilities and obligations as they may have and are subject to within the said existing limits of supply :

Provided that nothing herein shall be deemed to authorise the Company to supply any part of the places or villages aforesaid situate within the limits of supply of the Maidenhead Gas Company without their consent in writing.

Power to  
construct  
gasworks  
and convert  
residual  
products.

**25.—(1)** Subject to the provisions of this Act the Company may upon the lands described in the schedule to this Act erect maintain alter improve and renew gasworks with all necessary machinery and apparatus and do all such acts as may be proper for making and storing gas and for supplying gas within the limits of supply and may also upon the said lands work up and convert the residual products arising directly or indirectly from the manufacture of gas by them.

(2) The Company may also—

(A) purchase the residual products arising from the manufacture of gas by other gas undertakers and therewith manufacture other products of the same kind as the Company are manufacturing from their own residual products Provided that the quantity of any residual product so purchased by the Company in any year shall not exceed one-third of the quantity of the like residual product which shall in that year arise directly or indirectly from the manufacture of gas by them; and



- (B) purchase from other gas undertakers and elsewhere and use materials required to work up and convert the residual products so arising from their own manufacture of gas or purchased as aforesaid. A.D. 1922.

But the Company shall not manufacture chemicals exclusively from raw materials purchased from sources other than gas undertakings or in the manufacture of which the use of residual products produced by the Company or purchased from other gas undertakings is merely subsidiary.

**26.** The Company may for the purposes of the undertaking purchase take and hold (by agreement but not otherwise) in addition to the lands described in the schedule to this Act and any lands authorised to be acquired by the Act of 1867 any lands and hereditaments not exceeding in the whole ten 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 severally described in the schedule to this Act and in the schedule to the Act of 1867. Power to purchase lands by agreement.

**27.** 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 Berks the following provisions for the protection of the county council of the administrative county of Berks (in this section called "the county council") shall unless otherwise agreed have effect (that is to say):— For protection of the Berkshire County Council.

- (1) All mains pipes and other works to be laid by the Company in or along any main road or in upon or across any county or main road bridge (which word shall in this section include bridge approaches) shall be laid in such position and if under the metalled portion thereof at such depth as the county council in writing under the hand of their clerk may reasonably require:
- (2) In the application of the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes the notice required by the eighth section

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of the said Act shall as regards any such main road or county or main road bridge and except where the works consist of service pipes be not less than seven days instead of three days :

- (3) The plan required by the ninth section of the said Act shall be accompanied by a description of the proposed works in the case of any main road and by a section in the case of any county or main road bridge 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 council under the hand of their clerk which consent shall not be unreasonably withheld and may be given upon such conditions as the county council may reasonably determine. Provided that the county council shall not be entitled to require as a condition of giving their consent under this subsection the payment to them by the Company of any money other than the amount of any expenses which the county council may reasonably incur by reason or in consequence of any such interference as aforesaid but nothing in this proviso shall preclude the county council from requiring the Company as a condition of giving such consent as aforesaid to make good at the expense of the Company any damage caused by them to the structure of any such bridge as aforesaid :
- (5) Nothing in this Act contained shall interfere with the right of the county council to alter the level of or deviate or improve in any manner they think fit any main road in or along which any mains pipes or works of the Company shall have been laid and the Company shall within seven days after receiving notice in writing under the hand of the clerk or the surveyor to the county council so to do alter the position of any such mains pipes or works in the manner and to the



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extent prescribed by such notice or as in case of difference shall be determined by arbitration in the manner hereinafter provided and the county council shall repay to the Company the expense reasonably incurred by the Company in effecting any such alteration of the position of any such mains pipes or works :

- (6) Nothing in this Act contained shall limit the right of the county council at any time or times to remove alter or rebuild any county or main road bridge over near or attached to which any mains pipes or works of the Company are carried in the same manner as they might have removed altered or rebuilt such bridge if this Act had not been passed and such mains pipes or works had not been laid over or near or attached to such bridge and the county council shall not make any compensation to the Company for any expense or loss to which the Company may be put in consequence of the reasonable exercise of such right, and in the event of any such bridge over or near or attached to which any such mains pipes or works are laid being removed altered or rebuilt as aforesaid the Company shall if required by the surveyor of the county council at their own cost in all things alter the position of any works by which such mains pipes or works are carried over or near or attached to such bridge. Provided that during the removal alteration or rebuilding of such bridge the county council shall afford all reasonable facilities for temporarily carrying such mains pipes and works across such bridge overhead or at the side thereof in such a manner as will not in the opinion of the county council or their surveyor be a danger or inconvenience to the public and so as not to interrupt the continual supply of gas through such mains pipes or works and the Company may carry such mains pipes or works accordingly :
- (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

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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 and the Company shall not without the consent of the county surveyor open or break up at any one time a greater continuous length than one hundred yards of any such road :

- (8) The Company shall pay to the county council the reasonable costs which the county council may incur in the repair and reinstatement of so much of any main or other road or part thereof of which the county council are or may become responsible for the maintenance or of the road over any county bridge in which the mains pipes or works of the Company are or may be laid as may be damaged by reason of the traffic being concentrated thereon during the laying alteration renewal or repair of the said mains pipes or works :
- (9) The county council shall not except in case of their negligence be liable for or in respect of any damage or injury done to any main pipe or work of the Company laid or fixed after the passing of this Act in or upon the metalled portion of any main road or any main road or county bridge arising from the use by the county council in the exercise or performance of their powers or duties in regard to the maintenance and repair of roads or bridges of a steam or other roller not exceeding fifteen tons in weight. Provided that nothing in this subsection shall be deemed to imply that any such liability exists in respect of any mains pipes connexions meter boxes or other property of the Company laid or fixed before the passing of this Act and the liabilities (if any) in respect of such last-mentioned property of the Company shall not be affected by this subsection :
- (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 as arbitrator 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 and the provisions of the Arbitration Act 1889 shall apply to such arbitration.

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**28.** The provisions of the section of this Act whereof the marginal note is "For protection of the Berkshire County Council" shall so far as applicable apply and have effect for the protection of the Cookham Rural District Council in relation to roads and bridges vested in or repairable at the cost of that council as if that council had been named therein in lieu of the county council and as if such roads and bridges had been referred to therein in lieu of main roads and county or main road bridges.

For protec-  
tion of  
Cookham  
Rural  
District  
Council.

#### MISCELLANEOUS.

**29.** As from the declared date sections 45 46 47 48 49 51 52 and 53 of the Act of 1867 shall be and the same are hereby repealed and as from the passing of this Act sections 23 25 27 40 to 44 (both inclusive) and 54 to 60 (both inclusive) of the Act of 1867 are hereby repealed.

Repeal of  
provisions  
of Act of  
1867 incon-  
sistent with  
this Act.

**30.** It shall be lawful for the directors to make superannuation and other allowances and to pay pensions to any officers servants or employees of the Company who may be temporarily or permanently disabled by sickness infirmity or age and for that purpose to apply the funds and revenues of the Company.

Power to  
make super-  
annuation  
and other  
allowances.

**31.** The directors out of the funds and revenues may subscribe or make donations to infirmaries or hospitals and to convalescent homes and similar institu-  
tions and to benevolent and accident and sick funds of the employees of the Company.

Power to  
make dona-  
tions &c.

**32.** From and after the passing of this Act no person not being a retiring director of the Company shall be eligible to be elected at any general meeting a director of the Company unless notice in writing is given to the secretary or left at the office of the Company fourteen days at least before the day of election that such person will be proposed for election as a director of the Company

Notice of  
candidature  
of director  
or opposi-  
tion to  
re-election  
of director.

A.D. 1922. — and the secretary of the Company shall during such fourteen days and on the day of election fix a copy of every such notice so delivered in some conspicuous place in such office. Any such person must have been the holder of the qualifying amount of shares or stock for at least three months prior to his election. In the case of a retiring director or directors notice of opposition to his or their re-election shall be given in like manner.

Interim  
dividend.

**33.** The directors may in any year without calling a meeting of shareholders for the purpose declare and pay an interim half-yearly dividend out of the then ascertained profits of the Company. Provided that no such interim dividend shall exceed one-half of the amount of the authorised rates of dividend.

Closing of  
transfer  
books  
previous to  
declaring  
interim  
dividend.

**34.** 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.

Annual  
ordinary  
meetings.

**35.** After the passing of this Act the ordinary meetings of the proprietors of the Company shall be held annually instead of half-yearly and shall in every year be held in the month of March and section 30 of the Act of 1867 is hereby amended accordingly.

Priority of  
mortgages  
and  
debenture  
stock over  
other debts.

**36.** All money raised or to be raised on mortgage or debenture stock under this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act. Provided always that this priority shall not affect any claim against the Company or their property in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company



which is entitled to rank in priority to or *pari passu* with the interest on their mortgages or debenture stock. A.D. 1922.

**37.** Notwithstanding anything in the Companies Clauses Consolidation Act 1845 no person shall be disqualified from being a director of the Company by reason of his holding any office or place of trust or profit under the Company or by reason of his being interested in any contract with the Company nor shall any director be required to cease from voting or acting as a director by reason of his accepting any such office or place of trust or profit or becoming interested in any such contract. Provided that in the case of his being or becoming interested in any contract with the Company whether such interest shall arise before or after his appointment as a director the nature of his interest in the contract shall be disclosed by him at the meeting of the directors at which the contract is determined on if his interest then exists or in any other case at the first meeting of the directors after the acquisition of his interest or after his appointment and that no director shall as a director vote in respect of any such contract and if he does so vote his vote shall not be counted but this prohibition shall not apply to any contract by or on behalf of the Company to give to the directors or any of them any security by way of indemnity.

Directors  
holding  
office under  
or contract-  
ing with  
Company.

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

Power to  
supply gas  
fittings &c.

(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.

A.D. 1922.

Anti-  
fluctuators  
to be used  
with gas  
engines.

**39.**—(1) The Company may by notice in writing require a consumer of gas supplied by the Company and used for the working of an engine to fix and use an efficient anti-fluctuator in a suitable position upon the premises upon which the engine is in use or to keep any anti-fluctuator fixed and used by the consumer in proper order and repair at all times while in use or to repair renew or replace an anti-fluctuator which is not in proper order or repair.

(2) If the consumer after any such notice as aforesaid fails to fix and use an efficient anti-fluctuator or to keep an anti-fluctuator in proper order and repair or to repair renew or replace an anti-fluctuator which is not in proper order and repair the Company may cease to supply him with gas.

(3) The Company may at all reasonable times demand and shall thereupon have access to any anti-fluctuator fixed upon any premises to which gas is supplied by the Company and for the purpose of ascertaining whether the anti-fluctuator is efficient and in proper order and repair may take off remove test and inspect the anti-fluctuator such taking off removing testing and inspecting to be done at the expense of the Company if the anti-fluctuator be found efficient and in proper order but otherwise at the expense of the consumer.

(4) For the purposes of this section an anti-fluctuator means an apparatus for the purpose of controlling and regulating the supply of gas to any engine and preventing any inconvenience or danger from the intermittent consumption of gas by the engine.

Minimum  
charge for  
gas laid on  
to premises  
having a  
supply of  
electricity or  
power gas.

**40.** Where any person has for the purposes of a stand-by only a supply of gas laid on by the Company to any premises for which he has at the same time a separate supply of electricity or gas for power or other purposes the Company shall be entitled to charge and receive from him in respect of the supply of gas so laid on such minimum sum as shall be fixed by them not exceeding twenty-five shillings for any one quarter of a year notwithstanding that the ordinary charge for the gas actually consumed in such quarter would amount to a lower sum Provided that in fixing the amount of such minimum charge the Company shall have regard to the probable maximum supply of gas which might at



any time be required for such premises Provided also A.D. 1922.  
that in respect of any premises for which the whole  
supply of gas afforded by the Company is taken through  
a meter having a nominal capacity of not more than  
ten lights the amount of the minimum charge shall not  
exceed five shillings for any one quarter of a year.

41. Notwithstanding anything contained in section Period of  
41 (Register of gas meter to be primâ facie evidence) of error in  
the Act of 1867 in the event of any meter used by a defective  
consumer of gas being tested in manner provided by meters.  
the Sale of Gas Act 1859 and being proved to register  
erroneously within the meaning of the said Act of 1859  
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.

42. Notwithstanding anything contained in any Amending  
enactment to the contrary the Company shall not be obligations  
~~obliged to give from any main a supply of gas for any~~ as to supply  
purpose other than lighting or domestic use in any of gas.  
case where the capacity of such main is insufficient to  
afford the required supply or if and so long as any such  
supply would in the opinion of the Company interfere  
with the sufficiency of the gas required to be supplied  
by means of such main for lighting purposes or domestic  
use.

43.—(1) In any case in which the Company are As to mode  
by virtue of any enactment authorised to cut off and of cutting  
discontinue the supply of gas to any premises in conse- off supplies.  
quence of any default on the part of the occupier of the  
premises it shall be lawful for the Company without  
prejudice to any other remedy which may be lawfully  
available to them to disconnect at the meter the service  
pipe (whether belonging to the consumer or to the Com-  
pany) and any person who shall reconnect such service  
pipe with the meter without the consent of the Company  
shall be deemed to commit an offence within the meaning  
of section 18 of the Gasworks Clauses Act 1847 :

A. D. 1922.

Provided that if and so soon as the matter complained of shall have been remedied nothing in this section shall prejudice or interfere with any rights vested in any person by virtue of section 11 of the Gasworks Clauses Act 1871.

(2) For the purposes of this section the Company shall (subject to the conditions specified in section 22 of the Gasworks Clauses Act 1871) have and may exercise the like powers of entry as are exerciseable under the said section 22 for the purposes of that section.

Removal  
of fittings  
where gas  
supply dis-  
continued.

44. The power to enter premises and to remove pipes meters and 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 all or any of the pipes meters fittings or apparatus belonging to the Company.

As to con-  
struction  
and placing  
of pipes &c.  
between  
mains and  
meters.

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

- (1) The Company may specify the minimum size and material of the pipes with the fittings thereof which are to be laid by the consumer on his own premises either in the first instance or on the occasion of any renewal between the Company's mains and the meter so far as such pipes and fittings are intended to be covered over:
- (2) The Company may if they think fit make different specifications for different classes of premises having regard to the probable maximum consumption of gas thereon at any one time:
- (3) The specification shall be published twice in some newspaper 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:
- (4) Every meter to be used in a new building or a building not previously supplied with gas or in connexion with a new or substituted pipe laid by the consumer between the main and the consumers' meter shall be placed as near as



A.D. 1922.

- 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 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 refuse a supply of gas under the provisions of this section may appeal to a petty sessional court against such refusal and the court may after hearing the parties and considering any questions as to the reasonableness of the 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.

46. In any case in which in consequence of any default on the part of the occupier of any premises the Company shall have cut off the supply of gas to such premises (whether under the existing powers of the Company or under the powers conferred by this Act) and the occupier so in default shall desire to resume such supply he shall pay to the Company the reasonable expenses of reconnecting the supply and the Company shall not be under any obligation to supply gas to such occupier until he shall have paid such expenses.

Occupiers  
to pay  
expenses of  
reconnect-  
ing discon-  
nected  
supply.

47. The Company may purchase or take on lease houses cottages and buildings for persons in their employ and offices showrooms and other buildings for the purposes of the undertaking and may erect maintain and let any

Dwelling-  
houses for  
Company's  
employees  
offices

A.D. 1922.

showrooms  
&c.Power for  
directors to  
determine  
remuneration  
of secretary  
and auditors.

such buildings upon any lands for the time being belonging or leased to the Company.

48. In addition to the powers which the directors may exercise under the Companies Clauses Acts 1845 to 1889 or otherwise they may from time to time determine the remuneration of the secretary and of the auditors of the Company.

Notice as to  
persons  
seeking  
election as  
auditors.

49. From and after the passing of this Act no person not being a retiring auditor of the Company shall be eligible to be elected at any general meeting an auditor of the Company unless notice in writing be given to the secretary or left at the principal office of the Company fourteen days at least before the date of such meeting that such person will be proposed for election as an auditor of the Company and the secretary shall on receipt of any such notice send a copy thereof to the retiring auditor and during such fourteen days and on the day of election fix a copy of such notice in some conspicuous place in such office.

As to  
appoint-  
ment of  
managing  
director.

50.—(1) The directors may appoint one or more of their body to be a managing director or managing directors of the Company either for a fixed term or without any limitation as to time and may remove or dismiss him or them from office and appoint another or others in his or their place or places.

(2) A managing director shall not while holding that office be subject to retirement by rotation and shall not be taken into account in determining the rotation of retirement of directors but if he ceases to hold the office of director from any other cause he shall ipso facto immediately cease to be a managing director.

(3) The remuneration of a managing director shall from time to time be fixed by the directors and may be by way of salary or commission or participation in profits or by any or all of those modes.

(4) The directors may entrust to and confer upon any managing director such of the powers exerciseable by the directors and subject to such conditions as they may think fit and may from time to time revoke withdraw alter or vary all or some of such powers.



**51.** 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 or other officer of the Company for the time being authorised by the directors thereof being affixed thereto in writing or by a stamp or if it be a notice to pay any charge in respect of a supply of gas or gas fittings or appliances by the name either of the secretary or such other officer as aforesaid being affixed thereto in writing or in print or by a stamp 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 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.

A.D. 1922

Authentica-  
tion and  
service of  
notices by  
Company.

**52.** 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.

Recovery of  
penalties  
&c.

**53.** The Company may contract with any local authority company or persons for the supply by the Company to them or for the supply to the Company by them of gas in bulk upon such terms and conditions as may be agreed upon but nothing in this section shall authorise the Company to lay any mains or interfere with any street beyond the limits of supply.

Company  
may con-  
tract for  
supply and  
purchase in  
bulk.

**54.** 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

Company  
to pay  
interest on  
money  
deposited as  
security.

A.D. 1922. security for every six months during which the same remains in their hands.

Power to  
lay pipes in  
private  
streets.

**55.** The Company may on the application of the owner or occupier of any premises within the limits of supply abutting on or being erected in any street laid out but not dedicated to public use supply those premises with gas and for that purpose the Gasworks Clauses Act 1847 shall apply as if section 7 of that Act were excepted from incorporation in this Act. Provided that the Company shall not without the consent of the London and South Western Railway Company lay down or place any pipe or other work in any street laid out but not dedicated to the public use which is the property of such railway company.

Power to  
take licences  
for use of  
patents.

**56.** The Company may subject to the provisions of this Act but only for the purposes of the undertaking and not so as to acquire any exclusive right therein contract for take and use any licence or authority granting any right or privilege of working using or vending any invention subject to letters patent in relation to the manufacture supply or distribution of gas or the conversion manufacture or utilisation of residual products obtainable in or arising from such manufacture or from the materials used therein.

Power to  
lay pipes  
for ancillary  
purposes.

**57.** The Company may within a radius of three hundred yards from their gasworks lay down and repair take up relay or renew mains pipes and culverts for the purpose of procuring conducting or disposing of any oil or other materials used by them in or resulting from the manufacture of gas or any residual products thereof or for any purpose connected with the undertaking 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.

Repeal of  
section 46  
of Act of  
1867.

**58.** Section 46 of the Act of 1867 (As to charge for public lamps in the borough of Windsor) is hereby repealed and as from the date of the passing of this Act the said charge shall be such as may be agreed between the Company and the corporation of the borough of New Windsor.



**59.** 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 matter.

A.D. 1922.

Recovery of demands.

**60.** Where the payment of more than one sum by any person is due under this Act any summons or warrant issued for the purposes of this Act in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

Several sums in one summons.

**61.—(1)** Every consumer of gas supplied by the Company who uses air at high pressure for or in connexion with the consumption of such gas (in this section referred to as "high pressure air") shall if required to do so by the Company provide and fix in a suitable position and use an efficient valve or other appliance for preventing the admission of such air into the service pipe or any main through which such gas is supplied and shall at all times at his own expense keep in proper order and repair any such valve or other appliance as aforesaid which shall have been provided and fixed whether upon such requirement or otherwise.

Provision of valve where high pressure air is used.

(2) It shall not be lawful for any person at any time after the passing of this Act to commence to use high pressure air unless and until he shall have given to the Company not less than fourteen days previous notice in writing of his intention to do so.

(3) Every person who at the date of the receipt by him of any such demand note as is referred to in paragraph (A) of subsection (5) of this section is using high pressure air shall within one month after that date give to the Company notice in writing of such use and if within one month after the giving of such notice the Company require the consumer giving the same to provide and fix such a valve or other appliance as aforesaid it shall not be lawful for him after the expiration of fourteen days from the receipt of the requirement to continue to use high pressure air unless before such expiration he shall have complied with the requirement.

(4) If any consumer shall fail to comply with any requirement of the Company or any obligation under

A.D. 1922. — this section the Company may cease to supply gas to him and shall not be under any obligation to resume such supply until the default shall have been remedied to their satisfaction.

(5) The Company shall give notice of the effect of the foregoing provisions of this section—

(A) (In the case of all persons who at the date of the passing of this Act are consumers of gas supplied by the Company) on the demand notes for gas charges payable to the Company issued next after that date; and

(B) (In the case of any person becoming after the passing of this Act a consumer of gas supplied by the Company) on the first of such demand notes delivered to such person after he shall have become a consumer.

(6) The Company shall have access at all reasonable times to all premises supplied by them with gas in or upon which high pressure air is used or the Company have reason to believe that high pressure air is or may at the time be used in order to ascertain whether any such valve or appliance as aforesaid is efficient or is in proper order and repair or whether such a valve or appliance is provided and fixed where necessary.

(7) The Company shall be at liberty to take off remove test inspect and replace any such valve or other appliance as aforesaid such taking off removing testing inspecting and replacing to be done at the expense of the Company if the valve or other appliance be found in proper order but otherwise at the expense of the consumer.

Power to enter into agreements with other companies as to supply of gas in bulk or otherwise.

**62.** The Company on the one hand and any gas company whose limits of supply adjoin or are near to the limits of supply of the Company on the other hand may enter into and carry into effect agreements for all or some of the following purposes (that is to say):—

The supply of gas by either company within the limits of supply of the other company;

The supply of gas in bulk by either company to the other;

The working of any part of the undertaking of one company by and the execution of any works for and on behalf of the other.



**63.** All costs charges and expenses of and incident to the preparing for and obtaining this Act or otherwise in relation thereto shall be paid by the Company and may be charged either wholly or partly against capital or revenue as the directors may determine.

A.D. 1922.

Costs of  
Act.

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The SCHEDULE referred to in the foregoing  
Act.

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LAND FOR THE MANUFACTURE AND STORAGE OF GAS AND  
RESIDUAL PRODUCTS.

A piece or parcel of land now belonging to the Company containing by admeasurement three acres or thereabouts situate in the parish of Clewer Within in the borough of New Windsor in the county of Berks and bounded on the north by the Great Western Railway (Windsor Branch) on the south by the rear of the cottages fronting on to Arthur Road on the east by Goswell Road and on the west by Alma Road:

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