



CHAPTER cxi.

An Act to confer further powers on the Barnet District Gas and Water Company to extend their limits for the supply of water to consolidate and amalgamate their capital and for other purposes. [15th December 1926.] A.D. 1926.

WHEREAS by the Barnet District Gas and Water Act 1872 the Barnet District Gas and Water Company (hereinafter called "the Company") were incorporated for the purpose of supplying gas and water within the respective limits thereby defined :

And whereas by the Barnet District Gas and Water Act 1883 the Barnet District Gas and Water Act 1887 and the Barnet District Gas and Water Act 1904 the limits of the Company for the supply of water were extended and the Company were authorised to make and maintain additional waterworks and to raise additional capital :

And whereas the demands for water within the Company's limits for the supply of water and in parishes adjoining thereto have increased and are increasing and it is expedient to extend the said limits and to authorise the Company to construct new waterworks :

And whereas the demands for gas within the Company's limits for the supply of gas have increased and are increasing and it is expedient to authorise the Company to construct new gasworks :

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And whereas a statement of the share and loan capital of the Company authorised issued and remaining to be issued is given in the First Schedule to this Act and it is expedient that the existing stocks of the Company (other than debenture stock) be consolidated and amalgamated and that the Company be authorised to raise further capital :

And whereas it is expedient to confer on the Company further powers with reference to their gas and water undertakings as by this Act provided and to enact the other provisions of this Act :

And whereas plans and sections of the works authorised by this Act and a book of reference to the plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the respective clerks of the peace for the counties of Hertford and Middlesex and are hereinafter respectively referred to as the deposited plans sections and book of reference :

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 :—

Short and
collective
titles.

1.—(1) This Act may be cited as the *Barnet District Gas and Water Act 1926.*

(2) The *Barnet District Gas and Water Acts 1872 to 1904*, the *Barnet District Gas (Charges) Order 1922*, the *Barnet District Gas and Water Company (Modification of Charges) Order 1922* and this Act may together be cited as the *Barnet District Gas and Water Acts and Orders 1872 to 1926.*

Incorporation
of
Acts.

2.—(1) The following Acts and parts of Acts (so far as the same are applicable for the purposes of this Act and are not inconsistent with the provisions of this

Act and of the existing Acts) are hereby incorporated with and form part of this Act (namely):— A.D. 1926.

The Companies Clauses Consolidation Act 1845 except the provisions with respect to the conversion of borrowed money into capital;

The Companies Clauses Act 1863 (except Part IV.) as amended by subsequent Acts;

The Lands Clauses Acts;

The Gasworks Clauses Act 1847 except sections 30 to 34 Provided that section 13 thereof shall be read and have effect 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 to all consumers of gas supplied in like circumstances and for the same purposes" were added at the end of that section;

The Gasworks Clauses Act 1871 except sections 7 8 12 and 28 to 34 (both inclusive);

The Waterworks Clauses Act 1847 except sections 75 to 79 and except the words "with the consent of the owner or reputed owner of any such house or of the agent of such owner" in section 44 thereof;

The Waterworks Clauses Act 1863.

(2) The provisions of sections 30 to 34 of the Gasworks Clauses Act 1847 and of sections 75 to 79 of the Waterworks Clauses Act 1847 shall cease to apply to the Company or be incorporated with any of the existing Acts.

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

"The Company" means the Barnet District Gas and Water Company;

"The Act of 1872" "the Act of 1883" "the Act of 1887" and "the Act of 1904" respectively mean the Barnet District Gas and Water Acts 1872 1883 1887 and 1904;

- A.D. 1926.
- “The Gas Charges Order 1922” means the Barnet District Gas (Charges) Order 1922 (S. R. & O. 1922 No. 421);
- “The Water Charges Order 1922” means the Barnet District Gas and Water Company (Modification of Charges) Order 1922 (S. R. & O. 1922 No. 671);
- “The existing Acts” means the Act of 1872 the Act of 1883 the Act of 1887 and the Act of 1904 as respectively amended by the Gas Charges Order 1922 and the Water Charges Order 1922;
- “The 1872 stocks” means the several stocks in the capital of the Company created or issued under the Act of 1872 and respectively known as the “A” stock the “B” stock and the “C” stock;
- “The existing stocks” means the 1872 stock and the stocks in the capital of the Company respectively known as the “D” capital gas stock and the “D” capital water stock;
- “The appointed day” means the first day of January nineteen hundred and twenty-seven;
- “The gas limits” and “the water limits” respectively mean the limits within which the Company are for the time being authorised to supply gas and water respectively;
- “The gas undertaking” and “the water undertaking” respectively mean the gas undertaking and the water undertaking of the Company as for the time being authorised;
- “The undertaking” includes the gas undertaking and the water undertaking and when construing the provisions of the Gasworks Clauses Acts 1847 and 1871 and the Waterworks Clauses Acts 1847 and 1863 means the gas undertaking and the water undertaking respectively;
- “The new waterworks” means the works described in the section of this Act of which the marginal note is “Power to make waterworks”;
- “The tribunal” means the jury arbitrators or other body to whom any question of disputed purchase money or compensation under this Act is referred.

LANDS.

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4. The Company may in so far as they are not already possessed of the same enter upon take and use the lands shown on the deposited plans and described in the deposited book of reference for the following purposes (that is to say) :—

Power to
acquire
lands.

(a) for the purposes of the works authorised by the section of this Act of which the marginal note is "Power to make waterworks" such of the said lands as may be required for those purposes; and

(b) for the purpose of the section of this Act of which the marginal note is "Power to alter level of and deviate footpath" such of the said lands as may be required for that purpose.

5.—(1) The Company may in lieu of acquiring any lands for the purposes of the new waterworks where the same are intended to be constructed underground acquire such easements only in such lands as they may require for such purposes and may give notice to treat in respect of such easements describing the nature thereof and the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such easements as fully as if the same were lands within the meaning of those Acts.

Power to
acquire
easements.

(2) As regards any lands in respect of which the Company have acquired easements only under the provisions of this section the Company shall not be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall subject to such easements have the same rights to use and cultivate the said lands at all times as if this Act had not passed.

(3) Provided that nothing in this section shall authorise the Company to acquire by compulsion any such easement in any case in which the owner in his particulars of claim shall require the Company to acquire the lands in respect of which they have given notice to treat for the acquisition of an easement only.

(4) Every notice to treat for the acquisition of an easement shall either contain or be endorsed with a copy of this section.

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Persons
under dis-
ability
may grant
easements
&c.

6. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Owners
may be
required
to sell
parts only
of certain
lands.

7.—(1) And whereas in the construction of the works by this Act authorised or otherwise in exercise of the powers of this Act it may happen that portions only of the properties mentioned in subsection (2) of this section may be sufficient for the purposes of the same and that such portions may be severed from the remainder of those properties without material detriment thereto Therefore notwithstanding section ninety-two of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the said properties may if the portions required for the purposes of this Act can in the opinion of the tribunal be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the Company the portions only of the properties so required without the Company being obliged or compellable to purchase the whole or any greater portion thereof the Company paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise.

(2) The properties referred to in subsection (1) of this section are the properties respectively numbered on the deposited plans as follows :—

Parish.	District.	Number on Deposited Plans.
Monken Hadley	East Barnet Valley Urban District	3 and 4
East Barnet	East Barnet Valley Urban District	1 and 3

8. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease on the thirty-first day of December nineteen hundred and twenty-nine. A.D. 1926.

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Period for compulsory purchase of lands.

9. All private rights of way over any lands which the Company are authorised by this Act to acquire compulsorily shall as from the date of the acquisition of such lands by the Company be extinguished. Provided that the Company shall make full compensation to all persons interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement. Extinction of private rights of way.

10. In settling any question of disputed purchase money or compensation for lands acquired by the Company under the powers of this Act the tribunal shall not award any sum of money for or in respect of any improvement or alteration made or any building erected after the first day of November nineteen hundred and twenty-five if in the opinion of the tribunal the improvement alteration or building in respect of which the claim is made was made with a view to obtaining or increasing compensation nor in the case of any estate or interest in the lands created after the said date which in the opinion of the tribunal was created with a view to obtaining or increasing compensation shall any sum of money be awarded so as to increase the total amount of compensation which would otherwise have been required to be paid in respect of the acquisition by the Company of such lands. Compensation in case of recently altered buildings &c.

11. The tribunal shall if so required by the Company award and declare whether a statement in writing of the amount of compensation claimed has been delivered to the Company by the claimant giving sufficient particulars and in sufficient time to enable the Company to make a proper offer and if the tribunal shall be of opinion that no such statement giving sufficient particulars and in sufficient time shall have been delivered and that the Company have been prejudiced thereby the tribunal shall have power to decide whether the claimant's costs or any part thereof shall be borne by the claimant: Costs of arbitration in certain cases.

Provided that it shall be lawful for any judge of the High Court to permit any claimant after seven

A.D. 1926. days' notice to the Company to amend the statement in writing of the claim delivered by him to the Company in case of discovery of any error or mistake therein or for any other reasonable cause (such error mistake or cause to be established to the satisfaction of the judge after hearing the Company if they object to the amendment) and such amendment shall be subject to such terms enabling the Company to investigate the amended claim and to make an offer de novo and as to postponing the hearing of the claim and as to costs of the inquiry and otherwise as to such judge may seem just and proper under all the circumstances of the case :

Provided also that this section shall be applicable only in cases where the notice to treat under the Lands Clauses Consolidation Act 1845 either contained or was endorsed with a notice of the effect of this section.

Power to purchase additional lands for water undertaking.

12.—(1) In addition to any other lands and any easements rights or privileges over or in respect of lands which the Company are by the existing Acts and this Act authorised to acquire for the purposes of the water undertaking the Company may subject to the provisions of this Act purchase take on lease or otherwise acquire by agreement and hold for those purposes (including the purpose of protecting their waterworks and water supplies against pollution fouling or contamination) any lands or any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) over or in respect of lands which the Company may deem necessary for those purposes Provided that the quantity of lands held by the Company in pursuance of this section shall not at any time exceed fifty acres.

(2) The Company may on all or any of the lands for the time being held by them under this section execute for the purposes of or in connection with the water undertaking any of the works mentioned in section 12 of the Waterworks Clauses Act 1847 (other than wells and works for taking and intercepting water) Provided that the Company shall not create or permit the creation or continuance of any nuisance on any such lands (so long as the same are held by them) nor erect any buildings thereon except offices and dwellings for persons in their employ and such buildings and

works as may be incident to or in connection with the water undertaking. A.D. 1926.

13. In addition to any other lands which the Company are by the existing Acts and this Act authorised to acquire or hold for the purposes of the gas undertaking the Company may subject to the provisions of this Act purchase take on lease or otherwise acquire by agreement and hold for those purposes any further lands not exceeding in the whole five acres. Power to purchase additional lands for gas undertaking.

PROVISIONS RELATING TO WATER UNDERTAKING.

14. Subject to the provisions of this Act the Company may in the lines and situations and on and under the lands delineated on the deposited plans and described in the deposited book of reference make and maintain the works hereinafter described and referred to on the deposited plans by the numbers hereinafter mentioned. The works before referred to will be situate in the counties of Hertford and Middlesex and are— Power to make waterworks.

An aqueduct (No. 2) (being part of the aqueduct No. 2 shown on the deposited plans and consisting of a conduit or line or lines of pipes) commencing at a point about seven hundred and forty yards southwards from the main road between Hatfield and St. Albans and terminating by a junction with aqueduct No. 3 by this Act authorised at its point of commencement;

An aqueduct (No. 3) (consisting of a conduit or line or lines of pipes) commencing by a junction with the said aqueduct No. 2 by this Act authorised in the Great North Road at or near the junction of that road and Kentish Lane and terminating in the Company's Arkley Reservoir;

An extension of the Company's Arkley Reservoir in a north-easterly direction for a distance of four chains or thereabouts:

Provided that nothing in this Act shall authorise the Company to construct the said aqueducts or either of them unless or until they shall have purchased the pumping station and works referred to in the section of this Act of which the marginal note is "Power to purchase Hatfield waterworks."

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Limits of
deviation.

15. In the construction of the new waterworks the Company may deviate to any extent within the limits of deviation shown on the deposited plans and vertically from the levels shown on the deposited sections to any extent upwards or downwards Provided that no part of the aqueducts by this Act authorised shall be raised above the surface of the ground except for the purpose of crossing over a stream and except so far as is shown on the deposited sections.

Period for
completion
of new
waterworks.

16. If the new waterworks are not completed before the first day of January nineteen hundred and thirty-three then as from that date the powers by this Act granted to the Company for executing such works or in relation thereto respectively shall cease except as to so much thereof as is then completed Provided that subject to the restrictions and provisions of this Act the Company may at any time after the expiration of the said period alter enlarge and renew any of the new waterworks as they may think expedient to provide for the requirements of the water undertaking.

Limiting
powers of
Company
to abstract
water.

17. The Company shall not construct any works for taking or intercepting water from any lands acquired by them (other than lands acquired before the passing of this Act and on or under which the pumping stations of the Company existing at the passing of this Act and works connected with those pumping stations are situate) unless the works are authorised by and the lands on or under which the works are to be constructed are specified in this or some other Act of Parliament.

Power to
purchase
Hatfield
waterworks.

18.—(1) In this section the expression "the owner" means the Most Honourable James Edward Hubert Gascoigne Cecil fourth Marquess of Salisbury and his successors in title and the expression "the Hatfield waterworks" means the pumping station situate in the said parish of Bishop's Hatfield near Roe Green in the enclosures Nos. 593 and 627 on the $\frac{1}{2500}$ ordnance map (edition of 1924) Hertfordshire sheet XXXV. 6 and the wells boreholes and adits connected therewith and the reservoirs mains pipes and works of the owner used for the purpose of supplying water in the said parishes of Bishop's Hatfield and St. Peter Rural and the respective sites of such pumping station reservoirs and works.

(2) The Company may by agreement with the owner purchase the Hatfield waterworks or any part thereof upon such terms and conditions pecuniary or otherwise as may be agreed between the Company and the owner. A.D. 1926.

(3) On the completion of the purchase of the Hatfield waterworks or any part thereof the Company may maintain hold and use the same for the purposes of the water undertaking and may also (notwithstanding anything in the section of this Act of which the marginal note is "Limiting powers of Company to abstract water") pump collect divert take and use all or any of the underground waters which will or may be taken or intercepted by the pumping station or any of the wells boreholes or adits connected therewith so purchased by the Company and the provisions of the existing Acts and this Act and the Acts incorporated therewith shall apply to the Hatfield waterworks or part thereof so purchased in all respects as if the same had been constructed or laid down under the authority of those Acts or any of them.

19.—(1) The Company may make and carry into effect agreements with the owners lessees or occupiers of any lands from through or under which any water may flow or percolate directly or derivatively into any well adit or other work of the Company with reference to the execution by the Company or such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting and conveying and preserving the purity of the waters so flowing or percolating. Power to agree as to drainage of lands.

(2) The Company may in and upon any lands held by them in pursuance of section 17 (Power to hold lands for protection of waterworks) of the Act of 1904 or acquired by them under the foregoing provisions of this Act construct and lay down drains sewers watercourses and other works and conveniences necessary or proper for the purpose of intercepting or taking all foul waters arising or flowing upon such lands or necessary or proper for preventing the water which the Company are empowered to take from being polluted and the Company may for the purposes aforesaid carry any such drain sewer or watercourse under across or along any street or road within the water limits subject and according to

A.D. 1926. the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes.

Application
of Water-
works
Clauses
Act 1847
to pipes
telephones
&c.

20. The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets shall apply with the necessary modifications to the construction laying down erection and maintenance in any streets or roads within the water limits of any discharge pipes telephone or telegraph posts wires conductors or apparatus which the Company may and which they are hereby authorised to lay down or erect for the purposes of the water undertaking :

Provided that the Company shall not lay down or erect any discharge pipes telephone or telegraph posts wires conductors or apparatus in any street or road without the consent in writing of the road authority which consent shall not be unreasonably withheld and any dispute as to whether such consent is in any case unreasonably withheld shall be determined by an arbitrator to be agreed upon between the Company and the road authority or failing agreement to be appointed on the application of either party by the Minister of Health :

Provided also that any telephone or telegraph posts wires conductors or apparatus laid down or erected by the Company under the provisions of this section shall not be used in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

Discharge
of water
into
streams.

21.—(1) For the purpose of executing constructing laying down enlarging extending repairing cleansing emptying or examining any reservoir well adit main pipe or other work of the Company the Company may cause the water in any such work to be discharged into any available stream ditch or watercourse :

Provided that any water so discharged shall so far as may be reasonably practicable be free from mud solid or offensive matter or matter injurious to fish or spawn or spawning beds.

(2) In the exercise of the power conferred by this section the Company shall do as little damage as may be and shall make full compensation to all persons for all damage sustained by them by reason or in consequence of the exercise of such power the amount of compensa-

tion to be settled in case of difference by arbitration under and pursuant to the provisions of the Arbitration Act 1889.

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(3) In the exercise of the powers conferred by this section the Company shall as regards any such stream ditch or watercourse which is situate within the administrative county of Middlesex comply with such reasonable regulations as the Middlesex County Council may from time to time make in respect thereof and any difference which shall arise between the county council and the Company as to the reasonableness of any such regulation shall be determined by an arbitrator to be appointed on the application of either party by the Minister of Health.

22. The limits within which the Company may supply water and exercise the powers conferred on them by the existing Acts and this Act with reference to the water undertaking shall extend to and include (in addition to the limits for the supply of water under the existing Acts)—

Extension
of water
limits.

- (a) the parishes of Bishop's Hatfield and Essendon in the rural district of Hatfield; and
- (b) so much of the parish of St. Peter Rural in the rural district of St. Albans as is beyond the distance of three and a half miles from the Town Hall St. Albans

all in the county of Hertford and within the said parishes and portion of parish the Company (subject to the provisions of this Act) shall have and may exercise all and the like powers privileges and authorities for and in relation to the supply of water and be subject to all and the like duties and obligations in respect thereof as they have and are subject to within the portion of the county of Hertford which is included in the limits for the supply of water under the existing Acts :

Provided that the Company shall not exercise any of the powers of this section within so much of the said parish of Essendon as is within the distance of one mile from the Essendon pumping station of the Hatfield Rural District Council unless and until they have obtained the written consent of that council and until such consent has been obtained the Company shall be under no obligation to supply water within that portion of parish.

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Maintenance of
common
pipe.

23. When several houses or parts of houses in the occupation of several persons are supplied with water by one common pipe belonging to the several owners or occupiers of such houses or parts of houses the said several owners or occupiers shall be liable to contribute the amount of any expenses from time to time incurred by the Company in the maintenance and repair of such pipe and their respective proportions of contributions shall be settled by the engineer of the Company.

As to
communi-
cation pipes.

24.—(1) For the purposes of complying with any obligation under the Waterworks Clauses Act 1847 to maintain any pipe or apparatus the person liable to maintain the same shall have the like power to open the ground as is conferred upon him by and subject to the conditions of sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes.

(2) The Company may (by agreement with any owner or occupier entitled or required to lay maintain repair or remove any communication pipe and for that purpose to open or break up any street in the water limits) execute such works on behalf of the owner or occupier Any expenses incurred by the Company under this subsection shall be repaid by the owner or occupier with whom the agreement is made and shall be recoverable summarily as a civil debt.

Power to
Company
to repair
communi-
cation pipes.

25. If in the opinion of the Company any waste of water or injury or risk of injury to person or property is caused or likely to be caused by reason of any injury to or defect in any communication pipe which the Company are not under obligation to maintain it shall be lawful for the Company to execute such repairs to the communication pipe as they may think necessary or expedient in the circumstances without being requested so to do and if any injury to or defect in the communication pipe shall have been found the expense incurred by the Company for the purposes of ascertaining the injury or defect and executing the repairs (including the expense of breaking up filling in reinstating and making good any road pavement or soil for those purposes) shall be recoverable by the Company in like manner as the water rates in respect of the premises are recoverable Provided that except in case of emergency the Company shall

not under the powers of this section enter into any house or private premises unless they shall have given to the occupier of such house or premises and if the water rates in respect of the house or premises are payable by the owner thereof to such owner not less than twenty-four hours' previous notice of their intention so to enter. A.D. 1926.

26. Section 35 of the Waterworks Clauses Act 1847 in its application to the Company shall be read and construed as if the words "one-eighth part" were substituted therein for the words "one-tenth part." Application of Section 35 of Waterworks Clauses Act 1847.

27.—(1) Any urban or rural district council whose district is wholly or partly within the water limits may give and enter into any guarantee or contract for securing payment to the Company of such periodical or other sum or sums at such time or times in such manner and subject to such stipulations as may be agreed by and between such council and the Company for the purpose of or with respect to the providing or laying down by the Company of any main pipe or works for the supply of water within any part of such district which is within the water limits. Guarantees by district councils.

(2) The giving of such guarantee and the performance of any contract in relation thereto shall be deemed to be a purpose for which under the provisions of any general Act relating to the powers of such council they may incur expenditure and any such council may raise in like manner as money may be raised under the provisions of any such general Act any money which may become payable to the Company under this section.

28. Every person who shall wilfully (without the consent of the Company) or negligently close or shut off any valve cock or other work or apparatus belonging to the Company whereby the supply of water shall be interfered with shall (without prejudice to any other right or remedy of the Company) be liable on conviction to a penalty not exceeding five pounds and the Company may in addition thereto recover the amount of any damage by them sustained. Provided that this section shall not apply to a consumer closing the valve fixed on his communication pipe. Penalty for closing valves and apparatus.

29. Any person being the owner or occupier of any house or building or part of a house or building or premises to or in respect of which he is not for the time Penalty for opening valves &c.

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being entitled to a supply or the continuance of a supply of water by the Company who shall without the authority of the Company turn on any valve cock or other work or apparatus attached to any service main or pipe connected with any main of the Company and provided or available for the purposes of affording such supply shall be deemed to commit an offence under section 60 of the Waterworks Clauses Act 1847 and the said section shall extend and apply accordingly.

Laying of water pipes in streets not dedicated to public use.

30. Section 18 (Power to lay pipes in streets not dedicated to public use) of the Act of 1887 shall be read and have effect as if the following proviso were inserted therein (that is to say):—

“Provided that a local authority shall for the purposes of this section be deemed to be (in addition to any other person) persons having the control or management of any street or road to which this section applies and which is situate within the area of that authority.”

As to liability of owners for water rates in certain cases.

31. Nothing in section 22 (Owners in certain cases liable for water rates) of the Act of 1904 shall limit or affect the operation of section 72 (Owners of houses not exceeding ten pounds rent to be liable to water rates) of the Waterworks Clauses Act 1847.

Supply to certain institutions &c.

32. The Company shall not be bound to supply with water otherwise than by measure—

- (a) any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required; or
- (b) any workhouse hospital (whether public or private) barrack school club hotel restaurant public-house inn or common lodging-house; or
- (c) any public institution which is habitually occupied by at least twelve persons.

Temporary rates and charges in area supplied from Hatfield waterworks.

33. If the Company purchase the Hatfield waterworks as defined in the section of this Act of which the marginal note is “Power to purchase Hatfield waterworks” they may (notwithstanding the foregoing provisions of this Act) charge during the period of ten years from such purchase for water supplied for

domestic purposes to the owner or occupier of any house or premises which immediately before such purchase was supplied with water by the owner as defined in the aforesaid section of this Act and in respect of water-closets and baths in any such house or premises such rates and charges as the Company think fit not exceeding those which were being charged by the said owner before such purchase in respect of the supply of water to such house or premises.

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PROVISIONS RELATING TO GAS UNDERTAKING.

34.—(1) The Company may on the lands hereinafter described erect construct 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 gas limits and may also on the said lands work up and convert the residual products arising directly or indirectly from the manufacture of gas by them. The lands in this section referred to are:—

New gas-works.

Lands in the urban district of East Barnet Valley comprising about twelve acres and including part of the public footpath leading from New Barnet to Cockfosters and bounded on the south partly by the existing gas lands of the Company and partly by the said footpath on the west by an imaginary straight line drawn from a point on the northern boundary of the said existing gas lands of the Company nine feet east of the north-western corner of those lands to a point on the western boundary of the enclosure numbered 96 on the $\frac{1}{2500}$ ordnance map (edition 1914) (Hertfordshire sheet XLV. 4) fifty-nine feet north of the south-western corner of that enclosure on the north by an imaginary straight line drawn from the last mentioned point a distance of six hundred and eighty feet in an easterly direction to a point two hundred and nine feet north of the south-eastern corner of the said enclosure numbered 96 and on the east by an imaginary straight line drawn from the last-mentioned point to a point on the northern

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boundary of the said public footpath two hundred feet east of the south-western corner of the enclosure numbered 100 on the said sheet.

(2) The purchase by the Company of so much of the lands above described as has already been acquired by the Company is hereby sanctioned and confirmed and the Company may retain and hold the same for the purposes in this section mentioned and for other purposes of the gas undertaking.

Power to
alter level
of and
deviate
footpath.

35.—(1) Subject to the provisions of this Act the Company may in the lines and levels shown on the deposited plans and sections relating thereto make and maintain the following work (that is to say):—

An alteration of the level of and a deviation of the footpath leading from New Barnet to Cockfosters between a point about twenty-five yards westward of the eastern fence of the London and North Eastern Railway (Great Northern main line) and a point about one hundred and ten yards eastwards of the said fence.

(2) In executing the work by this section authorised the Company may deviate to any extent within the limits of deviation shown on the deposited plans relating thereto and vertically from the levels shown on the deposited sections to any extent not exceeding one foot upwards or downwards.

(3) The width of the bridge to be constructed by the Company to carry the said footpath at its altered level between the said points shall not be less than six feet between the parapets of such bridge and the inclination of the stairway approach to such bridge on the eastern side shall not be greater than one in three and the flights of stairs shall not exceed twelve in number without a landing the depth of which shall not be less than four feet.

(4) As from the completion to the reasonable satisfaction of the East Barnet Valley Urban District Council of the alteration of level and deviation of the said footpath over the said lands in accordance with the foregoing provisions of this section all rights of way over or along the existing site of the footpath shall be extinguished and the Company may appropriate and use the said site

for the purposes of the gas undertaking and for the purposes mentioned in the immediately preceding section of this Act. A.D. 1926.

(5) The Company shall at all times maintain and repair the said bridge and stairway approach to the reasonable satisfaction of the said council and to the like satisfaction shall keep the said bridge and stairway approach adequately lighted from half an hour after sunset to half an hour before sunrise.

(6) Whenever called upon so to do the Company shall afford all necessary facilities to enable the said council to attach pipes drains sewers cables notices and similar attachments to the said bridge and stairway approach. Provided that in making any attachment the said council shall cause no injury to the said bridge or stairway approach and any additional expense caused to the Company in the maintenance and repair of the said bridge and stairway approach arising through such attachments shall be paid by the council to the Company on demand.

(7) If any dispute shall arise between the Company and the said council as to whether the council have unreasonably withheld their satisfaction under subsections (4) and (5) of this section the dispute shall be referred to two justices acting for the county of Hertford whose decision shall be final.

36.—(1) The price to be charged by the Company for gas supplied by them to persons who shall consume the same by meter shall not exceed— Maximum prices for gas.

(i) in the urban districts of Barnet and East Barnet Valley in the county of Hertford and of Enfield Finchley and Friern Barnet in the county of Middlesex as respectively constituted at the date of the passing of this Act the price of 12·5*d.* per therm;

(ii) in the remainder of the gas limits the price of 16·5*d.* per therm.

(2) The Gas Charges Order 1922 shall remain in force except that section 3 thereof is hereby repealed as from the thirtieth day of June nineteen hundred and twenty-six and subsection (1) of this section is as from the same date substituted therefor.

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Power to
lay pipes
in private
streets.

37. The Company may on the application of the owner or occupier of any premises within the gas limits abutting on 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 with the existing Acts and this Act :

Provided that a local authority shall for the purposes of this section be deemed to be (in addition to any other person) persons having the control or management of any street to which this section applies and which is situate within the area of that authority.

Power to
lay pipes
for ancillary
purposes.

38. The Company may within the gas limits 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 gas 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 :

Provided that the powers of this section shall not be exercised in any district except with the consent of the local authority of that district which consent shall not be unreasonably withheld and any question as to whether such consent is in any case unreasonably withheld shall be determined by an arbitrator to be agreed upon between the Company and the local authority or failing agreement to be appointed on the application of either party by the Board of Trade.

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.

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(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.

40. In the event of any meter used by a consumer of gas being tested in manner provided by the regulations made by the Board of Trade under the Gas Regulation Act 1920 and being proved to register erroneously within the meaning of the said regulations 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.

Period of error in defective meters.

41. Unless at the date of the demand for any such new or increased supply of gas as is hereinafter referred to the capacity of the distribution works of the Company is in the opinion of an arbitrator appointed as hereinafter provided insufficient to meet (with a reasonable margin) the requirements (as existing immediately before that date) of the consumers in the portion of the gas limits for which such works have been provided (so far

Relief from obligation to supply.

A.D. 1926. as such requirements could reasonably have been foreseen) the Company (notwithstanding anything in any other enactment) shall not be obliged to give for any purpose other than lighting or domestic use—

(a) a new supply of gas for the premises of any person demanding such supply at any time after the passing of this Act; or

(b) an increased supply of gas (other than an increased supply necessitated by any reduction of the declared calorific value of the gas)

where the giving of such new or increased supply would render necessary the laying of a new main or the making (as an alternative to the laying of a new main) of any enlargement or alteration of or addition to the distribution works of the Company :

Provided that the foregoing provisions of this section shall not apply in any case in which the person demanding the new or increased supply (in this section referred to as "the applicant") shall enter into a written contract with the Company—

(i) to receive and pay for a supply of gas of such minimum quantity and for such minimum period as the Company may reasonably require; or

(ii) to make such payment or payments to the Company (in addition to any payments to be made from time to time for gas supplied to the applicant) as the Company may reasonable require

(according as the Company in their discretion determine) in consideration of or by way of contribution towards the expenses to be incurred by the Company in laying such new main or making such enlargement alteration or addition as aforesaid and shall give such security for the payment of all moneys which may become due under the contract as the Company may reasonably demand :

Provided also that if any question shall arise under the provisions of this section between the Company and the applicant as to the sufficiency of the distribution works of the Company or as to whether such new or increased supply would necessitate the laying of a new main or the making of any such enlargement alteration or addition as aforesaid or as to the reasonableness of

the minimum quantity or period or of the payments (in addition to payments for gas supplied) required by the Company or as to the nature or amount of the security demanded by the Company such question shall be referred to and determined by an arbitrator to be appointed (failing agreement between the Company and the applicant) by the Board of Trade on the application of either party after notice in writing to the other of them and the decision of such arbitrator shall be final and binding :

Provided also that in determining any such question as aforesaid the arbitrator shall have regard to the following among other considerations (that is to say) :—

- (a) the total annual quantity of gas required by the applicant the maximum quantity required per hour and the hours of the day during which the Company may be called upon to supply gas to the applicant;
- (b) the capital expenditure which the Company would have to incur in the laying of a new main or the making of any enlargement or alteration of or addition to their distribution works as aforesaid in connection with the giving of such new or increased supply; and
- (c) how far such capital expenditure may become unproductive to the Company in the event of the cesser of the new or increased supply :

Subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any arbitration under this section.

42. 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 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 the Company 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—

Charge for gas to premises having a supply of electricity or gas.

- (a) 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;

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(b) no such minimum sum as aforesaid shall be fixed in the case of any premises in respect of which gas is supplied by the Company only through a meter of not greater capacity than a No. 3 standard meter or a meter having a nominal capacity of not more than ten lights.

Gas consumers to give notice to Company before removing.

43. At least twenty-four hours' notice shall be given to the Company by every gas consumer either personally at the office of the Company or in writing 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.

Mode of cutting off supplies.

44.—(1) In any case in which the Company are by virtue of any enactment relating to the gas undertaking authorised to cut off and discontinue the supply of gas to any premises in consequence 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 Company) 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 :

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 subject to the provisions of section 22 of the Gasworks Clauses Act 1871 shall have and may exercise the like powers of entry as are exerciseable under that section.

45. In any case in which in consequence of any default on the part of the occupier of any premises the Company have cut off the supply of gas to such premises and the occupier so in default shall desire to resume such supply he shall pay to the Company the expenses of reconnecting the supply and the Company shall not be under any obligation to supply gas to such occupier until he shall have made good such default and paid such expenses.

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—
Expenses
of re-
connecting
discon-
tinued
supply.

46. The power to enter premises and 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 and apparatus belonging to the Company.

Removal
of fittings
where gas
supply dis-
continued.

47. 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.

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

FINANCIAL PROVISIONS.

48.—(1) On and from the appointed day the 1872 stocks shall become and be by virtue of this Act converted into one hundred and ninety-two thousand eight hundred and fifty-seven pounds two shillings and tenpence of ordinary stock (hereinafter called "substituted stock") of one and the same class The substituted stock shall be deemed to be fully paid up and (subject to the provisions of subsection (2) of this section) shall be by virtue of this Act vested in the holders at the appointed day of the 1872 stocks according to their respective holdings as follows:—

Conversion
of 1872
stocks.

For every one pound of "A" stock "B" stock and "C" stock one and three-sevenths pounds of substituted stock;

and so in proportion in each case for any fractional part of one pound of any 1872 stock.

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(2) In every case where under the foregoing provisions of this section the holder of any 1872 stock would be entitled to an amount of substituted stock which includes a fractional part of one pound, such fractional part shall not (notwithstanding the said provisions) vest in such holder and the Company shall (subject to the provisions of this Act) pay to the holder a sum of cash equal to the nominal amount of the fractional part. Any fractional part of one pound of substituted stock in respect of which a sum of cash is paid under the provisions of this subsection shall be forthwith cancelled and shall cease to form part of the capital of the Company.

(3) The substituted stock which becomes vested in the holders of the 1872 stocks under the foregoing provisions of this section shall be registered in the respective names of those holders in the books of the Company as soon as practicable after the appointed day and shall rank for dividend as from that date. As from the same date the 1872 stocks shall cease to bear any dividend and all arrears of dividend due thereon shall become and be cancelled and annulled.

Company's
books to be
evidence as
to holders
of 1872
stocks.

49.—(1) The several persons who immediately before the appointed day appear on the registers of the Company to be holders of any 1872 stock or the respective executors or administrators of such persons shall for the purposes of this Act and subject to the provisions of the section of this Act of which the marginal note is "Transfers &c. of 1872 stocks although by present name to be valid" be deemed to be the holders of 1872 stock of the nominal amount and class stated in the registers and on and after the appointed day the registers of transfers of the 1872 stocks shall be permanently closed and (except as provided by the aforesaid section of this Act) no transfer of any 1872 stock made on or after the appointed day shall as between the Company and the party claiming thereunder be of any effect.

(2) The issue by the Company of certificates for substituted stock and the payment of sums of cash for fractional parts of one pound of stock in accordance with the foregoing provisions of this Act to the persons whose names appear by the said registers to be registered holders of 1872 stock or to the respective executors or administrators of such persons or to the persons entitled

thereto pursuant to the aforesaid section of this Act shall be sufficient discharge to the Company for all purposes. A.D. 1926.
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50. All substituted stock of which the holders of the 1872 stocks are pursuant to the foregoing provisions of this Act registered as holders and any sums to be paid by the Company in cash pursuant to such provisions shall be held in the same rights upon the same trusts and subject (so far as is consistent with those provisions) to the same powers provisions charges and liabilities as those in upon or subject to which the 1872 stocks for which the substituted stock and sums of cash (if any) are respectively substituted were held immediately before the appointed day and shall be dealt with applied and disposed of accordingly and so as to give effect to and not to revoke any deed will or other instrument disposing of or affecting any such 1872 stock and trustees executors or administrators and all other holders in any representative or fiduciary capacity and persons under disability may and shall accept the substituted stock and sums of cash (if any) which under the foregoing provisions of this Act are vested in or paid to them respectively in substitution for the 1872 stock held by them and may subject to the provisions of this Act retain dispose of or otherwise deal with the same as fully and freely in all respects as they might have retained disposed of or otherwise dealt with such 1872 stock.

Substituted stock to be held on same trusts &c. as 1872 stocks.

51.—(1) The Company shall as soon as practicable after the appointed day call in the certificates of the 1872 stocks and issue in exchange for those certificates to the respective holders thereof (free of charge) certificates of substituted stock of the respective amounts and pay to such holders the respective sums of cash (if any) to which those holders are by this Act respectively entitled but no holder shall be entitled to a new certificate or to receive any such sum of cash until he shall have delivered up to the Company to be cancelled the existing certificate for which such certificate and sum of cash (if any) are to be substituted or shall have proved to the reasonable satisfaction of the directors the loss or destruction thereof and shall have given such guarantee or indemnity in respect thereof as the directors may require.

Certificates of 1872 stocks to be called in and others issued.

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(2) Until the issue of such new certificates the holders of the existing certificates shall (according to the amounts of substituted stock to be issued by virtue of this Act in substitution or part substitution for the 1872 stocks which such certificates respectively represent) have and possess the same rights and privileges as if the existing certificates were certificates for those respective amounts of substituted stock but if any holder of any 1872 stock fails to send or deliver to the Company his existing certificate or certificates for the period of six months after notice in writing sent by post to the address appearing in the stockholders address books the Company may suspend the payment of any dividend declared or made payable upon or in respect of the substituted stock so vested in 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 to have been lost or destroyed and such guarantee or indemnity is given in respect of such lost or destroyed certificate or certificates as the directors may require.

Transfers
&c. of 1872
stocks
although
by present
name to be
valid.

52. All transfers or other dispositions of any 1872 stock made but not registered prior to the issue to the holder of the stock of the certificate for substituted stock to which the holder is entitled under the foregoing provisions of this Act shall (notwithstanding this Act) be valid and have due effect given to them respectively as transfers or dispositions of the respective amounts of substituted stock and sums of cash (if any) which are substituted under the provisions of this Act for the 1872 stocks thereby expressed to be transferred or disposed of although the instrument transferring or disposing thereof shall describe the same by the name or denomination which the stock transferred or disposed of had before conversion under this Act and any bequest of or any covenant or provision of any deed or agreement relating to any specific amount and class of any 1872 stock shall be held to apply to an amount of substituted stock equal to that which is under the provisions of this Act substituted for such specific amount and class of 1872 stock.

All ordinary
stocks to
form one
class.

53. The substituted stock the "D" capital gas stock the "D" capital water stock and any ordinary stock to be issued by the Company after the passing of

this Act under section 29 of the Act of 1904 as amended by the section of this Act of which the marginal note is "Additional capital" or under the said section of this Act shall for all purposes form part of one and the same class of ordinary stock and after the appointed day none of the said stocks shall be known or distinguished as "A" stock "B" stock "C" stock "D" capital gas stock or "D" capital water stock. A.D. 1926.
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54. The Company shall as soon as practicable after the appointed day call in the certificates of the "D" capital gas stock and "D" capital water stock and endorse on those certificates that they are certificates of ordinary stock of the same respective nominal amounts as the nominal amounts of the said "D" stocks which those certificates respectively represent or (at the option of the Company) issue to the respective holders thereof new certificates of ordinary stock of the said respective nominal amounts. Certificates of "D" stocks to be endorsed or new certificates issued.

55.—(1) The further amount of thirty-five thousand pounds which the Company are entitled to raise for the purposes of the water undertaking under section 29 of the Act of 1904 may be raised by the Company (as and when they think fit) by the creation and issue (subject to the provisions of this Act) of ordinary stock and preference stock or of either such class of stock and any such further amount of capital when raised may be applied by the Company for the purposes of the water undertaking or the gas undertaking (being purposes to which capital is properly applicable) as they may determine. Additional capital.

(2) The Company may also from time to time raise by the creation and issue of ordinary stock and preference stock or of either such class of stock additional capital to such an amount as shall be sufficient to produce after taking into account premiums and discounts (if any) which may be obtained or allowed on the issue thereof the sum of one hundred and forty thousand pounds and any sum so raised may be applied to the purposes of the water undertaking or of the gas undertaking (being purposes to which capital is properly applicable) as the Company may determine.

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Dividends
of Company
limited.

56. The profits of the Company to be divided in respect of any year after the appointed day among the holders of ordinary stock and preference stock shall not exceed the following rates namely :—

On preference stock such rate (not exceeding the rate of six per centum per annum) as shall be specified in the resolution creating the stock ;
and

On ordinary stock the rate of seven per centum per annum unless a larger dividend be at any time necessary to make up the deficiency of any previous dividend in respect of any year or half-year subsequent to the appointed day which shall have fallen short of the said rate of seven per centum per annum :

Provided that notwithstanding anything in this or any other Act relating to the Company it shall not be lawful for the Company to apply any of their funds or profits to the payment of moneys to make up the deficiency of any dividend paid or payable more than five years previously.

New stock
to be sold
by auction
or tender.

57.—(1) All ordinary and preference stock created by the Company after the passing of this Act shall be issued in accordance with the provisions of this section.

(2) All such 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 directors 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 every borough and the clerk to the council of every urban and rural district wholly or partly included within the water limits or the gas limits and to the secretary of the London Stock Exchange at least fourteen 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 water limits and the gas limits ;

(b) A reserve price shall be fixed and notice thereof shall be sent by the Company in a sealed letter

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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 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 stock which has been so offered for sale and is not sold may be offered at the reserve price to the holders of ordinary and preference 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 water or gas supplied by the Company in such proportions as the directors may think fit or to one or more of these classes of persons only. Provided in the case of an offer to holders of stock that if the aggregate amount of 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 stock which has been offered for sale in accordance with subsection (2) or with subsections (2) and (3) and is not sold may at the discretion of the directors be again offered for sale by public auction or by tender in accordance with the provisions of this section or 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 stock sold the total amount obtained as premium (if any) and the highest and lowest prices obtained for the stock.

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Power to
borrow.

58.—(1) The Company may at any time borrow on mortgage of the undertaking in respect of the capital of the Company issued prior to the passing of this Act (inclusive of the substituted stock into which under the foregoing provisions of this Act the 1872 stocks shall become converted) and without obtaining any certificate of a justice under the Companies Clauses Consolidation Act 1845 any sum or sums not exceeding (inclusive of the amount raised by any debenture stock issued by the Company prior to the passing of this Act and for the time being outstanding) the total sum of two hundred and sixty-one thousand five hundred pounds. The powers of borrowing conferred by this subsection shall supersede any powers conferred by the existing Acts of borrowing in respect of the capital of the Company so issued as aforesaid so far as those powers have not already been exercised.

(2) The Company may also borrow on mortgage of the undertaking any sum or sums not exceeding in the whole one half of the amount which at the time of borrowing has been actually paid up (including premiums) on any ordinary and preference stock issued after the passing of this Act either under the powers of the Act of 1904 as amended by this Act or under this Act but no sum shall be borrowed in respect of any capital so issued 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 amount payable on the issue of the stock with respect to which the borrowing powers are exercised and of the premium (if any) realised on the sale thereof have been fully paid up.

Appoint-
ment of
receiver.

59. 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 and in order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole.

Debenture
stock.

60. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 and of section 39 of the Act of 1887.

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Notice of the effect of that enactment shall be endorsed on all mortgages granted and certificates of debenture stock issued by the Company under the powers of this Act.

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

Priority of mortgages over other debts.

62.—(1) If the Company desire to raise by the issue of preference stock any capital which they are by the Act of 1904 or this Act authorised to raise or to issue any debenture stock under the powers of this Act they may create and issue such preference stock or debenture stock as redeemable stock on such terms and conditions as may be specified in a resolution of the Company passed at a special meeting convened for the purpose.

Issue of redeemable preference capital and debenture stock.

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

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

(ii) redeem such stock or any part thereof either by paying off such stock or by issuing to any stockholder subject to his consent other stock in substitution therefor.

(3) For the purpose of providing money for paying off such stock or providing substituted stock the Company may 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

A.D. 1926. 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.

(4) The Company shall not redeem out of revenue any redeemable stock so created and issued as aforesaid.

(5) The provisions of the section of this Act of which the marginal note is "New stock to be sold by auction or tender" shall not apply to any stock created and issued in substitution for or for the purpose of paying off any redeemable stock issued under the powers of this section.

Provisions
as to sale
of stock
&c. and
payments
of com-
missions.

63.—(1) Notwithstanding anything in the section of this Act of which the marginal note is "New stock to be sold by auction or tender" the Company (with the approval of the Board of Trade to be signified in writing under the hand of an assistant secretary of that Board) may—

- (a) when ordinary or preference stock created under the powers of the section of this Act of which the marginal note is "Additional capital" or under section 29 of the Act of 1904 as amended by this Act is to be issued (and whether the then existing ordinary or preference stock is at a premium or not) before offering the stock so to be issued for sale by auction or tender offer the stock to the gas and water consumers of the Company and persons in their employ at the then value thereof;
- (b) offer for subscription by the public free from the provisions of the first-mentioned section of this Act (but subject to such conditions as the said Board may think fit to impose) any stock to be so created as aforesaid; and
- (c) on the offer for subscription by the public of any stock to be so created as aforesaid or any debenture stock to be created after the passing of this Act under the powers of the existing Acts and this Act pay a commission not exceeding five per centum 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. A.D. 1926.
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(2) For the purposes of paragraph (a) of subsection (1) of this section the value of any stock at the date of the offer thereof to any consumer or employee shall be deemed to be the average price at which according to the Company's books sales of stock of the same class were effected within the period of six months immediately preceding the date on which the value of the stock is required to be determined or if there has been only one sale or no sale of such stock during such period then the price at which the last sale of such stock was effected making due allowance for any probable change in value since such date due to the accrual or payment of dividend or any other cause.

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

64.—(1) Any ordinary stock preference stock or debenture stock of the Company may be issued and be held in amounts of five pounds or of any integral number of pounds exceeding five and not otherwise and the Company shall not be under any obligation to register a transfer of any such stock which would make the holding of the transferor or transferee of stock of that class less than five pounds or other than an integral number of pounds.

Minimum amounts of holdings and transfers of stock.

(2) Notice of this enactment so far as applicable shall be stated in all certificates of ordinary stock preference stock or debenture stock to be issued by the Company after the passing of this Act.

(3) The provisions of this section shall not apply to any stock held at the passing of this Act in amounts of less than five pounds so long as the whole of such stock is held by the present holder thereof or his legal personal representative or by a transferee direct from the present holder or his legal personal representative.

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

Receipt in case of persons not sui juris.

A.D. 1926.
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Power to
apply funds.

66. The Company may apply to any of the purposes of this Act whether relating to the gas undertaking or the water undertaking (being purposes to which capital is properly applicable) any moneys which they have raised prior to the passing of this Act under the existing Acts.

Application
of moneys.

67. All moneys raised under this Act whether by ordinary preference or debenture stock or borrowing shall be applied for the purposes of this Act and for the general purposes of the Company being in all cases purposes to which capital is properly applicable and any sum of money which may arise by way of premium from the issue of stock under the provisions of this Act shall not be considered as part of the capital of the Company entitled to dividend.

Company
to close con-
tingency
fund.

68. After the appointed day it shall not be lawful for the Company to maintain a contingency fund under section 122 of the Companies Clauses Consolidation Act 1845 and all moneys standing to the credit of that fund at the appointed day shall be transferred to the water renewal fund and the gas renewal fund by this Act authorised in such proportions as the directors may determine.

Water re-
newal fund.

69.—(1) The directors may if they think fit in any year after the appointed day appropriate out of the revenue of the water undertaking as part of the expenditure on revenue account any sum not exceeding an amount equal to one per centum of the capital for the time being expended by the Company for the purposes of the water undertaking to a fund to be called “the water renewal fund.”

(2) The water renewal fund shall be applicable only to meet expenses in respect of the water undertaking requisite for the maintenance and renewal of plant and works (other than expenses incurred in the replacement or removal of plant and works) and shall be so applied from time to time for the purpose of equalising so far as practicable the annual charge to revenue in respect of such expenses.

(3) The maximum amount standing to the credit of the water renewal fund shall not at any time exceed

an amount equal to one-twentieth part of the capital for the time being expended by the Company for the purposes of the water undertaking. A.D. 1926.
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70.—(1) The directors may if they think fit in any year after the appointed day appropriate out of the revenue of the gas undertaking as part of the expenditure on revenue account any sum not exceeding an amount equal to one per centum of the capital for the time being expended by the Company for the purposes of the gas undertaking to a fund to be called "the gas renewal fund." Gas re-
newal fund.

(2) The gas renewal fund shall be applicable only to meet expenses in respect of the gas undertaking requisite for the maintenance and renewal of plant and works (other than expenses incurred in the replacement or removal of plant and works) and shall be so applied from time to time for the purpose of equalising so far as practicable the annual charge to revenue in respect of such expenses.

(3) The maximum amount standing to the credit of the gas renewal fund shall not at any time exceed an amount equal to one-twentieth part of the capital for the time being expended by the Company for the purposes of the gas undertaking.

71.—(1) The directors may (if they think fit) in any year set apart out of the clear profits of the undertaking such sums as they may determine and any sum so set apart may from time to time be invested in Government or other securities and the dividends and interest arising from such securities may also be invested in the same or like securities in order that the same may accumulate at compound interest until the fund so formed amounts to a sum equal to one-tenth part of the nominal capital of the Company which sum shall form a reserve fund to answer any deficiency which may at any time happen in the amount of divisible profits or to meet any extraordinary claim or demand which may at any time arise against the Company and if such fund be at any time reduced it may thereafter be again restored to the said sum and so from time to time as often as such reduction shall happen. Provided that no sum of money shall be taken from the said fund for the purpose of meeting any extraordinary claim unless it be first certified Reserve
fund.

A.D. 1926. — by two justices that the sum so proposed to be taken is required for the purpose of meeting any extraordinary claim within the meaning of this section.

(2) When the reserve fund shall by accumulation or otherwise amount to one-tenth part of the nominal capital of the Company the interest and dividends thereon shall no longer be invested but shall be applied to any of the general purposes of the undertaking to which the profits of the Company are applicable.

(3) If in any year the divisible profits of the Company shall not amount to the authorised rates such a sum may be taken from the reserve fund as with the actual divisible profits of the year will enable the Company to make a dividend at the authorised rates and so from time to time as often as the occasion may require.

Application
of excess of
profits over
authorised
rates of
dividend:

72. If the clear profits of the undertaking in any year after the appointed day amount to a larger sum than is sufficient to pay dividends at the maximum rates on the ordinary and preference capital of the Company for that year the excess shall be left at the credit of the profit and loss account (net revenue) of the undertaking and be carried forward to the next following year :

Provided that it shall not be lawful for the Company to carry forward at the end of any year after the appointed day to the credit of the said account any sum exceeding the total of the following amounts (that is to say) :—

- (a) the amount required by the Company for paying any dividend or interest which the Company are entitled or required to pay but have not paid in respect of that year;
- (b) an amount equal to the total sum which the Company will require for payment of dividends at the maximum rates on their preference and ordinary capital in respect of the next following year; and
- (c) an amount equal to the total sum which the Company will be required to pay during the next following year as interest on any mortgages.

Separate
accounts
to be kept
in respect

73.—(1) The Company shall keep separate annual accounts in respect of the gas undertaking showing the amounts from time to time expended on capital account

in relation to that undertaking and such accounts shall in all other respects be in such form as may from time to time be required by the Board of Trade under section 15 of the Gas Regulation Act 1920.

A.D. 1926.
—
of gas and
water under-
takings.

(2) The Company shall keep separate annual accounts in respect of the water undertaking showing the amounts from time to time expended on capital account in relation to that undertaking and such accounts shall in all other respects be in accordance with the provisions of the Waterworks Clauses Act 1847.

(3) The expenses of direction and management and any expenses common to both the water undertaking and the gas undertaking shall be from time to time apportioned between the separate accounts as nearly as conveniently practicable in proportion to the amount of capital for the time being expended on the water undertaking and the gas undertaking respectively.

ADMINISTRATIVE PROVISIONS.

74. Notwithstanding anything in the existing Acts or in the Companies Clauses Consolidation Act 1845 the ordinary meetings of the Company shall in each year be held in the month of February or March or at such other time as the directors may from time to time determine and it shall not be obligatory on the Company to hold half-yearly general meetings or to balance their accounts or to make up a balance sheet half-yearly and the balance sheet and accounts to be made up in accordance with section 116 of the said Act of 1845 shall relate to the transactions of the Company in the course of the preceding year.

Ordinary
meetings
and ac-
counts.

75. It shall be lawful for the directors to declare and pay in any year an interim half-yearly dividend out of the profits of the Company without the sanction or direction of a general meeting. Provided that the amount of any interim half-yearly dividend shall not exceed in any half-year one half of the authorised rate of dividend on the ordinary capital or one half of the yearly rate of dividend assigned to preference capital in respect of which such interim dividend is declared.

Interim
dividends.

76.—(1) The directors may close the register of transfers for a period not exceeding fourteen days previous to the declaration of any dividend and they may

Closing of
transfer
books.

A.D. 1926. — close the register of transfers of mortgages or debenture stock for a period not exceeding fourteen days previous to each date at which the interest thereon shall be payable and in the case of any such register they may fix a day for closing the same of which seven days' notice shall be given either by circular to each proprietor or by advertisement in a newspaper circulating in the counties of Middlesex and Hertford.

(2) Any transfer of ordinary preference or debenture stock or mortgages made during the time when the register of transfers of such security is 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 or the payment of any such interest as the case may be.

Voting rights.

77.—(1) At all general meetings of the Company after the appointed day every holder of ordinary stock and (if the resolution creating the same confers voting rights) of preference stock shall have one vote in respect of each complete ten pounds in the nominal value of such stock held by him up to one hundred pounds and an additional vote for every complete fifty pounds beyond the first one hundred pounds in such nominal value up to one thousand pounds and an additional vote for every complete one hundred pounds in such nominal value beyond the first one thousand pounds.

(2) Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any preference stock.

Appoint-
ment of
proxies.

78. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 the attorney of any stockholder of the Company duly authorised in writing may appoint a proxy to vote for and on behalf of the stockholder and for that purpose may execute on behalf of the stockholder the necessary form of proxy Provided that the instrument appointing the attorney shall be transmitted to the secretary at the same time as the instrument appointing the proxy.

Joint
holders.

79. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 where several persons are jointly entitled to and registered as holders of any stock in the capital of the Company any one of those

persons may vote at any meeting (at which holders of stock of the same class are entitled to vote) either personally or by proxy in respect of the stock as if he were solely entitled thereto but if more than one of the joint holders be present at any meeting personally or by proxy that one of the said persons so present whose name stands first on the register in respect of the stock shall alone be entitled to vote in respect thereof. Several executors or administrators of a deceased member in whose name any stock stands shall for the purposes of this section be deemed joint holders thereof.

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80. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 it shall not be necessary after the passing of this Act to authenticate the register of the stockholders of the Company by affixing the common seal of the Company to such register.

As to share-
holders'
register.

81.—(1) The number of directors shall be six but the Company may vary the number between a maximum of eight and a minimum of four.

Directors

(2) The qualification of a director shall be the possession in his own right of ordinary or preference stock in the capital of the Company of a total nominal amount of not less than five hundred pounds.

(3) The quorum of a meeting of the directors shall be such number (not being less than two) as the directors may from time to time determine.

(4) 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 at a general meeting a director of the Company 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 or left at the office of the Company seven days at least before the day of election.

(5) The continuing directors may act notwithstanding any vacancy in their body but so that if at any time the number of directors of the Company holding office shall be less than the minimum number prescribed by this section the directors shall not except for the purpose of filling vacancies and transferring stock to any proposed director or directors act so long as the number is below such minimum.

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(6) 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 or 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.

Auditors.

82.—(1) The Company shall annually appoint one person or two persons or a firm of accountants who shall be a member or members of the Institute of Chartered Accountants or the Society of Incorporated Accountants and Auditors or an accountant or accountants approved by the Board of Trade to be the auditor or auditors of the Company.

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

(3) 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 be given in writing to the secretary or left at the principal office of the Company seven days at least before the date of the meeting that such person will be proposed for election as an auditor of the Company The secretary shall on receipt of any such notice send a copy thereof to the retiring auditor and during such seven days and the day of election keep a copy of the notice fixed in some conspicuous place in the said office.

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(4) In the event of the death or resignation of any auditor of the Company the directors may appoint an auditor in the place of the auditor so dying or resigning and any auditor so appointed shall hold office until the next shareholders' meeting.

83. 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.

Determina-
tion of
remunera-
tion of
secretary.

84.—(1) The directors may with the sanction of a majority of the proprietors of the Company present personally or by proxy and entitled to vote and voting at a general meeting of the Company prepare put in force and from time to time modify alter or rescind a scheme or schemes enabling the employees or any class or classes of the employees as may be defined in the scheme or schemes to participate in the profits of the Company or of any part of those profits as part of the terms of remuneration for the services of any such employee :

Profit
sharing.

Provided that no such modification alteration or rescission of any such scheme or schemes shall have any retrospective effect so as to deprive any employee without his consent of any benefit accrued due to him under such scheme prior to the date of such modification alteration or rescission.

(2) Any agreement as to service with any employee in pursuance of any such scheme may be entered into with any employee above the age of sixteen years and shall be in writing and may be made on the part of the Company under the hands of any two directors or under the hand of the secretary or of any person from time to time appointed in that behalf by resolution of the directors.

(3) Notwithstanding anything in any Act or Order relating to the Company the directors may if and whenever requested by any persons being the trustees under any such scheme so to do issue to any employee such amount of ordinary stock (not being less than five pounds nor including a fraction of one pound) as the trustees may specify (being within the limit of the amount of ordinary stock which the Company may for the time being be authorised to issue) without first offering such stock for sale by public auction or tender Provided that any

A.D. 1926. ordinary stock issued under the provisions of this section shall be issued at the market price of the same class of stock at the date of issue or if there be no such market price at such price as shall be determined by the Company's auditors to be a fair price.

(4) The directors may also in connection with any such scheme or otherwise accept on deposit on behalf of any employee any savings or other sums of money belonging to such employee and pay interest thereon out of the revenues of the Company.

Regulations affecting profit sharing scheme.

85.—(1) The regulations respectively set forth in Parts I. and II. of the Second Schedule to this Act shall apply and have effect in relation to (a) any stock or money belonging to any person or to which any person may be entitled under the terms of any scheme which may be established enabling the employees or any of them to participate in the profits of the Company and (b) to any money deposited with the Company by any employee otherwise than under any such scheme. The said regulations shall come into force as respects any such stock or money as is referred to under the foregoing head (a) on the date on which any such scheme as aforesaid comes into operation and as respects any such money as is referred to under the foregoing head (b) on the date of the passing of this Act.

(2) The Board of Trade if they think fit may at the request of the Company by order under the hand of an assistant secretary of the Board revoke alter or add to any of the said regulations or make any new regulations which in the view of the Board would be conducive to the efficient working of any such scheme for the time being established or in other respects convenient.

Power to make superannuation and other allowances.

86.—(1) The directors may grant such gratuities pensions or allowances or make such other payments as they may think fit to any employees of the Company or where in their opinion adequate provision is not otherwise made to the widow or family or any dependant of any such employee.

(2) The directors may enter into and carry into effect agreements with any insurance company or other association or company for securing to any such employee widow family or dependant as aforesaid such gratuities pensions allowance or payments as are by this section authorised

to be granted or made and may for all or any of the purposes of this section apply the revenues of the Company. A.D. 1926.

87. The directors may subscribe or make donations to infirmaries hospitals and convalescent homes and other institutions and objects or to the benevolent and sick funds of the employees of the Company and may for any of those purposes apply the revenues of the Company. Power to make donations subscriptions &c.

PROTECTIVE PROVISIONS.

88. Before breaking up or otherwise interfering with any street or road situate in the metropolitan police district in connection with the construction of any work by this Act authorised the Company shall (except in case of emergency or in the laying replacing or repairing of consumers' service or communication pipes) give seven days' notice in writing to the Commissioner of Police of the metropolis and make such arrangements with the said Commissioner as may be reasonably necessary so as to cause as little interference with the traffic in such street or road during the construction of such works as may be reasonably practicable. For protection of Commissioner of Police of metropolis.

89. The following provision for the protection of the Hertfordshire County Council and the Middlesex County Council (each of which councils is in this section referred to as "the county council") shall unless otherwise agreed in writing between the Company and the county council apply and have effect (that is to say):— For protection of Hertfordshire and Middlesex County Councils.

Section 8 of the Gasworks Clauses Act 1847 and section 30 of the Waterworks Clauses Act 1847 as respectively incorporated with the existing Acts and this Act shall each be read and have effect as if in respect of any street bridge sewer drain or tunnel under the control or management of the county council the period of fourteen clear days were inserted therein instead of the period of three clear days in the said section mentioned and the notice therein mentioned shall be given to the surveyor of the county council. Provided that this subsection shall not apply in the case of any opening or breaking up for the purposes of laying connecting or repairing consumers' service pipes.

A.D. 1926.

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For pro-
tection of
London
and North
Eastern
Railway
Company.

90. The following provisions for the protection of the London and North Eastern Railway Company (in this section referred to as "the railway company") shall unless otherwise agreed between the railway company and the Company in writing apply and have effect:—

- (1) Notwithstanding anything in this Act or shown on the deposited plans and sections the Company shall not except with the consent in writing of the railway company under their common seal enter upon take hold or use any lands belonging to the railway company except as hereinafter mentioned :
- (2) The Company may for the purposes of the section of this Act of which the marginal note is "Power to alter level of and deviate footpath" purchase and take and the railway company shall sell and grant accordingly such an easement or right of using so much of the lands or property of the railway company as may be necessary for the construction of the alteration of the level and deviation of such footpath in accordance with the provisions of this Act and for the maintenance of the footpath when so altered and deviated :
- (3) The consideration to be paid for any easement or right to be acquired by the Company under the preceding subsection shall in case of dispute be determined in manner provided by the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement :
- (4) All works in connection with the alteration of the level of and deviation of the said footpath so far as the same are to be executed upon any lands or property of the railway company shall when commenced be completed with due dispatch in accordance with plans sections and specifications previously approved by the engineer of the railway company or if his approval is unreasonably withheld by an arbitrator and under the superintendence (if the same be given) and to the reasonable satisfaction of the said engineer :

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- (5) The Company shall be responsible for the proper maintenance and repair of the works mentioned in the immediately preceding subsection and shall indemnify the railway company against any loss and damage which may arise by reason of any failure to keep the said works in proper and substantial repair:
- (6) All works in connection with the construction maintenance repair and renewal of so much of aqueducts Nos. 2 and 3 and so much of all other water mains pipes and works by this Act authorised and so much of any mains pipes and culverts authorised by the section of this Act of which the marginal note is "Power to lay pipes for ancillary purposes" as may cross over or under or otherwise interfere with or affect any railway work or property of the railway company (hereinafter referred to as "the said works") shall be executed in accordance with plans sections and specifications to be approved as hereinafter mentioned:
- (7) Not less than twenty-one days before commencing any of the said works the Company shall deliver to the said engineer plans sections and specifications of the works proposed to be executed and if at the expiration of twenty-one days from such delivery of the plans sections and specifications the said engineer shall not disapprove the same he shall be deemed to have approved thereof and if any difference shall arise concerning the said plans sections and specifications such difference shall unless otherwise agreed be settled by arbitration in manner hereinafter mentioned:
- (8) All the said works shall when commenced be completed with due dispatch in accordance with the plans sections and specifications so approved or settled as aforesaid and under the superintendence (if the same be given) and to the reasonable satisfaction of the said engineer and shall be executed by and in all things at the expense of the Company and so as not to cause any injury to the said railway work or property or interruption to the passage or conduct of

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the traffic on the railway and if by reason or in consequence of the execution of the said works or the bursting leakage or failure of any mains pipes or works of the Company laid or constructed under this Act any injury shall arise to the said railway work or property or interruption to such traffic the Company shall make full compensation to the railway company in respect of such injury or interruption :

- (9) In the event either of the Company failing to maintain any of the said works in substantial repair and good order to the reasonable satisfaction in all respects of the said engineer or of emergency the railway company may make good the same and make and do in and upon the lands of the Company or their own lands all such repairs and things as may be reasonably requisite and recover from the Company the reasonable expenses incurred by them in connection therewith :
- (10) If by reason of the construction or maintenance of the said works it shall become necessary to reconstruct alter strengthen underpin or in anywise interfere with the structure of any bridge embankment or other work of the railway company such reconstruction alteration strengthening or underpinning shall be carried out by the railway company at such times and in such manner as they may think expedient or necessary and the reasonable cost thereof shall be borne and paid by the Company :
- (11) The Company shall bear and on demand pay to the railway company the reasonable expenses incurred by the railway company of and in connection with the superintendence by the said engineer of the said works and of and in connection with the employment by the railway company during the construction and maintenance repair or renewal of the said works under or across the railway of the railway company of a sufficient number of inspectors watchmen and signalmen to be appointed by the railway company for watching and protecting the railway of the railway company

and the conduct of the traffic thereon with reference to and during the construction maintenance repair or renewal of the said works and for preventing so far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Company or their contractors or any person or persons in the employ of the Company or their contractors :

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- (12) If at any time it is found necessary in order to enable the railway company to carry out under powers possessed by them at the passing of this Act any alterations widenings or extensions of their railway or works or to adapt their railway for working by electrical power that the position of any of the said works should be altered the Company shall on receiving notice in writing from the railway company so to do at the Company's own cost and with all dispatch alter the position of the same so far as may be necessary to enable the railway company to carry out such alterations widenings extensions or adaptation and the provisions of this section shall apply to such work in its altered position :
- (13) Any additional expense which the railway company may in exercise of powers possessed by them at the passing of this Act reasonably and properly incur in connection with their railway or other works by reason of the existence of the said works shall be paid by the Company :
- (14) The Company shall not under the section of this Act of which the marginal note is " Application of Waterworks Clauses Act 1847 to " pipes telephones &c." construct lay down erect and maintain any discharge pipes telephone or telegraph posts wires conductors or apparatus in through across or under any road bridge or approach belonging to or maintained by the railway company except with the consent of the railway company in writing (which consent shall not be unreasonably withheld) and under the supervision (if given) and to the reasonable satisfaction of the said engineer :

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- (15) The powers of the section of this Act of which the marginal note is "Discharge of water into streams" shall not be exercised so as to damage or affect injuriously the railways works or property of the railway company :
- (16) The Company shall not without the previous consent of the railway company (which consent shall not be unreasonably withheld) exercise the powers of the section of this Act of which the marginal note is "Power to Company to repair communication pipes" in respect of any property belonging to the railway company and used for the purposes of their undertaking :
- (17) The Company shall not exercise their powers under the section of this Act of which the marginal note is "Power to lay pipes in private streets" with respect to any street or road belonging to the railway company except with the consent of the railway company and in carrying out any works authorised by the said section the Company shall not unreasonably obstruct or interfere with the convenient access to any such street or road :
- (18) If any difference shall arise between the railway company or the said engineer and the Company under this section such difference shall be determined by an engineer to be appointed as arbitrator by the President of the Institution of Civil Engineers and subject thereto the provisions of the Arbitration Act 1889 shall apply to any such determination.

For protection
of North
Metropolitan
Electric
Power
Supply
Company.

91. Notwithstanding anything in this Act or on the deposited plans the following provisions for the protection of the North Metropolitan Electric Power Supply Company (hereinafter called "the North Metropolitan Company") shall have effect (that is to say):—

- (1) The Company shall not except with the consent of the North Metropolitan Company acquire alter or interfere with the main or other works of the North Metropolitan Company situate under the portion of the footpath leading from

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New Barnet to Cockfosters which may be altered or deviated under the section of this Act of which the marginal note is "Power to alter level of and deviate footpath":

(2) The North Metropolitan Company shall be entitled without payment to the Company to an easement or right of entering upon the existing site of the said portion of footpath at all reasonable times and of inspecting maintaining repairing renewing and using their said main and works situate under such portion of footpath. Provided that such easement or right shall not be exercised so as to obstruct unreasonably the access of the Company with horses carts and other vehicles across the said site between the lands described in the section of this Act of which the marginal note is "New gasworks" and the existing gas lands of the Company and if the North Metropolitan Company break open or disturb the surface of the ground they shall reinstate the same to the reasonable satisfaction of the Company:

(3) The Company shall not build over or use the said portion of the footpath in any such manner as shall prevent access to the said main and works for inspection maintenance repair and renewal thereof or as shall make such access substantially more difficult or expensive than it was previous to the passing of this Act and if the Company build over or use the said portion of footpath in such a manner as will render access to the said main and works for inspection maintenance repair and renewal thereof more difficult or expensive than it was previous to the passing of this Act the Company shall make reasonable compensation to the North Metropolitan Company for such increased difficulty or expense:

(4) Any dispute under this section between the Company and the North Metropolitan Company shall be referred to a single arbitrator who failing agreement shall be appointed by the President of the Institution of Civil Engineers.

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MISCELLANEOUS PROVISIONS.

Dwelling-
houses for
employees
offices &c.

92. The Company may purchase or take on lease houses and cottages for any of their employees and offices and showrooms for the purposes of the undertaking and may erect fit up maintain and let any such building upon any lands for the time being belonging or leased to the Company.

Fittings
not to be
subject to
distress.

93.—(1) Any fittings materials and things let for hire by the Company under the provisions of sections 16 or 18 of the Act of 1883 or under any other enactment shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be if such fittings have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Company as the actual owners thereof.

(2) Nothing in this section shall affect the amount of assessment for rating of any premises upon which any fittings are or shall be fixed.

Authentica-
tion of
notices &c.

94. Section 74 (Form and service &c. of instruments) of the Act of 1883 shall have effect as if the words "or other duly authorised officer" were inserted therein after the words "their secretary."

Judges not
disqualified.

95. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate or charge for the supply of water.

Contents of
summons
&c.

96. Where the payment of more than one sum by any person is due under this Act or any other Act relating to the Company any summons or warrant issued for the purposes of such Acts or any of them in respect of that person may contain in the body thereof all the sums payable by him.

Recovery of
penalties &c.

97. Save as otherwise by the existing Acts or this Act expressly provided all offences against the existing Acts or this Act and all penalties forfeitures costs and expenses imposed or recoverable under the existing Acts or this Act 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. A.D. 1926.

98. Proceedings for the recovery of any demand made under the authority of this Act or the existing Acts 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.

99.—(1) The following sections of the existing Acts are hereby repealed:— Repeal.

Act of 1872 Sections 33 35 36 37 42 43 46 53 65
67 and 68;

Act of 1883 Sections 44 47 58 to 62 (inclusive)
and 72;

Act of 1887 Section 13;

Act of 1904 Sections 26 27 36 to 40 (inclusive).

(2) The following provisions and sections of the existing Acts shall become and be by virtue of this Act repealed as from the appointed day:—

Act of 1872 Second Schedule paragraphs 9 and 11;

Act of 1883 Sections 55 and 56;

Act of 1887 Sections 31 and 32;

Act of 1904 Sections 33 and 34.

100. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company and may in whole or in part be paid by the Company as part of their expenses on revenue account to the extent of not exceeding one-fifth part of such costs charges and expenses in any one year. Costs of Act.

A.D. 1926. The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

STATEMENT OF CAPITAL (STOCK AND SHARES).

Act.	Description of Capital.	Maximum Dividend Authorised.	Paid Up.	Remain- ing to be Issued.	Total Amounts Authorised.
			£	£	£
Act of 1872	" A " stock	10%	72,720	—	72,720
	" B " stock	10% (1)	12,280	—	12,280
	" C " stock	10% (2)	50,000	—	50,000
Act of 1883	" D " capital gas stock.	7%	58,200	—	58,200
Act of 1883	" D " capital water stock.	7%	156,800	—	156,800
Act of 1887	" D " capital water stock or shares.	7%	115,000	35,000	150,000
Act of 1904					
			£465,000	35,000	500,000

NOTES.—(1) Dividend on " B " stock to be 1% less than on " A " stock unless and until a dividend of 10% is being paid on " A " stock in which case the further divisible profits go to make up dividend on " B " stock to 10%.

(2) Dividend on " C " stock limited to profits of year.

STATEMENT OF LOAN CAPITAL.

Act.	Description of Loan.	Rate of Interest.	Borrowed.	Remain- ing to be Borrowed.	Total Amount Authorised.
			£	£	£
Act of 1872	Consolidated debenture stock.	4%	98,600	26,250	124,850
Act of 1883					
Act of 1887					
Act of 1904					

THE SECOND SCHEDULE.

A.D. 1926.

REGULATIONS AFFECTING PROFIT-SHARING SCHEME.

PART I.

REGULATIONS AS TO DISPOSAL OF STOCK &C. ON DEATH OF
CO-PARTNER.

1. In this schedule "the directors" means the directors of the Company "the trustees" and "the secretary" respectively mean the trustees appointed under and the secretary of any scheme for the time being in force enabling the employees of the Company or any of them to participate in the profits of the Company "appointor" means any person entitled to make a nomination under clause 2 of this Part of this schedule "stock" means stock of the Company "deposits" means and includes any bonus accumulation of dividends and interest savings and other sums of money of an appointor credited to his account or due to him under any such scheme or in the books of the Company "nominee" means any person or persons named in a nomination made under this schedule "beneficiary" means and includes any nominee entitled under a nomination made under this schedule and any person entitled under clause 7 of this Part of this schedule to be registered as holder of any stock or to be paid any deposits and any references to the "value" of stock shall be deemed to refer to the market price of stock of the same class at the date on which the value of the stock is required to be determined or if there is no such market price then the fair value of such stock at that date to be determined by the Company's auditors. Definitions.

2. Subject to and in accordance with the regulations set forth in Part II. of this schedule any person holding in his own right any stock under any such scheme as aforesaid or having any bonus accumulation of dividends and interest savings or other sums of money left in the hands of or deposited with the Company under any such scheme or having any money deposited with the Company otherwise than under any such scheme may if he be of the age of sixteen years or upwards nominate any person or persons who on the death of the appointor shall subject to the provisions of this schedule be entitled to be registered as holder of any stock and to be paid any deposits to which the appointor shall be entitled at his death to the extent of a total value of not exceeding one hundred pounds. Disposal of stock and deposits by nomination.

3.—(1) Any nomination made under the provisions of this schedule may be revoked in manner mentioned in Part II. of this schedule but shall not be revokable or variable by the will of the appointor or any codicil thereto. Revocation of nominations.

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(2) The marriage of an appointor shall operate as a revocation of any nomination made by him before such marriage.

(3) The death of a nominee in the lifetime of the appointor by whom he has been nominated shall operate as a revocation of the nomination to the extent to which the same relates to the deceased nominee.

Proceedings
on death of
appointor.

4. After the expiration of one month from the death of an appointor who has made a nomination in force at his death the directors or the trustees (as the case may require) shall subject to the provisions of this schedule give effect to such nomination and shall in accordance with the directions of the nomination but subject to the extent mentioned in clause 2 of this Part of this schedule register the nominee as holder of the stock and pay to the nominee the deposits to which the appointor was entitled at his death or as the case may be the portion of the stock and deposits comprised in the nomination. Provided that if the directors or trustees receive notice of any claim of a creditor of the deceased appointor before the expiration of one month from his death they shall retain the whole amount of the stock or deposits comprised in the nomination or a sufficient amount thereof to satisfy the claim (whichever amount shall be the lesser) until the said claim has been satisfied disproved or withdrawn.

Legality of
acts done in
ignorance of
marriage
of appointor.

5. Where the directors or trustees have registered stock in the name of or paid deposits to a nominee in ignorance of a marriage of the deceased appointor contracted subsequent to the nomination the registration shall be deemed to have been lawfully made and the receipt of the nominee shall be a valid discharge for any sum so paid and neither the directors nor the trustees shall be under any liability to any other person claiming such stock or deposits.

Nominations
to take effect
as regards
stock in
priority to
deposits.

6. In the event of the directors or trustees being restricted under the provisions of this schedule from giving effect to any nomination made by a deceased appointor and in force at his death relating to both stock and deposits to the whole extent thereof they shall primarily give effect thereto to the extent to which it relates to stock.

Disposal in
case of no
nomination.

7.—(i) If any appointor shall die without having made any nomination under this schedule in force at his death and the total value of the stock and deposits to which he is entitled at his death does not exceed one hundred pounds and probate of the will of the appointor or letters of administration to his estate are not produced within such time (not being less than one month after his death) as the directors think reasonable then at the expiration of such time the directors or the trustees (as the case may require) shall subject to the provisions of this Part of this schedule register the stock in the names of and pay the deposits to—

(a) The widow (if any) of the deceased appointor;

(b) If there be no widow the person or persons entitled to his effects according to the statutes for the distribution of the effects of intestates in the respective shares in which they are entitled under those statutes; or

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(c) In any event if the directors think fit to any person who has paid the funeral expenses of the appointor up to an amount not exceeding the total amount of such expenses :

Provided that in every case where the deceased appointor has left no widow and the persons entitled under the said statutes are more than two the directors may if they think fit sell the stock and distribute the proceeds (after deducting the proper expenses of such sale and distribution) among such persons in the shares in which they are entitled under the said statutes and for the purposes of such sale the directors may by a resolution authorise the secretary to execute the transfer of the stock to the purchaser or the purchasers thereof :

Provided also that if the directors or trustees receive notice of any claim of a creditor of the deceased appointor before the expiration of one month from the death of the appointor they shall retain the whole amount of the stock or deposits of the deceased appointor in their hands or a sufficient amount thereof to satisfy the claim (whichever amount shall be the lesser) until the said claim has been satisfied disproved or withdrawn.

(ii) The provisions of this clause shall also apply in the case of the death of any appointor being entitled at his death to stock or deposits of a total value not exceeding one hundred pounds who has made a nomination in force at his death where such nomination relates to a portion only of the stock and deposits to which he is entitled at his death but in such case the provisions of this clause shall extend only to the portion of the stock or deposits to which the nomination does not relate.

(iii) Any registration of stock or payment of deposits or the proceeds of any sale made either (a) under the foregoing provisions of this clause in the name of or to any person who at the time appears to the directors to be entitled to such stock deposits or proceeds under such provisions or (b) under the provisions of clause 9 or clause 10 of this Part of this schedule in the name of or to any person on behalf of or for the benefit of or as trustee for any person who at the time appears to the directors to be so entitled as aforesaid and any sale of stock to a bonâ fide purchaser made by the directors under the provisions of this clause shall be valid and effectual against any demand made upon the Company or the directors or the trustees by any other person. Provided nevertheless that the legal personal representative of the deceased appointor shall have remedy for the recovery of such stock deposits or proceeds against the person in whose name the same shall have been registered or to whom the same shall have been paid but nothing in this proviso

A.D. 1926. — shall confer upon any person any such remedy against a bonâ fide purchaser of such stock or against the widow of a deceased appointor or shall confer upon any person on behalf of or for the benefit of or in trust for whom the stock deposits or proceeds have been so registered or paid any such remedy against the person in whose name or to whom the same have been registered or paid.

Provisions as to small amounts of stock.

8. In any case where under the provisions of this schedule any beneficiary would be entitled to be registered as the holder of any amount of stock of less than five pounds or of any amount of stock exceeding five pounds but including a fractional part of one pound it shall be lawful for the directors in lieu of registering such beneficiary as holder of such amount of stock of less than five pounds or (as the case may be) such fractional part of one pound of stock to pay to him a sum in cash equal to the value of such amount or fractional part on the date of the death of the appointor in whose name the stock was previously registered and the trustees shall if so required by the directors forthwith repay such sum to the directors out of any moneys in their hands and such amount of stock or fractional part of one pound of stock shall forthwith be registered in the names of the trustees.

Provisions as to beneficiaries under sixteen.

9. Where any beneficiary is under the age of sixteen years and it is proved to the satisfaction of the directors that funds are needed for the maintenance education or benefit of such infant the directors or the trustees (as the case may require) may notwithstanding any other provisions of this Part of this schedule register the stock and pay the deposits to which the beneficiary is entitled or any part thereof in the name of or to any person who may satisfy the directors that he will apply any money so paid to him or received by him from the sale of or as dividend bonus or otherwise on such stock for the maintenance education or benefit of such beneficiary and the receipt of such person shall be a good discharge to the directors and trustees for any sums so paid.

Directors may appoint trustee for beneficiary under sixteen.

10. Where any beneficiary is under the age of sixteen years it shall be lawful for the directors by resolution to appoint any person whom they think fit to act as a trustee for such beneficiary and thereupon the directors or the trustees (as the case may require) shall notwithstanding any other provisions of this Part of this schedule register the stock and pay the deposits to which the infant beneficiary is entitled or any part thereof in the name of or to such person and such person shall so far as is necessary apply the deposits and any dividends bonuses or interest on the stock or deposits or shall sell the stock or any part thereof and apply the proceeds of such sale for the maintenance education or benefit of the beneficiary and the receipt of such person shall be a good discharge to the directors and trustees for any sums so paid Provided always that if and when the beneficiary attains

the age of sixteen years the person so appointed shall transfer or pay to the beneficiary any stock deposits dividends bonuses interest or proceeds of sale then held by such person on behalf of the beneficiary. A.D. 1926.

11.—(1) When any beneficiary is an infant but over the age of sixteen years it shall be lawful for the infant to sell and transfer any stock registered in his name to the Company or the trustees at the value thereof. Power to infant beneficiaries over sixteen.

(2) The receipt of any beneficiary who has attained the age of sixteen years shall be a good discharge for any sum paid to him under any of the provisions of this schedule notwithstanding such beneficiary has not attained the age of twenty-one years.

12.—(1) If the principal value of the estate in respect of which estate duty is payable of any deceased appointor exceeds one hundred pounds any stock or deposits to which he is entitled at his death shall be liable to estate duty as part of the property on which that duty is charged and the directors before dealing with or disposing of the same under the provisions of this schedule may require a statutory declaration by a beneficiary that such principal value does not exceed one hundred pounds. Estate duty payable in certain cases.

(2) Nothing in this clause shall render the directors or the trustees accountable for the payment of the estate duty in respect of any stock deposits or other moneys which they have registered paid over distributed or otherwise disposed of in accordance with the provisions of this schedule.

13. Notwithstanding anything in this schedule if the total value of the stock and deposits to which the appointor was entitled at his death exceeds one hundred pounds the directors and/or the trustees shall before registering stock in the name of or making any payment to any person other than the legal personal representative of the deceased appointor to an extent greater than three-fourths of the total value of such stock and deposits require production of a certificate from the Commissioners of Inland Revenue of the payment of the estate duty and a duly stamped receipt for the succession or legacy duty payable in respect of the stock and deposits or a certificate from the said Commissioners stating that no such duty is payable thereon and the Commissioners shall give such certificate on receipt of payment of the duty or satisfactory proof that such duty has been paid or that no such duty is payable as the case may be. As to stock and deposits exceeding one hundred pounds.

PART II.

REGULATIONS AS TO NOMINATIONS.

1. A nomination shall be in writing in the form prescribed by the directors and shall be signed by the appointor in the presence of a witness.

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2. A nomination may be revoked by the appointor by a subsequent nomination made and registered in accordance with these regulations or by writing under his hand signed in the presence of a witness.

3. A nomination or a revocation shall be sent by post to or left at the office of the secretary during the lifetime of the appointor.

4. A nomination or a revocation when received by the secretary shall be registered by him forthwith and the receipt thereof shall be acknowledged but the secretary may refuse to register a nomination or a revocation which does not comply with these regulations.

5. A nomination or a revocation which does not comply with these regulations or has not been received by the secretary shall not have any validity or effect.

6. A nomination may relate to the whole of the stock and deposits to which the appointor may be entitled or to part only thereof.

7. Except where otherwise stated a nomination shall be deemed to extend to all stock and deposits to which the appointor is entitled at the time of his decease up to a total value not exceeding one hundred pounds but an appointor may in a nomination expressly exclude any part of such stock or deposits from the operation of such nomination.

8. A nomination may be in favour of one person or of several persons and in the latter case may subject as hereinafter mentioned direct that on the death of the appointor the stock shall be registered in the name of and the deposits shall be paid to one or more of the nominees or that the nominees shall be registered as owners of the stock and shall take the deposits respectively in specified shares or may give directions to both effects Provided that it shall not be lawful for a nomination to direct that stock shall be registered in the names of more than two persons as joint holders.

9. No person who witnesses the signature of an appointor to a nomination shall take any benefit under such nomination.

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